

The Board of Bear Lake County Commissioners met in a public hearing for the purpose of taking input on the Bear Lake County Subdivision Ordinance and the Bear Lake County Land Use Ordinance on Monday, January 14, 2019 at 7:00 p.m. in the School District #33 Board Room in Paris, Idaho. Members present were Commissioners Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Commissioner Jensen made a motion to open the public hearing, seconded by Commissioner Payne, motion carried. Commissioner Rasmussen gave instructions to the group regarding how the public hearing process works, there was a signup sheet and if you wish to speak, you will be allowed approximately five (5) minutes. They would start with the Subdivision Ordinance. Comments went as follows:

Albert Johnson, 268 W. 4<sup>th</sup> S., Georgetown, Idaho, stated as a citizen and President of Farm Bureau, representing approximately 900 families in the county, wanted to express his concern regarding the fence law. State law is a three (3) wire fence and open range, with cow on cow, but if someone changes the use, those changing are required to maintain the fence. If a subdivision comes in and changes the use from the cow on cow, it requires a greater degree of fencing and they should take care of that, which would be maintaining a five (5) wire fence or greater on all four (4) sides.

Bill Stock, 1917 US Hwy 89, Fish Haven, Idaho, spoke about the fence laws being same as the state at fifty-fifty, wondering if they would change. Commissioner Rasmussen stated that was why they were having the hearing to gather information and they could not make a decision at this time. He had a question on page six (6) driveways, not more than two (2) dwellings and travel surface minimum of twelve feet wide and minimum of four (4) inch pit run and would want that defined better as no two (2) pits are the same. Stock also stated the ordinance addressed private roads and restrictions on page 12, but not regular streets having specifics.

James Hardcastle, 1075 Main St, Bern, Idaho, wanted it to be clear about cattle against cattle, not cattle against subdivisions in the maintenance aspect. Hardcastle asked if the old subdivisions were grandfathered in and the commissioners stated, yes, they were. He asked how we go about educating people about how the fencing laws work and every property is different, so the maintenance is different.

Ed Kunz, 141 1<sup>st</sup> St., Bern, Idaho, stated that if the subdivision doesn't help maintain, it is all left to the farmer to take care of.

Sean Bartschi, 4545 Nounan Rd., Nounan, Idaho, stated that he had been working with Senator Harris and had received a letter from the Attorney General's office regarding open range and the county would not be liable, several seconded everything mentioned prior. He feels fencing the four (4) sides should be mandatory.

Brett Oxborrow, 1354 Stauffer Canyon Rd., Georgetown, Idaho, felt that the subdivisions are the ones wanting change. He stated he did not want the extra maintenance.

Carson Price, 240 S. 10<sup>th</sup> St., Montpelier, Idaho, felt the subdivision should have to fence out. Commissioner Rasmussen stated that is how the Idaho fence law is now. Price would like to keep it the same.

Roy Bunderson, 165 S. Main, Bloomington, Idaho, showed a demonstration on the board regarding cow verses cow, it's the change of use and stated Idaho Code #35-102 and felt the party that changed use should then have responsibility to take care of maintenance. Example being Bear Lake West and one landowner not caring about what happened, but the next landowner did, which results in attorney fees and cost of building a fence around the whole subdivision.

Quinn Jensen, 29131 US Hwy 30, Bennington, Idaho, agreed with all the previous comments and feels it would be a hardship on his enterprise so would like to try to eliminate the problem first, but feels the subdivision should maintain the fence.

Chad Harris, 13895 Nounan Rd., Soda Springs, Idaho, representing Eight Mile Ranch, LLC, agreed with all that had been said and felt subdivision maintenance should be in place. He stated that a salt block would bring cows through a fence just as fast as grass.

Hardcastle brought up again the ag on ag properties next to a subdivision with lots of absentee owners. Commissioner Jensen mentioned if subdivision owners are to maintain fences, we need to know how enforce it.

Adam Johnson, 65 N. 1<sup>st</sup> E., Paris, Idaho, mentioned growing ag lands and a neighbor also growing ag land, then someone comes in to subdivide, fence needs to be brought up to standard. Commissioners stated it would have to go through Planning and Zoning first and follow the ordinance.

Paul Alleman, 6342 Nounan Rd., Nounan, Idaho, seconded all that had been said previously and felt the five (5) wire verses the three (3) wire was an increase on maintenance costs.

Devin Boehme, 740 Thomas Fork Lane, Geneva, Idaho, would second all the previous comments and like to see maintenance of wood posts in the standard.

Cole Smith, 342 Smith Lane, Georgetown, Idaho, stated he wanted to second everything said. He mentioned when someone calls the sheriff and the cows have got in, just have to ask if they have maintained their fence.

Bartschi again mentioned the letter from the Attorney General which states 50/50, when it's not cow verses cow and others maintain and it's required to fence out by the state fencing law.

Mark Parker, 4159 Lanark Rd., Lanark, Idaho, mentioned landowners locking gates in subdivisions and from the emergency side of this and as the fire marshall, he would second the fencing out and wondered about cattle guards. Parker would also like to see better addressing in subdivisions for emergency vehicle access and had received several calls from insurance companies and needed verification of that access.

Commissioner Rasmussen asked if there were any more comments and stated after the hearing was closed, they could not accept any other comments.

Commissioner Payne made a motion to close the Subdivision Ordinance hearing and open the Land Use Ordinance public hearing, seconded by Commissioner Jensen, motion carried. Commissioner Rasmussen reminded the group the same public hearing rules applied. Comments went as followed:

Bill Stock, 1917 US Hwy 89, Fish Haven, Idaho, mentioned page 20, regarding streets and roads, #3 was taken out of the subdivision ordinance and put in the land use ordinance. There is a question of why

Fish Have is being discriminated against because of being designated a recreational zone instead of rural, they are required to have a conditional use permit for a Cargo container. Chapter 8, page 61 on the overlay zone, the copy from Planning and Zoning is not the same that he has from the county, but stated that the overlay zone is from Minnetonka Road, North Beach Road, Dingle Road and the Pegram Road. He states it refers to the map and shows some of the impact areas in each of the cities in the middle of the overlay zone. Page 82 shows the map and he said it does not show Ag on the legend. Commissioners stated they would get the language to state all other would be listed as Ag.

Jan Price, 240 S. 10<sup>th</sup> St., Montpelier, Idaho, asked if the overlay had been expanded.

Bill Stock, mentioned Page 42, 'D'. 'a'., Building Permit Exempt Structures, would like to see a definition for a structure.

Commissioner Rasmussen asked if there were any more comments and reminded the group the commission could not hear any more comments after the hearing was closed. Commissioner Jensen made a motion to close the Land Use Ordinance hearing, seconded by Commissioner Payne, motion carried. Hearing closed at approximately 8:45 p.m.