



Planning & Zoning Commission

7 East Center

Paris, Idaho 83261

Phone: 435-946-2198

PLANNING & ZONING MEETING

March 20, 2019

SCHOOL DISTRICT BOARD ROOM

PARIS, ID.

ATTENDANCE: CHAIRMAN RON JENSEN
ALBERT JOHNSON-VICE CHAIRMAN
STEVE HARDY
KRISTY CRANE
KAY BECK
SEAN BARTSCHI
DEVIN BOEHME
MITCH POULSEN, ADMINISTRATOR
WAYNE DAVIDSON, SECRETARY

Welcome by Chairman Jensen at 7:10 pm thanks the board for being there.

The pledge of allegiance is led by Albert Johnson.

There are no changes to the agenda.

Motion to accept agenda as published is made by Albert Johnson, seconded by Steve Hardy, all in favor.

Motion to go into hearing for the Brian Hirschi rezone is made by Albert Johnson, seconded by Devin Boehme, all in favor.

Mitch gives the rules for a hearing. Public comments are to be held to 5 minutes. Address all comments to the chairman. No personal attacks. Don't repeat what's been said. The P & Z board makes recommendation to the commissioners based on the hearing.

Brian Hirschi Rezone. Brian Hirschi and Jamie, his wife approach the board. They would like a zoning change to a piece of land they bought on the East side of the lake. They sent a packet earlier describing their plans for the land. They want to use the land to rent water craft and other lake recreational things. This is a business they have been doing for about 18 years at the Hot Springs park. They have recently lost the lease on that location and now want to relocate to this property. The new lot is about an acre in size and South of the Hot Springs. Brian explains that he grew up in the valley, ST Charles. He has checked with the Rocky Mountain Power to possibly use something on North beach. The power company said they will never let it happen there. So that's

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why he found some land to purchase on the East side. He really likes the location, thinks it's a good place to develop. He has researched the county ordinances he says the ordinances allow for mixed uses. Thinks it a perfect spot. Beach area below high-water line is public lands. He feels he runs a top-notch company and cleans up the beach. He has rules and don't want 4 wheelers on the beach. 90 percent of customers go to North beach to play on the beach. Anticipates it will be the same business model. Chairman Jensen asks if he will sell beach access to people. Brian wants to be good neighbors and not offend. But he doesn't want to be restricted in the future as to what he could do. Thinks it's a win win since it's a private owner buying land and letting the public use it. Has worked with Idaho state lands. Understands concerns about the "not in my back-yard" attitude. Albert asks what the plans are to mitigate the traffic and people. Parking, there is one acre to park. When the water is low, they drive on the beach. Knows property owners like to claim the land all the way to the water. Hemmerts own the South property, someone else owns to the North. Brian would tell his customers to stay on his land. The nature of the business means no noise in the night or morning. Chairman Jensen asks about activity in the commercial zone, lots of things could be done once it's zoned commercial. Albert says it's about the neighbors too, wants to be careful to protect everyone. Chairman Jensen says there may be a way to do this conditionally. Brian talked with Mitch saying they are specific as to the type of the business they have now. If water is high or low his impact is different on the beach. Brian has about 5-7 boats 20-30 wave runners some paddle boards. Most of the time people take the craft somewhere to play. The piece he has been using was much smaller and he always had room for parking before. This new one is larger should have room to park. Safety is a big issue, has responded to emergencies before. There has only been one boat rental on Idaho side so far. So far has had a good experience. Steve asks about residences near the other rental spots. Brian says neighbors have been okay with it. Most of the water years the lake is low, so they are way out away from people.

Staff report, Mitch says rezones are different there isn't too much definition as to how they go. Stephine Bonnie, (the attorney representing P&Z) said there is a lot of latitude for the commissioners. Our ordinances and comprehensive plan are open to lots of things. She said the board can do a conditional rezone. Attaching some requirements to the rezone can benefit all. Chairman Jensen says anything below the high-water mark is controlled by the state. This board has no control over what goes on there. Albert says lots of the concerns of nearby land owners are how the beaches are used. Brian is not renting 4 wheelers. Chairman Jensen says the state has not addressed the parallel movement along the beaches.

