

**MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, OCTOBER 3<sup>RD</sup>, 2019.**

ROLL CALL SHOWED THE FOLLOWING PRESENT: Reagan Phillips – Chairman (via phone)  
Glayd Christensen – Vice Chairman  
Nolan Koller  
Scott Hayden  
JoAnna Ashley, Secretary

ABSENT: Jeff Godfrey

ALSO PRESENT: James Ackerman  
Christine Gilbert  
Nick & Laura Johnson  
Wendy Pelayo

6:00 PM Chairman Phillips opened the meeting. Chairman Phillips asked if there was any discussion on the minutes, there was none. He then moved to approve the August 15<sup>th</sup>, 2019 and September 5<sup>th</sup>, 2019 minutes, seconded by Scott Hayden. All in favor Minutes approved.

6:05 PM Chairman Phillips opened the public hearing to give consideration to the application of Christine Gilbert requesting approval of a variance of twelve feet (12') to the twenty-foot (20') side-yard setback on the north property boundary in the Agricultural Zone. The variance would allow a thirty-foot (30') by twenty-eight-foot (28') garage to be constructed eight feet (8') from the north, side property line at the parcel located at 949 River Road, Grace, Caribou County, Idaho. Secretary Ashley read the notice of public hearing.

Christine Gilbert of 949 River Road, Grace, stated that in June of this year their garage burned down. They are asking for the variance to allow them to replace the prior garage as it was built into the current setbacks. They are keeping the garage the same width; however, they are going to add more length to the back of the garage to make it deeper. They couldn't move the new garage south any further as it would eliminate vehicle access to the garage on the south side. She stated she had spoken with Pat Lozier, her neighbor to the north, and she had no issue with the garage being built there and being expanded.

6:08 PM Chairman Phillips closed the public hearing as there were no other public comments regarding the variance request. He opened it up to discussion among the Commission members. The Commission members recognized the hardship created by the fire. Based on the hardship of the garage being lost in the fire as well as the neighbors support of the variance Chairman Phillips move to recommend the Commissioners approve the variance request of twelve-feet (12') to the north side-yard setback to allow the construction of the garage; seconded by Scott Hayden. All in favor, motion approved.

Chairman Phillips turned the discussion towards proposed revisions to the current Zoning Ordinance for the County. Secretary Ashley outlined the summary of revisions proposed to the Zoning Ordinance.

- Changing the numbering and bullets to chapter and reference so as to increase readability and ease of referencing the code.
  - i.e. Chapter 3 in the revision is rules governing the Agricultural Zone as such if you were referencing 3.2.1 you would know it was in chapter 3 and pertaining to agricultural.
- Adding definition for Right-of-Way, Quarter-Quarter Section
  - She recommended adding a definition for “Outdoor for Pay Recreation Use”
  - Discussion among the Commission determined they would like RV Park and Campgrounds

to be listed specifically as a conditional use in the Agricultural zone.

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- Removing a fee for Home Occupation and
- Adding “Enclosed Horse Arena” as an allowed use as referenced from the old zoning ordinance.
- Addressing the minimum lot sizes for non-residential uses in all zones. It was determined by the commission to add a minimum of 5 acres when using a septic, 2.5 acres if using nitrate reducing septic and .5 acre if hooked to City services.
- She reviewed the revisions to the setbacks in all zones. Of note was requiring that all agricultural and farm animal buildings have a setback of 100 feet regardless of road right-of-way
  - As result removing the specific mention of hay and potato storage buildings
- She showed the revision to the Site Triangle and an illustration to further clarify how they are measured. Further reference to the site triangle was added to the Bulk and Building Placement standards for every zone.

7:35 PM Chairman Phillips opened the public hearing to give consideration to the adoption of Ordinance 2020-01 Subdivision Ordinance for Caribou County. The proposed Subdivision Ordinance incorporates several components of the current ordinance with no changes. With the following summary of changes within the proposed ordinance:

- The process for applying for a subdivision
- Establishing a bond for all improvements be required prior to adoption of the Subdivision
- Requiring Nutrient Density studies to verify sustainability of the land for septic systems
- Allowing for lot consolidations of existing lots
- Clarifying exemptions for land divisions
- Establishing rules governing replotting of a subdivision

Secretary Ashley read the notice of public hearing. Chairman Phillips asked if there was any public input for or against the ordinance; there was none. The Commission asked Secretary Ashley to conduct a brief review of the proposed ordinance and the major changes, which she provided.

