



**Planning & Zoning Commission**  
**30 North 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, Nov 8, 2021

**RE:** Bear Lake County Planning and Zoning Meeting

Amended: 11/10/2021 to include Maxine Matthews/ Lot Spilt, T-15 S, R-43, Sec 9

**The Bear Lake County Planning & Zoning Commission will hold its regular scheduled meeting on Wednesday, November 17, 2021 at 7:00 pm**

At the Bear Lake County Courthouse 30 N. Main Paris, Idaho.

**Public Hearings:**

Gabe Lleras / Reserve Amended Master Plan (Township 16S Range 43E. Section 2)

Gabe Lleras / Reserve Phase 8-Preliminary Plat in the subdivision north of Fish Haven and west of US 89 (T-16S, R-43E, Section 2)

Thom Morgan/ 7 Mile Subdivision Phase 1 & 2 Southeast of St Charles between Bear Lake & Hwy 89

**Action Items**

1. Approval of Agenda
2. Gabe Lleras / Reserve Amended Master Plan (Township 16S Range 43E. Section 2).
3. Gabe Lleras/ Reserve Phase 8-Preliminary Plat in the Reserve Subdivision north of Fish Haven and west of US Hwy 89 (T-16S, R-43E, Section 2)
4. Thom Morgan/ 7 Mile Subdivision Southeast of St Charles between Bear Lake & Hwy 89
5. Deworth Williams/ Lot Split, T-16S, R-43, Sec 11
6. Maxine Matthews/ Lot Split, T-15 S, R-43, Sec 9
7. Work meeting
8. Old Business
9. Approval of minutes
10. 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.



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**PLANNING & ZONING MEETING**  
**November 17, 2021**  
**Paris Courthouse Commissioner's Room**  
**PARIS, ID.**

ATTENDANCE: CHAIRMAN ALBERT JOHNSON  
KRISTY CRANE -VICE CHAIRMAN  
SEAN BARTSCHI  
KAY BECK  
DEVIN BOEHME--Excused  
ROB SMITH  
PATRICK REESE  
MITCH POULSEN, ADMINISTRATOR  
WAYNE DAVIDSON, SECRETARY

Chairman Johnson began the meeting at 7:02 pm.  
Pledge of allegiance led by Patrick Reese  
Corrections to agenda, Maxine Matthews lot split added to the agenda.

- **Motion to approve the agenda** as amended is made by Kristy Crane, seconded by Sean Bartschi all in favor.

Chairman Johnson explains the charge of the Planning and Zoning Board is to gather information as it relates to the ordinance, gather info, and make decisions accordingly. It's not the board's place to make final decisions, they make recommendations to the commissioners. The main thing that determines if a project can move forward is the adherence to the ordinance. It's the board's job to find every reason to deny a proposal, if those things are resolved, the rest is clear.

Maxine Matthews lot split. Dave Matthews speaks. Their family owns property in St Charles Dry Canyon, about 285 acres total. They want to split part of that into five parts for the family members. The piece to be split is 80 acres and will have 12 acres split off of it. Then they want to divide that into four 3 acer parcels. Dave asks if an exception applies found in the Land Use Ordinance stating land described in a settlement of an estate can be divided without going through the requirements of a lot split? Mitch says he is falling into a part of our ordinance that is difficult might need to go before a judge. Dave hopes to split all 4 lots at one time? Or will he have to do one each year? It's a part of St Charles impact area. The road is a county road with minimal maintenance. Can they do a lot split? Ed Izatt from the audience tries to explain the ordinance. Is there a will that decrees the land to the children? Yes, Dave presents a (will) with things spelled out on it. This will appear to state the wishes of the grandfather to be given to the children.

**Page 2-Bear Lake Planning & Zoning meeting- November 17, 2021**

- **Motion to approve the Maxine Matthews lot split** is made by Sean Bartschi seconded by Patrick Reese all in favor.
- **Motion to go into hearing for Gabe Lleras to amend the Reserve Master Plan** made by Patrick Reese, seconded by Sean Bartschi, all in favor.

Gabe wants to amend the 2006 plat doing phase 8. They thought it was amended back in 2008 but it didn't get done right. Hands out map of phase 8. Trying to finish and add the phase 8 onto the master plan. This one has less density; it was 50 lots now it's 40 lots on about 43 acers. He gave maps to the board. Mitch clarifies we haven't done this as a planning commission before. Mitch looked through the records it appeared this land was purchased after the reserve began. They aren't asking for more density. No questions from the board.

From the audience Bill Stock was on the P & Z when this came up a long time ago. They had this planned back then to be its own subdivision. Bill thinks this will have to go through the process again. He doesn't know if anything was written down then. Can't see why they would need to amend it to the subdivision.

