



# *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, Jun 11, 2024  
RE: Bear Lake County Planning and Zoning Meeting  
Amended: 6/13/2024 to include Roy Bunderson and to clarify subject for Bill Stock

**The Bear Lake County Planning & Zoning Commission will hold their regularly scheduled meeting on Wednesday, June 19, 2024 at 7:00 pm At the Bear Lake County Courthouse 30 N. Main Paris, Idaho.**

### **Public Hearings:**

Patrick Hunter/ Conditional Use Permit-Horizon Tower -Parcel 05356.00  
Nic Smith/Variance-1454 Paris Canyon Rd.  
Dean Sutton/ rezone-3565 Lanark Road

### **Action Items**

1. Approval of Agenda
2. Patrick Hunter/ Conditional Use Permit for communications tower -Parcel 05356.00
3. Nic Smith/Variance-1454 Paris Canyon Rd.
4. Dean Sutton/ rezone -3565 Lanark Road
5. Eddie & Kathryn Burnside/ lot split-9452 N Hwy 89 north of St Charles
6. Michael Zurn/ Alternative sewer system
7. Bill Stock/ Chapter 7 Land Use Ordinance & P&Z bylaws
8. Roy Bunderson/ Policies & Procedures
9. Old Business
10. Approval of minutes
11. Adjournment



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**PLANNING & ZONING MEETING**  
**June 19, 2024**  
**Paris Courthouse Commissioner's Room**  
**PARIS, ID.**

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

Chairman Johnson welcomes everyone at 7:02pm and asks Mitch Poulsen to lead in the pledge of allegiance.

- **Motion to approve the amended agenda** is made by Kristy Crane, seconded by Todd Transtrum, all in favor.
- **Motion for to go into a hearing for Conditional Use Permit- Horizon Tower** is made by Kristy Crane, seconded by Patrick Reese, all in favor.

Patrick Hunter says he has accomplished the things that were asked of him in the last meeting. Questions from the board about the RF coverage, provision to decommission if the pole is ever not in use. He says that's a county issue, and up to the county to decide how to take it down. The board received the information that he sent. The tower is presented as brown since there are other poles in that area that are brown. Not logical to make it a tree since there are no other trees around. The construction timeline is about two months. With 6-man crews.

From the audience.

In favor Michele Fillian from FH thinks this is overdue. Cell coverage is not good in the summer. Not good for emergencies.

Opposition.

Kristine Kearn lives in BL lives in Round Valley UT. She owns property on North Beach. has had several positions in Rich County mostly. She owns property across the road from the proposed property the tower will be on. She wonders if anyone else knows about the tower coming in. She wasn't notified at first. Wonders about tax values, economic future values. Growth around the

lake. The North shore is one of the places left to build around the lake. What about the bird refuge and environment what will happen? She spoke to ducks unlimited, and other wildlife people. They say it's a bad place for towers. There will be large birth deaths. Let's slow this train down before there is a train wreck. Thinks the airport will have something to say about it. Wants an impact study done. In God we trust, everyone else has to bring data. Thinks it's a terrible decision. Albert says there are studies showing the guy wires are problems, but this tower will not have guy wires. She has no evidence or studies of single pole towers harming birds.

Bill Stock is neutral from FH. wants all the conditions put in if this goes through. There might be a maintenance building or fence. Legal description? Wants the conditions included in the motion.

Mitch says everyone was notified in the area by law. Anything over 100 ft notices go out to people within 900 ft. of the property in question. Those people have been notified. The airport is okay with this one.

Patrick Hunter rebuts says it's actually 5 miles from the beach. One tower cannot cover everything. There is a limit to what it covers. The towers work together to cover everything. It's needed for good cell coverage. A survey done; they are not on a property line there is 2500 sq ft as required. Mitch asks if there are studies about mono poles hurting birds or economic development. He says studies show development isn't bothered by these lower mono poles. There are homes around towers now. Birds usually put nests on the towers. Birds run into houses now and we build houses all the time. Board asks why not ½ mile North on another road? This is a good site because there is power nearby.

- **Motion to close the Horizon Tower Conditional Use Permit hearing** is made by Sean Bartschi, seconded by Patrick Reese all in favor.

The board says our ordinance now says towers can only be 40 feet tall. Maybe the board should change the ordinance to include taller towers. Patrick notes that the airport approved a tower near it. They don't worry if they are out so far. Mitch says the airport was contacted about this one. It's far enough out that height is not an issue.

Mitch says there are state laws from the telecommunications act. Cell companies had to show there is a need for another tower in order to gain coverage. One thing needed to prove was the height. If the ordinance requires a shorter tower and that will not work for the cell company because it's too small to work then the ordinance is void. Can the board approve it if the height restrictions turn out to be illegal because it's too low? Then they have a case to force it to move forward. Maybe approve this as a conditional use and change the cell tower height in the ordinance.

