

December 3, 2021

Bonneville County P&Z Commission  
683 N. Capital Avenue  
Idaho Falls, ID 83402

RE: December 8, 2021, Hearing for Enterprize Canal Company, LTD

Commission Members:

Thank you for your time and for your service.

The City of Ririe is opposed to the Enterprize Canal Company, LTD, (hereafter "ECC") application for a gravel pit. The current application is a typical cart-before-the-horse application with many missing and mis-leading facts, plans and opinions.

The City of Ririe presents the following information.

1. The application is incomplete
2. The full intent of the proposed project is not disclosed. The application is unclear and, at times, misleading.
3. The plan for re-route is incomplete.
4. Access to key roads and streets has not been verified.
5. The proposed "temporary gravel pit" as proposed is a mischaracterization and is miscategorized as to permitted uses in the zone.
6. The proposed use is not compatible with existing and neighboring land uses.
7. The proposed use is duplicative of similar resources close by.
8. The proposed Use Permit is in the Ririe/Bonneville County Area of Impact, and the County has not allowed the City of Ririe the timely review of this proposal as required by the current Area of Impact Agreement.
9. The proposal comes at huge financial and aesthetic cost.
10. This application and the hearing do not meet the County's contractual obligation with the City of Ririe.

**1. Incomplete application:**

- A. The applicant has not in any way fulfilled one of four required statements: "how the land uses in the requested zone are related to the :Comprehensive Plan." The applicant's response to this question clearly shows there was not any understanding or diligence put forth when answering this question. It is necessary for all A of I applicants to read and understand the Bonneville County Comprehensive Plan in order to honestly answer this question. The County is left to suppose entirely on their own as to how the ECC would reply to this question on the application.
- B. No reclamation plan or maintenance plan is included with the permit application.

- C. No mandatory letters of review to satisfy the criteria from Section 1-705 have been submitted with the application.
  - a. No letter of review from Central Fire District.
  - b. No letter of review from Bonneville County Sheriff.
  - c. No letter of review from Bonneville County Road and Bridge.
  - d. No letter of review from Health Department

## 2. Intent is Unclear and Misleading:

- A. **Renegotiation, not refusal to review:** The application reads: "PID recently refused to renew the agreement, and instead delivered a notice of termination." Had reasonable heads been willing to read the letter and contact PID as to their intent, ECC would have found that the letter was a simple renegotiation letter, including the statement: "The contract states that upon 5 years written notice.... This is the notice required by the contract." This was a simple renegotiation letter, not a refusal to renew letter per se. On December 1, 2021, a representative of the PID, Chairman Lance Schuster, indicated three key points: first, the letter was to renegotiate ("to bring them to the table"), and was not a refusal to renew as stated in the application; second, PID is still willing to carry ECC water; and, third, "the annual fee of about \$4200 is a little too low," and "we need to renegotiate the fee." Further, PID has not heard from ECC on this matter since the June 2019 letter. The City of Ririe notes that even if the fee were doubled, this would be a far cry from the estimated \$2.5 million to \$3 million total cost for the proposed project.
- B. **No disclosure as to route:** The proposal includes a slap-and-dash two sentence statement written from "I" rather than the ECC board or named representative. Further, this appearingly personal project at someone else's cost (approx. 200 ECC owners plus taxpayers paying for unnecessary grant and loan funds) clearly does not disclose the 2.27 mile route with all of the necessary agreements for right-of-way and access letters, affidavits, warranty deeds and other necessary and applicable documentation.
- C. **Conflicts within purported route ("26 miles of canal bank"):** One section of the purported route is incorrectly named on at least one map-- the "Enterprise Canal," for example, is the "Cleverly Ditch" which is actually owned by the Farmers Friend Canal Company. If the proposed project's plan is to re-connect to this canal as the prior route in the 1920's, to date there has been no point of contact made with the Farmers Friend.
- D. **Reclamation plan needed:** Inclusion of the Idaho Department of Lands letter dated October 30, 2020, is misleading. Although the Department's requirements may apply to public lands, including such a letter in the Use Permit application is misleading; the County still has a right and an obligation to impose any or all reclamation requirements as with past gravel pit Use Permits. No reclamation plan is included with the proposed project's permit application.
- E. **Temporary Gravel Permit:** The use of this term is misleadingly benign:
  - 1. It appears that there would be two pits on the parcel, while the application states the singular word "temporary gravel pit."

