

**Caribou County Planning & Zoning Commission Meeting
Minutes of June 4, 2014**

The Caribou County Planning & Zoning Commission met in regular session and a public hearing on June 4, 2014, at 7:00 p.m. Those in attendance were Loren Smith, Gail George, Ross Harris and David Miles. Also in attendance were Krista Christensen, Planning and Zoning Secretary, Larry Simmons, Todd Smith, Joel Murray and Mark Nicoll. Many county residents were present at the public hearing. Those who chose to take the floor have been listed below.

Loren Smith opened the meeting.

The floor was given to Larry Simmons and Todd Smith. Larry Smith explained their purpose for the public hearing – to request a Conditional Use Permit to build a gravel pit in the Wood Canyon area. Larry Simmons stated that he owns the property where he would like to build the gravel pit. He states that the gravel there is good quality gravel and would be a benefit to the local community. He added that it would save the community money by being able to purchase gravel locally rather than having to travel to Pocatello or other distant places. He said that the key to a successful gravel pit is the location. It is not their intention to tear up any roads and they will be very mindful of the company trucks and abiding by the speed limits in the area.

Todd Smith explained that they have presented their plans to all agencies necessary and they meet all the requirements. Todd said they will reclaim the land as they go. The noise level would be 80 decibels, which he stated is low. Due to their high tech equipment, the dust level will be kept down. He has heard there are concerns about the road; they estimate driving 40 to 200 truckloads per year. They have always adhered to the speed limits. He said that as long as the trucks haul legal loads, which they do, there should not be damage to the roads. Their presentation ended.

Loren Smith asked how many acres the gravel pit will cover. A legal description of the property was passed out to the board members. Todd said there would be no blasting, that it was all done mechanically. He said MShaw does noise and dust testing every year and the company has never had any problems.

Ross Harris inquired as to the types of trucks to be used. In response he was informed they would be using 10 wheel dump trucks and maybe a belly truck, which are already owned by the company.

All in support of the project were invited to address the commission.

Jason Ashley took the floor. He said he lives in the Wood Canyon area. Some of his concerns, and the concerns of the residents in the area, are speed of the trucks, but he thinks that can be taken care of. He has had experience with laying driveways and says a lot of gravel has to come from out of town. He expressed the expense caused from hauling it from out of town and added that he believes a lot of people in Caribou County could benefit from the local gravel.

Jason said he worked for Larry Simmons for a long time and said Larry and Todd are very good people and do things right. He believes they will do a good job to run things well. Written correspondence sent in by Jerry and Antonia Beus was read.

All present in opposition were invited to address the commission.

Ted Bassett addressed the board. He said that most of the concern of the residents in the Wood Canyon area is for safety on the road. He continued that when he moved there 38 years ago, there were no kids. However, now there are kids all over up and down the road. The other concern is getting them to lower the speed limit on the main roadway to 35 mph. He explained that the roadway is very narrow and there is a soft shoulder on both sides of the road. The county doesn't have a lot of money to maintain the road. The residents worry how much of the shoulder will be depleted, causing more danger. He would like to know if the county has the money to repair the road if it is damaged by the company trucks. He stated that he believes the Smiths mobile operation is wonderful and does not object to the gravel pit, but is concerned for the children's safety and the narrowness and softness of the road. He inquired as to whether it would be a short term or unlimited project and how many loads a day would be running. He believed that many questions needed answering and that the safety of the kids was the big problem.

Karen Crawshaw took the floor. She said she agreed with everything said by Mr. Bassett. Wood Canyon has many recreational vehicles, kids and animals. She is concerned for the safety of the community. Mr. Simmons says the gravel pit will benefit the community, but questioned why the county won't help maintain the road. She is also concerned about the school bus that drives on the roadway and the speed of the company trucks. She voiced her concern for everyone on the road.

Susie Nelson has lived on Wood Canyon for 38 years. She supports private business and thinks the community needs new businesses, but is concerned for the safety of the local residents. She said the current 45 mph speed limit is not being enforced. She live on a blind curve and knows a truck can't "stop on a dime." There is a bus stop at the bottom and top of the hill. There are elderly residents in that area that she is concerned may not see the trucks. She is concerned about the aesthetics of the gravel pit, saying that the existing gravel pit on State Hwy 30 is very unsightly. She added that there is a lot of traffic on the road, especially on the weekend.

Dennis Perry lives on Wood Canyon Rd. He informed the commission that from 1948 to 1962 his family lived on an access gravel road outside of Nampa Idaho by Strains Company. When the road got pot holes they graded 3 to 4 times a summer. His mother always warned them to be careful of the trucks when they rode their bikes. He then reiterated the concerns of the former presenters.

LaMont Archibald lives on Wood Canyon Rd. His concern, he said, is safety.

