



Planning & Zoning Commission
30 North Main Street
Paris, Idaho 83261
Phone: 435-946-2198

PLANNING & ZONING MEETING
June 17, 2020
Paris Courthouse Commissioner's Room
PARIS, ID.

ATTENDANCE:

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

Welcome by Chairman Albert Johnson at 7:05. There isn't a flag yet in the new building so the pledge of allegiance was omitted.

- **Motion** to approve agenda with some alteration of the order of business was made by Kay Beck, Seconded by Sean Bartschi, all in favor.

Chairman Albert Johnson turns time to Commissioner Brad Jensen. Brad welcomes everyone to the new building; he wants to witness how the new room is working for the meeting.

The board welcomes new board member Patrick Reese who has taken the place of Steve Hardy.

Starting with Mickie Sparks variance;

- **Motion** to go into hearing for Mickie Sparks variance is made by Devin Boehme, seconded by Kristy Crane, all in favor.

Mitch explains the rules for a hearing and asks people to direct comments to the chairman. Mickie comes up and explains that she wants to build a garage with living above it on her land on Skinner Canyon Rd, in Nounan. There isn't enough room to do this and meet the setbacks. She

wants a variance to get closer to the county road. She has been living there 45 years and the County maintains the road. She has provided a packet with information for the board. Chairman Johnson asks for any others questions. The existing house on the lot is already too close to the road, but the new garage won't be any closer she wants it to be the same. She has cleaned up the property lines on the description, so they match what is actually there.

- **Motion** to leave hearing is made by Sean Bartschi, seconded by Devin Boehme, all in favor.
- **Motion** to approve Mickie Sparks variance as it has been presented is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Adolfo Silva lot split is next. Mitch presents the request. This lot split is East of St Charles next to the high-water mark and along Transtrum Lane. Adolfo wants to divide 15 acres off leaving 26.6 acres. There is a house there adjacent to Transtrum road. Any new development will be on septic tanks since it's outside of sewer system. They do not plan on selling the upper west half. They do have plans to sell the East parcel near the lake.

The board feel like it meets the requirements.

- **Motion** to approve the lot split for Adolfo Silva is made by Patrick Reese, seconded by Kay Beck, all in favor.
- **Motion to go into public hearing for Kitty Louden rezone** is made by Kristy Crane, seconded by Patrick Reese, all in favor.

Mitch explains the rules and passes the roll around.

Kitty presents her application. She has been a resident for a long time. She is a real estate broker. Loves Bear Lake. Family lives here. She has about 2 acres north of the border near Bear Lake West (BLW) entrance. Has a home and horses on it. Has dreamed of rezoning this for years and only lately been able to move forward on this. She feels there is a need for more places for business, wants to do her real estate business there too. She is also a dealer for Old Hickory sheds. The sheds are not her reason for asking for the rezone. Her main intention is for her real estate business. She has two access drives onto her property from the HWY. One can see well onto the HWY from either access. She will gravel the whole area, and fence. Has a lot of ideas. Has owned it for ten years. Surrounded on two sides by BLW which is commercial. Kristy asks about how long the sheds will be there. Kitty hasn't thought about selling sheds before she was offered the chance, but now that it's here she does intend to continue selling the sheds. Chairman Johnson asks since she is a realtor shouldn't she have known about the need for proper zoning? She said it happened very fast and didn't have time to go through the steps to rezone. She was also told by the Hickory Shed people that since they are movable, she doesn't need to rezone. She knew in her

heart it needed to be rezoned but allowed it to move onto her land. Mitch asks about some other ideas she would like to do. She thought about night rentals with the cabins, or an air B&B in the house. Feels like the property will talk to her to help her know what to do. Chairman Johnson points out that a residence isn't allowed in a commercial zone, but she asked for the rezone to include the whole lot including the house. Mitch talked to the lawyer, Stephine Bonnie, and she said Kitty could continue to use the house if the rezone passed. It would be considered as a legal non-conforming but can't add onto the House.

Mitch reads letters from those that sent them. First is concerned about the safety on the HWY with traffic. And the inventory of sheds is visible, thinks it will decrease values of land. Will have negative impact on everyone.

Rick Grover letter, from BLW says there is some commercial businesses in BLW. But they are not on the Hwy. Concerned about the safety on Hwy. Hauling the sheds onto the road is dangerous. Doesn't seem consist with the general plan of the area along the lake. Will impact the view in the area. Wants to deny the rezone. Marilyn Swensen on BLW POA questions the value of selling the sheds in this area. Safety onto HWY. Storage of materials and chemicals?

Concerned neighbors, a few of them, strongly object. Have been here for a long time. Professional realtor should know the rules. Kitty didn't consider neighbors, fire potential, placement of buildings over water valve. Safety of the homes and traffic distracted by signs and buildings. No place to park if too many come at once. Disrespect for the county rules. Strongly against it.

