Planning & Zoning Commission Meeting

April 17, 2024

Salmon, ID

The Commission opened the regular Planning and Zoning meeting at 7:00 p.m.

Those in attendance: County: Jeff Nofsinger, Cody Settles, Ty Cole and Thayne Kauer

County Planning & Zoning Staff: Polly Anderson and Lisa Olson

Members of the commission introduced themselves.

**Consent Agenda**

Approval of minutes from March 20, 2024

A motion was made to approve the minutes of March 20, 2024. First and seconded the motion, All voted aye, motion carried.

**Jeff** asked for any communications, **Lisa** verified that there were none.

**Dry Gulch Subdivision Public Hearing**

My name is **Trent Hone** I live at 21 E 220 N, Blackfoot Idaho. This is Neal Yancey and his address is 272 E 450 N, Firth Idaho. We are applying to subdivide our property in Dry Gulch into two separate parcels. That’s the application before you. It’s a 28.8 acre parcel and there are no division rights associated with that property right now. Neal and I purchased this property and we just want to divide the property into two parcels so we can build houses on the property. This application is a subdivision just for the purpose of dividing it. Please interrupt or ask any questions as we go. This property is located on Dry Gulch Road, it's just south of the Sheep Creek area there on 28.8 acres. Property is being subdivided because there are no division rights left. Property is currently agricultural, 50% is agricultural then it goes up into a forested area. The property is not located in a flood plain. It’s located on the east side of the highway and North Fork is on the left side of the highway. A portion of the property does have a slope in excess of 15%, a majority of it is in the bottom of the canyon but there is a portion that does go up close to the Gary Moore property. Adjoining properties are residential to the north, National Forest to the east, the south is residential and Nation Forest and to the west is residential. There are five properties bordering that are also residential. Sheep Creek subdivision is a half mile to the north and most of those are already developed lots. There are 15 plus lots across the highway, most of those are 1 to 3 acres. This proposed subdivision will create two lots of the 28.8 acres the smallest being a 5 acre lot. The property has frontage on Dry Gulch Road which is a gravel road that comes off of the highway. We are just representing ourselves as owners of the property. I have 2/3 interest and Neal has 1/3 interest and we do own this jointly with our wives. I did include the plat map from Badger Surveying, Just to note it is a very long and narrow property that’s kind of unique and was difficult to determine just how to divide it. The portion down on the west end of the map is Lot 1 which has the road that comes across it to connect it with the upper lot. That’s on the west end and it goes up to the north end.

**Jeff**-It has a little flag and it says Lot 1, is that so someone can put a house on the high spot there?

**Trent**-yes it does have a high spot there so it does have the potential for that. **Jeff**-That’s why it’s shaped the way it is to split up the property evenly and just get a nice house site for one and then the other one has basically just the rest. **Trent**-Yes, the property is unique and we had a tough time over the past couple of years trying to determine how to divide it.

**Trent**-I did include Eastern Idaho Public Health section there. We did have two test holes dug and I included the speculative report. This is expired so it’s not current right now but I did want to illustrate the fact that we can put a septic system on both lots there. We will have to come back around and get the subdivision portion done later if approved. There’s the letter from the irrigation district saying that they are aware that we are hoping to subdivide this property.

