

**MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, JANUARY 5<sup>TH</sup>, 2022.**

ROLL CALL SHOWED THE FOLLOWING PRESENT: Blair Rindlisbaker, Co-Chairman  
Beck Jorgenson  
Dow Barker  
Noel Cole  
Nellie Askew, P&Z Admin

ABSENT: Adam Hulse and Sadie Somsen

ALSO PRESENT: Chris Gonzales, Peter Clegg, Bill Van Dyke, Rowdy Larkins

6:03 PM Chairman Rindlisbaker opened the meeting. He asked if there was a motion to approve the minutes. Chairman Rindlisbaker stated to move approval of minutes from last meeting till our next meeting.

6:05 PM Admin Askew dialed in Shawna and Korey Miller for their Public Hearing. Admin Askew presented overview for Public Hearing. She explained Korey & Shawna Miller are requesting a plat amendment for block 5, Lot 1 & 2, of the Pebble Creek Subdivision. The reason for this request; Thomas McCurdy, the owner of Lot 2 was selling his property. The Miller's access road to their property (Lot 1) runs inside Thomas McCurdy's property. In order to preserve their access road, the Miller's purchased .44 acres from Thomas McCurdy. This .44 acres granted them permanent access to their lot without creating a new access point down the road. With the additional .44 acres, the Miller's would own roughly 3.5 acres. Commissioner Jorgenson asked who purchased the other portion of lot 2. Admin Askew explained lot 3 purchased the remaining portion and she is working with them on a plat amendment. Commissioner Hulse asked if lot 2 would be taken out of the subdivision. Admin Asked stated yes, it would go lot 1 to lot 3.

6:07 PM Chairman Rindlisbaker opened the public hearing to give consideration to the application for a replat of Pebble Creek Subdivision Lot 1 & 2 of Block 5.

6:07 PM Shawna Miller gave overview that they and the owners of lot 2 went in together to build a road and would like to maintain that access. Chairman Rindlisbaker asked Admin Askew if there had been any public comment. Admin Askew stated there had been none.

6:08 PM Commissioner Cole made a motion to recommend the Commissioners approve the application, seconded by Commissioner Jorgenson. All in favor, motion approved.

6:10 PM Chairman Rindlisbaker opened the public hearing to give consideration the adoption of the new code 13.65 Short-Term Rentals.

6:11 PM Admin Askew gave overview of the proposed code. It was not designed to place hardship on the Short-Term Rentals but to protect the public's health, safety and welfare and to safeguard the integrity of the residential neighborhoods in which short-term rentals operate. She explained no Short-Term Rental would be considered grandfathered in. Each Short-Term Rental would be required. She explained when compiling and establishing this code, she had done a lot of research on surrounding counties on what they enforced and she went through the 2018 International Residential Codes for what building codes she was able to enforce for the safety of renters and owners of the Short-Term Rental. Commissioner Hulse asked if the room does not have an egress, they cannot use it. Admin Askew answered if the home was built before 1997 then they are not required to, as the egress code was not added until 1997. The only reason homes before that time would be need one if they had changed occupancy class or had a major remodel. Commissioner Cole asked how these codes align with State Codes. Admin Askew answered the states code states we have to treat them like a residence, so these codes would apply to any residence. She explained the state code and the state fire code are different. The fire code required them to be treated like a commercial and the state code as a residential. Admin Askew stated she did not want to use the state fire code in order to save short-term

rental owners from having to place fire sprinklers in their home, which would be a large cost to them. Commissioner Jorgenson stated we had talked about implementing a fee. Admin Askew stated there is an application fee that would be submitted annually with the applications. Commissioner Hulse asked who would be in charge of enforcement. Admin Askew stated with the application they are required to show proof of required smoke detectors, CO Monitors, etc. if there is a report by renters there are none, the short-term rental is notified and they need to correct the issue, if it continues to have their permit can be suspended or revoke for that operating year. Commissioner Hulse made a suggestion of proof of current fire extinguishers. Commissioner Cole asked where the occupancy came from. Admin Askew explained the route she was headed was to an approved letter of what their occupancy would be from the Health Department but she soon realized that would place a lot of extra work on those departments. She and Commissioner Somsen sat down and looked at Island Park does and they do it based of bathrooms and that is where we that four people per bathroom came from. Commissioner Barker stated this should be the health departments should be regulating these and not use. Admin Askew stated he was correct but with the state and the cities already behind and then sending the short-term rental applicants over to them would over make that worse. This is what we were able to come up with that would be the safest for the renters and not packing thirty people into a two-bedroom home. Commissioner Cole asked who would be enforcing this. Admin Askew stated she would be the one to enforce this. She tracks the current listing and knows what individuals are listing their homes as occupancy. Rowdy Larkins stated this also helped with short-term rentals from turning into a party house. Admin Askew explained that once an application is submitted, the surrounding property owners within 300 feet will receive a notification. Commissioner Barker stated Admin Askew does not need to be the enforcer, it should be the state. Rowdy Larkins stated the state would delegate it down to the County. Commissioner Jorgenson stated if they are in our area, we are the ones who need to be doing this. Commissioner Barker stated it still need to be the state. Admin Askew stated the state does not have any statues other than treat them like a residential. Commissioner Hulse stated until those changes happen with the state. Rowdy Larkins says short-term rentals are great things but they are also killing communities and there needs to be some regulations on this. Paul Clegg asked what is considered a short-term rental. Admin Asked answered anything rented thirty days or less. Bill Van Dyke asked if there was housing for mine workers, would that be considered a short-term rental. Admin Askes answered yes, it would be considered. Paul Clegg asked what the purpose behind the fee was. Admin Askew stated she went to surrounding counties and was given a range from \$75 to \$300. She picked towards the lower end. This would over the cost of her hours spent working towards their applications. Commissioner Hulse expressed his concern about the safety being followed. Admin Askew stated she is not a building inspector and our current building inspector is overloaded and she cannot ask him to do that. She explained it would be the honor system until there was proof it was not being followed. Further discussion was had regarding situations around current operating short-term rentals and what may be happening to the market.