Letter from Department of Transportation professional engineer. They remain neutral, but if the board approves, they will require to improve the road or approach. Must meet all new requirements if there is a change in the use of the property and traffic. The current approaches are not compliant now but will be reviewed if the board approves. Maybe some changes on how many approaches and placement and sizes.

The application was sent in on time all people were notified. Mitch quotes the comprehensive plan about how the land is to be used, and commercial lands definition. If it is allowed there will be buffering required access and other requirements that will have to be considered. Mitch contacted Stephanie Bonnie she said there is a lot of latitude for the board. Approval of this rezone won't mean every rezone will get approved.

From the audience;

Penni Brooke 174 Hwy 89 speaking in behalf of a group, bought her property 65 years ago, she is fond of this area. When she saw the sheds, they were disappointed. They have done their homework in the ordinances and feels like this isn't in the main plan for the county. They don't want to disparage the neighbor but don't want to open it to all the other commercial things. The neighbors have been cooperative in the past and have reached a resolution on other things. It isn't personal but not appropriate for this area. Lots of violations to the master plan, and ordinances. The P & Z are the shepherds to the valley. People stop to look at the sheds on the road causing danger. In the ordinance it says the buildings need to be 5 feet apart to prevent fire. Bear Lake Blueprint says this commercial use contradicts the entire planning. Vote no.

Lee Carlton across the street, asks why there isn't any commissioners in the meeting they need to protect his property. Tells about a fire wall made with the fire trucks. Says if there is a fire it will burn his place. Don't like it thinks it will devalue his property. Rob Smith asks if they are opposed to the whole idea, or to certain aspects. They respond they are opposed to all of it.

Sands Brook says commercial is major jump from where we are now. Maybe a conditional use would be appropriate. He worries that it is a steppingstone to more commercial.

Moana Kropushek across the street, loves her place it is hard to see from the road, it's secluded from the road. If people are stopping there might be some looking at her place.

Chris Holman 144 Hwy 89 nearby landowner. Concerned about a contingency that might be placed. What is her main business real estate or sheds not both?

Kitty rebuts, Kitty does care. Speed limit is too fast. The cars that have wrecked before were not her fault. Blue Bird and BLW beach all are commercial and people slow down and look at those too. Not her fault. She is a year-round resident. Lots of people do not want growth, now there is lots of growth more things will be needed. Kristy asks about water shut off is a shed is sitting on one. The water line crosses her place, but a shed isn't sitting on it now. Kristy asks how many people come a day to look, and how late. On the weekend two or three. Timing is anytime from 8am to 9pm. Sean asks how many sheds has she sold, 8. Are these model sheds or do they order them? Answer is, it can be both some can leave the property some can be ordered, and they are shipped in. Her sheds are mostly model sheds. Most of the time she will have about 28 sheds. She can move them around to help the appearance, maybe in the back more.

Chairman Johnson says tonight the decision is to recommend it or deny, then it is sent to the commissioners. Not to work out any conditional use permit.

- **Motion** to close the hearing is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Discussion, Sean has questions from the comments, who defines an eye sore? how many sheds are too many? Short term rentals have parking problems too and cause traffic problems. Where is the commercial going to go? Rob worries about a fire.

Kristy what commercial uses are appropriate? Real Estate in the home seems to be expected. A conditional use permit would take some defining not a quick process. Maybe the sheds could be in the back field. Field of vision on the road is narrow.

Mitch says from the ordinance property should have pavement to the HWY. The ITD will require some corrections to the driveway now. Buffer zones of 50 foot vegetative to commercial zone from the Land Use ordinance. A conditional use permit could be crafted to fit specific requirements. Would be best to allow people to use their property how they want to without damaging others. Rob asks who defines an eye sore. Thinks the neighbors should have some say to

what the eye sore is. Can we ask the applicant to come with a more thorough plan and then readdress it since it was done backwards this time where the sheds are there now? Kristy asks should we ask Kitty to suspend her business until she could prepare a plot plan. Patrick thinks it's on the Hwy and next to other commercial property thinks it's in the right spot. Chairman Johnson recognizes that it is an illegal use of the property, so it puts the board in a tough spot. There is no plan so how could the board move forward not knowing what it will really be at the end?

Same type of consideration should be done by Kitty as was required by the garbage site for BLW and she was on that project so she should know how to work through it.

- **Motion** to table this until there is more information to deal with made by Devin Boehme, seconded by Kristy Crane, all in favor.

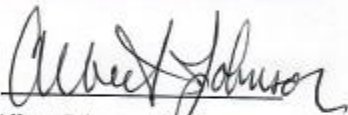
Work meeting

Steve Hardy is off the board because his term is up.

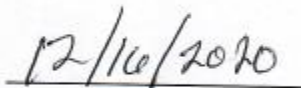
Commissioner Brad Jensen comes to the meeting.

- **Motion** to approve the minutes is made by Sean Bartschi, seconded Kay Beck, all in favor.
- **Motion** to adjourn is made by Sean Bartschi, seconded by Devin Boehme, all in favor at 9:35pm.

APPROVAL OF MINUTES:



Albert Johnson, Chairman



Date