

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, MAY 6TH, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Glayd Christensen – Vice-Chairman
Nolan Koller
Reagan Phillips
Scott Hayden
JoAnna Ashley – P&Z Administrator

ABSENT: Wendy Pelayo - Chairwoman

ALSO PRESENT: Alexa Ackerman Rick & Carol Beckstead
Robert Bergstrom James Ackerman
Joss McKinnon Rick Shrader
Jason & Deborah Perkins Nicole Pignanelli
Mark Zitting Rita Miller

7:00 PM Acting Chairman Glayd Christensen opened the meeting. He asked if there was a motion to approve the minutes from March 4th, Scott Moved, Nolan seconded, April 1st Nolan moved, Scott seconded, April 15th, Scott moved, Nolan, Regan seconded.

7:05 PM Chairman Christensen opened the public hearing to give consideration to the application of Rick Shrader, who is requesting approval of a variance of twelve feet (12’) to the twenty-foot (20’) side-yard setback. The variance would allow the construction of a thirty-foot by thirty-foot (30’x30’) building, eight-foot (8’) from the north, side-yard property line. The proposed variance would be for property located at 2388 Niter Bench Rd, Grace, Idaho.

Rick Shrader said that the barn would be built near the property line to the north of the house. Due to the slope and incline of his property he was very limited in where he could place the structure. Additionally, he had spoken with his neighbor, Justin Speelmon who owned the land adjacent to the proposed location of the barn and had a signed letter of approval of the variance from Mr. Speelmon.

P&Z Admin Ashley provided an overview of the application and the request. She provided pictures of the site which she had taken during the course of her site visit. She concluded in her Staff Report that the application appeared to meet all the standards of approval within the code. There was no other public comment and none had been received in advance of the meeting.

After a brief discussion among the Commission, Regan Phillips made a motion to recommend the Commissioners approve the application of Rick Shrader for the variance as he found it was in compliance within the standards of approval in the Code; seconded by Scott Hayden. All in favor, motion approved.

P&Z Admin Ashley provided the Commission with an update on the recent Agricultural Committee meeting. She stated that 14 people attended either in person or online, and she provided them an overview of the current projects including codification; preparing to do the comprehensive plan and the needed community involvement. Some in attendance were willing to participate in spreading the word about the comprehensive plan. The discussion regarding the solar ordinance came up and there were two in attendance that had opposing views, one in favor of large solar and the other opposed. The topic of one-acre lots for residences along County roads in the County came up. In Franklin and Bear Lake County they allow this type of one-acre land splits and it was an opportunity to educate about the challenges these create. She explained the implication they can have as they do not go through a formal subdivision process and do not have the required overview for the County to plan and prepare for emergency services, utilities, school and

bus services, etc. as it would via a subdivision process.

7:25 PM Chairman Christensen opened the public hearing to give consideration to the application of Jason Perkins, who is requesting approval of a Conditional Use permit for a Family Recreational Complex. The Conditional Use would allow the use of the property for the location of either bully-barn style buildings, RVs or yurts for the purpose of accommodations on the property. The land is five acres in size and located one lot west of 1958 Swenson Valley Rd, Bancroft, Idaho.

P&Z Admin Ashley provided an overview of the application. Initially in the application he had stated it was for a “Multi-Family Dwelling,” however, after staff discussion with him after it was turned in, it was agreed it better fit a “Family Recreational Complex.”

Jason Perkins, 1475 Mountain Rd, Bancroft, ID said he felt like there was confusion regarding the terms of the application. He said it felt like what he was requesting did not exactly fit in the code but was more along the lines of a single-family dwelling with the house having the rooms separate from the commons area. He explained that number 7 would be his and his wife’s home. He said that there are 70 lots within the subdivision, and he did not feel they were going to bring any more traffic than a single-family would who moved in there with 6 kids and built a two-story home. He said they plan to have a garden and other horticulture activities. He said he does not know nor is affiliated with anyone else in the subdivision and does not know anything about the hunting club or whatever is the rumor has been. He does not have intentions of the property to be used for commercial. He said that as people bring more houses in the subdivisions it would bring more traffic as well. Scott asked regarding cabin seven and if it would be their primary residence and lived in year-round. Mr. Perkins said it’s just a single bedroom, bathroom, kitchen living area that would be their residence. The other cabins proposed 1-6 would be dry cabins and not hooked to the system. He said the proposed cabins are single level, the largest being 16x40 and most being smaller than that. Nolan Koller asked what Mr. Perkins intention was under goal 2.4 in his narrative. It reads: “‘2.4 Goal: Develop zoning guidelines for defining development of rural residential and rural recreational properties as loosely described in this section of the plan.’ We have seen a surge in the “Tiny House” and private recreational property use. We would like to be part of the future movement and help establish future guidelines for this type of land use and development in Caribou County.” Mr. Perkins said he understands the County’s code does not specifically address tiny homes and he is willing to help traverse that path with the County and establish a sound practice for others who may want to go the tiny house route.

