

GRANITE COUNTY PLANNING BOARD

Public Monthly Meeting

Courthouse Courtroom

220 N. Sansome Street, Philipsburg

September 2, 2021 6:00 p.m.

Present:

Granite County Planning Board Members: Gail Leeper, Jim Lochridge, Tom Rue, Tom Sanders and John Spaeth.

Planning Board Staff: Linda Bouck, Granite County Planning Director

Guests: Joel Christensen, Josh Christensen, Lucinda Christensen, Sarah Christensen, Christina Culligan, Tammy Duhamel, Elena Gagliano, Ken Jenkins, Forest McClain, Catherine McDonald, David McLure, Renee McLure, Betty Munis, Daren Novak, Sara Novak, Emily Petrovski, Rex Radtke, Jason Vietor, Jacquelyn Walter, Clark Ward and Christine Wood.

I: Call to Order

President John Spaeth called the meeting to order at 6:00 p.m. The Board and Staff introduced themselves.

II: Pledge of Allegiance

III: Subdivision Preliminary Plat

A: Broadway Hotel Condominiums – Creating Two Condominium Units in Philipsburg – Recommendation to Town Council of Philipsburg

Linda Bouck went through the findings of fact report with the Planning Board. This is a proposal to create 2 condominium units from the Broadway Hotel. The bottom floor will be one unit and the upper floor one unit. Each of the units is currently used for commercial purposes. These existing commercial activities will remain. As the Town of Philipsburg does not have zoning, the condominiums must complete the subdivision process. Linda Bouck went through the findings noting there were 5 standard conditions but this subdivision will have minimal impact as the impacts related to roads, utilities, water and sewer are preexisting and are not proposed to be changed. Jim Lochridge noted the language in some of the documents should be amended to note there are only 2 members associated with this development. The Planning Board added this condition.

A short discussion on taxes and further subdivisions were held based on comments from the public.

Jim Lochridge made a motion to recommend approval of the Broadway Hotel Condominium Units Subdivision with the 5 conditions and findings as corrected and amended. Tom Rue seconded the motion. Motion passed unanimously.

B: Trout Creek Ranch Subdivision – Creating Five Lots on the Skalkaho Road near Trout Creek – Recommendation to Commission

Linda Bouck went through the findings of fact report with the Planning Board. This is a proposal to create 5 single-family lots ranging in size from 20 to 121 acres out of a 319-acre parcel on the Skalkaho Road near Trout Creek. She noted the 35 working days will end on October 13th. Each of the lots will have individual septic and wells reviewed by the Tri-County Sanitarian.

It was noted the following comments had come in and need to be added to the public comment section of the findings: letter from Dave and Lori Sanson, email from Heidi Hinkle, email from Sarah Christensen and a letter from the Flint Creek Water User Association. Concerns raised in these letters will be addressed throughout the findings.

Bouck noted this property is not located within a zoning district and as such, items regulated by zoning, including parcel sizes, etc., can not be addressed through the subdivision process. The property is also partially in compliance with the Growth Policy. Since 2 of the lots remain at 121 acres, it is anticipated some agricultural activities could still occur on these lots. Bouck reminded the Planning Board that conditions may not be added based solely on the project's compliance with the Growth Policy.

The Planning Board reviewed the agricultural section of the findings. It was noted the Christensen family had concerns with the right to farm language as proposed. The Planning Board added a condition to make sure covenants comply with Section VI-T of the subdivision regulations. It was also noted that comments raised by the Christiansen family on weeds would be passed to the Extension Agent for his review.

The Planning Board reviewed the agricultural water section of the findings. Changes by the developer were reviewed. The developer asked to change the no crossing of any irrigation ditch to no crossing without acquiring written permission from the ditch owner or irrigation district. They also asked to strike conditions or portions of conditions related to future builds, as they do not want to speculate where future splits may occur. The Planning Board agreed to these changes. Tom Sanders noted the easements to the headgates are not located on the plat. The Planning Board requested the developer locate the headgates and access routes to the headgates on the face of the final plat. The developer was agreeable to this change.

Josh Christensen stated the Poole (aka Wyman) ditch is not located on the face of the final plat. This ditch used by the Christensen family runs on the south side of Lot 1. The Planning Board requested the developer show the Poole (aka Wyman) ditch on the face of the final plat. The developer was agreeable to this change.

