

**MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, DECEMBER 1<sup>ST</sup>, 2022.**

ROLL CALL SHOWED THE FOLLOWING PRESENT: Nolan Koller, Co-Chairman  
Blair Rindlibaker  
Dow Barker  
Noel Cole  
Nellie Askew, P&Z Admin

ABSENT: Adam Hulse, Sadie Somsen, Becky Jorgensen

6:03 PM Acting-Chairman Koller opened the meeting. He asked if there was a motion to approve the minutes. Commissioner Rindlibaker moved to approve the November 3<sup>rd</sup>, 2022 minutes, seconded by Commissioner Cole. All in favor, motion approved. Commissioner Koller asked if there was an amendment to the agenda, no amendment was added.

6:05 PM Acting-Chairman Koller initiated voting for Chairman and Co-Chairman. Commissioner Cole nominated Commissioner Rindlibaker for Chairman, Commissioner Barker seconded, all in favor, aye. Chairman Rindlibaker initiated voting for Co-Chairman. Commissioner Barker made a motion to place Commissioner Hulse as Co-Chair. Commissioner Cole seconded, all in favor, aye.

6:10 PM Admin Askew gave overview for Public Hearing for Phillip & Dian Bartschi. The Bartschi's are requesting to operate their home located at 3761 Lanes Creek Cutoff, Wayan as a Short-Term Rental. Chairman Rindlibaker wanted to confirm location of short-term rental. Admin Askew displayed on the screen where the house is located in Wayan. Admin Askew stated Mathews Brothers submitted a letter in support of the Bartschi's Conditional Use Permit. Commissioner Cole stated her concern was with the surrounding area being farm ground and national forest she worries about fires in the area. Commissioner Cole stated she will recommend the approval on the condition they inform their renters of any burn bands in the area. Commissioner Cole made a motion for recommending approval with the condition of renters being informed of burn bands. Commissioner Barker second motion, all in favor, aye.

6:22 PM Admin Askew gave overview for Public Hearing for RNR Enterprises. RNR Enterprises is applying for a Conditional Use Permit to operate their home located at 1156 Harwood Road, Grace as a Short-Term Rental. Admin Askew was asked by their representative Leslie Lloyd, who was not able to make it in person to tell the commission in the last two months they had one renter. This was an individual who lives locally and their home was not big enough to host Thanksgiving dinner, so they rented it out so they had a place for their family to gather. The only other booking she has is for Christmas Eve. This is another local resident who does not have a place large enough to host their family for dinner. Chairman Rindlibaker asked what the repercussions were for those who operate short-term rentals without the conditional use permits. Admin Askew stated once the short-term rental is made aware, a notice is sent to the property owners regarding that they are out of compliance with county code. Everyone who has received those letters have been willing to work with the county to get this item corrected. If they are not willing, there could potentially be a \$100.00 a day fine, a misdemeanor charge, with up to 6 months in jail and an additional charge of \$1,000.00. Admin Askew continued that RNR Enterprises states they do have plant workers who stays there during shutdowns. Admin Askew stated RNR Enterprises lives close to the property. Commissioner Barker asked if there are different taxes for operating a short-term rental. Admin Askew stated she would and will get with Aaron Cook, the County Assessor regarding how short-term rentals are being taxed. Chairman Rindlibaker asked if there were any other questions. Commissioner Barker made a motion to approve Conditional Use Permit. Commissioner Cole seconded, all in favor, aye.

