



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, October 9, 2018
RE: Bear Lake County Planning and Zoning Meeting

The Bear Lake County Planning & Zoning Commission will hold its regular scheduled meeting on Wednesday, October 17, 2018 at 7:00 pm at the Paris Elementary Board Room located at 39 S. Fielding Street, Paris, ID.

PUBLIC HEARING: Brett Crowther/ Rezone

Action Items

1. Approval of Agenda
2. Brett Crowther/ Rezone
3. Work meeting
4. Old Business
5. Approval of minutes
6. 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.



Planning & Zoning Commission

7 East Center Street
PO Box 190, Paris, ID 83261
Phone: 435-946-2198

PLANNING & ZONING MEETING
October 17, 2018
SCHOOL DISTRICT BOARD ROOM
PARIS, ID.

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

Chairman Jensen welcomes everyone at 7:10 pm. The pledge of allegiance is led by Kristy Crane. Mitch reports there are no changes to the agenda.

Motion to approve the agenda is made by Steve Hardy, seconded by Kristy Crane, all in favor.

Motion to go into Public hearing for the Brett Crowther Rezone is made by Kay Beck, seconded by Steve Hardy, all in favor.

Mitch explains the rules of a hearing.

Devin Skinner presents in behalf of Brett Crowther. They have 85 acres that touch Dingle Road and Dingle Cemetery Road. They have applied to rezone it to Rural Community. They want each lot to be about 9 acres. Devin said the roads are wide enough and receive year-round service. Says every property will touch a county road. Devin is in favor of it. Thinks it an ideal location for homes since the land there is a little higher than Dingle land in general, and therefore better to build on. Parts of it are hard to water because of the elevation in relation to the ditch, so he feels it would be better used as building lots.

Mitch gives his report and directs the board to the maps they have. This property is out of the Rural Community Overlay Zone boundaries, about a ¼ mile away from it. People can apply for a rezone in any part of the county, when it's out of the area designated for a particular zone, the board may consider the request case by case.

Comments from the crowd:
No one was in favor.

Neutral:

Mike Robinson somewhat in favor. It is good soil for septic systems, it's high ground. Most ground in Dingle is low. Another issue, will the lots have water rights? What kind of plan is in place to handle the water rights? The ditches are there, how can the other lots get the water? Devin thinks there are 71 shares, each lot could get 1 or 2 shares. Mike says that's not enough, historically its one water share per acre. Says there isn't many good places to build in Dingle. Devin don't know what he will do with the extra water rights, might sell them. Hasn't thought about it much.

Opposed:

Randy Skinner, lives on Dingle Cemetery Road right across from this property. Says he had to put in a pumping system to keep the basement dry when irrigating. Flooding can cause him and other's problems, it's not a good option. Also, Dingle Cemetery Road is too narrow for lots of traffic, especially when slick. Don't want a city next to him but realizes there isn't many places to build in Dingle.

Joe Coombs has water shares from those ditches and Devin will have to provide water to him. Likes 9 acre lots better than 1 acre lots. Septic and wells? His well is about 65 feet deep, good water. Don't want others draining his well. Says the clay layer is about 5ft deep, and irrigation water moves sideways. Asks if, in the future can people divide these lots into smaller lots? Possibly down to 1 acre lots? And resell? That would make it too dense of a population. Health department has some control about placement of septic systems. Don't want a huge traffic problem. Asks if they are going to sell the irrigation shares, it would be nuts.

Floyd Bunderson asks about the upper fence who will maintain fences? Says it's hard to get the water to cover the land. The water hits a clay layer and moves. Is that going to happen with the septic system? Water runs through the barn now when irrigators over water. What about cows moving on the road and those fences?

Joan Bunderson, what will happen when they need to flood irrigate? Will there be enough water for wells? Their well is 40 feet deep. Will the new homes be taking their water? They drilled a deeper well at the Ream Mansion and got a sulfur smell. Others have trouble with flooding in house because new owners don't know how to irrigate. Who digs her a new well if they get contaminated? How can the ditch water get to them if they divide the lots? Mike says they can't change the ditch. Randy's well is 40 feet deep others in the neighborhood are about the same. She has twice run out of water in her well, in the summer time.

