Planning & Zoning Commission Meeting

August 17, 2022

Salmon, ID

The Commission opened the regular Area of Impact Planning and zoning meeting at 7:00 p.m.

Those in attendance were: County: James Malcolm, Vinn Strupp, Cody Settles and Jeff Nofsinger

County Planning & Zoning Staff: Polly Anderson and Lisa Olson

Members of the commission introduced themselves.

**Consent Agenda**

Approval of minutes from July 20, 2022

A motion was made to approve the minutes of July 20, 2022. All voted aye and the motion carried.

**Public Hearing for the John Miller Amish School**

Verified that all notices were posted

Verified no conflict of interest or written correspondence.

James announced procedures for meeting starting with a presentation by the applicant. Written correspondence would then be acknowledged. Testimonies would start with support for the school, followed by uncommitted and ending with testimony not in favor. After testimony applicant can rebut. Then hearing closes and a decision will be made.

James invites the applicant to begin.

Polly asks her to state her name and address

Susan Schaffner: Susan Schaffner 22 S. BLM Drive in Salmon, ID. I caught this, it’s on page 41, I changed the paper and I took a couple of photos too and that you can replace that paper with. I had this saved on my computer from John Miller’s last special use permit and there was no slope of 30% and I changed it but I didn’t save it. When I brought it back up it said there are no slopes of 30% on this particular special use permit and there are. I will address this but I had to take that no out of there. May I give these to you? James says yes and she hands sheets out to the panel. There’s two photos in the back. Now I want to thank you for the opportunity to be here tonight. I am again representing John and Ruby Miller. That’s the plats and legal description that were required for the special use permit. I believe that the Miller Family are quite an asset to the community. It’s important that the Amish community educate their children. Their school attendance numbers have outgrown their current school location. They have been searching for a suitable location for a nice new school for some time. John and Ruby have decided to build the new school on their property and later sell it to the church. I handed in the Plan of Operation, do you have that? Everyone says yes. The little aerials I gave you are really small. I brought one big one to give you a better idea so you guys can see it. (Jeff helps Susan hang up larger map). Susan gestures on map- this is the property here, this is the edge of his field and he has water pipes on it but he can’t get any water there so… This is the 30% slope around here but they built the road into it. Right here will be horse parking for their horses and bikes. Some of them go in horse and buggy and some go with bicycles. The building will be here. This will be where the property will be surveyed, the property is surveyed but it is not complete yet. Right across here on the line there will be a ditch put in to protect any water or anything.

James: So that’s flood irrigated land above that?

Susan: Yes

James: So, this ditch will catch that water and take it around?

Susan: Take it down here to this draw right here and into the other ditch that comes along from here, the regular one that they keep. There won’t be any problem with it at all. Anyway, the road is already in and the picture is right there. I don’t want to go through and read this word for word like I did last time. This is not a subdivision so a lot of this doesn’t concern this. I did say that this property is a proposed Amish School project and does insure natural assets. It should not increase in any size of operation, that their building is large enough. I think there are about 25 families and there won’t be any more coming. They’ve bought another ranch in Cardwell Montana and some will leave here and go there. It will stay around 22-25 families. The number of children shouldn’t fluctuate a terrific amount. This is not in an airport, not in a flood plain, not in a wetlands area, and the site is flat other than the slopes around the edge. The air quality is not affected by any work surrounding the area and no noise. School is far enough away that it wouldn’t bother any neighbors. Page 43 on 6.2.1.1 highlighted reasons for development to be determined as remote and primitive is based upon but not limited to location of existing services, probability of future services in the area access. This project is in a very rural location. It will be self sufficient and on solar and generator power and there will be no services. All the utilities will be private, they will put in a well and septic.

James: I questioned septic because it said in one place there would not be a septic system and in another place it said there would.

Susan: There will be septic. There will be no signs, that was in another area of the application. The septic will comply with all health codes.