6:42 PM Commissioner Barker made a motion to recommend the Commissioners approve the Short-Term Code 13.65, seconded by Commissioner Hulse. All in favor, motion approved.

6:43 PM Commission continued discussion surrounding minimum acreage in the Agricultural zone. Admin Askew gave overview of what was discussed last meeting. Commissioner Jorgenson asked where the Caretaker Split came into play. Admin Askew explained that the Caretaker Split was designed to help create a second dwelling to assist with the operation. Commissioner Barker states he is selling his land and the individual who is purchasing it this would cause issues. Banking institutions will not finance the entire lot and only small portion and the federal land banks will finance the other. Admin Askew stated there is a plan in place where they are able to survey out 5 acres for banking institution purposes only. Which then allows the people to receive their loan for their home. Commissioner Barker stated we are creating financial problems for those down the road. He stated we should allow the individual to separate acres and to build and have the ability to sell the other. The other portion then would be required to go through a subdivision process in order to gain a building right. Commissioner Cole stated the purpose behind the agricultural zone

is to keep it farming and not for agricultural use. If an individual is not filing a file F or using it for the intended purpose and it should be rezoned. Commissioner Barker we need to be doing what the water guys are doing. And if we have urban sprawl, we will have massive fire issues. Admin Askew stated we have open fields now and there are not massive fires unless it comes from farm equipment, lightning strikes, railroads, and occasionally fire pits. Commissioner Barker stated we need affordable house and we need to lighten the rules up. Admin Askew explained the Area of Impact and the purpose behind and with smaller lots around the city allows individual to maintain them better and then have access to City systems. Commissioner Barker does not think the Cities would allow this. Admin Askew stated this is why we work with the Cities on being able to annex the houses and subdivisions. Commissioner Barker he thinks we need to address the minimum in the agricultural. Rowdy Larkins stated I believe that is what she is trying to accomplish with the ability to split it down. Commissioner Barker stated that even 5 acres is a lot to take care of and individuals are not going to do that. The city does not take care of it. Admin Askew asked if the individuals purchasing these lots know they are purchasing 5 – 40 acres and with that the responsibility to care for that property, why it is the County's responsibility to then come in and carter to individuals when that would be on the landowner to maintain. Commissioner Barker stated we are a dying place and no one can build here. Rowdy Larkins agreed it is dying however that is not due to them having to buy 40 acres but it is the prices of the land. Which is double than the actual value. Commissioner Barker stated is he was able to sell 2 acres it would be more cost effective. Paul Clegg asked if there was a way to zone the area so it would be strictly farm ground and not buildable. Commissioner Barker stated he is selling prime land and he has to sell it 40 acres because they will not let me. Paul Clegg asked Commissioner Barker is that not farm ground you are selling. Commissioner Barker answered yes. Bill Van Dyke mentioned there are several prime farm lands that is being used for houses instead of used as good farm ground. Commissioner Barker stated we need to do 2 acres. Admin Askew asked what it the purpose behind the two acres because if you then go and sell the 38 acres to someone and they have not done their part in research they do not have a building right due to this. Commissioner Barker stated this is correct but the idea behind this is they can come to the planning and zoning to see if they can get a building right. He stated the people who he is taking to are thinking of suing the County because they are not able to sell their land at what they want. There are several people who are hot on this subject. Rowdy Larkins asked for clarification on how you prevent a 2-acre sprawl throughout the County. Commissioner Barker stated they would need to go through the subdivision process. Commissioner Hulse asked what is all entailed in the subdivision process. Commissioner Barker explained the subdivision and continued explaining why he believed we need to change the minimum acreage. Commissioner Hulse stated isn't the purpose behind this rule is to protect the aquifer. Commissioner Barker stated that is controlled by the water guys. Commissioner Jorgenson stated there are stipulations placed on a current subdivision that if the water goes down, they are required to stop building. Rowdy Larkins brought up the concern of small lots happening with sceptics and the potential contamination. Commissioner Barker likes the way Afton's Ways with those small lots. Admin Askew explained the issue that had occurred with well and septic and someone almost those their life. Commissioner Barker stated that is up to the Health Department to regulate that. Admin Askew explained as those you meet their requirements they do not care where you place it or how close to someone's well. Chairman Rindlisbaker asked if we should take this. Commissioner Barker stated he will re-write the code and bring it to the next meeting. Paul Clegg brought up that there are things out there would help all of these issues as far as water usage and waste water. Bill Van Dyke asked if we regulate what type of houses are allowed in the area. Rowdy Larkins answered there is no regulations as what type as long as they meet the minimum safety criteria.

7:40 PM Commissioner Hulse made a motion to table, Commissioner Jorgenson second All in favor.  
7:40 PM Admin Askew asked if there everyone had a chance to review the Comprehensive Plan.  
Conversation surrounding Area of Impact. Work Session of Comprehensive Plan will continue next meeting.

7:54 PM Commissioner Jorgenson moved to close meeting, seconded by Commissioner Barker All in favor.

**APPROVED**