A large amount of the public, representing different owners and users of irrigation ditches on this property, expressed concerns with having driveways cross irrigation ditches. They did agree that requiring a permit to build a bridge over the irrigation ditches would mitigate this concern. They also had a concern with livestock crossing the ditches and using the ditches. Rex Radtke with the Flint Creek Water User Association stated they would like to see livestock fenced out of the irrigation ditches. A discussion was

held as to requiring fencing of the ditches and Trout Creek. After a lengthy discussion it was decided that no fencing requirements would be required on Trout Creek. It was also decided that irrigation ditches should not need to be fenced unless the property owner intended to have livestock, including horses, on the property. The Planning Board requested the developer place a statement in the covenants stating livestock must be fenced out of irrigation ditches. The developer was agreeable to this addition.

The Flint Creek Water User Association also was concerned about wasteways for the irrigation ditch that are located on this property. It was noted and the public testified that water around the wasteways can cause seasonal flooding at time when the wasteways are used. The Planning Board requested the developer show the wasteways on the map and map out unbuildable areas around them based on this seasonal flooding.

There was a general discussion about making sure that future property owners of these lots would not use the irrigation water and understood irrigating practices. The Planning Board requested that the developer place the portions of the Flint Creek Water Users Association (FCWU) comment letter, specifically the sections labeled: general comments on activities conducted by FCWU, activities prohibited within canal rights-of-way, and safety considerations, into the covenants for the subdivision. The developer was agreeable to this addition.

The Planning Board reviewed the findings section on impacts on municipal water and sewer, schools and parks and had no comments or additions for this section.

The Planning Board reviewed the section for police, fire and medical services. Linda Bouck noted that a comment had been raised from the Christensen family regarding a 100' setback. She noted that it was recommended to have a 100' setback from Trout Creek but that all other setbacks were listed at 50'. The Christensen family requested a 100' setback on the south portion of Lot 3 where it goes abuts Tract 3 of Certificate of Survey 969, which is where most of their buildings and structures are located. The Planning Board requested this change be made and noted on the final plat. The developer was agreeable to this change.

The Planning Board reviewed the section effects on the natural environment. Josh Christensen stated the family owns a spring on this property that is not shown on the plat. They asked that the spring be shown and a setback area be established around this spring. The developer agreed to adding the spring and noted the 100' setback recently established should protect this spring. The Planning Board requested the developer show the spring and if necessary include additional no build area. The developer was agreeable to this addition.

The Planning Board reviewed the section on wildlife and wildlife habitat. Linda Bouck pointed out the developer does have a reference to living with wildlife within the covenants and staff is recommending a covenant stating fencing must be wildlife friendly.

The Board reviewed the section on effects on health and safety. Access for all of the lots was reviewed. It was noted that Lots 1 and 2 will use a shared driveway from the Skalkaho Highway. The developer will need to acquire an approach permit for this driveway. Lot 5 will access off of an existing approach from the Skalkaho Highway. Lots 3 and 4 will access off of Trout Creek. Linda Bouck noted that the developer and the adjoining property owners all requested that the road remain a private road. The Planning Board

agree to this change and removed language from the findings requiring a shared maintenance agreement between the parties. It was noted that the developer has placed a limitation on future splits, limiting each lot to one future split. At the time a property owner would like to do the split they will need to come back to the Planning Board and Granite County for review and approval. At that time roads, utilities will be reviewed and infrastructure as required will need to be installed. Any required infrastructure would be at the expense of the person subdividing and not the surrounding property owners.

A general discussion was held about growth in Granite County and the concerns of residents regarding wildlife, additional septic systems, increases to taxes, infrastructure and overcrowding in general. The Planning Board held a general discussion about zoning and how to establish zoning and the different types of zoning allowed by state law.

The Planning Board members stated they would like to table this item so that they could get an updated findings of fact with the corrections and changes discussed. Linda Bouck noted they would need to hold a special meeting of the Planning Board as the review of this subdivision must be completed by the Granite County Commissioners by October 13th. The Board agreed to table the meeting and hold a special session to be held within the next 10 days.

The Planning Board tabled the Trout Creek Minor Subdivision until the next meeting of the Planning Board.

V. Minutes

Tom Sanders made a motion to approve the minutes for August 5, 2021. Jim Lochridge seconded the motion. Motion passed unanimously.

VII. Public Comment

There was no additional public comment

VI. Miscellaneous

There was no miscellaneous.

VII. Adjourn

There being no further business, Jim Lochridge made a motion to adjourn the meeting. Tom Sanders seconded. Motion passed unanimously. The meeting was adjourned at 9:05 p.m.

The next meeting will be scheduled within the next 10 days.

Minutes approved on November 4, 2021

John Spaeth