



# Bear Lake County

Planning and Zoning Commission  
30 N. Main  
Paris, Id. 83261

Wednesday, October 16, 2024

## Attendees:

Albert Johnson-Chairman  
Kristy Crane-Vice Chair  
Patrick Reese-boardmember  
Sean Bartschi-boardmember  
Devin Boehme-boardmember  
Todd Transtrum-boardmember  
Eric Bomsta-boardmember  
Mitch Poulsen-Administrator  
Adam McKenzie-Prosecuting Attorney

Chairman Albert Johnson called the meeting to order at 7:02 pm and started the meeting with the pledge of allegiance.

Chairman Albert Johnson called for a motion to approve the agenda  
Kristi Crane Motioned to approve the amended agenda  
Seconded by Patrick Reese  
Carried

Chairman Albert Johnson called for a motion to go into public hearing  
Kristi Crane Motioned to go into public hearing  
Todd Transtrum-seconded  
Motion Carried

**Marsh Pugmire-CUP**

Marsh Pugmire explained that he plans to do 2 rows of 18 unit mini storage units. Mitch gave his staff report and noted that the address in the hearing notice was incorrect but was later corrected. All other requirements have been met. Property is located in the impact area for the city of St Charles. Sewer lagoons to the north and Jensen Storage Units across the street makes this a good location for additional storage.

Paul Sousa -storage units across the street. Seems like a good use of the property.

Kathi Izatt-States that she is neutral on the application and comments that the proposed use is a good use of the space. Her objection is that the notice is insufficient.

Chairman Johnson turns time to prosecuting attorney Adam McKenzie on zoom for his analysis of the insufficient notice which he takes time to explain as false. From a legal standpoint the hearing notice is adequate.

Chairman Albert Johnson calls for a motion to close the public hearing

Motion to close made by Kristy Crane

Seconded by Patrick Reese.

Carried

Chairman Albert Johnson calls for a motion to approve the conditional use permit as presented

Motion made by Todd Transtrum

Seconded by Sean Bartschi

Carried.

### **Proposed changes to the Land Use Ordinance**

Discussion on the changes to the land use ordinance. Mitch informs the board that legal counsel was asked to review the format of the changes presented to the public and also the associated notice. This was done as members of the audience decried the entire process laughable and a waste of time as it wasn't supported in code. Documents were submitted to attorneys Bonney and McKenzie for their review who both agreed that the notice and changes to the ordinance presented for public review were in fact fully consistent with the law. Discussion is had on the changes to the matrix to be consistent with the telecommunications act of 1997 along with the need to increase the maximum tower height to 199' and removal of any reference to the "RUL" zone as no one knows what that is.

Chairman Albert Johnson asks Adam McKenzie for his input on the adequacy of the review documents and notice. Adam agrees that the notice is adequate and there is no need for an additional hearing.

Chairman Johnson calls for a motion to recommend approval of the changes to the land use ordinance.

Motion made by Patrick Reese to recommend approval.

Seconded by Devin Boehme

Carried.

### **Steve Hislop-Lot Split**

Time turned to Steve Hislop who explained his application for a family lot split where he plans to split one acre off an existing 10 acre lot for his son to build a house. Mitch suggested he follow the ordinance and have this property combined with the one next to it so he would have a full 40 acres.

Chairman Albert Johnson called for a motion to approve the application.  
Motion to approve made by Sean Bartschi  
Seconded by Patrick Reese  
Carried

Chairman Albert Johnson called for a motion to approve the minutes  
Motion made by Sean Bartschi  
Seconded by Patrick Reese  
Carried

Time turned to Adam McKenzie to provide training on the variance laws of the state of Idaho. It's a use that isn't prohibited by ordinance and different from the use of the land. Statute specifies that variances can be sought for bulk and placement standards associated with a property. Further, the applicant must show undue hardship which is a fairly vague concept and up to the board to decide. Should be well discussed and documented/justified. Problems created by the owner don't qualify for a variance.

Motion to adjourn made by Sean Bartschi  
Seconded by Patrick Reese  
Carried.

Meeting adjourned at 8:30 pm.

*Albert Johnson*

*3/19/25*