



**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, June 8, 2021

RE: Bear Lake County Planning and Zoning Meeting

**The Bear Lake County Planning & Zoning Commission will hold its regular scheduled meeting on Wednesday, June 16, 2021 at 7:00 pm**

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

This meeting will also be available electronically using the "zoom" platform at the following URL:

<https://us02web.zoom.us/j/86220425522>

Meeting ID: 862 2042 5522

**PUBLIC HEARING:** Devin Budge/ Tarrel Palmer – rezone, Hwy 36 Sharon Idaho  
Spencer Bailey-rezone, North of parcel 5397.00  
80 Green Canyon Rd. St. Charles, Id.

**Action Items**

1. Approval of Agenda
2. Devin Budge/ Tarrel Palmer – rezone, Parcel# 2751.02 - South side of US Hwy 30 Sharon Idaho
3. Spencer Bailey- rezone North of parcel 5397.00 - 80 Green Canyon Rd. St. Charles, Id.
4. Pat O'Keefe-Kentucky West Concept Plan, North of Fish Haven
5. Work meeting
6. Old Business
7. Approval of minutes
8. 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**  
**June 16, 2021**  
**Paris Courthouse Commissioner's Room**  
**PARIS, ID.**

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

Vice Chairman Kristy Crane welcomes everyone at 7:01pm and asks Rob Smith to lead the pledge of allegiance.

The agenda has one amendment, action item number 4 will not be here tonight, and he has asked to be removed from the agenda.

- **Motion to approve the agenda** as amended is made by Kay Beck, seconded by Patrick Reese, all in favor.

Vice Chairman Kristy Crane gives rules of a hearing. Lots of people in the room.

- **Motion to go into hearing for Devin Budge /Tarrel Palmer Rezone** made by Patrick Reese, seconded by Rob Smith, all in favor.

Devin says he wants to rezone some land at the mouth of Emigration Canyon in Sharon. Intends to divide land onto lots about 3 acres in size, about 9 lots in total.

Mitch gives reports this is in Ag 40 it's not in the overlay zone, so he put in the agenda as a rezone. Not an overlay. The commissioners have lots of leeway in making these decisions. Devin has questions, what can they do to meet the specifications to make this a county road? In the subdivision itself when the road is built to county standards, they can petition the county to accept.

Vice Chairman Kristy Crane goes over procedures for public comment. Keep comments brief, don't restate if it's been said. There is a Zoom chat where people will have the chance to respond too.

From the audience:

In Favor of the rezone:

Mark Budge is a realtor involved with the land. He says they have a preapproval letter from the highway department. HWY department is excited to get a new access to the road since now it's not a good road, bad visibility. The new road that would be there if approved would be lots better.

Susan Boehman in favor owns two acres in the area now they have been using the entrance for years, they don't want their access terminated. They thought they would get to use it still.

Would they be allowed to use the new road? Who is going to maintain it? What type of surface? Plowing? They have always allowed people to cross their land.

Neutral:

Dian Palmer reads a letter says she has been on the land since she was born. The land never was productive as farmland. Thinks this would be the best use for this land.

Hailey Jones owns 40 acres that is land locked, trying to get power there. Feels for the people that are getting sandwiched. She heard for years that this is only 40 acre lots, now there might be lots of houses. It's been hard for her to get easements. Doesn't want a booming metropolis. She has done all the maintenance at her expense and has no power. Will she get help from those who will be there? Growth is scary to her. She wants power too. There is more traffic going through there now.

Jim Goostree lives ¼ mile up the road. Is it going to turn into rentals? He doesn't like rentals; they are noisy and increase traffic.

Against:

Kathy Price one of the owners of the land nearby. Reads her statement. Feels it's not a good thing to rezone to 9 lots. Has lots of questions. Has already seen more noise and traffic. Rentals travel all over. If it's controlled by an HOA, it's hard to control. Request to keep their entrance since they have been there for years. Reads from the land use ordinance, says a subdivision this size isn't good for the area. She has more questions, will they be forced to be in the HOA, will they be required to maintain a fence? What about septic tanks. Plowing year round? Garbage cans, how will that be done? Against nightly rentals? It's a wildlife migration area. How will that be affected? Would like these addressed?

