

**Bear Lake County Commissioners' Special Meeting
November 17, 2023
Commissioners' Chambers – Paris, Idaho**

The Board of Bear Lake County Commissioners met for a special meeting at 8:30 a.m. Friday, November, 2023, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting also was available via Zoom. Members present were Commission Chairman Bradley D. Jensen, Commissioner Rex L. Payne, Commissioner Wynn S. Olsen and Amy Bishop, Clerk of the Board. Also in attendance were Bear Lake County Attorney Adam McKenzie, Deputy Clerk Paul Christiansen, and developers Devin Skinner and Jacob Skinner.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Payne made a motion to approve the meeting agenda. The motion was seconded by Commissioner Olsen. The motion carried.

PLANNING & ZONING – BEAR RIVER ESTATES FINAL PLAT – ACTION ITEM

County Attorney Adam McKenzie said he had found that during the Board's regular meeting on Monday, November 13, 2023, the commissioners had improperly sent the final plat map for the Bear River Estates subdivision back to the Bear Lake County Planning & Zoning Board. This action had followed Board discussion about concerns that Commissioner Olsen had raised about the roadways and access to the subdivision. The final plat did not address these concerns, so the Board elected to send it back to P&Z in order to have the issues addressed.

However, McKenzie said, the county ordinance regarding the final approval of plats outlines the duty of the Board of County Commissioners as follows: to verify any conditions and requirements assigned to the preliminary plat are complied with and addressed on the final plat document. The questions Commissioner Olsen had raised regarding the roadway and the approaches into the subdivision were never discussed or required following the preliminary plat, McKenzie said.

The issues Commissioner Olsen raised should have been addressed during the preliminary approval stage. Because these concerns were not addressed at the right time, sending the final plat back to P&Z was improper procedure, he said. The proper vote, based on the ordinance requirement, was to approve the final plat map – as all required issues had been addressed between the preliminary plat approval and final plat submission – and move forward, McKenzie said.

To proceed properly, two motions were needed, he said. First, the Board needed to withdraw its original decision – made Monday, November 13, 2023 – to send the final plat map back to P&Z. Secondly, the Board needed to adopt the final plat as it was presented.

Commissioner Olsen, addressing developers Devin Skinner and Jacob Skinner, said his concerns had been over the subdivision approach for Bear River Estates Lots 1 and 2 lying in a swell. This access also is the low spot for the area's drainage and for the uphill property to the west.

Devin Skinner said he would have preferred to not have placed an approach there, but the options had been limited. Additional fill dirt had been brought to the site to help mitigate the issues. Skinner said the preliminary plat had required him to provide a single access for two lots.

Concerning the limited line of sight, Skinner said he and the road engineer had discussed that issue and actively worked to resolve it.

MOTION: Commissioner Olsen made a motion to withdraw the rejection of the Bear River Estates Subdivision Final Plat Map, which had been made by the Board on November 13, 2023. The motion received a second from Commissioner Payne. The motion carried.

MOTION: Commissioner Olsen made a motion to take the recommendation of the Bear Lake County Planning & Zoning Board and approve the final plat for the Bear River Estates Subdivision. The motion received a second from Commissioner Payne. The motion carried.

EXECUTIVE SESSION – IDAHO CODE 74-206(1)

MOTION: Commissioner Olsen made a motion to go into executive session according to IDAHO CODE 74-601(1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student.

The motion was seconded by Commissioner Payne.

Roll Call Vote. Commissioner Olsen, Aye. Commissioner Jensen, Aye. Commissioner Payne, Aye.

The Board entered executive session at 8:42 a.m. and left at 9:25 a.m.

From 8:50 a.m. to 9:25 a.m. the Board discussed employee matters.

MOTION: Commissioner Olsen made a motion to leave executive session and re-enter the Special meeting. The motion received a second from Commissioner Payne. The motion carried.

The Board re-entered its regular meeting at 9:26 a.m.

County Attorney Adam McKenzie told the Board that the City of Montpelier's Planning & Zoning Commission had discussed some pending matters concerning the Maverik store and some future upgrades the business hopes to implement. Commissioner Payne said he had attended that meeting, but the Montpelier Planning & Zoning Commission had decided to table the issue. A representative for the Maverik corporation will draft a contract as it pertains to the City of Montpelier and Bear Lake County.

MOTION: Commissioner Olsen made a motion to adjourn the meeting. Commissioner Payne seconded the motion. The motion carried.

The meeting adjourned at 9:27 a.m.

Bradley D. Jensen
BRADLEY D. JENSEN, Chairman

12-11-23
Date Approved

ATTEST: *Amy Beck*