2. The extraction of gravel does not leave a “temporary” scar on the land, especially if not reclaimed appropriately. Again, the applicant did not include a reclamation plan.
3. “Temporary” should not become permanent. Unless strict conditions are put on this Conditional Use Permit, the financial overload of this project could mean the long-term use of this parcel would necessarily be sold to another entity, and then would go into long-term use as two gravel pits.
4. It is not stated in the application that the parcel would then be forever a gravel pit with water in it with no maintenance plan submitted as part of the application. This two-part parcel will then be transected by an unnecessary and financially burdensome buried pipeline of canal water.
5. The application states: “our temporary gravel pit would ... not adversely affect any surrounding... properties.” Both residential neighbors adjacent to these pits and all area properties would be seriously and adversely affected, as stated in latter parts of this presentation.

**F. Duplicated and unnecessary source of gravel:** There are numerous sources of gravel very nearby. The application is highly misleading-- it does not represent the need for gravel (“temporary gravel pit”) but rather the re-routing of a canal while the ECC is wanting to open yet one more unnecessary eyesore gravel pit in a beautiful area of agricultural land.

**G. Reclamation statements misleading and untruthful:**

1. The application states in “9.”: the majority of the surrounding properties are farms with a couple of houses,” acknowledging that there are indeed residences that will be affected by the negative impacts of a gravel pit adjacent to their homes.
2. There is not recognition or acknowledgement from an adjacent land owner that the subwater so prevalent in the Ririe area has entered their home’s basement uniquely and whenever water has collected in the nearby existing gravel pits. With this project being directly adjacent to their property, subwater in the proposed gravel pits will surely and equally affect their home. Post-project reclamation of a gravel pit to not affect adjacent properties’ subwater issues can only be done preventatively-- by not allowing the digging on these parcels in the first place.

**H. Impacts not truthfully addressed:** The criteria from Section 1-705 are addressed in the application, but not truthfully.

1. It is simply untruthful that (Statement #9) “the dust and noise from the gravel pit will be equivalent... to usual operations,” while, “the crusher runs on fuel and a generator....” There will obviously be substantial noise from the generator, as well as noise and dust from the many loaders and dump trucks during hauling.
2. As stated elsewhere in this presentation, a temporary gravel pit will by far not save the ECC “a lot of money in material and labor.” The proposed project cost is \$2.5 to \$3 million, whereas the annual fee to continue with PID is currently \$4200 with PID wanting to renegotiate the fee because “it is a little too low.” PID is very much still willing to carry ECC’s water so that this project does not need to be done.

3. The ECC applicant assumes incorrectly, and thereby misrepresents, that the “Comprehensive Plan” to be addressed in the application is somehow the ECC’s Comprehensive Plan. Also, if such an ECC document exists, it should have been included in its entirety or, at minimum, referenced for the commissioners to review. It is clear that the applicant does not know what the Comprehensive Plan is, let alone how to show compatibility with the Plan.
4. The City of Ririe believes that it is not the case that (as stated in #7 response) “our canal piping project is imperative for our patrons to have continued access to water,” given that PID is very open to still carry ECC’s water for a fraction of the cost of the proposed project. Of note, the ECC acknowledged in statement #7 that it is possible for them to purchase and truck gravel from another location.
5. The applicant misrepresents in Statement #12 that “there are no scenic or ecological areas to preserve.” By stating this, the applicant is conveying their own opinion rather than acknowledging that the residents and leadership of both the County and the City have already determined this is a scenic area. In both the Bonneville County Comprehensive Plan and in the Ririe Comprehensive Plan (which applies to this application because of the Area of Impact Agreement between the two entities), there is frequent mention of the scenic areas, the beauty of the agricultural areas, and the rural nature that residents so deeply desire. (See Ririe Comprehensive Plan all three editions; see Bonneville Comprehensive Plan).

**3. Incomplete plans:** The plan of this canal for a reroute does not have letters of agreement necessary for the reroute. This long list includes other involved canal companies and irrigation districts, private landowners, Idaho Department of Transportation (ITD), Idaho Department of Water Resources, granting and funding agencies, and others. At minimum a letter from the president of the ECC stating that this re-route project is supported by ECC’s board of directors and not solely the “I” as stated in the application.

**4. Access to roads:** There is not a Letter of Access from ITD for access to Highway 26 for large equipment to access the two parcels for gravel hauling, nor any factual representation that the ECC would be allowed to bore under Highway 26 to reroute its water. Both parcels bordering Highway 26 are close to the railroad track, and this fact requires serious consideration by ITD as to whether there can be safe access granted, and whether boring under the highway would be allowed. Of note, within 1 ¼ miles there is a minimum of a dozen ingress and egress accesses including a railroad track crossing with flashing lights, the merge of two highways, and many public and private drives. For the applicant to assume that ITD will grant a major access for construction traffic within this short distance is highly presumptive.