- **Motion to table this Horizon Tower Conditional Use Permit hearing proposal** for two months to get ordinance fixed to allow taller cell towers is made by Todd Transtrum, seconded by Sean Bartschi, all in favor.

The recommendation is for Mitch to get things ready in time for the meeting in August.

- **Motion** by Patrick Reese, seconded by Kristy Crane to include the proposal made by Patrick Hunter in the minutes for future reference, all in favor.

Conditions:

- Submit Letter of Intent on decommissioning the site when no longer in service.
- Comply with all statements as made in the application-specifically changing the references to "monopine".

- **Motion to go into hearing for Nic Smith Variance** is made by Kristy Crane, seconded by Sean Bratschi all in favor.

Nick Smith applied for variance in Sleight Canyon Cut Off Road to use 15 ft of county road for a building lot. There is a hill that gets steep there and restricts him. He wants to be 15 ft into the setback, or 45 feet from the center of the county road.

Testimony from Bill thinks the parcel is 20 acres so he can put the house anywhere on the lot. After discussion with Nic it's discovered that he really wants to place his drain field and maybe a well in the setback area. No buildings in the setback area. Those things will be on his property. Since the setbacks only apply to buildings there is no need for a variance.

- **Motion to close the hearing** is made by Kristy Crane, seconded by Todd Transtrum, all in favor.
- **Motion to vacate the request for Nic Smith's variance** is made by Sean Bartschi, seconded by Patrick Reese, all in favor.
- **Motion to go into Hearing for Dean Sutton rezone** is made by Parick Reese, seconded by Sean Bartschi, all in favor. Mark Parker speaks for Sutton for a rezone from AG to Rural Community on Mill canyon and the property also touches Lanark Rd. Mark wants to build a house on the property. Mitch says the proposal meets the requirements for the rezone. Mark wants to split off 10 acres.

From the audience Bill Stock says there are certain things that must happen. Says they need a lot split first then they can rezone that piece. Don't have anything to rezone at this point.

Mitch says this can still work; Mark should have a legal description done but the survey. Mark says that is scheduled but it's not available for some time. If they split the lot now, and the commissioners reject it then the lots are split and illegal. Why are we changing any of it?

- **Motion to close the Dean Sutton hearing** is made by Sean Bartschi, seconded by Kristy Crane, all in favor.
- **Motion to table the Dean Sutton rezone** until a survey is complete and to research the order of how to proceed is made by Todd Transtrum, seconded by Kristy Crane, all in favor.

Eddie & Kathern Burnside lot split. Eddie Burnside has 6.4 acres N of St Charles East side of Hwy 89. He has a survey and wants to split the land into 3.1 acres and 3.3 acres. He has a 30-foot easement and a utility easement on the sides. Question from the board. Are both lots going to use one access to the highway? Yes, it's already been approved by the HWY Dept. and a new culvert installed as the HWY guys required. Mitch says everything is in order.

- **Motion to approve the Eddie Burnside lot split** as it's been presented is made by Kristy Crane, seconded by Sean Bartschi, all in favor.

Pat Burns is working on a subdivision off of N Beach Road and is thinking of alternative sewer systems. Since the properties are on the beach sewer is an issue. He has information for a different type of system, it's a mechanical system that cleans the water good enough for DEQ. It costs \$50,000 per lot. He is not sure how to proceed. This system has been approved in other

areas. He has other systems that could be used. One option separates water from the solids. Mitch has talked with these guys before about the types of septic or sewer systems. It is largely unknown to most people. DEQ will have to come in on this. Does any of the systems really clean as well as they say? Pat says it's not new technology and there is data to verify that it works. He wants to be allowed to move forward with the DEQ approval. The board decides they need to have DEQ come and explain the different systems and confirm if they work.

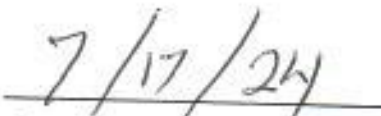
Bill Stock speaking about Chapter 7 in the Land Use Ordinance & P & Z , he has handouts. Has a possible amendment to the land use ordinance for cell towers. Put everything at 199 ft. height. And take some things out. Discusses different senet bills that may help the board redo the ordinance. Also, the fee schedule should be redone.

Old business, the overlay zone. Mitch published the number of rezones actually done. Maybe we should change the ordinance concerning the number of houses allowed in a subdivision, maybe less than 9?

- **Motion to approve the last months minutes** is made by Kristy Crane, seconded by Todd Transtrum, all in favor.
- **Motion to adjourn** the meeting is made by Sean Bartschi, seconded by Patrick Reese, all in favor at 10:02 pm.

**APPROVAL OF MINUTES:**

  
Albert Johnson, Chairman

  
Date