

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, APRIL 7TH, 2022.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Wendy Pelayo - Chairwoman
Nolan Koller
Becky Jorgensen
Blair Rindlisbaker
Glaid Christensen
JoAnna Ashley, P&Z Admin

ABSENT: Lannie Workman
Chris Gonzalez
Danielle Christensen
Steve Christensen
Kurt Scott

ALSO PRESENT:

6:00 PM Chairwoman Pelayo opened the meeting. She asked if there was a motion to approve the minutes. Blair Rindlisbaker moved to approve the March 2nd minutes seconded by Becky Jorgensen. P&Z Admin Ashley provided an overview of the public hearing process.

6:05 PM Chairwoman Pelayo opened the public hearing for the application of Christopher & Mitzie Gonzalez, who are requesting approval of a Conditional Use Permit (CUP) for a Short-Term Rental in the High-Density Residential Zone, as allowed by Chapter 13.48 of the County Code. The CUP would allow the use of an RV/Camper placed on the 1-acre property to be rented for overnight, short term recreational purposes during the camping season and removed from the lot during the winter months. The proposed location of the Short-Term Rental RV/Camper would be on Lot 8, Block 2 of the Pebble Creek Subdivision, 2nd addition, on Midnight Sun Dr, Bancroft, Idaho. She invited Mr. Gonzalez to present his request.

Chris Gonzalez, 238 River Dr; Soda Springs, presented his proposal for the short-term rental. He stated he would likely utilize a converted bus for the rental instead of a camper. He intends to install a 250-gallon freshwater tank for the water and likely a small shed to put it in. As for the sewer he is looking at an alternative option such as a portable bathroom. He said as far as fire pits, he plans to put in a graveled area and the fire pit would be permanent, surrounded by gravel.

Danielle Christensen, 2472 Aftons Way, Soda Springs, and her husband own a lot in the 3rd Addition of Pebble Creek Subdivision, she doesn't see any issue with it and feels it would be a good use of the land. She feels that area is 100% recreational in purpose and use.

Steve Christensen, 5357 Lori, Chubbuck, said he is neutral but does have concerns regarding traffic as Pebble Creek Rd is very busy and at times scary with the campers, ATVs/UTVs. He asked if the County is going to maintain the roads. It was clarified that the County will not maintain the road. Mr. Christensen explains his property has been shot at and his door kicked in. He additionally had concerns about use of firearms and fireworks and does not want them used. He is in favor of having a firearm for protection but not to be used recreationally. He said he likes that Mr. Gonzalez is going to be vetting his tenants and that there is a two-day minimum and a maximum of 6 people max. He said his family uses their lot almost every week of the season. He saw Mr. Gonzalez said dogs would be allowed on leashes, but he would be supportive if the fence was done well enough the dogs could run within the fence. He does have concern that there will be increased road use resulting in more wear. He would ask that he be allowed to have Mr. Gonzalez's number so he can contact him if there are any issues that arise from any tenants use.

Lannie Workman, 504 E Jackson Creek Rd, Inkom said he has owned a lot for 25 years. He said at the time he bought the lot he had tried to pursue building on it but met couldn't due to the restrictions that are still in effect today. He said that he's been a part of the discussion about revising the code. He said the Codes, Covenants and Restrictions for the subdivision needs to be addressed as they do not support these kinds of uses. Additionally, he has concerns about the road and the wear and tear that will happen if everyone can have a short-term rental. He feels like this proposal is premature while everything else is in the works and perhaps it should be delayed until an established set of standards are in place and apply equally to all. He concluded by asking that there be consistency and an approach that is fair for all.

Kurt Scott, 181 S 800 W, Blackfoot, he is a professional engineer and owns Barracuda Engineering. He said that he owns a lot in the subdivision. He pointed out that the current covenants don't permit tents on the lots and this will be something that needs to be addressed. He said the roads are meant to be maintained by the Association. At the creek there is a culvert there that and it is suspected it can support emergency vehicles. He said the intention has been to try to make this area for recreational use. The plan has been to get the code revised which would permit the use structures with a pack-in, pack-out system that could move the subdivision towards the goal of putting in the community water system in the future. He said one of the things that need remains to be addressed is emergency services. He feels like there needs to be signs posted that the roads are private and that they are recreating at their own risk. Barracuda Engineering has donated the plans to the County to move the plan forward to have these kinds of structures if the County approves the code revision. He concluded that he has concerns with a use like this being approved until which time the CC&Rs are revised because presently this kind of use would be prohibited. Additionally, where the Code is currently being drafted to change the scope of the use out there, he too felt it was premature for uses such as being request.

