

# LINCOLN COUNTY COMMISSIONERS

## Planning & Zoning Hearing / Work Session

Monday, August 15, 2022

**Present: Rebecca Wood, Chairman; Roy Hubert, Commissioner; Joann Rutler, Commissioner, Norma Anaya, P&Z Administrator; Rebecca Richmond, Clerk for Minutes.**

**2:15 p.m. Chairman Wood opened the Planning and Zoning meeting.**

Chairman Wood read the agenda, the rules, and procedures for a public hearing.

Norma read the Craner Rezone Application. Jerry & Luann Craner, PO Box 129 Richfield, Idaho 83349, are requesting to rezone their 20-acre lot zoned A-40, located at 724 N 850 E Richfield, Idaho 83349, RP04S19E307204A, E1/2 SESE, to A-5 in accordance to Lincoln County Zoning Ordinance 4.1.4(a).

Chairman Wood notified everyone that public notices were published per the LCZO and a copy of the mailing list is available.

Norma gave background on the application.

Mr. Craner testified that he would like to split his 20-acre lot into two 10-acre lots to sell to their son. They will continue to live on one, and his son would purchase the other 10 acres and build a home. It would not have any effect on the agricultural zone it is dry grazing land and filled with rocks.

Chairman Wood asked about other housing around the property in question Norma showed on the map it is surrounded by A-40 & A-5 zoned parcels. Plenty of housing in that area; didn't see any issues with getting a well and septic.

Mr. Craner explained the closest house to their property is about 1/8 of a mile.

Chairman Wood asked Norma if anyone called for or against the application.

Norma No.

Commissioner Rutler asked if they would share a well or septic system.

Mr. Craner said his son would place his own. Discussion on the distance of each home may not allow for shared services.

Commissioner Rutler asked if any water shares are available.

Mr. Caner said he has 5 shares for the whole 20. They anticipate maybe selling his son 2 shares. Discussion on the mainline for Marley Road that runs along his property.

Commissioner Hubert asked for clarification on the residential and financial division instead of the rezone.

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Norma explained Mr. Craner is not refinancing his home. The rezone application would allow his grandfathered A-40 to A-5.

Mr. Craner asked for clarification of Mr. Hubert's question. Discussion on the Ordinance.

Chairman Wood asked for testimony for the Proposal.

Mrs. Craner spoke in favor. She explained there is already a gate for the approach. This rezone would help their mortgage.

Andrew Craner YAY

Chairman Wood asked for any testimony against the proposal. None.

**Commissioner Rutler made a motion to approve the rezone application for Jerry and Luann Craner to rezone their 20 acres lot zoned A-40 located at 724 N 850 E Richfield, ID 83349, RP04S19E307204A to A-5 and then split into 2 10 acres parcels. Commissioner Hubert seconded. Chairman Wood opened for discussion. Lina Jones said maybe not to include the land division in the motion as it's a rezone. Board agreed. No further discussion. Vote unanimously in favor, motion carries.**

Chairman Wood opened the hearing for Frank & Dolly Power and read the procedures.

Norma read the application for Frank & Dolly Power, 626 E 470 S Dietrich, Idaho 83324, requesting to rezone their 15-acre lot zoned A-40, RP06S18E26900CA, to A-5 per Lincoln County Zoning Ordinance 4.1.4(a) for land divisions resulting in less than 40 acres.

Mr. Power testified in favor of the application. He explained in the past they did a financial split and live in the 5-acre piece next to the 15 in question. They would like to rezone to split and sell off at least 1 to their son. May do a 5 & 10 or 3 5s.

Chairman Wood asked if there are housing nearby.

Mr. Powers explained the closest neighbor is about ¼ mile to the west, surrounded by farm ground around. The property is farmable with 12 water shares. The water shares will be split evenly within the parcels split.

Chairman Wood asked Norma how the rezone fits with the surrounding areas.

Norma explained on the map he would be the first A-5 in the area however, the parcel is already less than 40 acres. He would not be allowed to split land without the rezoning.

Chairman Wood asked if any testimony or questions.

No letters or calls were received for or against the application. No questions from the commissioner, audience, or staff.

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**Commissioner Hubert made a motion to accept the rezone application for Frank and Dolly Powers 626 E 470 S Dietrich, ID 83324 for their 15-acre parcel, RP06S18E26900CA, zoned A-40 to 5 lots. Commissioner Rutler seconded with the correction of the A-5 zone. Vote unanimously in favor, motion carries.**

**Chairman Wood asked Norma to include in the written decision that water shares will be split evenly.**

Chairman Wood opened the hearing for Shane and Ivonne Bybee's Conditional Use Permit.

Norma read the public hearing notice. Shane & Ivonne Bybee, 1220 Conner St. Kimberly, Idaho 83341, are requesting a Conditional Use Permit for their 6.45-acre parcel located at 1815 E. Hwy 26 Richfield, Idaho 83349, zoned A-5, RP03S20E012405A, to use a recreational vehicle for temporary housing per Lincoln County Zoning Ordinance 6.2. The Bybee's land is at the county borderline close to Silver Creek and they plan to use it as a recreational area. Lincoln County has no recreational zoning but the CUP will allow the Board to set conditional for the use of the RV.