Going into the Development Code potion of the application, Types of Development, this project is not a small-scale development that’s why we are applying for a subdivision. It doesn’t qualify for the small- scale development. 511.31 This project is a residential subdivision. 5.1211 This project is only creating two lots and did not currently have any remaining divisions. Special Use Defined, this application is for a subdivision and not a special use and it’s not for a home occupation. There aren’t any airports nearby Dry Gulch and the area is not in a flood hazard area. This development is not located in wetlands. The development will not be located on a slope of more than 30%. We will comply with any soil testing if needed. Chapter 6 All lots are big enough to provide ample room for setbacks. Property is narrow but has plenty of room for setbacks. This property only requires one division. This is not a small-scale development. There’s ample room for building in reliable soils on both parcels. The slopes, again there’s adequate area for building that will not be on a slope. Air quality the development will comply with federal and state air quality regulations. Division 2- All rules and regulations will be followed to protect water quality. Public health and safety, a road will be constructed through the lower lot to provide access for emergency vehicles to the lot furthest back. All designs and construction will take into account fire hazards. To the map again the road would just go back to the division line and at the end of the road we would have a T. We used the T format so there’s room for a fire truck to turn around, the 120 feet requirement there. Any potential for increased traffic would be insignificant with the addition of only one lot. A small road will be installed through the parcels to connect both parcels to the highway as shown on the plat map. Adequate facilities, utilities-power can be found along the west and south end of the property. Water will be obtained by domestic wells and sewer will be by a septic system. Private utilities-it was our understanding that the board is considering a change from the 60 foot easement to 26 feet and that’s something you’re in the process of considering. We have a 26 foot easement drawn in assuming that change gets approved. If a larger easement is needed then we would do that. **Jeff**-Is that for road or is that for Idaho Power? **Trent**-For both, the road is required to be 24 feet so we’ve got 26 feet. **Polly**-Is that an existing road? **Trent**-It is not. **Jeff**-Did you check with Idaho Power? **Trent**- Idaho Power has been out there and they were good with it. Trent-There are existing wells on neighboring lots for water. We recognize it’s hit or miss as to where the water is when drilling a well. We’ve looked around at the neighboring wells and their depths and the flow that they get. The water is there according to the neighboring reports. Septic evaluations have been completed for both parcels. We will have to re-do our evaluation since the one provided is expired but there is adequate soil for septic. **Ty**-Were those done when you purchased the property? **Trent**- Shortly after. **Cody**- You’ll have room for septics on each lot with setbacks, considering wells on there too? **Trent**- Correct, yes. According to Melinda, yes and I called about a month ago just to make sure because she has the data from both test holes. She did say that it looked good. Public access- no public access has existed previously. The beginning of the road and the easements to these parcels use the existing road easement. If you go back to the parcel map there is an existing road for the first portion of the parcel or sorry excuse me, the first part of the road that’s not on our property has the existing road that at the point it gets to our property we would need to construct the new road to the back lot. Roads-All performance standards will be met in the construction of all roads. Appendix B makes clear what’s required. A 24’ gravel road will be constructed. Safe access, all roads will be designed to be safe and have direct access. No new points of access will be necessary. There’s fewer than 10 lots so we only need access to these two lots. 6.2.11 Off Street Parking will be obtainable for all parcels, there’s plenty of room. The smaller lot is just short of 5 acres. All water facilities will continue to provide irrigation to the parcels. There are water rights with that property. Natural and environmental will remain intact, fish and wildlife habitat will remain relatively undisturbed. Land use will be similar to its current state. There are multiple residential lots nearby. All developments will protect natural assets. Run off and erosion control-this section does not apply due to the project’s size. Water rights will be divided between lots for the irrigation entity. Fire protection, will petition for fire protection if approved. Easements-no building will be placed in any utility easements public or private. This development will comply with state and federal wetlands protection requirements. Floodplains-again, this is not in a floodplain. Stream Corridor-all necessary setbacks required will met. Wildfire hazards plenty of space will be provided. Fencing-adequate fencing will be provided. Hazardous Substances- we will comply if applicable to that portion. Division 4 Land Use Compatibility. Development will protect the resources. Additional lots will be used similar to the bordering properties. This development will not limit logging or mining developments. Nuisances and hazards will be mitigated. Development will not change storm water or snow melt run off in a way to adversely affect neighboring property. Weed control-responsibility will be the owners. No signs. This is not a phased development. Additional facilities, we will conduct a study if needed to be determined by planning and zoning. This development does not include 10 lots. We anticipate less than 100 ADT per day, again it’s only 2 lots. All newly created lots will have a minimum frontage of 110 feet measuring lot line to lot line. Small scale development we are under the 3 lot division. Setback requirements-construction will comply with all setbacks. Construction will comply with all stream corridor setbacks. Additional Performance Standards for Specific Zoning Districts. Airport Zoning-this does not apply. Division 2 Area of Impact- This is not in the area of City Impact. Chapter 8-Home Occupations-does not apply, no home occupations in this subdivision. Short Term Vacation Rentals-no short-term vacation rentals. Recreational Vehicle living quarters does not apply. Salvage and Junkyards-does not apply. Division 5 Confined Animal Feeding Operations-does not apply. Division 6 Manufactured and or Mobile Home Parks-does not apply. Division 7 Subdivision Standards. 8.71 Every lot created shall be capable and accommodating permitted use allowed by this ordinance. This is not in a special flood hazard area. The length of the streets and utility lines will be minimized. Exposure to natural hazards and damage to natural assets will be minimized. Conflict to adjoining land uses will be minimized. Subdivision of irrigated lands- all subdivision lots shall be in compliance with Idaho 31.3805. We would be in the Sheep Creek water district. We included that approval letter in the application. Electrical, power and telephone connections will be provided to each lot. Drain and grated gravel erosion will be provided. Division 8 Buffering- we will comply with all special use requirements. Lighting standards- subdivision will comply with all lighting requirements. Off Street Parking and Loading- development will comply with all off-street parking and loading requirements. Signs- we will comply with all sign requirements. Chapter 9 Required Improvements- 9.1 any required improvements that may be required to comply with this ordinance. We do intend to comply with all these ordinances. Installation of all improvements will be at the developer’s expense. All required improvements will be installed in compliance with this code. New improvements will be designed and installed to the County standards at the expense of the owners. All required public improvements will be installed by the owner and the developer to meet County satisfaction. Required improvements will be inspected by the County. Inspection fees will be paid before any work on required improvements is permitted. No development agreement on this particular subdivision. This division is not in the Area of Impact. Appendix B Referring to roads, again if you go back to the map the road is not a real long road. The point is to provide access to the back lot. So, it will go back and create at T at the end. Appendix C Special Flood Hazards, this is not in a floodplain. We appreciate this valley and the people here and the wonderful place that it is. You guys have a good thing going here and we hope that we can join you and be up here and we appreciate the opportunity to come forward and ask for this. Are there any questions for me?

