

LINCOLN COUNTY COMMISSIONERS

Planning & Zoning Hearing / Work Session

November 18, 2019

Present: Rebecca Wood, Chairman; Rick Ellis, Commissioner, Mary Davidson Building Administrator, and Cindi Sievers, P&Z Administrator. Roy Hubert, Commissioner not present.

2:00pm Chairman Wood called the meeting to order.

Chairman Wood read the agenda into the record.

Tammy Redfield present to discuss reimbursement for legal fees incurred during an inquiry of a violation of a trailer moved into the subdivision where she resides. She stated that no CC&R's were made part of the purchase of her property in 1999. But after a discovery of unrecorded CC&R's for Horseshoe Ranchettes they were recorded for public record. She states she was told by Mary that the CC&Rs would have to go before the Commissioners to be abolished. This is when she contacted her lawyer. The attorney fees are \$427.50. She then stated that she and Greg and Sarah Stowell were not aware of CC&Rs at the time of their purchase of property. She believes that the CC&Rs now has created a Homeowners Association. She and the Stowell were going to split the attorney fees to have it removed from the record. She points out the document was never signed and therefore not valid.

Chairman Wood asked Cindi Sievers for a brief history how the document was found. Cindi stated that her knowledge for records and documents are extensive and she knew where the CC&Rs are kept. She found them and thought that it was an oversight that they were not recorded. So, she asked the Recorder to add them to the public records only as a purpose for research never to make them legal or valid. The County cannot enforce any CC&Rs.

Tammy's opinion is that the CC&R's being recorded made them legal and binding and would take legal action to have them removed. This is when she contacted the lawyer. As a result of the issues being brought to the attention of Mary, the decision to remove them from public record would be the best solution.

Commissioner Wood said that it will be taken to the County Attorney for review and discussion before any decision will be made.

Chairman Wood read the description from the admin report for David and Colene Newey into the record t, including the Public Hearing Rules & Procedures, and the names who were sent a letter of notice.

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Cindi pointed out the boundary they propose to divide and stated the purpose of the division and read into record the Lincoln County Zoning Ordinance 4.1.5 as it relates to the property. Cindi

Chairman Wood asked for the Newey's for their comments and their purpose for the division. They would like to keep the trees planted 47 years ago as a wind break with the parcel.

Chairman Wood asked for comment in favor of the proposal.

Robert Newey, 1203 E 1120 N, Richfield, ID stated he is in favor of the division.

Chairman Wood asked for comment against the proposal.

Cindi reported there was a phone inquiry from Will Granden that opposed the division.

Chairman Wood declared to forgo the reasoned decision.

Commissioner Ellis made a motion to approve the CUP for David and Collene Newey to divide 10 +/- acre parcel #RP04S19E11000AA pursuant to LCZO 4.1.5. Chairman Wood seconded. Vote unanimous in favor, motion carries.

Chairman Wood closed the public hearing and move on to discussion on the proposed changes to the Lincoln County Sub Division Ordinance 1212-08-3.

Cindi read for review and discussion on the changes proposed to the ordinance into record.

3:00pm Chairman Wood adjourned the meeting.

Respectfully,

Cindi Sievers, Clerk for Minutes



Rebecca Wood, Chairman

Attest:



Cindi Sievers, Deputy Clerk