



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

PLANNING & ZONING MEETING
March 20, 2024
Paris Courthouse Commissioner's Room
PARIS, ID.

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

Welcome by Chairman Johnson at 7pm.
Pledge of allegiance is led by Mitch Poulson.
Minutes approved as they are.

- **Motion to approve the minutes** is made by Eric Bomsta, seconded by Todd Transtrum all in favor.

7 Mile Ranch time extension Tom Morgan the owner requests an extension on recording Phase 2 of the project. They aren't ready to start yet and they don't want it to expire. He wants a 2-year extension if it's possible. Things haven't sold as fast as first thought. They are still working on Phase 1 and will have it done by 1 July. It's coming along.
No other information from Mitch.

- **Motion to approve an extension for 2 years for 7 Mile Ranch Phase 2** is made by Eric Bomsta, seconded by Sean Bartschi, all in favor.

Jeff Hirschi family lot split. Timothy Christensen the surveyor is here for Jeff Hirschi. They have about 140 acres on Lanark Rd, in 4 or 5 parcels. They talked with Mitch about some different types of splits. It won't fit into the family lot split since they don't plan on selling parts of the land to only close family. If they do a lot split, they need to have the parts at least 40 acres since that is the zoning. He thinks he is doing the county a density favor since he could sell the parcels individually and they then could be split legally. But it still doesn't fit in the family lot split ordinance, it says they must sell to parent or children. They aren't asking for more parcels in the end. It does fit the rural community rezone requirements, but the owner doesn't want to take the time to go through the process. The board thinks if they brought this to the board it would be

Page 2- Bear Lake Planning & Zoning- March 20, 2024

approved for a rural community rezone since the Lanark Road meets all the requirements. Timothy will go back to the owner and see what he wants to do.

Mark Parker lot split. He wants to split the house off his existing ranch. This falls under the homestead ordinance, the home was built before 2004 it fits the ordinance.

- **Motion to approve the Mark Parker Lot Split** is made by Sean Bartschi, seconded by Todd Transtrum, all in favor.
- **Motion to limit the debate in Public Hearings to 5 minutes per individual** is made by, Patrick Reese, seconded by Eric Bomsta, vote; Chairman Jensen, Kristy Crane, Todd Transtrum, Patrick Reese, Eric Bomsta in favor, Sean Bartschi opposed, motion carries.
- **Motion to go into hearing for Ephraim & Tiffany Hoge Rezone** is made by Sean Bartschi, seconded by Eric Bomsta, all in favor.

Tiffany Hoge wants to rezone about 13 acres into rural community, it's AG 40 now and in the overlay zone. This is along State HWY 89. The ordinance states that to change a zone to Rural Community the property needs to be next to a county road. Some discussion among the board concerning this property being along the state highway. It's decided that the board has allowed rezones under the same circumstances in other areas. The Hoges are only interested in rezoning this tonight.

From the audience:

Tee Steedman a neighbor to the property is concerned if they are in a flood plain. If they have passed a septic system approval. It's AG 40 now there are stock yards all around.

Gene Boehme represents the stock yards and is a landowner nearby. He knows the ground water is there most of the time. Has seen the land flooded often.

Farris Darwish works for the Southeast Idaho Public Health Department; he determined that the soil is suitable in certain situations for septic systems. There is ground water, but a septic system will work if one of the "special" septic systems are used. Every septic system there will have to be special. They are usually more expensive but can work.

Kathi Izatt representing the press confirms that this application is for a rezone to Rural Community, and the land is in an overlay zone. She strongly suggests that someone other than Stephanie Bonnie the Bear Lake County Attorney, be consulted about this and other Planning and Zoning matters. Kathi has been reading a lot of books about county ordinances and feels she knows what the board needs.

Ed Izatt emphasizes the Hoges are only asking for a rezone. They might need to work out other things later. He is in favor of the rezone.

Bill Stock is neutral on the rezone. He says if they are doing a rezone, it doesn't matter what other things they may apply for in the future. He says the board didn't give a staff report in this

Page 3- Bear Lake Planning & Zoning- March 20, 2024

meeting. And thinks the board should have one. Says that by state statute the board should have notified everyone within 300 feet of the application.

Kirk Barker says they are asking for a zone change, he supports the change since they own the land.