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

Joel Murray was given the floor re: Blackfoot Reservoir Estates. Mark Nicoll and Ryan Olsen presented with him. Mark Nicoll stated to the commission that it is his understanding that there are 240 acres on the North side of Blackfoot reservoir and Joel proposes to put 10 lots on 240 acres, cluster them down in the southeast corner and lock other acreage up to not allow any more building; and that it would require a rezone to get the 10 lots, even to lock other acreage up. Mark Nicoll is here to assist Joel Murray and to better understand the concerns the board and county have.

Gail George asked Mr. Nicoll what his function was for being present. Mr. Nicoll said Joel Murray wasn't sure what his options were and he was just there to help address the issues and to help find a solution; to see if his proposed project is a viable project that everyone can be happy with. It is his intention to always try to make a project a win-win for everyone.

Gail George mentioned the Henry historical area and whether it would be involved. She believed the location would be in the view shed of the historical district. She added that they have requirements as to the types of materials used.

Loren Smith stated the rezoning idea is in direct opposition to the County's Comprehensive Plan- trying to rezone small pieces of land with the Comprehensive Plan's purpose being to keep the subdivisions clustered. A large subdivision fits into the Comprehensive Plan, but Mr. Murray's development is 18 miles from the Soda Springs impact area, almost 3 miles off the main roadway. He added that emergency vehicles need access.

Mark Nicoll inquired as to the need to rezone. The different zoning options were discussed.

Joel Murray said he was informed that he should check the LDR (low density residential) box. Ross Harris said the area is zoned agriculture and that it probably needs to be zoned to LDR.

Mark Nicoll asked who to talk to regarding the Henry view shed requirements. Loren Smith said to start with the County Historical Society.

Mark Nicoll asked what his current building abilities are. Ross Harris said he can have 2 houses on the property currently.

Mr. Nicoll asked if 6 lots were possible if the zoning was changed to LDR? Mr. Harris responded that the requirement then would be no more than 1 house on 40 acres.

Mark Nicoll stated it could then be divided into 6 pieces of property.

Kirk Young has resided at 2937 Wood Canyon Rd for 10-11 years. He said his concerns have pretty well been stated. He has noticed that the traffic has increased quite a fair amount over that time. He is concerned for the safety of the kids, concerned about the road getting pot holes and not being maintained. He added that he is not against progress, but he hopes that if the permit is granted, the speed limits and roads will be maintained. He believes the Wood Canyon area is a great family oriented area and they don't want to lose that.

Nolan Koller resides at 3030 Wood Canyon Rd. He is the closest to the projected gravel pit next to Jerry Beus and is located at the end of the oiled section of road, and where the gravel begins. He voiced that he does not have an objection to the gravel pit, especially for use by Jerry Beus. His primary concern is the dust problem that the trucks will cause. He stated that his wife called the Commissioners and County Supervisor to express our concerns with the dust. He added that the road condition concerns him, the trucks may cause the road to become more narrow and wanted to know if the county would step up and keep the roads maintained.

Sharon Koller resides at 3030 Wood Canyon Rd. She believes many of the questions have been answered tonight. She was pleased with the many improvements Larry Simmons has made to his property and hopes that this will continue with the operation of a gravel pit. She would like a stop sign added so the truckers would stop before coming onto the road. She added that the roads are even more narrow in the winter months. She has observed county trucks going fast down the road. Improvements have been made to the gravel road, but she says that when they regraded the road, deep furrows were created, which they did come in and fix. She is concerned about the condition of the road with the truck travel, and whether the road would be repaired if there were problems. She would also like to see the speed limit reduced on the roadway. She explained that was the reason she passed out flyers. She said that people cut the corner by the Johnsons all the time. She is afraid that if someone cuts the corner there could be a head-on accident and someone could die. She would like to see a center line put on the roadway. As an example, she recommended a drive to China Cap Rd. and down about 1.5 miles, turn on Dike Rd. then on Harbor Rd. and go all the way around. There you will see what the trucks have done to the road. She does not believe it is fair to the county citizens to have the roads chewed up. And lastly, she believes a local gravel pit could benefit the community and asked whether some money can be earmarked for the Wood Canyon Road.

Randy Johnson resides at 2981 Wood Canyon Rd. He expressed that the trucks can't be as dangerous as the 4-wheelers. He trusts the ethics of Larry and the Smiths and believes they have stated things well. He is more concerned about safety, but trusts the individuals and think they will keep their commitments regarding weight and speed. He also believes painting a line on the road would be good. He believes what Smiths and Simmons presented.

April Johnson resides at 2981 Wood Canyon Rd. She is concerned about the safety on the corner where she lives.

