

**Caribou County Planning & Zoning Commissions Meeting  
Minutes of May 7, 2014**

The Caribou County Planning & Zoning Commission met in regular session on May 7, 2014 at 7:00 p.m. Those in attendance were Loren Smith, Gail George, David Miles and Ross Harris, Planning & Zoning Board Members. Also in attendance were Krista Christensen, Planning & Zoning Secretary, Bryant Smith, Larry Simmons and Joel Murray.

Alan Smith, Todd Smith, Bryant Smith and Larry Simmons are here to follow up from last month's meeting regarding their request for a Conditional Use Permit to open a gravel pit in the Wood Canyon area. Alan Smith was bit by a dog and could not be present. Bryant Smith and Larry Simmons were present and were given the floor.

Loren Smith confirmed that a Conditional Use Permit would be necessary, rather than a Variance. Loren Smith asked if there would be 200 or more people living in the area surrounding the proposed gravel pit site. Mr. Simmons said Jerry Beuss lives in the area, but the next closest neighbor is 1 mile away and the next closest is another ½ mile. Mr. Simmons intends to build a 12 ft. wide farm road 1 mile to the south and 1 mile to the west to access his property, which needs to be graveled, and would like to use gravel from the requested gravel pit for convenience, rather than transporting gravel from a distant location. Todd and Alan Smith have talked with the BLM and are willing to meet all their requirements.

Ross Harris inquired as to where Wood Canyon is located. Mr. Simmons said it is on Wood Canyon Road just past Beuss Hill. It is on the East side of Rabbit Hill. If you continue driving up Wood Canyon Road, it hooks into Trail Canyon Road. Bryant Smith said there is a gravel pit located 10 miles away, but they would like one closer.

Loren Smith said he was hoping to receive the following at tonight's meeting:

- 1) A legal description of the property – just for the gravel pit;
- 2) Comments of existing use of the property;
- 3) Description of proposed use of the property under the Conditional Use Permit.

Loren Smith said that the concern at last month's meeting was regarding recovery of the gravel pit. Loren Smith added that it was their understanding that no new structures would be built at the site. Mr. Simmons replied that the width of the ridge is 200 yards. They don't expect to mine even the first 100 yards in 50 years.

Loren Smith said the board wants something that identifies the entire scope of what land they are wanting to use. Mr. Simmons said a gravel ridge runs between 2 pieces of farm land and there is good quality gravel in there.

Mr. Harris asked whether it was their intention to use the gravel on their own property and not transport it anywhere else. Mr. Simmons replied that it was their intention to initially use the gravel to build a road. Mr. Harris said that it was not the board's intention to stop them from doing that, but that a legal description was necessary. He added that most gravel pits are defined as such – platted out, and showing what portion is being used for commercial use. You must have a legal description so the government can get their fees. Mr. Harris informed Mr. Simmons that they could always come back and expand at a later time.

Loren Smith stated that a Conditional Use Permit could not be issued until a public hearing was held.

Mr. Harris noted that all neighbors within 300 yards would need to be notified and that a posting on the property was necessary as well.

Loren Smith voiced the concern that many gravel pits end up looking poorly, with junk on the property. Mr. Simmons invited the committee to come out to the property and take a look, that their crew has been working 16 to 20 hours a day making improvements.

A public hearing will be held next month. Mr. Simmons and Bryant Smith were dismissed.

The floor was given to Joel Murray. Mr. Murray is seeking approval to subdivide his property to create Blackfoot Reservoir Estates. He passed out maps of the area in question. His current location is 1025 S. 105 E, Willard Utah, telephone number is (801)725-5635. The idea for the creation of Blackfoot Reservoir Estates came about when he and his ex-wife bought 240 acres for the purpose of building a cabin. The previous owner informed him he knew where all the fences were located. In the end there was nothing right on the fencing. Cows were grazing over the land. He had the property surveyed so he could put up a fence. He put up a wire rope fence. From that point they picked out a location for a cabin and were proceeding with their plans. They got septic approval and were getting ready to think about building when he saw the road design criteria, which required he have guaranteed access. There has been access for 100 years coming through the west side, but the State said it was not a guaranteed access. At that point the project came to a stop. Joel decided maybe there was another option. He looked at grades on the south side and thought maybe it was possible for an access road. Last year, Mr. Murray said he started cutting the road in with a maximum of 7% grade and it worked. They had to do a series of switchbacks to get to the top. He had to put in 4 inches of gravel and another 1.5 inches on top of that. Now he is concerned about his financial situation and needs to get out of some of the debt he finds himself in currently.

He would like to divide the southeast 40 acres and sell approximately 8-5 acre lots. Also, he met with the BLM on the Indian side; they have given him access for 20 years and renew it every 20 years. Mr. Murray stated that he has the legal description at his home. He has worked with surveyors and done most of the work himself. He made the point that he is a foundation contractor so he knows how to work.

