

Pursuant to Chapter 65, Title 67 of the Idaho , Notice is hereby given that the Board of Bear Lake County Commissioners will hold a public hearing to consider the Planning and Zoning Board's recommendation to approve Brian Hirschi's application for a rezone and the condition to which the rezone is subject. The conditions are shown as follows:

1. Approval for the use of property will be limited to watercraft rental facility only.
2. Owner must maintain the parking area in a dust free condition.
3. Owner/operator must provide adequate restroom facilities for employees and patrons.
4. All patron/employee parking must be on the one acre parcel zoned commercial above the ordinary high water mark.
5. Access to property must be on the south side of property and must be sufficiently wide for ingress and egress constructed of a hardened surface 25'-40' with 30'-40' radii and a maximum of 8% grade. To be approved by county engineer.
6. Must provide a 20' wide fire lane with surface to support a 50,000 lb fire truck. Lane is to run the length of the property. Fire lane can also be used as fire break and access can be combined with patron access. Fire lane must be posted. Must be approved by county engineer.
7. Motorized beach access for watercraft rental patrons is limited to patrons shuttling their equipment to the area where they board watercraft and is limited to the 192' of frontage of the rezoned property above the ordinary high water mark. Access can be provided to those willing to walk.
8. Must provide one handicapped parking space.
9. Must provide a screened hedge or privacy fence. Height of privacy fence must be more than 6' but less than 8'. The screened hedge must have a source of water and be maintained in a healthy condition. Fencing must be constructed within three months of application approval.
10. Maintain reasonable hours of operation (7:00 a.m. to 9:00 p.m.).
11. Proof of compliance with U.S. Army Corps of Engineers requirements for wetlands and areas below the ordinary high-water mark within three months of Bear Lake County approval.
12. Meet requirements of Idaho Department of Lands by submitting and receiving necessary approvals and providing proof of the same to the County.
13. Obtain access permit from Bear Lake County Road and Bridge.
14. Blocking any neighbors driveway is prohibited.
15. Include site plan detailing the number of parking stalls and adequate circulation. Signage, to be approved by the County, identifying the parking lot is full must be placed at entrance when no additional parking spaces are available. Site plan to be reviewed by county staff (architect, administrator, sheriff, fire marshal)
16. Failure to comply with these conditions may result in revocation of the commercial zone approval. Bear Lake County will provide written notice to the Owner of any alleged violation of these conditions. Such notices will state a reasonable time, as determined by Bear Lake County in its sole discretion, to cure the violation. If the owner fails to cure the violation within the time allowed by Bear Lake County, Bear Lake County may revoke the rezone approval upon written notice to the Owner, in which case the permit will be revoked and returned to original zoning pursuant to the procedures outlined in Title 67, Chapter 65 of the Idaho Code.

17. Rezone is subject to and conditioned upon a development agreement entered into between the applicant and Bear Lake County.

DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2019, by and between the COUNTY OF BEAR LAKE, a municipal corporation of the State of Idaho, party of the first part, hereinafter called the "COUNTY", and BRIAN HIRSCHI, party of the second part, hereinafter called the "DEVELOPER", whose address is 1217 S. Bear Lake Blvd. Garden City, UT. 84028.

WITNESSETH:

WHEREAS, DEVELOPER is the owner of certain tracts of land in Bear Lake County, State of Idaho, described in Exhibit "A", which is attached hereto and incorporated herein by reference, as if set forth in full; and

WHEREAS, the DEVELOPER has submitted an application for the Rezone of the property described in Exhibit "A"; and

WHEREAS, the DEVELOPER made representations before the Bear Lake County Planning and Zoning Commission and the Board of County Commissioners of Bear Lake County, as to how the land would be developed and what improvements would be made; and

WHEREAS, the COUNTY has authority to place conditions and restrictions upon the rezoning of property; and

WHEREAS, the DEVELOPER deems it to be in his best interest to be able to enter into this agreement and acknowledges that this agreement was entered into voluntarily and at his urging and request; and