Cody: There will be no power then is that right?

Susan: No power. They will have generator or solar or both.

Cody: No underground or service from Idaho power.

Susan: No public utilities. It is a ranching area and they will maintain safe access on all the roads and there’s ample space for parking. It is on the edge of a working ranch. The Amish school is separate from any irrigation or stock water at all. On page 46 it’s located in an irrigation area but that won’t affect any of the irrigation and the irrigation won’t affect the school. On 6.3.3 it is in the fire protection district and there are no easements. It is not in flood plain, wetlands or stream corridor. Area will be fenced according to regulations to accommodate working ranch. The building will be compatible, will not exceed size limitations or cause any light issues. Waste will be stored and disposed of properly. Weed management would be taken care of by the Millers and it would not interfere with the working ranch. School is not in airport area or area of city impact. Do you have any questions?

Jeff: On that 6.1.1 must be from the last copy and needs to be lined out page 42. The building is existing and built to codes in 2013, did that change? As long as that’s basically taken out we’re good. Susan agrees to take statement out.

Polly asks Jeremy how big the building being proposed is.

Jeremy: 50 x 80

Cody: You said there will be a septic system, has there been a permit issued yet or a site evaluation?

Susan: No, we didn’t do anything until we got this first.

Cody questioned site being remote and primitive and not sure what the meaning of that is.

Susan: No utilities, I just wondered if that would apply.

Cody: I didn’t know either but was just curious.

Polly: Primitive is more for the Gilmore area where there is no power so it probably wouldn’t fall under that. Solar systems are allowed as a use in building code for generation of power.

Susan: Kids need a bigger building soon and it’s not going to happen by August 29 when school starts. They can get it going pretty quick but we have to get the well dug.

James: So, well and septic have not been put in yet?

Susan: No, we needed to get this approved first.

Polly asks if they have spoken to Melinda about getting a septic permit and Cody lets them know they can get a perc test that says whether or not you can have a septic on that ground and then get the permit later. He is fine with that being a provision.

James: As long as we put it in that they follow all state and local regulations and it has to be done before.

Panel discusses with Susan the exact location of the school and its neighbors

Cody: When they split this are they selling it to the church?

Susan states they have agreed to the sale of property and it will be happening soon. Survey has been done but not the mylar recording.

Vinn is questioning remote or primitive on 43, I’m trying to figure out what the difference is. Remote or primitive may be exempt from certain provisions. It sounds like this qualifies because there is no intent on using public utilities, so what difference would it make?

Polly states they can use generator or solar and can ask for the building code which will only address the amount of lighting and you can get that through those systems. Septic can also be run by solar. This was truly intended for areas like Gilmore or back in Panther Creek where there are no services when it talks about primitive.

Vinn and Polly discuss the project qualifying as primitive being an advantage and Polly states it is not.

Discussion on hooking up to public utilities and Susan reiterates that they will never hook up to power.

Questions throughout the panel on whether or not the development is remote or primitive and are they required to hook up to power. 6.2.1 of code “all developments and all lots within a development shall have direct access to power”. Came to the conclusion that power is available if needed.

James asks if there are any other questions for Susan, there are no more queries.

James moves on to the comment portion of meeting.

**Testimony Supporting**

Jim Miller 24 Red Rock Stage Road, Salmon ID and I’d be in favor of the school.

Jeremy Miller 282 Red Rock Stage Road, I have children growing up and I am in favor of the school.

**No uncommitted or opposing testimony.**

James asks for any further comment and there is none.

**Deliberation**

Vinn doesn’t see any reason why not to approve the school. Cody states school is a good thing and if they meet all regulations there’s no problem with it.

**John Miller School Decision**

Jeff makes motion to approve application for the John and Ruby Miller school. Cody seconds motion.

James moves and seconds to approve the application for the school. All responded aye in favor, none opposed. Motion carried.

No unfinished or new business.

James closes the meeting at 7:35pm