James Ackerman asked for clarification regarding the new rule that requires the Idaho Department of Environmental Quality conduct a nutrient-density analysis to determine size sustainability for septic systems. He felt that it could be a burden to the average person wanting to build a home and have a septic and well. Secretary Ashley clarified that this requirement is only for future subdivisions and is something that would be addressed long before the approval of a subdivision. As a result, it has no impact on current or future homeowners outside of a subdivision. He stated that addressed his concern. There was no other public comment received. Scott Hayden pointed out that under “Lot Consolidation” it referenced Kootenai County instead of Caribou. Secretary Ashley made note of the needed change. Chairman Phillips moved to recommend the Commissioners approve Ordinance 2020-01 Caribou County Subdivision Ordinance with the noted change of “Kootenai” to “Caribou” in Section 1.04 Lot Consolidation, seconded by Glayd Christensen. All in favor, motion approved.

Secretary Ashley informed the Commission that their future responsibility is going to be reviewing and revising the County’s Comprehensive Plan. She briefly explained the purpose and intent of the Comprehensive Plan and what to be aware of as this process begins in the months to come. Additionally she explained the role the Plan has in making decisions on land use matters.

Chairman Phillips and Glayd Christensen recused themselves from participation in the Johnson Farms public hearing and stepped down from the bench. Scott Hayden assumed the role of Acting-Chairman to

conduct the public hearing.

7:00 PM Acting-Chairman Scott Hayden opened the public hearing to give consideration to the application of Johnson Farms requesting approval of a variance of thirty-three feet (33') to the fifty-foot (50') front-yard setback requirement along Arterial and Collector roads in the Agricultural Zone. The variance would allow a forty-foot by seventy-foot (40' x 70') machine and equipment storage shed to be constructed seventeen feet (17') from the right-of-way on Turner Road at the parcel located at 1508 Turner Road, Grace, Caribou County, Idaho. Secretary Ashley read the notice of public hearing.

Nick Johnson, the representative of Johnson Farms said it was never his intent to have to apply for a variance. He said that after consulting with the Commissioners and County Attorney Wood who told them they needed to proceed with a variance. He said that he did not want to place the building so as to require another driveway so they wanted to put the building near an established driveway on Turner Road. He said they had some friends come out and help him measure the setbacks and thought they had done it correctly. He said on July 2nd they submitted the building permit with the setbacks listed on the application. He stated the building inspector asked them when he could check setbacks and they stated it was ready to have them checked. He stated on August 20<sup>th</sup> he received a cease and desist order for the pouring of the footings and foundation of the building from Building Inspector Blake Poulsen who told him they were building in the setbacks. He then came to the Caribou County Courthouse and asked to look at the building permit and the 60' foot on the permit had been changed to 80'. He stated the next day that Kim Spencer came out measured the setbacks and said he was good to proceed.

Secretary Ashley stated there had been two verbal complaints against the building to County Building Inspector Blake Poulsen. Ken Potter and Everett Miles both use the Mountain and Turner Roads frequently and stated they felt the building was too close to the roads and would cause safety issues.

Acting-Chair Scott Hayden closed the public hearing and opened it to discussion among the Commission. Nolan Koller stated his biggest concern is safety. Where there is a stop sign for those traveling on Turner Road as they approach Mountain Road, the stop provides visibility both directions on Mountain Road. Scott Hayden stated his concern was with the site triangle. Secretary Ashley stated she had visited the site and measured the site triangle and stated the building protruded into the site triangle approximately four feet into each wall of the structure in the southwest corner of the building and provided a picture to the Commission and public. Nolan Koller stated that he would be in support of a variance as he feels the safety concerns are addressed by the presence of a stop sign. Scott Hayden moved to recommend the Commissioners approve the variance of thirty-three (33') to the front-yard front setback based on the findings that the location of the main water line restricted placement further north and also that the characters of the intersection, being a stop sign for those approaching Mountain Road from Turner Road, he feels addressed the concerns of safety; Nolan Koller seconded the motion.

Voting showed:

Scott Hayden – Aye

Nolan Koller – Aye

Regan Phillips - Recused

Glloyd Christensen – Recused

All in favor, motion approved.

Chairman Phillips resumed his position as Chairman and returned the discussion to proposed revisions the County's Zoning Ordinance. The Commission agreed the changes to the Zoning Ordinance were needed and would help with implementation.

8:03 PM Scott Hayden moved to adjourn, seconded by Nolan Koller. All in favor meeting adjourned.