WHEREAS, the DEVELOPER, as owner of said land has made request to the COUNTY to have the same rezoned, and has submitted to the COUNTY a rezone request, which has been approved pursuant to, and based upon DEVELOPER's agreement to comply with certain conditions; and

WHEREAS, the conditions upon which the rezone is based, require that the DEVELOPER enter into a Development Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

DEVELOPER in consideration for the rezone designation of the property described in Exhibit "A", agrees and hereby binds his, heirs, successors and assigns to this agreement, as follows:

1. That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

2. That DEVELOPER, in recognition of the unique and peculiar circumstances relative to his development of the above described property, agrees to follow and adhere to the conditions set forth in Exhibit "B" attached hereto and incorporated herein by reference.
3. The DEVELOPER, in accordance with his representations before the COUNTY, shall, follow the conditions that shall be associated and ascribed to the property identified as Exhibit "A"
4. The DEVELOPER shall be responsible for all review costs pursuant to the COUNTY'S fee resolution.
5. The DEVELOPER shall, at his expense, construct and install all fencing, access, and fire safety improvements.
6. That DEVELOPER shall construct and install all such improvements in accordance with the approved conditions.
7. That DEVELOPER shall provide the County Engineer with at least fifteen (15) days advance written notification of when and of what portion, or portions, of said improvements he intends to complete and the time schedule therefore; and agrees to make such modifications and/or construct any temporary facilities necessitated by such phased construction work as shall be required and approved by the County Engineer.
8. That DEVELOPER shall, immediately upon completion of any such constructed portion, portions, or the entirety of said development, notify the County Engineer and request his inspection and written acceptance of such completed improvements. DEVELOPER shall give advance notice so the Building Official can make periodic inspections.
9. The DEVELOPER agrees that no business activity shall commence or be conducted on the property until all improvements are completed, unless the COUNTY and the DEVELOPER have entered into an addendum agreement stating when the improvements will be completed; in any event no business activity shall commence or be conducted on the property until the improvements have been installed, completed, and accepted by the COUNTY. The COUNTY may allow the DEVELOPER to bond for minor improvements at the discretion of the COUNTY.
10. That DEVELOPER agrees that any notice required by the Agreement shall be given at the following address:

COUNTY: County Clerk County of Bear Lake 7 E. Center Street Paris, ID 83261	DEVELOPER: Brian Hirschi 1217 S. Bear Lake Blvd. Garden City, Ut. 84028
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11. That DEVELOPER agrees to pay all recording fees necessary to record this Agreement with the Bear Lake County Recorder's office.
12. All covenants and conditions set forth herein shall be appurtenant to and run with the land and shall be binding upon DEVELOPER'S heirs, successors or assigns.
13. This Agreement shall become valid and binding only upon its approval by the County Commission and execution of the County Clerk.
14. That DEVELOPER agrees to abide by all ordinances of Bear Lake County and rezone will be revoked if the owner or his assigns, heirs, or successors has not met the conditions attached hereto, this Development Agreement, and the Ordinances of Bear Lake County.

DATED this _____ day of _____, 2019.

DEVELOPER:

Brian Hirschi

COUNTY OF BEAR LAKE

Vaughn Rasmussen, Chairman

ATTEST:

Cindy Garner, County Clerk

The property is currently zoned lakeshore/beach development and is proposed to become commercial. The Property is located at T15S R44 E Sec 24, East Shore Road, Parcel #05553.00 **The public hearing will be held: Monday, June 24, 2019, 6:00 p.m. at the School District #33 Board Room located at 39 S. Fielding, Paris, ID 83261.**

Written comments may be submitted to the Bear Lake County Clerk's office at PO Box 190, 7 E. Center, Paris, ID 83261 by 5:00 p.m. on June 21, 2019, or by email to: cgarner@bearlakecounty.id.gov

Public comment may be limited to five (5) minutes at the public hearing.