



Planning & Zoning Commission  
30 North Main Street  
Paris, Idaho 83261  
Phone: 435-946-2198

**PLANNING & ZONING MEETING**  
**November 15, 2023**  
**Paris Courthouse Commissioner's Room**  
**PARIS, ID.**

ATTENDANCE: CHAIRMAN ALBERT JOHNSON  
KRISTY CRANE -VICE CHAIRMAN  
SEAN BARTSCHI  
DEVIN BOEHME  
TODD TRANSTRUM  
PATRICK REESE  
ERIC BOMSTA  
MITCH POULSEN, ADMINISTRATOR  
WAYNE DAVIDSON, SECRETARY

**P & Z November 15, 2023**

Welcome by Chairman Albert Johnson at 7:03 pm.  
Pledge of allegiance is led by Todd Transtrum

- **Motion to approve the agenda** as published is made by Kristy Crane Seconded by Sean Bartschi, all in favor.
- **Motion to go into hearing for the Short-Term Rental Ordinance** is made by Devin Boehme, seconded by Sean Bartschi, all in favor.

Chairman Johnson says the board tried to consider the comments made last month and many things were taken out from the original proposal, Mitch reads some of those. Parking, inspections, number of renters and more.

Bill stock commenting on the ordinance doesn't like some of the things that were there. (He has a copy of the ordinance that isn't current, some things were edited after the meeting). Reads line by line what he doesn't agree with, says some things are illegal. Argues the definition of STR, and lodging operator quoting House Bill 216 as the state code and says the county proposed ordinance doesn't agree with it. Wants the ordinance to be clearer and be in line with the state code. State code Chapter 63.18., 67.65.39 References IRC code smoke detectors, fire extinguishers. RVs on the property? How is the \$500 fee going to make anything safer for the public? Proof of insurance for \$1 million. Thinks that the board can't regulate any insurance. Can't as a homeowner, can't as a renter. Can't prohibit the owner from renting. Can fine them

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or charge them but can't prohibit. Short term market places, HS 216 from 2017 made a market place as the platform.

Chairman Johnson says the attorney has reviewed this and has no problem with it. There might be some things to adjust.

Cooper Jensen Wants the entire ordinance posted so everyone can see it beforehand. He wants the details beforehand so people can read it. He was told the information is in the notice for the hearing. Bill wants to know when the changes are made in between the last meeting. Mitch said there were some changes after he looked at it and prepared for the meeting. Bill said the changes are important.

Mark Ipsen has questions: is the fire inspection gone? Yes. What is in the permit process. Mitch says the person has to do a self-certification stating the appropriate things are in there like smoke detectors, bedrooms, etc. Who is going to monitor this? It will be self-done. People can do anything. He sees things that aren't safe in Dingle. Who will monitor this? Sewer on top of the ground? He supports a program to do this. Do it right. Get someone to enforce it. He thinks it's a big mistake. Mitch says if there is a problem the county will have numbers on the website and can report, then they can get things corrected. He wants someone to enforce it. If they say they have egress, how do we know that. Need an administrator for the program a paid position can be paid for from the fees.

Bruce Peterson: How is the board making the decisions? Quotes a STR person wants to keep it just like it is. He wants the board to keep it like it is. Is the board keeping the valley like it is? People in a home at 100 people per square foot. Does not represent what it was in the past.

Josh Wiscombe from St Charles would like the information posted better. So, they can see the changes earlier and prepare. Noise ordinance question?

Spence Bailey from St Charles representing the BL STR alliance, has a list to go through. He wants the references to code to say code since the code gets updated sometimes it can flow with it. He wants a longer response time for an hour at least. Our emergency teams in the county can't respond in a half hour. More realistic would be at least an hour. License language? Or Permit, permits are renewed. Would be a permit probably. Mitch says the county doesn't require a business license, as it stated it won't require a business license. Fire suppression system? Fire extinguisher. They aren't required in a house by the code. Q How to verify these are in place? There is software that will manage STR. Will the county use one? Answer, No. With the number of homes, we have renting now the fee could generate a good amount. He thinks there are 261 rentals now that he has access to rental sites. The STR renter and property management people are not responsible for the behavior of rentals. As property managers they have harsh rules, and don't tolerate people doing bad things. His personal opinion supports revenue, knows there are people out there under the radar. Thinks Mitch needs more support to run this. This can be a self-funded program.