Jared Navratil 506 N 10th, Pocatello, said he owns a lot directly west of the lot and will see the proposed use. He is from Salmon Idaho and was a Bureau of Land Management (BLM) Ranger there. As a result, he has had to maintain campgrounds and know the issues that come with them and accountability of the users is an issue. He has major concerns with waste management and fire. He asked if the proposed water tank and any pipe coming out of it would constitute a public water system by the Idaho Department of Water Resource (IDWR) standards, and feels it would be triggered because of the number of non-familial people, which indicates 25 people more than 60 days a year using a water system make it public. He has a water tank on his lot that is 250 gallons and it does not last very long. Further, he feels the average renter will not have the backcountry experience to deal with issues that could arise, such as what will the tenants do if they run out of water. He said he has a trailer that is 130 square feet with a wood stove, solar system and a sliding glass door and is there at least once a month but most of the time two-three times a month, even during the winter months.

David Niehans, 88 Cottonwood, Pocatello, said he is one of the original owners and his lot is very close to the lot in question. He has concerns about people vandalizing the water tank. He inquired what insurance will be required and how it would protect the neighbors. He pointed out the road is narrow, with a steep grade and the steep portion leading to the 1-3 Additions of Pebble Creek Subdivision washes out and can cause travel issues.

Chris Gonzalez said regarding insurance it is on his radar but has not been addressed, he said he owns a lot near 8 Mile area that caught on fire 3 weeks after he purchased it, so he understands the fire risk. He plans to have trail cameras to monitor the property. Regarding water, he would look at how often to address it. He felt with a fence and gate there wasn't much more he could do to avoid vandalism. He said Kurt Scott is working to address the CC&Rs so feels that's working toward a resolution. He recognizes the road is a concern and agrees it is something the Association will have to work on. He said he does not have the means to say he will just repair the road but he is willing to help where he can. He agrees that firearms and

recreationally shooting would not be allowed. Regarding signage he could have a sign that states "Slow" while leaving the property. David Niehans said that Island Park is having issues with the occupancy rates where the listing says it is for 7 people but 12 people show up. They are now policing it and the first penalty is \$350 and a second offense the permit is voided. Commissioner Blair Rindlisbaker asked if six tenants was the maximum number of tenants, Mr. Gonzalez said it was.

7:03 Chairwoman Pelayo closed the public hearing and opened the discussion to the Commission. She said she has concerns regarding safety, and fire risk. She asked what the distance would be for fire response. P&Z Admin Ashley said its approximately 50 minutes from Soda Springs to the subdivision and the County Fire Department would be the responding agency located in Soda Springs, ambulance response would be from Bancroft. Chairwoman Pelayo feels like there's several things that need to be addressed. Nolan Koller said that after listening to the concerns expressed, he felt there were too many unresolved issues. He said if there was an emergency up there, he felt the County could have a bit of liability. Becky Jorgensen pointed out that the other landowners could inadvertently start a fire, however, she felt that a landowner would be more cautious and careful as it is their land.

Chairwoman Pelayo asked Mr. Gonzalez what the plan would be for garbage. He said that he would have an enclosed place to store it until the cleaning is done after each tenant.

Nolan Koller made a motion to recommend the Commissioners deny the application based on the concerns regarding access, that is not permitted per the current CC&Rs in the code, there are concerns regarding safety and access for emergencies, Glayd Christensen seconded. All in favor, motion approved. Nolan Koller added that if the landowners could come together and a plan to address the issues raised, he would not be opposed to reviewing it in the future. Kurt Scott said he is willing to take the lead to coordinate with landowners and move forward with solutions and a plan to proceed.

Lannie Workman asked if there was consideration for propane and a little generator. Kurt Scott replied his intent is an entirely off-grid system that is fully contained. They do have fireplaces, freshwater, gray water and black water. The power is designed in such a way that it could be used in the winter months.

P&Z Admin Ashley presented the Commission with the revision to the Planning and Zoning Bylaws, which would add a 6th member that is ad hoc, and would only be used in the event there wasn't a full quorum of five members. The following is the proposed revision underlined:

"The Caribou County Planning and Zoning Commission shall be composed of five (5) voting members and one (1) ex-officio member, one representing the County Commissioners who is appointed by the Commissioner Chairman of Caribou County and confirmed by a majority of the County Commissioners. A sixth member of the Commission will be appointed as an ad hoc member and their attendance only required in the event enough members cannot attend to complete the quorum of five (5). In the event they attend the meeting and there is a full quorum of five (5) they will not participate. All members must reside in Caribou County, Idaho for the duration of their service on the commission."

After a brief discussion the Commission agreed they supported the changes. Glayd Christensen moved to approve the changes to the bylaws, seconded by Becky Jorgensen. All in favor, motion approved.

P&Z Admin Ashley asked the Commission to review the setbacks outlined in the code for each zone in preparation of the meeting next month. Of note would be use those regulating agricultural buildings as well as if there should be different setbacks for say structures that are smaller than 1,500 square feet. The Commission agreed they would review.

8:31 PM Nolan Koller moved to adjourn seconded by Glayd Christensen. All in favor, meeting adjourned.