Mark Zitting 1926 Cornelison Rd, Bancroft, said he is landowner of lots 3, 4, and 5. He said he has a large family and can understand how Mr. Perkin’s wants his kids to come visit but not camp out in the house and supports Mr. Perkins vision for the property. He said that he doesn’t want the property to turn into a junk heap. He said he does respect the other landowners who may not share that view. He lives here part time.

Deborah Perkins 1475 Mountain Rd, said she agreed with Mr. Zitting’s sentiments, and really would like a way for their kids and grandkids to come and visit and have a space to stay, while not staying on top of them.

Richard Beckstead 1973 Swenson Valley Rd, says he is a family man, has 14 grandkids and had kids spread from Alaska and Oklahoma. He said they had a 10-acre place, west of Grace and a feedlot tried to go in across the road from him. He said he spent \$40,000 and took it all the way to the supreme court. Mr. Beckstead said his concern with application is the wording and the precedence it could set, if approved. There are 70 lots up there, do we want 7 cabins on every lot? He says that his kids come and visit him with no issues. If they allow Mr. Perkins to put seven cabins on every lot, then are they going to allow everyone? When does it stop, what is the limit? Alexa Ackerman, 1960 Deer Horn Cir.; Carol Beckstead, 1973

Swenson Valley Rd; Jos Mckinnon 1970 Swenson Valley Rd; Robert Bergstrom 1954 Sage Cir; Rita Miller, 1968 Deer Horn Cir; Marvin & Patty Anderson 1294 Eight Mile Road raised their hands in agreement with Mr. Beckstead's sentiments.

Jos MckInnon, 1970 Swenson Valley, said he doesn't have an issue with the idea Mr. Perkin's has and may be a good way to deal with having a large family come to visit. However, he felt that it may not be a good fit for their neighborhood. Further, he had concerns with how Mr. Perkins reference 8.3 Goal in the Comprehensive Plan which states "Develop private RV parks and camping sites with dump stations, electric hookups and restroom facilities to encourage more tourism opportunities." He as concerns in the future, if someone else owns the property and they want to come stay or turn it commercial. They as neighbors don't want to have to watch and or police who is coming and staying. Further the increase of four wheelers and other uses outside of the hunting seasoning. He does not feel like this is the right area for a project like this. Alexa Ackerman, 1960 Deer Horn Cir.; Rick & Carol Beckstead, 1973 Swenson Valley Rd; Robert Bergstrom 1954 Sage Cir; Rita Miller, 1968 Deer Horn Cir; Marvin & Patty Anderson 1294 Eight Mile Road raised their hands in agreement with Mr. Beckstead's sentiments.

Patty Anderson, 1294 Eight Mile Road, said that she owns land out there in Great Columbia. Her question is if Mr. Perkins does this, can she do this? What will happen in the future if Mr. Perkin does not always own this land. She felt like in a subdivision like that, this does not fit. She feels like it isn't fair to the surrounding landowners who have single-family homes. Carol & Richard Beckstead 1973 Swenson Valley Rd, Jos McKinnon, 1970 Swenson Valley Rd; Robert Bergstrom, 1954 Sage Cir; and Rita Miller, 1968 Deer Horn Cir raised their hands in agreement with Mrs. Anderson.

Carol Beckstead, 1973 Swenson Valley Rd, wanted to point out that they have letters from a realtor and an appraiser who have both spoken that in their professional opinion this would adversely affect the surrounding property values. She said the letter from the attorney was representing Alexa Ackerman, Jos McKinnon, Robert Bergstrom and Rita Miller. She said if it is approved as drafted it would adversely affect their property rights.

Jason Perkins, 1475 Mountain Rd, said that they are currently trying to figure out how to set it up so the property has to stay in the family forever. He said that yes what he's asking did not fit exactly in the code. He said he does not care about his neighbors' property or what they do with them. He felt like the cabins would not adversely affect or look differently from sheds on other people's property. He is working to make it have to stay small and for only family uses perpetually. He wants his family to be near, but not on top of each other and to have space for everyone and doesn't want a conventional house.

