

**Caribou County Planning & Zoning Commission Meeting
Minutes of April 1, 2015**

The Caribou County Planning & Zoning Commission met in regular session and a public hearing on April 1, 2015, at 7:00 p.m. Those in attendance were Loren Smith, Gail George, Ross Harris, Scott Shuler and David Miles. Also in attendance were Krista Christensen, Planning and Zoning Secretary, Josh and Jenny Gibbs, Joel Murray and Jason Murray.

Loren Smith opened the meeting.

The floor was open for a public hearing regarding Josh Gibbs' request for a Variance to demolish a building currently located at 601 Hwy. 34, in Grace, Idaho, and replace it with a one level office building. There were no attendees to present.

The Public Hearing was closed. The regular meeting was opened.

Joel Murray was given the floor regarding subdividing his property to create Blackfoot Reservoir Estates. Joel Murray previously presented to the Planning and Zoning Board on June 2014. This is a follow up to that presentation.

Mr. Smith asked the Board if all remembered what Joel presented in June 2014. All said yes.

Joel passed out new plans for the property and they were reviewed by the Board.

Joel stated that previously he only had approved access for himself and family. He said he has contacted BLM and the Indians who informed him that they can change access from a single to a public right of way. The road is 2,000 ft long. He said BLM and the Indians want to see the County acquire the road. There would be no charge if the County takes over the road. Joel presented an email to the Board that he received from the BLM that goes over the discussion between them. Joel said that there are several ways to go about having the County acquire the road, and he needs to discuss this with the County. The issue would be the maintenance part, and whether a bond or a tax levy is needed, or just what the County wants to do. BLM stated the road would have to be built to Gold Medal Standards (Gold Book Road Standards). Joel informed the Board he does not think it is going to be that hard to get a real nice road there; that the grades are all in line as far as the slope from the county road to the entry of the property for the recreation lots. He said it meets the slope minimum requirements. He added that the rough part has already been cut and from there they will need to dig all the barrow and road base that is associated with that. He said that is the summary regarding the road, and asked the Board what their thoughts were up to that point.

Mr. Harris asked if they planned on building the road. Joel said yes, that they don't want the County to have any expense to build the road.

Ms. George asked who will maintain the road. Joel responded that it depended on what the County wanted to do.

Mr. Smith inquired as to whether an environmental impact study has been done. Joel said it had not, that there are some things they need to work through, but he needs to know what direction the County wants him to go.

Mr. Smith said the Board can't make a decision for the county as to whether they want to take over maintaining the road, but they know the County wouldn't want to build it.

Joel said they have been driving in there to access the property.

Mr. Shuler asked Joel if this was year around or just in the summer. Joel replied that the County said they won't plow it to keep the road open in the winter. They say it is too much work because there is the 2000 foot stretch plus 3 miles to get back to the highway. Basically it is seasonal for recreation property. The owners would have to know that going in.

Ms. George asked what Joel has heard from the tribes. Joel replied that they are somehow combined with the BLM and that the email previously provided to the Board covered both BLM and Indian entities.

Mr. Smith explained that BLM has what is called beneficial use to get in and out of the property, because the tribe owns ground around the reservoir. Mr. Smith asked who owns the property bordering Joel's property. Joel said that BLM is on two sides, the state is on the West side and Indian/BLM is on the south side.

Joel informed the Board that at the time of the June 2014 meeting, the property had not yet been recorded. The property is now recorded. The original surveyor who worked on the project past away. A relative of his finished the surveying last year. The surveying company is Hudson and Associates.

Mr. Smith asked what Joel is asking from the Board at this time. Joel said the access matter needs to be resolved; that there can't be a different land owner if they don't have public access.

Mr. Smith responded saying Joel has access, but the County needs to decide who will maintain the road.

Ms. George asked Joel how the property is zoned. Mr. Harris and Mr. Smith replied that it is zoned Agricultural.