**Cody**-The approach off the highway, it’s existing already? **Trent**-the approach off the highway is existing.

**Ty**-How many cohabitate that approach? **Trent**-there are 3 accesses off of that, or 3 homes that use that turnoff. Dry Gulch comes in right there at the bottom of the property there and then it follows our west property line and then it loops back around to the highway. There are other homes that come into that Falling Rock Road and so there are other dwellings that get access off of Falling Rock and Dry Gulch Road loops into that. Off of Dry Gulch directly there’s 3 homes. **Ty**-so you’ll be coming in right there at the hay meadow, where your gate is? **Trent**- Correct, yes. **Ty**-did you guys discuss the road maintenance agreement amongst yourselves? That’s something I would like to see. **Trent**- As far as who’s responsible for maintaining the road? **Ty**-in the future I always think of someone owning behind you. Some sort of agreement on road maintenance. **Trent**-at this point we would share the responsibility between lots. **Ty**- how would you split the water rights. Keeping our water and agricultural value to the land. Trent-there’s an existing hayfield there. Whoever obtained that hayfield would get the water rights. The point of the water rights is for the hayfield. Both lots would have rights to it but both lots will have parts of the hayfield. There’s not a whole lot and there’s three rights associated with that property, but as far as the actual quantity of water isn’t significant. It is enough to cover those two fields. **Polly**-the irrigation ditch goes through both parcels? **Trent**-Around it. We would have to pump up out of the ditch. We have discussed in length as to how we would do that and put that in the agreement, that would be part of the easement getting water to the second parcel. There’s water coming from above and below. Both parcels will have water. **Ty**-but that water, the draw dries up traditionally. **Trent**-so we’ve owned it for 2 ½ years. You would have a better idea of the history on that. We haven’t seen it completely dry but definitely conserving the last coming down the draw. That’s why both lots will have access to the water rights. Both from the Sheep Creek ditch. **Ty**-yeah and I think water’s getting to be such a big deal, just make sure if the split happens make that applicable so it can maintain its agricultural value. In the future they’re going to start basically making it down to 1/10 of the acre, what can be irrigated. **Trent**-We’ll make sure to keep that in our agreement as well. **Ty**-will the road end, I know the easement will go up through and it only needs go to the property. But the said T for proper access for emergency vehicles, will you build a road up through there, past the said T? **Trent**-At the time you decide where to build the house the road would continue on to that house. The required road would get us to that lot and it would just be a driveway beyond that point. It’s drawn in there on the map. It’s just drawn to the lot I guess. This will tie into that existing road is the plan. **Ty**-is it still gated up at the top at the edge of the property line? Trent-No, at the end of the field? Ty- No at the top where the Dry Gulch Road used to go up before, they logged that in the 80’s. They had a gate there at the bottom. Forest Service had a gate. Trent- No it’s not there any longer. **Ty**-the only other question I have is some sort of provision on the use of the road that’s access behind. I believe that’s non-motorized behind there. Just in the future when or if that lot is sold that those parameters stay in place so there’s no issues with that. So non-motorized stays that way. **Trent**-Yeah it’s National Forest back there and all the applicable laws would certainly apply.