8:01 PM Public hearing was declared closed. Nolan Koller said he is for property owner rights; however, we have rules to protect us and protect other people. He said where this is a residential subdivision, he does not feel that multiple cabins built on a lot conforms with the intention of a residential subdivision. He appreciated Mr. Perkin's sentiment of wanting to keep the property in the family perpetually, however eventually the land will have to change hands. He said he is opposed to the conditional use request. Scott Hayden said he liked the idea of it, however if the cabins are allowed to be put in, it sets a precedent which then raises the challenge of how to regulate it. How many is too many? Regan Phillips stated there was a significant amount of gray area in Mr. Perkin's application that was not covered in the code. He said he did not have any issue with the proposed cabin for Mr. Perkins and his wife, however he had concerns with all of the extra cabins. He asked Mr. Perkins if he would be willing to amend his proposal so it could meet in the middle to accomplish both what he desired as well as meeting his neighbors' concerns. Mr. Perkins said he was willing to amend his proposal.

Deborah Perkins, 1475 Mountain Rd, said the argument about property values being diminished is an issue even with allowed uses, because it comes down to how people keep their property. Someone may not take care of their property and as a result the use may be allowed, but the state of the upkeep, or lack thereof, can affect the neighbor's property values too.

There was additional discussion among the Commission as they weighed the challenges of the application. Nolan Koller made the motion to recommend the Commissioners to deny the application for Jason Perkins' Conditional Use Permit for a Family Recreational Complex, based on the definition of a single-family dwelling and the proposed use not being in alignment with that definition, nor clearly meeting the standards of approval in the code; seconded by Scott Hayden. All in favor, motion approved.

P&Z Admin Ashley provided the Commission with an overview of the Agriculture Survey. There were 40 respondents and the information was rather helpful in understanding the views and opinions in the County. See attached copy of the survey results.

P&Z Admin Ashley said the Commissioners gave her a tentative nod of approval for allocating a budget of \$40,000 for the development of the Comprehensive Plan. This will be used to make sure the plan is well done and includes professional input and guidance to make sure the plan is well rounded and complete. The result of this will also ease the burden on the P&Z Commission and the Commissioners. The timeframe for completion would be approximately 18 months after the start of the fiscal year October 1, 2021.

Regan Phillips said he felt like there were a lot of issues with tiny houses, RV parks, yurts and other structures. He wanted to know if there was a way to place a moratorium on applications for any of these structures until the code could be amended to better address these types of structures. The Commission members discussed concerns they had with applications. They felt like too often they were vague or lacking details and it makes it hard to make decisions. P&Z Admin Ashley read Idaho Statute 67-6524 governing moratoriums. The Commission members were in agreement that the situation with RV Parks, tiny houses and yurts could cause a threat to life safety, if they continue to develop at the rate they have been. There were concerns about a lack of definitions regarding tiny homes. P&Z Admin Ashley said she had been in discussion with County Building Inspector Blake Poulsen about these challenges. The summary of their conversation was he felt a definition defining what a tiny home is and where they would be permitted, amending the definition of single-family dwelling to stating it is a single structure. Regan Phillips asked if there was a limit on how many accessory structures could be placed on a tract of land. P&Z Admin explained the only limitation was that it could not cover more than 35% of the land area. Nolan Koller said it would greatly depend on where the RV Parks, tiny homes, etc. are being placed as to the impact they have.

Regan Phillips moved to recommend the Commissioners issue a moratorium as allowed under Idaho Statute 67-6524 on all building, conditional use or other applications for the installation of RV Parks, Yurts, and Tiny Homes (defined as any structure used for habitation that is 400 square feet or smaller) as the issuance of these with the current standards and comprehensive plan can present an imminent peril to the public health, safety, or welfare; seconded by Nolan Koller. All in favor, motion approved.

Regan Phillips said he also felt that bully barns so be restricted to accessory uses only and not as dwellings of any kind. The use of them for dwellings pose several challenges, including how to get water in and out of the building without it freezing.

P&Z Admin Ashley provided the Commission with an overview of the subdivision process for the County and the documents that are required to apply. She then outlined the stages of the process and what is

required of the developer in regards to work and bonding. This led to conversation regarding currently established subdivisions in the County and concerns about non-residential uses being established in subdivisions. The Commission was in agreement that subdivisions should remain for residential purposes and all other uses listed in the code for the zone should not be permitted. Nolan made a motion to recommend the Commissioners consider an amendment to the code which would restrict all subdivisions in the County to residential development only unless the plat specifically designates a different use such as agriculture or commercial uses, seconded by Regan. All in favor, motion approved.

9:23 PM Regan moved to adjourn, seconded by Scott. All in favor, meeting adjourned.