**5. Mischaracterization and Miscategorized:** The proposed “temporary gravel pit” as proposed is a mischaracterization and is miscategorized as to permitted uses in the zone. The favorite saying of agricultural parcels in the planning world is, “It’s ag until it’s something else.” Please note, commissioners, that the City of Ririe does not interpret this to mean (nor should anyone else interpret this to mean) that an Ag Zone designation is a catch-all including uses that would otherwise definitely be deemed as industrial such as a gravel pit.

The applicant states that their proposal “would not adversely affect any surrounding properties” which could not be further from the truth. A gravel pit is not consistent with agricultural use or residential uses, and both of these land uses are very close by and adjacent to this parcel.

**6. Incompatible with neighbors:** A gravel pit (temporary or otherwise) is highly incompatible with adjacent properties. Restating Sections G:1&2 and H:1 above:

1. The application states in “9.”: the majority of the surrounding properties are farms with a couple of houses,” acknowledging that there are indeed residences that will be affected by the negative impacts of a gravel pit adjacent to their homes. It is simply untruthful that (Statement #9) “the dust and noise from the gravel pit will be equivalent... to usual operations,” while, “the crusher runs on fuel and a generator....” There will obviously be substantial noise from the generator, as well as noise and dust from the crusher, plus noise and dust from the many loaders and dump trucks during hauling.
2. There is not recognition or acknowledgement from an adjacent land owner that the subwater so prevalent in the Ririe area has entered their home’s basement whenever water has collected in the nearby existing gravel pits. With this project being directly adjacent to their property, subwater in the proposed gravel pits will surely and equally affect their home. Post-project reclamation of a gravel pit to not affect adjacent properties’ subwater issues can only be done preventatively-- by not allowing the digging on these parcels at all.

**7. Duplicative of similar resources:** Ririe has a long, friendly, and accommodating history with canal and ditch companies that transect the City and area, for well over 100 years. The City recognizes the critical need for these canal and ditch districts, and the City also places the financial health of these companies paramount.

8. At least half of the involved parcel physically sits in Ririe’s Area of Impact while the entire parcel sits in the beautiful farm countryside of Ririe. It is necessary for any A of I applicant to read and understand the Bonneville County Comprehensive Plan in order to honestly answer this question.

**9. Unnecessary Project:** The application represents a very costly and very unaesthetic project. The Gros Ventre slide and floods of the 1920’s were the impetus for this unnecessary project. Those overabundance and flow in the 1920’s washed out canals in the Ririe area, and since that time ECC has relied on PID to deliver a portion of its water.

- A. Bonneville County is already pocked with numerous and duplicative gravel pits. alternative to this massively expensive proposal that will scar the land and be a highly visible eyesore in our beautiful County and in this disturb the vistas and the beauty of the countryside, be a detriment and a nuisance to the neighbors,

10. It is imperative for the County to fulfill its contractual obligation (the Area of Impact Agreement) to Ririe that the County Comprehensive Plan will be consulted with such applications, and further that the 14 day review period will be met.

The City of Ririe respectfully asks for the following:

1. A denial of the Use Permit.
2. A Finding of Facts and Conclusions of Law based on the ten above criteria to be established by the P&Z Commissioners as part of the motion and printed.
3. If there is not a denial of the permit as the motion, the City respectfully asks for a continuance of the hearing for at least two months (due to holidays) so that the County and City's contractual obligation may be met ("14 day review" period wherein the City's P&Z Commission and City Council may deliberate on the matter for recommendation to the County.

In summary, the City believes that this application before you is very much a square peg trying to fit in a round hole. The ECC is using a land use application as a foot in the door to gain the favors of funding sources, local government entities, and local residents to build a grandiose but unnecessary project. Therefore,

1. The City of Ririe is not in favor of the temporary gravel pit. The application is highly misleading-- it does not represent the need for gravel ("temporary gravel pit") but rather the re-routing of a canal while the ECC is wanting to open yet two more unnecessary eyesore pits in a beautiful area of agricultural land.

And,

2. The City of Ririe would be in favor of only the burial of the canal pipe on the parcel (decidedly not one or two gravel pits), but feel it is highly unfortunate for the local ECC owners and taxpayers to have to pay for an unneeded \$3,000,000 project since the PID is wanting to renew their contract with ECC at a fraction of the project cost.

Respectfully submitted,

Larry Lovell  
Ririe City Mayor