**Jeff-**Now we will open it to the ***public comment portion***. We will now have anyone that is in favor of this subdivision-no speakers. Anyone uncommitted- no speakers. Anybody opposed-no speakers.

**Hearing Closed**

Any discussion on this? Ty brings up the option of a family transfer so that people don’t have to go through the process to split property. **Jeff**-even if it was one person that wanted to split it they would still have to do the subdivision process. Discussion continues on the family transfer possibility to mitigate the subdivision process. **Polly** explains that lots come with a certain number of splits and that is explained in Chapter 6. Once those are gone the subdivision process is necessary for splits. **Ty**-they used family transfers in Montana and it made it a lot easier to split the land to immediate family. **Jeff** brings up the fact that it could be difficult to police that. Jeff then asks for any motions. **Cody** makes a motion to approve Dry Gulch Subdivision, **Thayne** seconds. **Jeff-** the motion to approve the subdivision has been submitted and seconded. All those in favor say aye. All respond with aye and motion carries to approve Dry Gulch Subdivision.

**Unfinished Business**

**Jeff**-Discussion on approval or disapproval of the Bluebird Airstrip. I did a study for additional data on this. I did a study of all the NTSB National Transportation Safety Board accident reports that involved a single piston engine plane….**Polly** interrupts to say Thayne could not be a part of the decision making process as he was not been appointed by the commissioners at the last meeting. **Jeff**-So, there was a lot of information and opinions and comments at the last meeting. So, I went and did that study doing hours of reading 371 accident reports and what you find is that, and this went back 42 years because the latest final report that was out there for Idaho was actually 2022. They take a year to 2 years to do their final accident reports. So, I went back 40 years which would be 1982 is the last year this does. What you find out of that is that is that the number of planes that hit a house is 0, the number of birds that caused an accident is 0, and the number of animals that caused an accident is 0. There was one person hurt on the ground in all those years and it was when he was standing alongside a runway and the plane, due to the wind, got pushed over and he got hit by the wing. So that was the one incident of somebody being hurt on the ground in 371 accidents. I was saying this was the only one that resulted in injury but there were 600 some more in this time period that did not cause any injuries. So, there’s a lot of accidents and when you go through the ones that called minor injuries it was like they were taking off and they got off to the side and the tire went off into the wheat and that was enough to spin the plane and make it nose over. It doesn’t take much is what you find from doing these. As far as fires there were 53 plane fires or about 14.3% , that is skewed by what’s included in this is crop sprayers and 10 of the fires were crop dusters that crashed. As far as area fires caused by these crashes there were 3 of them. So, you end up at .8% of all these crashes caused an area fire. So that’s the actual data from the NTSB on actual planes in Idaho of small planes, I should say single engine piston planes in Idaho and their crashes. So that’s what the actual data states. I did that so we would have data instead of a lot of opinions.

