



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

PLANNING & ZONING MEETING
February 21, 2024
Paris Courthouse Commissioner's Room
PARIS, ID.

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

Chairman Albert Johnson welcomes everyone at 7:02 pm, ask Kristy Crane to lead in the pledge of allegiance.

No corrections to the agenda.

- **Motion to approve the agenda is made by Eric Bomsta seconded by Kristy Crane, all in favor.**

Brandon Baker lot split. Brandon owns 21 acres, he wants to split off the house and barn from it and sell about 4 acres. He wants to keep 16 acres, the house will be on about 4 acres. Board has no questions, and it fits in the homestead ordinance since the buildings were there before they owned it.

- **Motion to approve the Brandon Baker lot split is made by Todd Transtrum, seconded by Eric Bomsta, all in favor.**

Scott Shaw Variance

- **Motion to go into hearing for the Scott Shaw Variance is made by Kristy Crane, seconded by Patrick Reese, all in favor.**

Scott says he wants to build a new house, where the old one is in Bennington. The old one is too close to the setbacks now. He didn't know about the setbacks. The town was platted with 132 ft wide streets and county ordinance requires 30 feet further back from that for setback. Or 95 feet from the center of the road. The county only requires 60 feet from the center of the road everywhere else, but Bennington is a platted township. His current house is about 73 feet from the center of the road. There are other buildings on

his property and neighboring property that is closer to the road than his house is now. The new house he would like to build would have a garage attached and part of the garage would be four feet closer than the old house is now, or about 69 feet from the center of the road. His proposal is still more than 60 feet from the center of the road meeting county requirements in other places in the county.

From the public:

➤ Kathi Izatt says variances are only issued when it's not the owner's decisions. His trees, barns, stuff were his decisions she says. The county can modify the plat, the board cannot. He may not be taxed for the ground he wants to use. It looks like he wants to move the house closer to the road. It should be a nonconforming use not a variance. He can make different choices to make it fit.

➤ No other comments from the audience.

- **Motion to close the Scott Shaw Variance hearing is made by Kristy Crane seconded by Patrick Reese, all in favor.**

The board is reviewing a picture on Pictometry of the property. The old milking barn is already in the right of way by a long way now, this is a physical characteristic done earlier by previous owners and will cause hardship for the owner. What's the best for the owner?

- **Motion to approve the Scott Shaw Variance is made by Patrick Reese seconded by Eric Bomsta, all in favor.**

Diamond Deals- Brandon Park/rezone

- **Motion to go into hearing for the Diamond Deals- Brandon Park/rezone is made by Todd Transtrum, seconded by Eric Bomsta, all in favor.**

Brandon Park wants to split 62 acres into 9 lots. Today he is asking for a rezone in preparation for changing the zoning to Rural Community. There is power and fiber on the side of the road. Each lot will have well and septic. Power will come from Early Lane. Mitch says it meets the qualifications for a rezone.

From the audience:

- Mark Parker, a neighbor says there are two water lines going through there, one for irrigation and one for a house.
- Kathi Izatt says every one of the notices for these meetings are inadequate. There was only 14 days' notice she will be appealing.
- Tyler Saxton, a property owner next to this land, asks is Diamond Deals the owners now or are they working with the owner? Is there going to be a geo tech investigation? There has been water sitting on the land much of the year. The Early Lane is a bad road. Once it's rezoned can it be rezoned back to Ag in the future? Can some of the land still be farmed if it's a Rural Community?

The answer is yes, they can still farm it all depends on the actual design of the subdivision.

