

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO HELD NOVEMBER 7TH, 2018.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Ross Harris - Acting Chairman
David Miles
Jeff Godfrey
Nolan Koller
JoAnna Ashley, Secretary

ALSO PRESENT: Dave & Aneta Smith
Leland Priestley
Mark Priestly
Brent & Tarryn Neibaur

6:15 PM Acting Chair Harris called the meeting to order. Jeff Godfrey was present via the telephone. David Miles move to approve the September 5th, 2018 and October 3rd, 2018 minutes seconded by Nolan Koller. All in favor minutes approved.

6:20 PM Chairman Harris opened the Public Hearing to hear give consideration of the application from Brent and Tarryn Neibaur to change the zone from "Agriculture Natural Resource" to "Commercial," on 10 acres of land located at 1210 Neibaur Mountain Road, Bancroft, Idaho. Mr. and Mrs. Neibaur were not present for the hearing. Mark Preecly 1740 Lund Rd, Bancroft, Id asked why they wanted to rezone the parcel. Nolan Koller explained that it was the intention of wanting to be preventative of any future zoning impacts and also as they desired to put in showers and restrooms for camping.

Mark Priestley of 1740 Lund Rd, Bancroft, Idaho stated that he was opposed to the rezone. He felt like he could not handle the economic impact of the rezone. He said he has had fences cut down, roads ruined, his son was shot at and he does not want the additional traffic. He states that the road has been widened without addressing a widening of the easement. He said his family enjoys the area and recreation like riding horses. He felt that it was not. He stated he knows that they are allowed to have the bed and breakfast and he is against the expansion. He asked for the Commission to vote against approving the re-zone.

Secretary Ashley read the application of Brent and Tarryn Neibaur as they were not present for the meeting. "They currently own a 2.5 acre parcel with a home rented out year round as a short term rental property to families and small groups. The 2.5 acre parcel is zoned commercial and is legally registered with the State of Idaho as "The Inn at Owl Hollow." The 10 acre property in question was purchased by Brent and Tarryn Neibaur from Mr. Neibaur's parents and is located directly north of, and adjoins to, the 2.5 acre property. There is a home on the property where Mr. Neibaur's mother currently resides. She will be moving out next month and their plan is to turn that home into a rental property for daily or weekly rentals to families and small groups. They also plan to create campsites on the property. Mr. Neibaur explained that it is his understanding that the county does not require the zone change to Commercial, but they would like to transition to Commercial to save future problems or limitations with regard to their business. There are no additional public utilities or new roads that would be necessary. Therefore, no additional services from the County are required."

Mr. Priestly stated that he struggles to enforce trespassing and feels likes they shouldn't have a right to shoot onto his property for recreation. He stated he still has issues with the snow removal as they plow the snow onto his fence and one year the county came and plowed up all of his rock and damaged his fence in the course of this snow removal. It was asked if the road to the Neibaur's was a County road and further if

he had discussed these issues with Neibaur's. Mr. Priestly stated it's a private road and does not understand why the County maintains it, further he said he had discussed these issues with the Neibaur's but nothing has been addressed.

6:29 PM Ross Harris closed the public hearing. David Miles stated he did not feel like he wanted to allow the rezone, Chairman Harris agreed. David Miles moved to recommend the County Commissioners deny the zone change, seconded by Nolan Koller. All in favor motion approved.

Secretary Ashely provided the Commission with a proposed set of bylaws for the Commission to be governed by. After review and discussion of the bylaws David Miles moved to recommend the County Commissioners approve the bylaws with the following amendments, clarifying that only one member of the commission can live within Soda Springs City limits and the term of office be for five years; seconded by Nolan Koller. All in favor, motion approved.

Chairman Harris moved the discussion towards revisions to the zoning code. Secretary Ashley stated that one of the first things she felt should be addressed is the addition of a zone for Federal and State Lands of which the County has no control over. She pointed out that the current zoning map is deceptive as these lands are zoned Agricultural Natural Resource (ANR), leading one to believe that the County in its entirety is a majority of agricultural lands. She stated Bannock County has zoned these types of land as "Special Lands". Further she pointed out that when looking at an aerial image of the County there is a lot of land that falls between the edges of these proposed Special Lands and where actual agricultural farming happens. She recommended the Commission add a second agricultural designation, possibly calling it Agricultural Grazing, or something like that, and have it require only 40 acres or so. These lands fall at the base of the mountains and realistically cannot be used for farming. In addition, several of these parcels are smaller than the standard 120 acres and this would provide a solution to many of these parcels currently being unbuildable due to not having enough land. The Commission was in agreement that such designations and changes to the zoning map would be wise. It was pointed out that land owned by the Bureau of Indian Affairs should also be included in the Special Lands designation.

Secretary Ashley moved to discussion regarding Chapter Five District Regulations of the zoning code. She pointed out that "Determined by the Planning and Zoning Commission Decision" was not allowed per Idaho State Statutes; as a result, they needed to review these and make recommendations to change the uses currently using this designation to be permitted, conditional use or not allowed. After review the Commission recommended various changes to these designations of which Secretary Ashley took note and would include in the revised zoning code she provided for the next meeting. It was further pointed out that definitions were lacking for several of the uses outlined in the chapter adding confusion and difficulty in enforcing the code; she would look for definitions for the uses listed.

Dave and Aneta Smith who were in attendance wanted to know what they could do with a parcel they owned to make it a buildable lot but was currently zoned ANR but only had 40 acres. Secretary Ashley informed them they could apply for a variance to the minimum lot requirement to build a house on the lot.

Brent And Tarryn Neibaur arrived later in the meeting and asked what recommendation had been made on their application for a zone change. They were informed it was recommended it be denied. They asked what their options were for pursuing spots for tents. Secretary Ashley informed them they could apply for a conditional use for their property zoned ANR.

7:43 PM David Miles moved to adjourn the meeting, seconded by Nolan Koller. All in favor meeting adjourned.

Signed: _____
Ross Harris, Acting Chairman

Signed: _____
JoAnna Ashley, Secretary