Ephriam Hoge rebuttal was concerned about the water in the soil. He asked about it at first when buying the land. Ephriam called everyone around to ask if there had been a flood. A person who knew about the history there reported there has never been any flooding. A state HWY worker and familiar with the bridge over the HWY near the property, says he has never seen flooding there. The Hoges did dig some test holes last spring and watched them closely. The water never came within 3 feet of the topsoil. They do have an access permit from the HWY department to access from the HWY.

Staff report Mitch says there is not much more to say. It is in AG-40 zone now. It was posted in time, the neighbors within 300 feet of the property were notified in time. It was in the paper and in all the post offices all done in time.

- **Motion to close the for Ephraim & Tiffany Hoge Rezone hearing** is made by Sean Bartschi, seconded Eric Bomsta, all in favor.

Board deliberation. The board agrees the state highway is at least as good as county road. If the board treats the HWY as the same as a county road, then access and maintenance is acceptable. The Speed limit is fast there, accessing onto a highspeed HWY could cause more accidents. This type of rezoning has been approved on land before in similar situations. The reason people want a rezone of this type is so they can subdivide and build homes. Is this a good place for this subdivision? The county stock yards are next door. The stock yards were built there a long time ago because it is out of the way from anything else. If the rezone is approved, and the Hoges come in for a subdivision, the stock yard will be impacted. They built the stock yard in the middle of no ware for a reason. Cattle are noisy and smelly and could be dangerous if they escape. There are often trucks there day and night. This is not the right spot. There is a potential economic harm to the ranchers, a real cost. Mitch refers to the Land Use Ordinances where it says the board's responsibility is to "...promote the health, safety and welfare of the people in the county." And "To provide for and protect agricultural lands and sensitive natural resource areas." And "To mitigate the effects of incompatible land uses upon adjacent uses."

- **Motion to approve the Ephriam Hoge rezone** is made by Sean Bartschi, seconded by Patrick Reese, all in favor.

Kirk Barker North Beach subdivision is next to the St Charles city limits, but in the county. The city won't allow water or sewer hookups to his proposed subdivision since his land is in the county. Kirk wants to propose a "new type" of septic system since he can't connect to the sewer. Kirk has spoken to a contractor who has installed an advanced septic system, and it can be approved for difficult areas, and it works while protecting the surrounding area. He thinks it's not fair to hamper developers because they can't connect to a sewer system. Thinks the advanced systems are more environmentally friendly.

Farris from the Health department speaks about septic systems. Says there are alternative systems. Like incinerator toilet systems. He agrees that in a regular septic system the affluent from the septic system will clean itself in the ground.

Kirk says the county requires 7920 feet, (a mile and a half) of distance to clean the water. Farris says that the national norm is 300 feet for cleaning water. He asks if the board will consider an "advanced septic system" as an alternative to connecting onto the sewer. Kirk thinks professionals should be brought in to determine the impacts and would like to get that started.

- **Motion to explore the possibility of different septic systems used in proximity to the lake** and evaluate the current ordinance concerning septic systems and required sewer hookups is made by Eric Bomsta, seconded by Kristy Crane, all in favor.

Ed Izatt asks to speak, saying that 50 years ago they put in the FH sewer district to protect the lake. He says he was on the sewer board at the time and is aware of a large amount of data collected concerning the need for a sewer system. Now there is a moratorium on new sewer hook ups. He is in favor of protecting the current sewer system and looking into new systems.

- **Motion to look into existing data of the FH sewer system** made by Sean Bartschi, seconded by Eric Bomsta, all in favor.

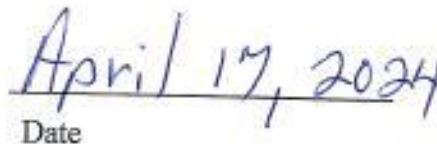
Old Business, Mitch and Chairman Johnson corresponded with Senator Harris about the STR statute being proposed. The proposal died in session.

Chairman Johnson reiterates that meeting minutes should contain the main points of the meeting and things discussed. They do not need to contain every detail.

- **Motion to approve the minutes** from last meeting is made by Patrick Reese, seconded Todd Transtrum, all in favor.
- **Motion to adjourn** is made by Sean Bartschi, seconded by Kristy Crane, all in favor at 9:28pm.

APPROVAL OF MINUTES:


Albert Johnson, Chairman


Date