6:29 PM Admin Askew stated she had several complaints regarding the forty-acre minimum in the agriculture. As she is seeing an abuse of the Care-Taker & Farm House Splits. Admin Askew wanted to find a common solution that would help the residence of the county, as well as keep the way of life we love. She presented the minimum would still stay forty-acres per one dwelling. However, if the landowner has owned the property consecutively for ten years or more, it would be entitled to three land splits with a minimum of ten-acres per split. Commissioner Barker wanted to clarify, if they would be allowed to place a dwelling on those ten-acres. Admin Askew confirmed that they would have a building right. Commissioner Barker stated what ends up happening is like me selling sixty-five acres, you will have an urban sprawl, these pieces cannot be irrigated and these large pieces will burn. Commissioner Cole stated and weed patches. Admin Askew asked how would recommend protecting our agricultural land and our way of life without having large subdivisions pop up. Commissioner Barker suggested that they allow landowners with forty-acres to sell five-acres. That way you are not forcing individuals to purchase the entire forty-acres. And if there would be an additional dwelling, then it would require you to go through the subdivision process. Previous Co-Chairman Koller stated the way it used to be was you were able to subdivide it once, but after that it would require the subdivision process. Commissioner Barker the city park is roughly five-acres and they are not able to maintain it as a city. That is a big space for your average person. Admin Askew stated she believes the rule was created to protect the agriculture ground. Commissioner Barker states we should table this so he is able to think about it, as he was talking with Cody Thompson who does a lot of subdividing in the area told him that even two-acres is getting ridiculous for people. Admin Askew stated even if we were to move away from Agriculture, it would be the next zone, which is Low-Density, which is a minimum of twenty-acres. Previous Koller gave history on his property at twenty-acres, because then the rule was family members were allowed to split their land down for their children. He was able to purchase this twenty-acres from that family member and they are how was able to only purchase twenty-acres. His thoughts are these smaller lots grandfathered. Admin Askew advised anything that was split before 2008 is grandfathered in and is entitled to a land split. Commissioner Rindlisbaker asked if someone purchased the smaller parcels, does the person now have to follow the rules of it being an illegal land split. Admin Askew stated, the building right will remain with the land, as the original split happened before the 2008 date. Commissioner Cole asked how many Caretaker & Farmhouse split applications are being submitted. Admin Askew stated at the beginning it was slow, but now it has picked up as people are finding a way around the forty-acre split. Commissioner Cole asked what the definition of a Caretake split was. Admin Askew read definition from Caribou County Code. She continued with an additional suggestion that may help with the abuse of these splits. One dwelling per forty-acres. Example, if you owned eighty-acres, you would be entitled to two building rights. This rule would apply up to one hundred and sixty-acres. After that, each additional dwelling would require their own forty-acres. You would be able to have your family move home without having to use to the Caretaker or Farmhouse split. Previous Co-Chairman explained the original intent of these splits where for family members who needed help, would allow the individuals home without having to move into the person who needed help home. Commissioner Barker stated if you have forty-acres or more than one dwelling, you should be required to subdivide. Commissioner Cole stated she agreed with that but when her and her husband grow older and her children want to move home and build by them, she does not want them to have to be forty-acres away and rather have them closer in order to tie into power and water. Commissioner Cole stated their needs to be compromised. She suggested that the Caretaker & Farmhouse split needs to be brought before the Planning and Zoning Commission to help take the load of Admin Askew. Admin Askew stated she is trying to bring the power of decisions back to the Planning and Zoning Commission, where the power should be, but it requires code changes and process change. Previous Co-Chairman Koller stated he agrees with bring the houses closer and having forty-acres is a lot for someone to take care of. There are a lot of challenges surrounding this and finding a common ground is hard like snow removal, what happens when your water is shut off, heat. With these subdivisions, the developers are not improving the roads and it is left to the purchasers to fix, who do not have the money to fix the roads. Commissioner Barker we suggest the names of the roads follow the east, west, north, and south that has been the way of naming and hold the individuals who are submitting the subdivisions they follow it.

Admin Askew stated there was an issue with an subdivision recently that went away from the plat name, and Allyson Schwulds is now going back to correct it, as well as adding north and south the road in order to help 911 and emergency services be able to locate the property. Commissioner Barker brought up that lending institutions do not want to finance forty-acres. Commissioner Cole stated in her experience, the home is on one loan and the other farming property is on another.

7:07 PM Commissioner Cole made a motion to table the forty-acre minimum until next meeting. Commissioner Barker second. All in favor, aye.

7:08 PM Commissioner Barker moved to close meeting, seconded by Commissioner Cole, All in favor.