From the audience:

Gary Mckee was part of the original plan. The reason this was part of the master plan is so it can be part of the sewer system.

David Cottle across the street from phase 8 thinks we need a history lesson. Bear Lake Heaven, a subdivision, there was planning back then. Isn't there usually conditions for subdivision? The access to a sewer lift station is not a public road. The reserve was supposed to put in a turning lane now they can't since the power poles are in the way. He tried to search all records to find if there were conditions applied to the plat. He could not find anything.

No other comments from the audience.

Gabe Lleras rebuttal, he agrees there should be a turning lane it would be good., Could possibly adjust the access road to be away from Cottles. Is in process with ITD to make a turning lane. The access they have now has been there forever, it's a little dirt road. Don't know if it will work, can make another. Might be some changes on the final plat. Sean asks, is there a record of conditions? A. No Gabe don't know of any he has looked for them.

- **Motion to leave hearing** is made by Kristy Crane, seconded by Sean Bartschi, all in favor.
- **Motion to approve amending the master plan at the reserve** to include Phase 8 is made by Patrick Reese, seconded by Kay Beck, all in favor.
- **Motion to go into hearing for Phase 8-Preliminary Plat at the Reserve** is made by Sean Bartschi, seconded by Patrick Reese all in favor.

Gabe Lleras proposes Phase 8, this will be 40 lots on 43 acers with one entrance. It connects to the Reserve and that will give it another entrance. Plenty of room for a sewer lift station. Trying to do it so everyone is happy, Any questions from the audience?

Mark Parker Bear Lake County Fire Marshal asks about the second access road is it wide enough and onto the highway? He wants a turning lane.

Dave Cottle not against development. He likes the plan so far. Many people have worked hard on planning in the county. Hasn't seen water flooding plan, thinks it would be good. He did

**Page 3-Bear Lake Planning & Zoning meeting- November 17, 2021**

Speak to ITD they are researching. Wants a traffic impact study since there are lots of houses mostly rentals it brings lots of traffic. Bad accidents there now.

Kirk Barker a FH resident with a background as a commercial developer doesn't know the history in the area. Thinks it's dangerous to approve without ITD and a traffic study. That should be done first, and a center turn lane put in. Bike paths are good. no shoulder lots of people on the road. High speed limit there. Concerns.

Gabe rebuts and agrees with the traffic study idea. He will look into a study.

Mitch Q. Is there is a sewer pump station accessed off the HWY now? The sewer department will have to access from the subdivision it's easier.

Bill Stock original concept plan showed run off detention ponds does this have one? A. Yes.

- **Motion to leave the hearing for Phase 8-Preliminary Plat at the Reserve** is made by Sean Bartschi, seconded by Rob Smith, all in favor.

Kristy says we need some conditions, and we should write them down this time. Need traffic study, water run off contained. The board will see a final plat and make sure it's there then. For preliminary plat is everything addressed? If we agree we're allowing them to move forward.

- **Motion to approve preliminary plate phase 8** with conditions that the ITD study is complete and run off water controlled made by Sean Bartschi seconded by Patrick Reese all in favor.
- **Motion to go in to hearing for Tom Morgan 7 Mile subdivision** made by Kristy Crane, seconded by Rob Smith, all in favor.

Tom Morgan has 253 acers South of ST Charles. He bought it 4 years ago and presented it then. He was granted to move ahead if he can solve the water issues. Since then, has drilled a well. He made a few a changes since the original plan, trying to fit the ordinances. Has 2 different traffic studies and a permit with ITD to make turn lanes. Will develop own water system. Idaho lands and Fish and Game all are good. Army Corp of engineers is good. County engineer and attorney have reviewed CC&Rs. Discussion with ST Charles ditch company to pressure the irrigation water which would save water over flooding. DEQ approval is good. He thinks he checked every box. Has gotten approval from every government entity and meets the county ordinances and zoning. It will have less density than the minimum. Wants to exercise his right as property owner. Kristy Q. What about fire pull outs, entrance onto 100 E. A. At that intersection there is a large power pole, so he will move access 200 feet west. Q. Is he doing anything to 400 S to improve the road? A. No leave it as is. Q. Would he encourage the owners to use main entrance. A yes.. Q Dewatering issues. A yes part of the engineering. Chairman Johnson question has the city signed off to allow access to the city streets or sewer? Citizens are concerned about what is going to be used. A. Mayor Alan Michaelson concerned about the road and added traffic. Would rather see them use HWY 89 as a second access also. All access from the HWY. Sewer system is under negotiation not yet decided how it will transfer to the system. This subdivision is not in the city limits. FH sewer said it's up to ST Charles city for the sewer question. Has been some discussion getting close to signing it. These are mitigated water rights so what's there now is enough for first three phases. There is enough water for the other phases, but they will bring it in as the phases are done. Water is accounted for, for