- Ed Worth is a property owner that has the well with the pipeline crossing the entire property in question. His well and pipe isn't deep, he worries that it could freeze or get broken. Question, is there a recorded easement for the pipeline? He says he had the house reappraised and there is a maintenance easement now.
- Michael Myer a close property owner first mentions he didn't get a notice of the hearing. He addresses the road situation, it's not good. What about drilling 9 wells in an area? Will they get water shares from the ditch company?
- **Motion to close the Diamond Deals- Brandon Park/rezone hearing is made by Kristy Crane seconded by Eric Bomsta, all in favor.**
- **Motion to accept the Diamond Deals-Brandon Park rezone is made by Kristy Crane, seconded by Patrick Reese all in favor.**

Rand Robinson subdivision preliminary plat and final plat

- **Motion to go into hearing for Rand Robinson subdivision preliminary plat and final plat is made by Eric Bomsta seconded by Patrick Reese, all in favor.**

Rand Robinson isn't here. Mitch says this is a 3-lot subdivision. It was rezoned years ago to rural community. Now this new owner wants to subdivide it into 3 lots. The board has some questions, but without the owner here they won't get answers tonight.

From the audience:

- Thomas Hampton lives near there. Questions about property lines. What about water for new wells? The board doesn't know about the water.
- Todd Boehme from the county road and bridge is concerned about 3 approaches on to the main road. The road it enters is small and the increased traffic will be more dangerous. He asks shouldn't the P&Z plan ahead respecting the roads the county has.
- **Motion to close the hearing is made by Krisy Crane seconded by Eric Bomsta, all in favor.**

The board thinks we are short on information and don't know a lot of stuff about it. If they tables it, can they bring it back later or does the applicant have to submit something different?

- **Motion to table the Rand Robinson Subdivision Preliminary Plat with a two-month sunset clause, meaning if they don't come back to the Planning and Zoning for clarification within two months, (April 21, 2024) to their satisfaction of the board, then the application will be denied, made by Kristy Crane seconded by Eric Bomsta, all in favor.**

Old business, the state legislature is now entertaining a bill for Short-Term Rental that is more restrictive than what we have been working on. It will mean that we cannot require anything that we don't already have on existing homes. House Bill 506. The board won't work on a Short-Term Rental ordinance for the county any longer. We'll wait to see what the state passes.

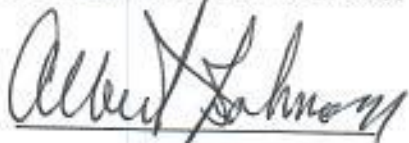
We, the board have been accused of not following rules for meetings and notices. Mitch has spoken to our attorney; she said for anyone to challenge or complain they must have standing showing they were damaged somehow. This prevents anyone from complaining for the sake of complaining.

Rural Community overlay zone was set up to help farmers break apart land to be used to develop. Since it was done there hasn't been many uses of the overlay zone. Albert thinks that it has been abused by developers. He thinks it's a wide-open door for organized development. Maybe we should look at that ordinance again.

Mark Parker for the fire department, there aren't enough fire hydrants around.

- **Motion to approve the minutes as printed from October, November, December, and January is made by Kristy Crane, seconded by Todd Transtrum, all in favor.**
- **Motion to adjourn is made by Patrick Reese seconded by Tod Transtrum, all in favor at 8:46pm.**

APPROVAL OF MINUTES:



Albert Johnson, Chairman

March 20, 2024

Date



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: Monday, Feb 12, 2024
RE: Bear Lake County Planning and Zoning Meeting

The Bear Lake County Planning & Zoning Commission will hold the regularly scheduled meeting on Wednesday, February 21, 2024 at 7:00 pm At the Bear Lake County Courthouse 30 N. Main Paris, Idaho.

Public Hearings:

Diamond Deals-Brandon Park/ Rezone, N side of Early Ln. off Lanark Rd
Rand Robison/ Subdivision-Preliminary and Final Plat, 1384 Sharon Loop Rd.
Scott Shaw/ Variance, 52 W 2nd N Bennington

Action Items

1. Approval of Agenda
2. Brandon Baker/ Lot Split-26553 US Hwy 30, Montpelier
3. Diamond Deals-Brandon Park/ Rezone, N side of Early Ln. off Lanark Rd.
Parcels, 3707.01 & 3743.00
4. Rand Robison/ Subdivision-Preliminary and Final Plat, 1384 Sharon Loop Rd.
5. Scott Shaw/ Variance, 52 W 2nd N Bennington
6. Old Business
7. Approval of minutes
8. Adjournment