Ronald Amidon bought his land some years ago. Is moving here because they were crowded out by subdivisions. Is building a new facility now. When renters come in next door, they drive too fast. Don't want people shooting fireworks like he has seen others do before.

From zoom

Megan Barney has 140 acres on Pole canyon wants the community to think about long term. About how this area is going to grow? Value of strategic planning. Loves the area because it's quiet and wild. Thinks the value goes down. Wants 10 or 20 acre lots to keep it bigger and less impact on wildlife. Has some articles saying what happens when things aren't planned out. Not against all cabins there but wants bigger lots.

Terral Palmer the property has been in his family for years. Everyone who has land now bought from his father. Now they don't want him to sell his land for a good value. The road that will be built will be better for safety. Says there is a right-of-way now in the land. Says it's been there for a long time.

Devin Budge rebuttal, the road access will be on the Palmer's property everyone can use it to get to their property. Power will come from across the highway. Can't control what people will do they might rent them out. The land is not good farmland this is a good use for it. Garbage cans will be available, he doesn't want to change that. Will make sure those there will have access to the garbage. Winter maintenance, he eventually wants the county to take it over? Until the county takes it over, they will have to plow it themselves. Has been in contact with Rocky Mountain power for preliminary bidding.

No more questions from the board.

- **Motion to go out of Devin Budge/ Tarrel Palmer Rezone hearing** is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Deliberation. There is another subdivision across the road that looks the same and is similar use as this. What does AG 40 mean? Mitch explains that Ag users don't want to be tied into AG when they can sell for profit. There is an opinion that it's not good AG land might be good for houses. This is a two-edge coin no matter how it goes. People don't want things there. Mitch explains it could be problematic to develop because of the water moving underground during the spring. The existing approach is dangerous now with low visibility. How often do we change AG 40 into other zoning, answer lots of the time. The board doesn't protect the AG 40. Kristy says since it's not currently used as AG, and there is a subdivision across the road. It might be difficult to get sewer. Likes the conditional rezone idea. Will need a plat to define it better if they can't get it approved it goes back to AG 40. There is a subdivision ordinance that requires a fence and other requirements to be a subdivision. From the audience will there be a perk test? Answer the developer will have to have perk tests to approve the plat. Will there be an HOA answer no. Board says they will have to have an HOA if the county don't accept.

- **Motion to Approve the Devin Budge/ Tarrel Palmer Rezone** with the condition that it reverts back to AG if the preliminary plat isn't approved within 2 years, by Devin Boehme, Seconded by Sean Bartschi, all in favor.

### **Spencer Bailey Rezone**

- **Motion to go into hearing for the rezone for Spencer Bailey** is made by Sean Bartschi, Seconded by Patrick Reese, all in favor.

Spencer Bailey presents, he wants to rezone a piece of land to commercial near St Charles, it sits partly in the city and on the county. He met last fall for a lot split. Has shop he wants to use to help his business. In the shop he has installed a laundry facility. The laundry is for his own short term rental business. They remodeled the shop to accept the better workflow. Added commercial laundry machines. Got approval from St Charles city to connect to their sewer system. This land already had a well, they are using it for water. They had Rocky Mountain power add commercial power. Up to 400 amps. They are doing this type of commercial laundry all over the county already in other places. Want to do it right. Wants approval to make it a commercial rezone. The board asks if the well was approved as commercial. Answer is no, the water resources was alerted but they did not object.

Mitch says after Wayne Davidson red tagged the job for having commercial machines it was decided that they should bring them in for a rezone. The board has approved rezones before. What part makes it commercial? Spencer thought it was a home base business. But this is not in a home, it's in a building that is no longer on the same lot as a home. This is used for short term rental business; Spencer has 11 houses in the county that he rents out and needs a place to do the laundry. The concern is it could be used by other businesses. What does ST Charles think of it?

Public commit:

In favor

Cody Miller thinks is unfair about what is commercial and not. There is a lot of ATVs on the road, but only three people in the laundry. Hard to keep business here. Thinks it will be healthy for the community, impact damage very little.

Chris Locker says it won't cause any more traffic.

Alan Michaelson, Mayor of ST Charles, they have contacted the city before and the city knew about it. Bailey has a laundry truck, and city granted him access through the city.