Cathy Izatt, dealing with a problem created by the Reserve. Their bylaws say they can't have STR. They aren't taking care of themselves. Her family has STRs. It's a good thing to do with a house. It's not going away. In St George the fee is \$100. We need fees if we are going ahead with this. "Cannot regulate STR unjustly". People with money can sue. Some people don't like the rentals even if there aren't any problems. Someone needs to go out and verify what the problem is. The fee for the permit must reflect the costs needed to run the program.

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Ed Izatt, thinks the 261 STRs is low, Thinks there are lots of people doing it anyway under the radar. Older homes are also being rented, not up to code. Older people renting their older homes. No inspection for them. If we aren't inspecting them, how do we know if they have anything in there to cope? Being in the ambulance service for some time and people get hurt. She wants inspections.

Kimberly Pack, Support of the ordinance She read ordinances from other cities. They have an inspection process; they are \$500 and \$300 for permits. They have more STRs. Have definitions of the type and size of homes. Require homeowners to reach out to neighbors and provide the contact info so they know ahead. So the renters can manage the risk themselves, not use the county to enforce it. If there are a certain number of complaints, there can be fees. And maybe pull the permitting. Maybe not have jail time as part of the ordinance. Mitch asks is there anyone online that wants to speak to this? There are a few on a zoom meeting.

One guy and we can't hear him because of the equipment error, Garth Boil tries to speak. We heard it a little.

Bryce Blanchard will send a letter with feedback.

- **Motion to close the hearing for the Short-Term Rental Ordinance** is made by Kristy Crane, seconded by Patrick Reese, all in favor.

Deliberation, Sean Thinks we have bad representation from our lawyer. Fears the county might get sewed, we can't regulate STRs.

If we take away the license, is that prohibiting STRs? In Lava Hot Springs there is a lawsuit going on now. It is going to be a test case in the state.

Have testimony from all over the scale. Where do we come down at? What are the main things we are trying to regulate?

Sean has an opinion, there are rights in the country. The county can't afford an expensive court case if they sew. It's not American, we have ordinances that aren't enforced now. Can make this smaller and let the market work it out.

The market is demanding STRs all over. Many renters are respectable as much as permit owners. There is no way to make a law that is perfect, and they usually have to be tested in court.

Should there be a cap on the number of renters in a STR?

Mitch mentions some of the sections that the board could get rid of to streamline the ordinance. Take out some definitions of egress and parking, and some other things.

Kristy wants a cap on the number of renters to be 50. No one else wants a cap.

- **Motion to not have the STR ordinance** is made by Patrick Reese, seconded by, roll call vote, Yea Patrick Reese and Sean Bartschi, Nay Kristy Crane, Todd Transtrum, Albert Johnson, Devin Boehme, Eric Bomsta votes present, Four votes against, two in favor, one present, motion fails.

More deliberation,

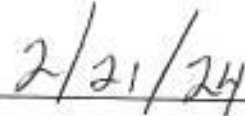
- **Motion to table this discussion on the STR ordinance** as it is amended tonight so Mitch can get some answers from the attorney and pull all this together and meet again for another hearing is made by Kristy Crane, seconded Devin Boehme, all in favor.

Last month's minutes had mistakes. Wayne will get with Mitch and make the corrections and have them to approve in the next meeting.

- **Motion to adjourn** is made by Devin Boehme, seconded by Sean Bartschi, all in favor at 10:45 pm.

**APPROVAL OF MINUTES:**

  
Albert Johnson, Chairman

  
Date



# *Bear Lake County*

Planning & Zoning Commission

30 N Main Street

Paris, Idaho 83261

Phone: 435-946-2198

TO: **BEAR LAKE COUNTY PLANNING & ZONING COMMISSION**  
FROM: Albert Johnson, Chairman, Bear Lake County Planning & Zoning Commission  
DATE: Tuesday, Nov 7, 2023  
RE: Bear Lake County Planning and Zoning Meeting

**The Bear Lake County Planning & Zoning Commission will hold the regularly scheduled meeting on Wednesday, November 15, 2023 at 7:00 pm At the Bear Lake County Courthouse 30 N. Main Paris, Idaho.**

**Public Hearings:** Short-Term Rental Ordinance

### **Action Items**

1. Approval of Agenda
2. Short Term Rental Ordinance
3. Work meeting
4. Old Business
5. Approval of minutes
6. Adjournment