What do you guys have concerns on? **Ty**- I’m concerned with the amount of people that live in the area and the amount of people that came and spoke against it. Their view has to have some validity. I personally went out there and looked at the airstrip and oddly enough I only saw 2 geese. I was there for a while and they talked about thousands of birds and there was only 2. They must have been mated awhile because they maintained some distance so they were close. There wasn’t a lot of birds when I went through there. There was a lot of cattle on the ground. It looked safe to me from what the concerns were. **Jeff**- This is one thing that I wanted to bring up. You’re talking an airstrip on a working ranch. Idaho, since planes were commercially available, they’ve been used in Idaho on ranches. Historically this is a common thing to have on a working ranch. One comment was made that the   
Comprehensive Plan under Land Use and it says Policy 3 Goal D-which talks about protecting existing residential areas from incompatible uses, he did not finish the sentence when he said that. The actual sentence from the code is: Protect existing residential areas from incompatible commercial and industrial development. So, that was a definite misquote of the law is what that one was. **Ty**-That was the guy that kept popping off every once in a while, he kept interjecting? **Lisa**-It was Stark Ackerman. **Jeff**-Yeah, that was one of the things he brought up. **Cody**-That was the guy that was pointing out spots where he didn’t think it fit the Code. **Jeff**-Yeah and also it’s the same way when he said about Element 1 Goal E it was about reviewing the proposal use carefully for the potential impact on current uses and indicate any potential impact. And that is true and it should be mitigated but if you go in F next to it says: To support and acknowledge the “Right to Farm” laws and encourage protection of agriculture and other uses within the county is the next one. Elk Bend is a ranching area that one of the ranches was cut up to put houses on. Every part of Elk Bend basically looks at a working ranch as you go through it. I was down in Boise and there are multiple lawsuits that people tried to do against agriculture when they moved into the area and the State courts frown on that. The ones I know of they were always ruled against. It’s one of those that in this case the historical precedent of what’s being done can not be doubted. There are hundreds if not thousands of them around Idaho. Just because people moved in on a ranching area that doesn’t change the rules. **Ty**- Polly this is for you. The only question I had on it from email the other day it was 25 feet from the river, is that within the parameters? **Polly**- from a building it is. **Cody**- are you talking about this one? It’s 35. **Jeff**- So, it does meet it. If your insurance agent is afraid because there’s a small airstrip around because it could crash into the house and one hasn’t happened that has caused injuries in 42 years in Idaho the chances of it happening are pretty slim. When you have the facts of what actually happened in the last 42 years in Idaho that’s what we’ve to go by. I agree that we have to look at their concerns, but none of their concerns actually have data behind them. That’s why I did that. I looked around the internet and nobody had any information like that. So, I’m like ok, we’re going to do it so that’s what I did. Anybody like to make a motion? **Cody**-I’d like to make a motion to approve the airstrip with the conditions that we’ve done before- following the state, federal and local regulations to go with it. **Polly**- So you guys want the exact same time limits? **Jeff**- There weren’t any time limits on the Thoresson. It was just state and federal code and the 5 landings. We’ll keep it the same. **Ty**- The one thing, how do you enforce that? That’s always my concern is how do you enforce that when you have it in writing. There’s just so many people there and I’m not against him having the airstrip, not against him using his land for what he desires to use it for. **Polly**- We would have to use our prosecutor as our enforcement and it would have to be brought to us, or if we witnessed… **Ty**-as a complaint? Polly- Exactly, complaints that are valid or if we witnessed something that was opposite of what was approved. We would work with our prosecuting attorney. **Cody**- I’ve seen Special Use Permits that get complaints like out at the subdivision when they were running the parking lot out there. **Ty**- Ok, so 5 take offs and landings, no revisiting it unless there’s a complaint the prosecutor can revisit it. **Jeff**- correct. Is that a second? **Ty**- that’s a second. **Jeff**- motion has been made and seconded, all respond with aye in favor, none opposed. Motion carries to approve Bluebird Airstrip.

**New Business**

**Polly** had new business to bring up and mentions the chapter they have been working on as for road development and that she’s been working on it with Bruce. He was concerned that if we took out all of the Code and Road & Bridge didn’t have standards…we just received a new Transportation plan and there’s no road standards in it. He suggested going through it all or keep it the same. We don’t know anything about roads as far as specific standards. A public hearing with the commissioners is still on the horizon as far as getting the width changed. Discussion continues and everyone feels it would be good to separate those two. Also, discussion on table in the Area of City Impact in commercial it doesn’t say if you can or can’t have a residence but in industrial it requires a rezone. There is an individual that wants to put a residence in the industrial zone. Right now they would have to do a rezone and come before the Board and the Commissioners. Discussed about revisiting the table and allowing residences in commercial and or industrial and revisit it at the next meeting. Process would be simpler to have a public hearing rather than a rezone. All agreed it would be better to revisit the zoning table and allow residences in both commercial and industrial. **Ty** wants to look at family transfers when lot splits are no longer available for properties next meeting. **Polly** will check with other county planners in her network for information on the subject and if they have anything similar.

**Ty** makes a motion to adjourn the meeting, **Cody** seconds, all respond with aye.

Meeting adjourns at 8:20 pm

Respectfully, Lisa Olson

**Cody** motions to adjourn the meeting, **Jeff** seconds**. James** motions and seconds to adjourn, all agree by saying aye.

Meeting adjourns at 8:25 pm

Respectfully, Lisa Olson