## Page 4-Bear Lake Planning & Zoning meeting- November 17, 2021

culinary use only. Also have irrigation water rights to water the outside. Want to pressurize the system would use about 50% of the water from flood irrigation. Q Vehicle access to the lake? A. Idaho lands permits an improvement to the lake. The beach access will be gated. The high-water mark has been defined. Mitch Q. Are turning lanes part of the study? How will that play out. Is there a trigger point when it will be required? A. They will do it right up front as part of phase one. Chairman Johnson read the CC&Rs says it's going to be pretty restricted. A. It will be to maintain control and continuity so they can manage and maintain things. Q Short term rentals allowed. A. yes through an offsite company to schedule. No basements in these so less people will stay there. Will try to manage them and control them so it's not crazy. Chairman Johnson says in some areas there is some short-term rentals and no control. Q. Is there any consideration for light pollution. A. That will have to be an architect thing to design. Chairman Johnson says this is a preliminary plat it is still regulated by the county ordinance.

The board decides to not have a time limit on those testifying if it don't get too crazy.

### From the audience. In favor:

Gary Mckee change is here. Some developers haven't finished the projects they started. Says Tom is someone that won't leave the county hanging, we can count on him. Is good for the area. He will be here for a while.

Matt Morgan the intent is to stay here they have owned it for 8 years. He was saved in an avalanche years ago from people here. Want to do good things for the community. Good people here.

Danny Morgan rooted in tradition coming here for 20 + years wants to preserve the tradition for future families in the future.

Dian Miskin no problem, Q. What's going to support the people? Schools etc. a lot of homes, stores? Schools?

Max Peerce an engineer for this project says working with Tom has been a change of pace. Other developers don't do everything Tom has done. He steps up to every obstacle trying to make it better.

Alan Hemmert is for it, it should involve the people in the community, improve the community. Don't want liberal ideas we have cattle. Thinks the city should have beach access across the land.

Nathan McEntire, financial services, has worked with Tom. They try not to impact the neighbors. High quality place with some things open to the public like a restaurant and club house.

Roy Bunderson property owner and resident. Giant proponent of private property rights should be able to do what you want on your land. Supports the board although he may not always agree. Notices people only show up to these meetings when there is a decision to be made. If a property holder subscribes to the ordinances, then there is no way the board can deny it. Should have some regulations to make sure Tom does what he says he will. 250 homes will have a big asset value to the county. Average home is about 1.5 million dollars. At full build out, (today's rates) should be 1.872 million dollars into the county. Fire department, school and other county

## Page 5-Bear Lake Planning & Zoning meeting- November 17, 2021

entities would get lots of money each. If Tom has met everything the board requested, then the venture capitalist, Tom, should be allowed.

Evan Stewart known Tom for 16 years, Tom is not who we think he is.

Bob Miskin in the valley 23 years thinks it will be good for the community, we don't have enough money here. This will stimulate the economy.

### From the audience as Neutral:

Adam Johnson personal and as a fire district person would like to understand the water storage and gallons per minute, snow removal, access for trucks, parking studies, hydrant locations, ITD checked traffic on the highway with a traffic counter. Gated communities pose a challenge to response. How is the restaurant built? Housing density how close? County financial impact can be positive. Culinary Water enforcement should be done through the HOA.

Ed Izatt, FH resident wants more information on some items. Sewer system? St Charles is working with them. The lagoons are shared with Fish Haven. Dimensions for the roads in the subdivision. Is there enough room to turn around? Water storage for fire? Impact fees? Entering and exiting onto the highway not the city streets? What is the developer doing for the county?

Randal Night Garden City, Garden city is going through a large expansion now you may want to study how this will affect the fire risk? Can they handle the increase calls? Multiple calls at a time? Garbage collection? Transportation study should include Garden City traffic as well. That will impact them as well.

Glen Bee we have time, the ambulance service can handle the calls we have now. Can the county put in QRS so the volunteers have gear stationed at strategic places? A QRU is a Quick Response Unit a smaller vehicle like a truck with lights.

### From the audience against:

Doreece Bunnell Server wants to share history of the land. Shows a picture of her on the land. Not here alone, other side of tourism. Has property in the city and the county. Concerns we are a tourist industry that's why the news camera is here. Open space is being built in along the lake. This is the country open space. Access road is the Hwy. Safety. Fire response is slow.