The committee invited any rebuttal remarks from Todd Smith and Larry Simmons. Todd said he hears the residents' concerns; safety is a huge issue. He knows you can't drive a

truck 45 mph on the road without being dangerous. He said they get paid by the hour, so they are in no hurry. He continued, saying they care about safety and will not be driving fast. He said he sees two issues: He encourages the public to voice their concerns at the upcoming Commissioners' meeting because the public has the power to change the speed limit, put in road lines, etc. He said they will do their best to protect the residents' safety. Regarding the gravel pit on Hwy 30, it is a different kind of gravel. Their company is looking for limestone. and would be seasonal – bring in equipment, get out the gravel and leave. He said there are yearly inspections by MShaw and they are required to file with DEQ quarterly. Over the summer they will probably haul less than 1 load per day; this will not present a huge stream of trucks. Most of their production will take place May through October, so school bus issues will not be much a problem. The narrow road is a commissioner issue and again encouraged the public to attend the Commissioners' meeting and express their concerns. They will try not to work on weekends and holidays. With regard to the road quality, so long as they meet the specifications, which they will do, there shouldn't be a problem. The company completely respects the residents' concerns for safety and road quality and hope they will address those with the Commissioners. He stated that this will not be a huge production, but will benefit the community. They want to work together with the community.

Larry Simmons added that they are trying to make the road safer for everyone. He has 7 children and he is concerned for their safety as well and will do the very best they can to make the road a safe place.

The public was dismissed while the committee conferred.

The public was invited back to hear the decision of the committee. Loren Smith presented the decision. The Conditional Use Permit was approved by the committee with the following conditions:

- 1) No trucks to operate during school bus hours.
- 2) Should the pit be abandoned, they are to restore the land back to its original condition.
- 3) They expect the company to take care of the weed control while they are working in the area.
- 4) Should the road deteriorate, the company will cease all operation until the road is repaired.
- 5) The trucks are not allowed to drive on the weekends.

He also added the following concern, but this is not a condition of the commission:

If the county doesn't take care of the dust, they recommend that the business take that responsibility.

The following recommendations should be made to the commissioners:

- 1) Speed limit should be changed. It was added that if the speed limit is changed, it would apply to all people, residents included. The public recommended the speed to be changed to: 35 public/25 trucks. Larry Simmons agreed with that recommendation.
- 2) Put lines on road.

Joel Murray informed the commissioners that on the West side is State property, the north and east sides are BLM and the South side is Indian land. He said there is no private ground.

Loren Smith said the State ground is leased by Idaho Citizens and inquired as to what kind of right-of-way he will have? He asked what kind of agreement Mr. Murray has with the Indians?

Mark Nicoll responded stating he has a 20 year lease, which is renewed every 20 years.

Loren Smith said he cannot count on the Indians. What happens at the end of 20 years?

Mr. Murray stated that the lease is renewable.

Loren Smith said, if the tribal council changes, they may not renew the lease.

Mr. Murray said that when he talked with the Indians about the lease, they wanted to know what kind of road he was going to build and, if there was a non-use, Mr. Murray was liable to put it back the way it was before he started.

Loren Smith wanted to know who maintains the road. Mr. Murray said he does. Loren Smith asked who has authority to travel the road besides Mr. Murray, and would Mr. Smith be considered a trespasser if he traveled the road.

Mr. Nicoll said they would have to look into that; see if there was another way. Mr. Murray said, maybe on the State side; the county said they want a guaranteed access. Loren Smith added, that is so emergency vehicles can access the area; currently you have a private lease with Bureau of Indian Lands, which makes it a private road.

Mr. Nicoll said they would need to look at the requirements. Mr. Smith was concerned that the committee would approve the development, and then find out there were lots of problems to come up that they would have to deal with.

Ross Harris commented that there have been times that the road up there isn't even passable. Mr. Nicoll believed that would be the biggest obstacle and that they would need to solidify access, then address the other issues. He said they would want to make sure that everyone who buys property out there was educated, so there would be no surprises. They would need to know there was no emergency access. Mr. Nicoll asked what other concerns were there that they could research besides emergency services, access, density, the historical issue and zoning ordinances.

Ryan Olsen asked about the utilities. Loren Smith said Joel mentioned that each place would have their own sewer system, a community system for water, with 1 well and a holding tank. The Comprehensive Plan wants to get away from above ground holding tanks. Mr. Nicoll said it

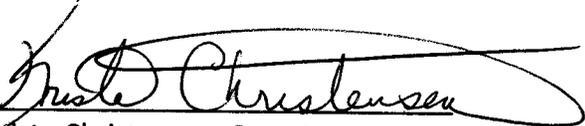
can be put underground. He informed the committee that they would do their homework and then return before the committee. They were dismissed.

The minutes from the previous meeting were reviewed. Gail George made a motion to approve the minutes; Ross Harris seconded the motion. All were in favor.

Loren Smith mentioned that the County Commissioners requested a member of the Planning & Zoning committee attend Monday's Commissioners' meeting at 10:30 a.m. regarding the water nitrate problem, which is ruining wells. Krista was to ask Scott Shuler if he could attend.

The meeting was adjourned by motion from David Miles and seconded by Gail George. The Caribou County Planning and Zoning Commission will meet on July 2nd at 7:00 p.m. for a regular meeting.

Signed: 
Loren Smith, Chairman

Attested: 
Krista Christensen, Secretary