From the audience in favor:

Russ Chase works for Brian. Will allow them (the board) to regulate what goes on at the beach. Regulates their equipment. Can't control what others do who come down. Russ says they aren't doing camping in the rental area; how much is still commercial? Not selling beach passes. Need to rent a boat to get on the beach.

Loren Hirschi Brian's dad, he's been involved in the valley a long time. Still pays taxes here. Has seen the hard work to build the business. Would hate to see Brian lose it.

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Lance Tilley a father of one of the survivors of the accident where 5 people were lost at the lake. Brian took his own boats out on the lake, on his own to find the bodies of the girls. He thinks the lake is still a place to enjoy. Brian showed good integrity.

Kirk Basset has worked for Brian for 20 years watched Brian build the business. Don't want the business to be lost. Well maintained machines. 4 wheelers won't be rented. Might be harder for people to travel parallel.

Brent Hirschi brother rents machines. Is competition to Brian in Utah. Rents right next to residential property. Keeps the beach clean, residents like to use his beach. Other beaches he has seen have been planned. If the planning isn't there can be some safety issues. Lots of people come to the North beach.

Chuck Stocking Brian's cousin. Grew up near the lake. Moved in 12 years ago started a business here. Seen growth and vacation rentals. There is growth here. Need more space here to play. Garden City gets crowded and pushes people to this beach. When there aren't places to access people do it anyway and spread out.

Jeff Stocker from Weber County. Comes here a lot. Rented water craft from Brian. His daughter is one that Brian rescued in that bad accident. Brian went above and beyond to find the girls. After that he didn't like the lake. Got to know Brian, says Brian is a man of his word will do what he says. Thinks that the board can come up with a good solution.

Neutral

Mark Parker BL Fire Marshal. Has concerns about parking and it needs to keep off of the road. Keep a fire lane 20ft wide, it's to remain open. The land South has a lot of grass. Should have it remedied. Soft ground on the property probably won't support a fire engine. The road must support 44000 lbs. to hold the truck. Wants to have a condition stating what will happen if the use ever changes.

Sheriff Bart Heslington, concerns from historically what has happened with the boat rental. Below the high-water mark no one can control what happens. Brian said he "cones off" a path to the water but he doesn't have the right to control traffic on the beach either. Kind of a double edge sword. Parking when water is down not much problem. On high water years parking is a problem. Parking spills out onto the road. The road there is even narrower. Tickets are paid and people stay. Has had the rental company employees tell people to park on the road when it's crowded. Access in and out on the road has been an issue before and expects it to be there again. Historically adjacent property owners have been a constant source of calls. In past the neighbors have always had troubles. Don't want it opened up to an unconditioned commercial use. There should be penalties for misuse. Department of lands and the sheriff's office and some others are putting a think tank together to reach a unified plan defining who has the authority to enforce the laws and regulations on the beaches. Working on it now. May have future impact on Brian's business.

Opposed

Steve Harrison owns property south of Hot Springs last 13 years have been a night mare for him. Said last year when the hot springs was closed, he talked to people who paid Hirschi to access the beach.

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Tom House property owner South of shoe house. Interesting controls are out the window when a person rents the equipment. Law enforcement is understaffed and their presence minimal. They can't be there all the time. When others are breaking rules Sheriff can't be there in time it's unsafe. Has noticed it can be hard to travel on the beach when things get stuck.