Mr. Miles inquired as to who owned the land previously. Mr. Murray stated that it was owned by Doug Dockstader.

Mr. Murray informed the board that if they go past Henry and the 3 miles past the country road, there is 1 house or cabin, maybe a mile further up the country road on the north side of the Blackfoot Reservoir. With the 240 acres of property is 280 acres of grazing land that goes with it.

Ms. George asked Mr. Murray what he was asking of the Board. Mr. Murray responded that he wants approval to subdivide. Mr. Harris said the area is zoned agriculture, so it requires a zoning change, which requires a public hearing. He continued saying that agricultural law requires not more than 2 houses on 160 acres.

Loren Smith added that if it is changed to a residential zone, there are many more road

requirements. Mr. Murray said he is thinking of making two roads, one on each side of the hay field, not a circle around the hay field. He added that it should be comparable to the four to seven acre lots on the Henry cutoff road. Mr. Smith inquired as to when that area was rezoned. Mr. Harris responded saying the project has been going for about 15 to 20 years, and that if Mr. Murray wants to create a subdivision, it has a lot more requirements, that there have been a lot of changes to protect the agricultural areas of the county.

Mr. Murray stated that the neighboring land is BLM, State and Indian land, that there is no private ground surrounding the land. Ms. George mentioned that if it is zoned subdivision, Mr. Murray would be required to follow all the requirements of a subdivision.

Mr. Murray stated that the county will not be plowing the roads in the winter. Loren Smith added that there has to be road access for emergency vehicles to access the area. He said the State leased the land there, and he thought it was leased to the Idaho Citizens Grazing Association. Mr. Murray agreed but responded that the State has control of the land. Mr. Harris inquired as to whether the land was accessed off the county road. Mr. Murray said yes, and added that he was informed that a guaranteed access was required. He continued, saying that he believes he could have 3 cabins without having the subdivision ordinance on 240 acres. Ross responded saying he could have 2 on 160 acres on 1 on the other piece of land.

Mr. Harris asked what he planned for the water source. Mr. Murray said there is one well and a spring, and that he has the water rights to both. Mr. Harris informed him that due to experience, most banks will not give loans if the water is coming out of a spring, unless he can protect the spring. Mr. Murray said there is a lot of water that comes out of the well; Rosie Spring comes through there under the ground and there is a well before that. He said the well could be tested, if necessary, to see if there would be enough water. He said he has had experience with water tanks and could place a holding tank on the property.

Loren Smith asked if all 8 of the properties would access one well. Mr. Murray said he has talked to others and that one well for 8 separate properties is feasible. He added that money was the only issue; that it is about \$8,000.00 for the apparatus to get it up there.

Loren Smith questioned him about the sewer systems. Mr. Murray said there would be separate sewer systems for each of the properties.

Mr. Harris said a zoning change would be necessary for the entire 640 acre section. Mr. Murray responded saying he did not own the entire acreage. Mr. Harris said the board would need to look into the matter further. The committee decided to take the matter under advisement to allow the committee to gather additional information and invited Mr. Murray to return to the June 4<sup>th</sup> meeting, which he agreed to do. Ms. George informed Mr. Murray that he would need to present a written application at the June 4 meeting. Loren Smith informed him that a legal description of the 40 acres would be necessary. Mr. Murray was dismissed.

The next item presented was clarification of the Windmill Ordinance, section 8.1; The County Attorney, Doug Wood, was inquiring as to the board's definition of "A wind energy system that is out of service for a continuous 12 month period..." The board changed the language to read, "A wind energy system that is not generating electricity for a continuous 12 month period..." The change in language will be presented to the County Commissioners for approval.

The Board then discussed meeting minutes from April 2013, wherein the board requested that Ryan Ragain return and report to the board in one year regarding the Conditional Use Permit that was issued to him for the creation of Wyoming West Outfitters. It was decided that Mr. Ragain would be invited to present at the next Planning and Zoning Meeting.

The board discussed concerns with Mr. Murray's project, including the possible Henry Historical Site requirements. He said that would need to be looked into.

Ms. George then expressed her concern with the presenters' need to come in more prepared, with something in writing. All board members agreed.

The meeting minutes were then reviewed. David Miles made a motion to approve the minutes. Ross Harris seconded the motion. All were in favor; the minutes were accepted.

Ross Harris made a motion to adjourn the meeting and Gail seconded the motion. All were in favor.

The Caribou County Planning and Zoning Commission will meet on June 4, 2014, for a public hearing and regular meeting.

Signed:

  
Loren Smith, Committee Chairman

Attested:

  
Krista Christensen, Secretary