Mr. Bybee gave testimony in favor of the application. He explained the improvements they have made to the land. They purchased a 2022 RV to use at their property for themselves and at a later time Airbnb. They will at a later date add a silo home, a well, and a septic to the property. The well is quoted a year out. The RV is solar and additional solar was added as there is no power there.

Chairman Wood asked about the timeline for Power.

Mr. Bybee explained the expense as the nearest post is about 3 miles away.

Discussion on the location and time of year the Bybee's would use it.

Commissioner Rutler asked about Airbnb and restrictions

Mr. Bybee said they would like to at a later date.

Norma explained there is nothing in the zoning ordinance in regards to renting. Only restriction would be the use of the RV for housing.

Discussion on putting a residence. For the time being they will put the Silo Home and in their 10-year plan they intend to build a cabin.

Commissioner Hubert asked if there was a time frame of living in a recreational vehicle.

Norma explained the annual review and updates needed to be turned into P & Z. Discussion on the requirements per LCZO and no electrical hookup as the RV is solar.

Chairman Wood as if any testimony was submitted for or against the application. None.

Chairman Wood asked the Board to discuss as this is a new proposal.

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Commissioner Rutler asked how the building would be taxed.

Linda explained how everything would be taxed whether it's temporary or permanent.

Chairman Wood asked how close the nearest ranch is.

Mr. Bybee said about 5 miles but they are in Blaine County.

Norma recommended the Board fill the Reason Decision Form as this is a different application.

Chairman Wood explained the form and then read each question as each commissioner filled their form.

Norma collected the forms and tallied the votes. E on the form did not pass and was opened for discussion.

Could not be served economically due to the expense of the power, water, sewer, and trash.

Chairman Wood asked if a timeframe would help to pass question E. She explained the form would fail if one of the questions didn't pass.

Discussion on setting a timeframe.

Mr. Bybee explained their sanitation plan and that they are not asking the county to service the property. They would be responsible for the trash and disposing of the RV grey water.

Commissioner Rutler asked if that could be included in the Conditional Use Permit.

Chairman Wood Yes explained they could set Conditions or let it fail.

Commissioner Rutler explained her concern about the trash and sanitation once it's an Airbnb rental.

Chairman Wood proposed a dumpster be set on the property.

Discussion on a dumpster contract.

Chairman Wood proposed an RV check by the Code Enforcer within the year.

Discussion on Celina's schedule and having the property owners on site.

Chairman Wood asked about setting a timeline on the water and septic.

Discussion on homes that don't have it available. The Bybee's have a 500-gal tank on the property and possibly a compost toilet. The RV has a portable black tank. They cannot put in a Septic without a Well.

After discussion, Commissioner Hubert changed his No to a Yes on the Reasoned Decision.

**Chairman Wood made a motion on the conditional use permit for Shane & Ivonne Bybee, 1220 Conner St. Kimberly, Idaho 83341, for their property located at 1815 E. Hwy 26 Richfield, Idaho 83349, RP03S20E012405A, Zoned A-5, to approve the use of an RV for**

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**temporary housing Commissioner Hubert seconded. The conditions discussed are to be included in the written decision. Vote unanimously in favor, motion carries.**

Chairman Wood opened the public hearing for Mark Adams

Norma read the notice for Marc E. Adams, PO Box 646 Shoshone, Idaho 83352, is requesting a Conditional Use Permit for his 40-acre parcel located at 536 E Hwy 26 Shoshone, Idaho 83352, zoned A-40, RP05S18E229000A, to use a recreational vehicle for temporary housing in accordance with Lincoln County Zoning Ordinance 6.2.

Mr. Adam's explained he purchased the property many years ago. He is a doctor that lost his job due to the Covid Vaccine mandate. He is already living in the RV and dumping the black tank in Dietrich each week. He lived in the RV last year and would go to Bliss to shower at the truck stop. He has no money and is trying to use what he has to survive.

Chairman Wood asked the commissioners if they had any questions.

Norma explained she did receive a call from Linda Ritter with concerns about what is temporary and explained he has lived by the river for a couple of years now. She would like to know his sanitation plan.

Chairman Wood asked how long he was by the river.

Mr. Adams said all of the winter.

Chairman Wood asked how big his black tank is and what do you use for water

Mr. Adams: 37 Gallons and I use my other trailer and fill in Richfield.

Chairman Wood asked if he has a future plan to build.

Mr. Adams No I will be dead in 2 years.

Chairman Wood asked Norma about the sandpiper brand trailer.

Norma explained it is a recreational vehicle.

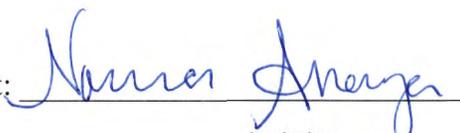
Mr. Adams explained it's a mini mobile home.

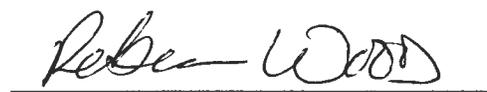
Chairman Wood explained continue the hearing next week to do some research before they can make a decision

3:30 pm Chairman Wood adjourned the Planning and Zoning meeting.

Respectfully, Norma Anaya, Planning & Zoning Administrator

Attest:

  
Norma Anaya, Administrator

  
Rebecca Wood, Chairman