Ted Jones owns property adjacent to Brian's property. Adamantly opposed to the rezoning, he is right across the fence has faith in the zoning laws. Bought it thinking it will always be residential it was a night mare before, don't want it back. Please maintain the residential feel. The county road is not safe, it's narrow has a rise in it, people can't see far there will be an accident. Unsafe for this type of activity. Thinks there will be hundreds of cars on beach as well as sewage on beach. People don't walk to the bathroom, it's too far to walk back. Wants grandkids to have a clean lake. Dangerous drivers. Trash on beach. How much will he be renting to people verses pure access. He is selling pure access. Wants to access his property without a line of cars on the road. Believes it will be a nightmare, no control. Maintain integrity of the zoning laws or current standards. His brother owns the hot springs now and will lease to a different company for boat rentals. There will be rentals there for the public.

Adam Nebeker been here at Indian Creek ranch 43 years. The hot springs was a night mare, the new people are different. One mile south of hot springs he has witnessed people pooping on his land. Trash on beach. Don't want daytime access only boat rentals. Road is narrow he spoke to a commissioner who said it is not in the budget to widen the road. The sheriff's office is over stretched. Doesn't have plans to develop his land in his life time. He wants his to remains ranch lands 550 acres. He has some land in another place on North beach that might be a solution for a boat rental.

Jade Peterson one of the owners of the Hot Springs park now. Thinks Brian is a good guy and good neighbor. They have been unsure of what they want to do with boat rental. He has plans to build a home himself. It was a business deal to change boat vendors. Someone came to them with an offer. It included the hot springs pools they like that. Haven't decided on all the new things yet. Planning on a classy resort. Even though Brian is a good guy don't think it's enough to change the zoning. Thinks the testimony reflected general access.

Dave Hollingsworth president of home owners association to the South. Submitted pictures of people 2.5 miles away from the rental place. Has experienced different people move down instead of going to North beach since North beach is often crowded.

JR Hogan owns property South of hot springs, the property with big mound of dirt on property. He read from Brian's letter saying they want to allow access to people. Thinks Brian is saying two different things. Asked why you would buy (state lands) knowing it was residential then want to change it to commercial. Why does the state cut off access to the lake at the state park? Because when it's full they can't manage the people, it's unsafe. It's about money, access is the biggest money maker. Thinks Brian is either lying or miss communicating.

Abbie House thinks it's not the county's business to make sure we have enough boats on the lake or places to rent them. If rental businesses are there people will come it's coming South.

Rebuttal; Brain Hirschi wants to be a good neighbor. Won't allow parking along the road. The hot springs did things different. He is not the hot springs. Has seen the traffic back up on the road.

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North beach road different from East shore road. Wants to change his access to be wide enough for two vehicles and 20-foot-wide access. It's mostly flat there. No camping will be allowed on his. The neighbors near the hot springs have trouble from the hot springs it's not him. Can't stop people going to the South on the beach. Most properties are thousands of feet away from him and have nothing to do with him. The sand is such he can drive on the beach, it's the best place on the beach to do this. The zoning now is actually Lake Shore beach development not residential. It's allowed to do other things not just residential. As far as beach passes, he doesn't want to be restricted but he won't do what hot springs did. If he has to restrict access, then other places like the Hot Springs should be the same. Wants to have ability to rent access if he wants to. If his beach has room, he would like ability to rent to people. It's a sticky situation. He always cleans up his areas. Kristy asks how many rentals in a day. Week day less than a 100. Weekend 100s. Has rented beach access to people on his other lands in Utah. Kristy reads commercial standards says there is some standards needed, barriers trees etc. Brian is open to it. Most issues brought up by those opposed had more to do with hot springs not policing their property. Brian will provide bathrooms. Had a permit from Idaho State lands from the last place. Made it work on 1/10 of an acre before. Master plan for Bear Lake county only few acres in the county is commercial. Has contributed much tax to the base. He already has reservations for rentals this season on the new property.

Motion to move out of public hearing made by Kristy Crane, seconded by Sean Bartschi all in favor.

