



Planning & Zoning Commission  
7 East Center  
Paris, Idaho 83261  
Phone: 435-946-2198

**PLANNING & ZONING MEETING**  
**November 20, 2019**  
**SCHOOL DISTRICT BOARD ROOM**  
**PARIS, ID.**

ATTENDANCE: CHAIRMAN RON JENSEN  
ALBERT JOHNSON-VICE CHAIRMAN  
STEVE HARDY  
KRISTY CRANE  
KAY BECK  
SEAN BARTSCHI  
DEVIN BOEHME  
MITCH POULSEN, ADMINISTRATOR  
WAYNE DAVIDSON, SECRETARY

Welcome by Chairman Jensen at 7:02 thanks all for being there.  
The pledge of allegiance is led by Devin Boehme.

No changes to the agenda.

- **Motion** to approve the agenda is made by Albert Johnson, seconded by Devin Boehme, all in favor.
- **Motion** to go into hearing for the **Brett Crowther Preliminary Plat** is made by Albert Johnson, seconded by Devin Boehme all in favor.

Mitch explains the rules for the meeting, Chairman Jensen will conduct the meeting with some order. Asks that anyone who wishes to speak first state their names for the record. All questions are to be directed to the chairman.

Devin Skinner speaking for Brett Crowther, says some time ago they got "some" rezone approved on the South end of Dingle. Since then they passed perk tests on the nine lots. He is here now for the preliminary plat on the subdivision. Says he measured Cemetery Road and he believes the road meets the county requirements. Four lots of the subdivision will be accessed off of Dingle road, others off of Cemetery road. Devin mentions that the county will receive taxes from the individual building lots. This subdivision will create more lots to build on in Dingle, two lots are already spoken for. The lots measure from 3 to 14 acres in size. He isn't sure why the "draw back" on the Dingle Cemetery road, it seems the road is wide enough. He thinks there is less iron

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in the ground water in that area. The lots would have the same irrigation rights as they do now. Devin feels building houses on the land would eliminate the flooding they have had before. On Cemetery Road he thinks the spot between the two houses is the widest part of the road. Thinks there is enough room to make a nice approach from both roads. Since there will be 9 lots on 80+ acres the density won't be bad. The perk tests were performed and passed over the summer.

Mitch gives his staff report. The hearing was printed in the newspaper on time and all mailings were sent. Devin has completed all the paperwork and background work. One thing to correct is an applicant can't submit preliminary plat and final plat for this size of subdivision at the same time. Last time Brett Crowther came for a rezone it was tabled. The board won't have to rehear the discussion for rezone tonight. No red flags seen by Mitch

Comments from the public;

In favor.

Mike Robinson in Dingle knows about the ground water and most wells in the area are shallow. Had some problems when he built his house. Also, the roads in Dingle are narrow, and irrigation on that land can be tricky. A few more lots in Dingle to build on would be good. It's hard to pass the perk tests in Dingle, not many new homes can be built in Dingle.

Neutral none.

Oppose

Bryce Bunderson owns the lot across the street, manages a ranch on the West side. Don't want to stand in the way of people wanting to use their land. Has seen other farming communities going away because of development. Don't care if there are more taxes from homes, it's some of the best AG ground in valley. He feels the new lots will be purchased by out of towners. Will see the residents pushed out like Laketown, and Garden City. Has seen prices go up alot on farm ground so farmers can't afford the land anymore. There is a ditch right of way, to his ground that goes through the lots. Concerns him from flooding in the past. If the board does approve this he wants a deeded easement to protect the ditch rights, or some type of protections for the ditch users. Albert says the board always stipulates the ditches should be protected. It's one of the biggest things the board deals with even up to 15 feet on each side of the ditch. Bryce wants a guaranteed right of access. The ditch is 4 feet deep who's responsibility is it for accidents? Would like access to the whole thing, showing easement access, drawn in not just a narrative. He drives a 16-foot swather on the road, it takes up all of the road to pass on the Cemetery Road. Devin is already marketing an event center on the hill above and there will be more use on that road. He feels the board should look ahead now and widen the road now.

Joan Bunderson concerned about lot 6, the irrigation ditch goes right through it. The ditch is 4 ft deep. Will the new owners want to use the ditch or restrict access? The 40-foot aquafer will not support other homes, the water runs out now with the homes on it. Ream mansion has, 4 bathrooms that requires more drainage fields. Clay in the ground makes larger drain fields. On

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the plat it speaks to the ditch company having access to the ditch. She doesn't think that is good enough. Worries we will be like Utah and not able to enforce the plat rules. Will the springs nearby be contaminated with all the sewer systems going in?

Joe Kunz is at the end of the ditch that crosses the plat. It wasn't used the last few years, but he still has the rights. Plat says other ditches will be abandoned. He was forced from other areas when he had conflict with people over Ag issues. An established cattle trail is there now, problems with the traffic now. What about re-platting when they want to divide down to smaller lots. He's an out of townner but has help with his place. What about the new lots with weeds and fire and hazards? Lot 1 what about water if his well goes dry from the other wells. Is there any recourse for him? The board don't know nor can advise about possible water shortages.

Mike Robinson president of ditch company says they have by laws for ditches, subdivisions can't take a ditch away from the company. Property owners must maintain the ditch they have right of ways in place now. The High Ditch is still there, it won't go away. The ditch company has provisions in their by laws to protect ditch owners. Landowners are responsible for cleaning the ditch.

Rebuttal Brett Crowther does have HOA CCRS says only one house will be allowed per lot, and no subdivisions of the lots to smaller lots. He will assess the owners to fence and maintain ditch. He wants the place kept nice. People who are interested in buying are those who want to farm the size of lots work for them. Can require owners to clean up the lots through the HOA, also the ditches and fences. The HOA board can add other requirements.