Glen Gillis- says average home uses 15000 gallons of water /month. Thinks the 9 homes will also water the 9 acers from the wells. Using 1 million gallons each month. Some homes have two different wells one deeper to get to the water.

Devin Skinner rebuttal- says the county commissioners didn't finish the over lay zone and they will take it case by case. As far as flooding. Thinks more homes will be less flooding, since there will be less farming and irrigating. There are septic systems for every type of soil. Health department requires 2.5 acres, so they will always be large lots. The ditch on this land is private, maintenance is up to those that use it. One ditch has been abandoned. With homes there, there will be less flooding. The state only allows each well to water a max of 1 acre, so they can't water the other 8 acres from the wells. People are being flooded out now with farming. With homes there will be less irrigation so less chance of homes being flooded. Joan says until the

last 10 years they never got flooded. The new people don't know how to water, and the people get flooded. Will the new people do any better?

Motion to close hearing is made by Steve Hardy, seconded by Kay Beck all in favor.

Deliberate. Chairman Jensen asks Mitch, "how far are we out of the overlay zone?" About 1200 feet. There are two options, can extend the overlay zone. The overlay zone is in the Northern part of the county because of the demographics. They can rezone if they decide to without moving the boundary of the overlay zone, even though it's outside of the overlay zone. Probably should change the boundary of the overlay zone. It's possible. Mitch thinks the board should consider this application tonight, since it is on the agenda. And revisit the topic of moving the overlay zone boundary in another meeting. Those changes could take a long time. Mitch can start working on changing that. Septic systems could be a problem. Kristy has a question about the letter they received. What about infrastructure. Some members read the letter. Mark the fire marshal, thinks the Cemetery Road is too narrow. Can't get two fire trucks to pass. Steve even with the Cemetery Road being 18 feet, it's too small. The county is trying to make adjustments to get county roads to 25 ft wide. This subdivision would use mostly Dingle Road. Kristy, says it fits the overlay zone, not small lots, bigger lots. It makes sense. If we can rezone anywhere in the county, then why have zoning in the first place. Ron thinks it should fit in the overlay zone boundary. Mitch says we use zoning as a tool. If we see something that needs to change, homes or infrastructure then it makes sense to make the changes when needed. If it's accepted could they deny the same thing in other places? Yes, the commissioners have a lot of discretion. Steve reads that rezoning should be adjacent to other zoning of the same type. The water, it's the law irrigators need to keep the water on their property. Spot zoning, does it open up this to others? This area is one of the only places in Dingle that is good to build. Ron thinks it's an extension of rural community. Steve thinks commissioners will send it back to the board. Kay thinks they should do it right. That would mean to extend the rural community boundary to include this land.

Motion is made by Steve Hardy to table the Brett Crowther Rezone until the rural community zone is extended down to the property in question.

Comments Kristy thinks this use will be about the same as the land nearby, so it's not a stretch.

Seconded by Kay Beck, all in favor.

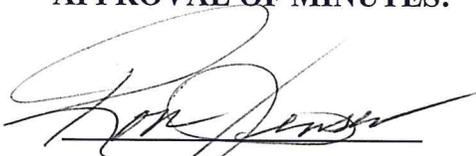
Ran says they will have another hearing to change the rural community zone. Mitch will start making the changes on the map. Next month the planning and zoning will be a week earlier to stay away from Thanksgiving, so the 2nd Wednesday. Then the board usually takes December off. So, January will be the next time to hear it.

Work meeting, old business, Mitch says more plats are coming up. People are getting things ready to divide.

Motion to approve the minutes from September 2018 is made by Kristy Crane, seconded by Steve Hardy, all in favor.

Motion to adjourn is made by Kay Beck, seconded by Steve Hardy, all in favor at 8:52pm.

APPROVAL OF MINUTES:



Ron Jensen, Chairman



Date