Deliberation, Chairman Jensen says we haven't had an application for commercial for some time. Lake Shore has been mostly used as residential. Haven't had application for commercial for so long people think it's not allowed. A conditional rezone may be best way to do this. He doesn't want to throw open the door. Could change the ordinance but not at this point. Albert thinks there is a potential to help each side. Chairman Jensen thinks the only way to do this will be conditional. Biggest concern is renting beach access. Brian's request is to rezone to commercial. What about the issues brought up, if he sells, if he violates the conditions? The conditions would need to have the teeth to allow enforcement. What if it's rezoned and then it's sold? Can they do other things? Would have to be part of the conditions. Must concentrate on what's before the board today not what it could be. The attorney has a template for working through a conditional use. The conditional use would have it recorded in the county so any time the property sells the property would have to be reviewed. Can't develop it all now. Should we motion to work out the conditions then see how it sits. Board needs to do the best they can. An iron gate may not be the best, but not wide open either. Responsible thing is to explore what might be best, consider what has been input by the citizens. The Idaho work group may come up with a control to regulate lateral movement on the beach, but it's away from being complete. Table this? Work with Brian. The conditional use would have parameters and consequences for miss use. Will need a plan from Brian, maybe engineered drawings? Is it fair to require Brian to have conditions when the hot springs don't have any? Want to see a better plat surveyed to show things, high water, easements, buffers. Applicant is responsible for any attorney's fees.

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Motion to table the Brian Hirschi rezone until they have conditions drafted, constructed by Mitch working with Brian Hirschi and reviewed by the attorney, of how the business will look, made by Devin Boehme seconded by Kristy Crane, all in favor.

Mark Parker Fire Standards has fire code to work with. Emergency vehicles need room to work. Long drive ways need room to turn a truck around. Biggest concerns are the roads and drive ways. Has an application from Preston for road requirements to be considered in permitting?

Election of officers Chairman Jensen has been here 19 years; his term is up this year. Has been hard for him to get here this year. Might retire this year in the fall, when his term is up. Would serve as chair until then if they want. Up to the board.

Motion to reinstate Chairman Jensen by acclamation made by Albert Johnson seconded by Sean Bartschi all in favor.

The board wants to review the class they attended on effective public meetings. They will do this at another meeting.

Motion to approve the minutes from the last three meetings made by Albert Johnson, seconded by Kristy Crane, all in favor.

Motion to adjourn is made by Kay Beck, seconded by Albert Johnson all in favor at 10:02 pm.

APPROVAL OF MINUTES:



Ron Jensen, Chairman



Date



Planning & Zoning Commission
7 East Center
Paris, Idaho 83261
Phone: 435-946-2198

MEMORANDUM

TO: BEAR LAKE COUNTY PLANNING & ZONING COMMISSION
Albert Johnson, Vice-Chairman, Bear Lake County Planning & Zoning Commission
Kristy Crane, Bear Lake Planning & Zoning Commission
Steve Hardy, Bear Lake Planning & Zoning Commission
Sean Bartschi, Bear Lake Planning & Zoning Commission
Kay Beck, Bear Lake Planning & Zoning Commission
Devin Boehme, Bear Lake Planning & Zoning Commission
Adam McKenzie, Bear Lake County Attorney
Bear Lake County Board of Commissioners

FROM: Ron Jensen, Chairman, Bear Lake County Planning & Zoning Commission

DATE: Tuesday, March 12, 2019

RE: Bear Lake County Planning and Zoning Meeting

The Bear Lake County Planning & Zoning Commission will hold its regular scheduled meeting on Wednesday, March 20, 2019 at 7:00 pm at the Paris Elementary Board Room located at 39 S. Fielding Street, Paris, ID.

PUBLIC HEARING: Brian Hirschi/ Rezone

Action Items

1. Approval of Agenda
2. Brian Hirschi/ Rezone
3. Mark Parker/ Fire Standards
4. Election of Officers
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.