Randy Skinner on Dingle Cemetery road since 1998. His dad's house was first house there. Hasn't had a problem with traffic but does now because the road is too narrow. Has helped many others onto the road. Dingle Road is too narrow it has no shoulder. County right of way is 60 feet. The property used to raise a lot of hay. It has weeds now. Everyone except the Ream house are on 40 foot wells. They can go dry if used hard. The road is still narrow. Don't really want to see this going in but something must happen to the road.

Mark Ipson the road is too narrow, it's dangerous. Someone put a culvert in the ditch now it isn't passable now. If someone dies, it's on the county. CCRs don't last through the years. People in Dingle buy lots and bring their junk to Dingle and it looks bad. Thinks no one cares about them out there. Little kids drive ATVs all over it's dangerous. Outsiders will build there and rent them out to 40-50 people. Sheriff don't have enough people to enforce it. Mark is president of Montpelier irrigation company. They had a disaster. In the Moose Loop subdivision 8 homes got water in the basements from the canal. They knew that basements would get wet before the subdivision was built. After 11 years they now got water in the basements. He is in a lawsuit spending lots of money to defend it. Wants CCRs to specify no basements. If the water isn't watched people now get water in basements. In these meetings we always feel good at the end,

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but in reality, it never works right. If everyone did it like it's supposed to it works. He wants a 60-foot right of way on the road, can't move the ditch or the power poles.

Devin Skinner rebuttal he grew up in Dingle. Reason they did 9 lots, he wants people to have residential and AG. Didn't realize the plat said it wanted to abandon the ditches, he will fix it. There are already irrigation rules to maintain the ditches. Only one other road in Dingle wide enough. Can ditch be part of the county right of way? Not all other roads are 60 ft wide. He can

give the county a 60 buffer or right of way on his side to give county some room. Thinks the road will meet standards. Says last month the board approved another subdivision with 15 ft.

- **Motion** to close hearing is made by Albert Johnson, seconded by Sean Bartschi, all in favor.

Board asks about Devin's project he is building on the hill; he says it's a pavilion. Devin says a lot of people also use the road for funerals.

The rezone request for this property to Rural Community is still tabled from an earlier meeting. It does meet the requirements for a rezone.

- **Motion to approve the Brett Crowther property for a rezone** to a Rural Community is made by Sean Bartschi, seconded by Albert Johnson, all in favor.

#### Deliberation

For Preliminary plat what is needed? Kristy reads from ordinance it says roads need a 30 easement from center of road. The canal is in the right of way. How can the road be wide enough when a ditch is there? Overlay provisions for the property proposed needs to meet road standards. Some board members have measured the road it is up to 18 feet at some points. Is there a liability for the county? Is there going to be that much traffic added with 4 more houses? Don't want to perpetuate a problem. Devin thinks it's an "imaginary" problem. Can Devin build a road from the Dingle Roadside to stay off of Cemetery Rd.? Are there other solutions or other ways to enter the land.

- **Motion** by Albert Johnson to **table the Brett Crowther Preliminary Plat** until County Road and Bridge can be consulted about the access from Crowther subdivision to Cemetery Road asking what they consider acceptable. If the county is willing to accept liability of Cemetery Road with the Brett Crowther subdivision as platted then the board would approve, seconded by Sean Bartschi, all in favor.

#### Work meeting,

In looking over the proposed changes to the bylaws it states the board will use Roberts Rules of Order as the format of the meetings. If it says the board will use the Roberts Rules of Order, then

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the board would have to be precise on its use. Or they could be challenged for inconsistencies. It's decided that Mitch will change the wording concerning meetings.

- **Motion** to approve the minutes is made by Albert Johnson, seconded by Kristy Crane, all in favor.
- **Motion** to adjourn is made by Devin Boehme, seconded by Kay Beck. all in favor at 9:22pm.

**APPROVAL OF MINUTES:**

  
Chairman

  
Date



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**7 East Center**  
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*Phone: 435-946-2198*

**MEMORANDUM**

**TO: BEAR LAKE COUNTY PLANNING & ZONING COMMISSION**  
Albert Johnson, Vice-Chairman, Bear Lake County Planning & Zoning Commission  
Kristy Crane, Bear Lake Planning & Zoning Commission  
Steve Hardy, Bear Lake Planning & Zoning Commission  
Sean Bartschi, Bear Lake Planning & Zoning Commission  
Kay Beck, Bear Lake Planning & Zoning Commission  
Devin Boehme, Bear Lake Planning & Zoning Commission  
Adam McKenzie, Bear Lake County Attorney  
Bear Lake County Board of Commissioners

**FROM:** Ron Jensen, Chairman, Bear Lake County Planning & Zoning Commission  
**DATE:** Tuesday, November 13, 2019  
**RE:** Bear Lake County Planning and Zoning Meeting

**The Bear Lake County Planning & Zoning Commission will hold its regular scheduled meeting on Wednesday, November 20, 2019 at 7:00 pm at the Paris Elementary Board Room located at 39 S. Fielding Street, Paris, ID.**

**PUBLIC HEARING:** Brett Crowther/ Preliminary Plat-parcels 4964.04 And 4956.01 along Dingle Road & Dingle Cemetery Road.

**Action Items**

1. Approval of Agenda
2. Brett Crowther/ Rezone
3. Brett Crowther/ Preliminary Plat-parcels 4964.04 And 4956.01 along Dingle Road & Dingle Cemetery Road.
4. Work meeting
5. Old Business
6. Approval of minutes
7. Adjournment

If you need an accommodation under the Americans with Disabilities Act, contact the Bear Lake Planning & Zoning Commission at 435-946-2198. Please allow three working days for a response.