Ms. George asked Joel if he is asking the board to give him a zoning change. Joel said it was recommended that the property division be taken down to 6 lots.

Jason Murray asked if the reason for the request to reduce the number of lots was for zoning restriction purposes.

Mr. Smith asked if the full acreage to be divided was 40. Ms. George asked whether it fit into the definition of a subdivision and whether they have looked at the subdivision rules and regulations. She added that it would fit the category of a High Density Residential Zone and then asked Joel if he was requesting that the zoning be changed from Agricultural to High Density Residential.

Joel inquired of the Board as to the difference between Agricultural to High Density Residential.

Mr. Smith replied that if it is zoned a High Density Residential area, you don't have to create a subdivision. A High Density Subdivision is under 10 acres, and you have to follow all the rules and guidelines of an established subdivision.

Joel asked the Board if dividing the lots into 10 acres each would be easier.

Mr. Harris stated that with 40 acres, he could only have 4 lots.

Mr. Smith said that would be a simpler process. He informed Joel that if he goes to High Density Residential, the entire property would have to be rezoned totally. Mr. Harris added that once the property is split, it can't be split again.

Mr. Smith said, the problem is, if you have a 10 acre lot and someone wants to split it, the answer would be no.

Joel asked the Board whether they could divide the property into 6 lots if they had 60 acres. Mr. Smith asked Joel how many total acres he owned. Joel replied that there were 240 acres total.

Mr. Harris said if the property is zoned Agricultural he can have 1 lot per 120 acres, so he would be limited to 2 houses without a zone change. Mr. Harris added that if he were to rezone the area Low Density Residential, he could have 1 house per 40 acres, but that it cannot be split without approval from the Planning and Zoning Board for a zone change.

Mr. Smith asked if there would be a common water system. Joel's response was that there was a buried water system on top, and there would be a well and a spring (Rosie Springs).

Mr. Smith informed Joel that he would again be limited on the number of homes, based on the water availability. Joel said he was aware that he cannot have more development than he has water. He added that, if the water tank is big enough and is buried, it causes no issues.

Mr. Smith added that Joel would then have to put water limits on the individuals if there wasn't enough water. Joel said he understood that it would need to be regulated somehow.

Jason Murray asked if there was a specific amount of water required for each individual unit. Mr. Harris replied saying no, but either the city provides it or they have to provide their own wells. Jason asked if that was just on demand. Mr. Harris said, yes.

Ms. George inquired as to whether water was metered in Soda Springs. Mr. Shuler said it was not, but that they just started a metered water system in Grace.

Mr. Shuler asked Joel if he had the water rights. Joel replied affirmative.

Mr. Smith asked if Joel would be selling shares for the water system and whether Joel would be the water master. He added that if you put ten (or however many) homes on the same valve, there would be pipes running everywhere. Joel said his thought was to have a main trunk run down and then separate pipes off of that.

Mr. Miles asked Joel how many gallons a minute his well produced. Joel said that he has his generator on it and it can run all day long. He said he has never had it tested but that it is a good amount of water. Jason added that there is 40 gallons a minute running out of the side of the hill.

Mr. Smith inquired as to who maintains the water system, the trunk line. Joel replied saying it has to be maintained by a water deuce. He said there would have to be a kitty set aside to take care of that.

Ms. George wanted to know if Joel had looked into the historical view shed matter which was discussed at the June 2014 meeting. Joel responded saying that as far as he knew, there are no artifacts.

Mr. Harris inquired as to whether the new structures would blend in with the historical surroundings; that he would need to make sure he met the view shed requirements in Henry, Idaho.

Mr. Smith added that the original historical view shed in Henry was based on the Henry Store. The view shed would be from that point out, if they have requirements. Joel asked who regulates that. Mr. Harris said the Board does not know. Ms. George asked whether his property was in the line of sight from the Henry's store. Joel said he can't remember seeing it, that it is quite a ways off the road.