Stacey Transtrum asks for permission to share how she feels. This will affect the county. Reads from the land use ordinance chapter one. Health the garbage STR makes a mess. More garbage truck traffic. Trash on beach front? Safety, more people bring problems. People are here a lot more than just the weekends. Lots of traffic on the north beach road. She has farm equipment on the HWY it is dangerous. She reads a State Statute saying the board should instate a moratorium. The growth is out striping the emergency services.

Jared Liels owns property on 400 S, this will increase the traffic on the that street. He is concerned.

Henry Howell FH not against it but has questions, water storage, how much and where is it? Fire protection for lots of propane tanks? Centralized propane tank in an area? Emergency response units can they help out?

Ben Lake, BYU geology student Questions the wet land study.

**Page 6-Bear Lake Planning & Zoning meeting- November 17, 2021**

Cheyenne Lake, BYU geology student what are they building on? What type of materials? What if there is an earthquake?

Dallas Keetch where is the Jacobs Canyon flood zone? Will it impact it?

Wayne Keetch lives in St Charles used to own land next to this development. Now leasing the land just North of the development. On the south side of the field a new ditch was dug draining Tom's land. Now Wayne can't water his land because the bigger ditch takes all the water.

Lowell Howlett FH not really opposed. Wants turning lanes. There are no turning lanes from the boarder up to FH, there are more accidents. Need ITD to get a 5-year plan.

Corral Oxibine works in real estate, the proposal will affect more than St Charles. It will push the locals out and farmers won't be able to stay.

Mike Derricott down the road what happens if they have problems with people obeying the CC&Rs? Another drought might affect their water storage.

Bruce Peterson St Charles says externalization is when someone or company comes in and shifts problems to others. Don't see one thing in this that will benefit the citizens of the city. Thinks they should be able to do what you want on your property. Thinks this effects his rights it don't benefit him. Wants the board to check the wet land study. All the ATVs that will come in will drive through the city. Can the developer do something to mitigate the ATVs. The city will grow, but we can mitigate things.

Derrell Sleight pollution? What will we do for pollution?

Steve Howard FH sewer district there is a pressure line now along the road it will have to be protected. Q. Shared lagoons is there an impact on FH. They will do a study on the capacity for the future.

Kathy Izatt FH resident Any study on schools? Sewer district? Cul-de-sacs bother her. Should redo the traffic study.

Tom Morgan rebuttal ---geology have had a full geo technical study and fault line review. Did some digging. Liquid faction study been done. Will store water in a big tank and pressurize the water from a 400,000-gallon tank. He will try to disguise it. It's 16 feet tall and 70 feet across. The neighbors on North and south of his property flood his property when they water. So, he dug ditches with the Army Corp permission, so his homes won't be flooded. Enforcement of CC&Rs will be done by the HOA it's a legal document. Not a current public access to the lake. The hammer head design instead of cul-de-sac are the same dimensions as a round cul-de-sac. His engineer has designed it and 10 feet larger than required. STR is enforced by HOA. Would have to have some type of enforcement to STR. Propane tanks, they talked about a centralized place. He talked to propane company they suggest individual and bury them. Question about water table in the land can they be buried if it water. The restaurant will be in phase one. Traffic study was during July 4th and during the pandemic. Sewer system would install a new lift system that will increase the capacity of St Charles system. ATVs in St Charles can help by

**Page 7-Bear Lake Planning & Zoning meeting- November 17, 2021**

putting the exit roads onto the HWY. For Emergency services maybe he can make a nice donation to the EMS. Ditching to protect his property.

- **Motion to leave the Tom Morgan 7 Mile subdivision hearing** is made by Kay Beck, seconded by Patrick Reese, all in favor.

This is preliminary plat; commissioners can revisit things again. Mitch, not too many things needed as conditions, a few things, like road access, traffic, sewer, cul-de-sac. Garbage location will be individual cans at each home. Wetlands for phases 4, 5, 6 not approved. They will design around any wetlands. The restaurant will have to be zoned commercial. That would require a separate hearing for the rezoning.

Conditions discussion on access to road system with St Charles, sewer system.

- **Motion to approve the preliminary plat for Tom Morgan 7 Mile Subdivision** with the condition that the second road access is addressed, traffic is mitigated on city streets, the sewer system connection is approved by St Charles City made by Kay Beck, seconded by Patrick Reese, all in favor.

Old business the car lot West of Montpelier has junk cars. They agreed to not make it a junk yard. They need a letter.

- **Motion to approve the minutes** from last meeting as amended by Mitch (inserting the text of the motion) is made by Kristy Crane, seconded by Kay Beck, all in favor.
- **Motion to adjourn** the meeting is made by Patrick Reese, seconded by Rob Smith, all in favor.

**APPROVAL OF MINUTES:**

  
Albert Johnson, Chairman

  
Date