Lisa Transtrum says there will be just a few trucks each day. She is city clerk and says Bailey had done what he thought was needed to put this there. Lisa also works for Spencer. He does what he can to keep local spending here. She asks if she gets commercial laundry in her house will she have to be commercial?

Kirk Basset, lives at the bottom of the hill they come past his place. Lots more ATVs coming by his place. Spencer just wants to wash his sheets.

Terry Enon lives nearby never heard the laundry machines but has heard mechanical things from previous owners in that shop. Farm equipment also making noise. Thinks this is a quiet use of the property.

Neutral

Mark Jones Why commercial. Why 3 acres? For a laundry mat? Hasn't seen a master plan seems unusual for a rezone. Might get his property rezoned as well if they do it for this guy. Facing rentals and now a rezone. Some of his property is in the city and some in the county.

Against

Dallas Keetch lives on 180 W 200 N, that is the road they would use, he thinks the traffic is a big deal. The traffic could get worse. What if Spencer increases the business? What other types of use can he use on the three acres. Now his kids can't ride the bikes on the road.

Kathy Izatt not against or for. She has the same question she had the last couple months, is there a lot line adjustment? Answer, No. Why is there a difference? Lot line adjustments are for subdivisions, it's done to clean up lots. But not adding lots.

Josh Sevy representing the owners directly east. Why 3 acres what future uses could he use it for? There has been more traffic. Are we on the wrong side of the isle? Might get his property rezoned as well, thinks the area is recreational. Spencer should get a conditional use permit to avoid future problems.

Spencer Bailey rebuttal. He wants to be a good neighbor. Has no intention to building would agree to that. The parcel is 3 acres, they need more land to get the power there. The Power company wants an easement that takes land. Wants to build a garage in the future. Wants the option to run his business. Would agree to not increasing the laundry. When doing the laundry in a home they don't clean as well. He built this out of necessity, has 25 rentals in two counties, in Bear Lake County has 11 rentals. Not taking over the county. Wants to offer a good business. Can put our best foot forward. Don't want to run this as a commercial laundry. Concerns about traffic. Works with sheriff's department placing cameras and reporting. Has tracking in the vehicles to track his drivers to help keep them legal. Has four trucks two mostly come there. Question was he hoping to make this commercial before he was red tagged, answer, no.

- **Motion to go out of Spencer Bailey rezone hearing** by Patrick Reese, seconded by Kay Beck, all in favor.

Deliberation;

Should they worry about it since the city is okay with it? Spencer asked for an annexation, but the city code requires a water line, the city doesn't have enough water or lines. They would have to change their code don't annex much now because they can't provide. Do have room in the sewer. Spencer didn't think it would be a problem. Everyone was happy except the county; he wants to rectify that.

Board asks is it a St Charles deal not a county it's in the impact zone. City could make some restrictions. Why are we making him switch to commercial? Doesn't like the idea of commercial there how can they stop others from doing the same? Looking at land use ordinance under home business. Why can't the city annex them? The mayor of St Charles made the agreement with Spencer 1.5 years ago. Thought it was in the county's hands now. The city doesn't want to annex it.

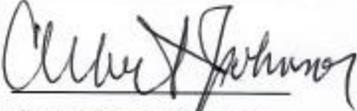
- **Motion to approve the Spencer Bailey rezone** with the condition that it will only be a laundry business and additional outbuildings allowed is made by Sean Bartschi, seconded by Devin Boehme, the vote is 2 in favor 3 against, motion fails.

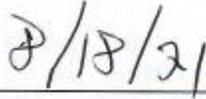
Mitch explains that he spoke to the attorney Stephine Bonnie, she says that this really is a commercial business.

Board still wondering if making this commercial makes sense?

- **Motion to table the Spencer Bailey rezone** pending further evaluation from the attorney and Mr. Bailey can keep using his laundry facility, is made by Patrick Reese, seconded by Kay Beck, all in favor.
  
- **Motion to approve the minutes** from May is made by Kay Beck, seconded by Sean Bartschi, all in favor.
  
- **Motion to go home** is made by Devin Boehme, seconded by Sean Bartschi, all in favor at 9:31 pm.

**APPROVAL OF MINUTES:**

  
Albert Johnson, Chairman

  
Date