Mr. Smith asked Joel whether he would control the building of the lots. Joel replied saying there will be covenants. We will decide on and approve covenants. I believe the people who buy property will not want to put in an eye sore, so the covenants will protect that.

Mr. Smith said Joel would need to decide on the zoning issue. Joel responded saying he likes the 10 acre idea. Mr. Smith informed Joel he would need to put together different maps.

Mr. Harris informed Joel he would need to check into the water issue as well; where you are providing the water, and make sure you meet the Health Department requirements. Mr. Harris added that sometimes each house needs their own well.

Mr. Smith added that if Joel is using Spring water, he will have to go through Health and ~~Welfare~~ ^{Department}. Jason responded saying that if the well is good water, they should be OK. Mr. Smith informed them that the only way to get around it is to sell each of the land purchasers a share of the water rights. Mr. Smith asked what kind of water rights they had and whether he has filed with the Department of Water Resources. Joel said that was done with the prior owners, so he is not sure. Mr. Harris said it should go with the owners, and often people don't put it in the new name.

Mr. Smith said there is a water license that will tell them how many gallons of water he can pull out. Mr. Harris added that depending on how it is licensed, he may be limited to when the water can be used and how much water can be used each month, depending on how the water is deeded. Joel thought that when wells are drilled it is recorded with the State of Idaho.

Mr. Smith inquired as to why a well was drilled. He asked whether it was a culinary well or a stock well and informed Josh that irrigation wells cannot be drilled due to a moratorium, which has been in place for a long time. Joel did not know the answer.

Ms. George said she did not see these issues as being the responsibility of Planning and Zoning and informed Joel that he would need to come to present to the Board a proposal regarding acreage and zoning, and that Joel would have to take care of the water issue.

Mr. Shuler recommended Joel go to the Commissioners about the road. Joel said he would see Health and Welfare about the water, and discuss the road issue with the Commissioners.

Mr. Smith said the Board would like to know they can make a final decision on the matter when he presents again.

Mr. Shuler advised Joel to talk with Ralph Hopkins regarding how to proceed and then come back to the Board. Joel said they would probably make a new design and talk with the necessary parties.

Mr. Shuler asked if the BLM/Indians are going to provide him with a written agreement. Joel said he is sure he will have to obtain that. Mr. Smith informed him to make sure he gets an agreement in writing. Mr. Harris added to get someone from the tribe to sign an agreement.

Mr. Smith said that generally, if the tribe is involved, it has to go through tribal counsel. If BLM is involved they won't give land to individuals but they will give land to a county or city. But they will give you a 37 year lease, and that agreement is only negotiable after the 37 years. Joel said that's why they want to make it a county road, so they don't have to worry about a lease. He said they will go back and work things up and come back with a 10 acre parcel plan.

Mr. Smith told Joel color requirements should be stated in the covenants; that there shouldn't be 10 houses with 10 different colors. Having house color requirements would enhance the value of the property.

Mr. Smith asked the Board whether there were additional questions. There were none.

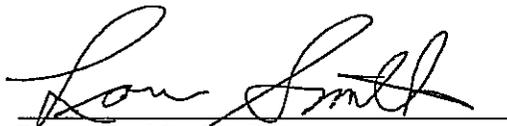
Joel and Jason Murray were dismissed.

The minutes of the March meeting were reviewed and accepted. The Board approved the March meeting minutes.

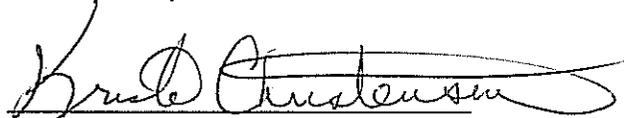
David Miles motioned to adjourn the meeting. Scott Shuler seconded. All were in favor. The meeting was adjourned.

The Caribou County Planning and Zoning Commission will meet on June 3, 2015, at 7:00 p.m. for a regular meeting.

Signed:


Loren Smith, Chairman

Attested:


Krista Christensen, Secretary