

BEAR LAKE COUNTY PUBLIC HEARING-BRIAN HIRSCHI REZONE-CONDITION #7

JULY 26, 2019

SCHOOL DISTRICT #33 BOARD ROOM

The Board of Bear Lake County Commissioners met for the purpose of a public hearing for the Brian Hirschi Rezone-Condition #7, on Friday, July 26, 2019, at 4:00 p.m. in the School District #33 Board Room in Paris, Idaho. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Others present were Prosecutor Adam McKenzie, Brian Hirschi, Attorney T. J. Budge and numerous other citizens.

APPROVE AGENDA

MOTION: Commissioner Jensen made a motion to accept the agenda as posted, seconded by Commissioner Payne, motion carried.

MOTION: Commissioner Payne made a motion to leave the regular meeting and convene to a public hearing regarding the Brian Hirschi Rezone-Condition #7, seconded by Commissioner Jensen, motion carried.

Commissioner Rasmussen mentioned the conduct of the public hearing and read the publication notice in full.

Brian Hirschi, 1217 S. Bear Lake Blvd., Garden City, Utah, spoke regarding the proposed Revised Condition #7.

Greg Critchfield gave his time to Attorney T.J. Budge, who stated the issue as he understands it is and argued in opposition to the Revised Condition #7. He also provides a revised version of Condition #7 he has drafted and provides to the Commission.

Commissioner Rasmussen commented in response to Mr. Budge that they have done a lot of studying on this and continue to and have asked Mr. Bunderson to chair a committee for them on this.

Denise Jones, 1119 Roueche Lane, Kaysville, Utah, asked if the County had a Master Plan which included for commercial use up and down the lake, to which the Commissioners stated what they have is the Comprehensive Plan.

Tod Jones, 1119 Roueche Lane, Kaysville, Utah, would ask that there be a limit to the number of cars that can be parked, urged the Commissioners to look at the site plan and be sure.

Cindy Jones, 1455 Webb Lane, Kaysville, Utah, asked Commissioners if they had been to the Hot Springs about three (3) years ago and saw all the people, it was a disaster. Commissioner Rasmussen mentioned they had seen pictures and there was no designation if it was campers or watercraft rentals. Commissioner Rasmussen stated may need to create business licenses for all commercial and put limits on the beach. Commissioner Rasmussen stated as a commission, they hope the committee will come up with some rules and regulations.

Ted Jones, 1455 Webb Lane, Kaysville, Utah, states as an adjacent property owner and he would urge the Commissioners to table this.

MOTION: Commissioner Payne made a motion to leave the public hearing and go back to their regular meeting, seconded by Commissioner Jensen, motion carried.

Prosecutor Adam McKenzie stated that the original Condition #7 had issues, it attempted to control what occurred on state lands, and the County could not control what happens on state lands, without the State's consent.

MOTION: Commissioner Payne made a motion to accept revised Condition #7 as is, seconded by Commissioner Jensen, motion carried.

Clerk Garner read Ordinance #2019-4 on the Hirschi property for Rezone from Lake Shore Development to Commercial, for the interest of time, did not re-read Exhibit's 'A' and 'B' of the Development Agreement as they are identical as it was stated in the ordinance.

MOTION: Commissioner Payne made a motion to accept Ordinance #2019-4 on the Hirschi property rezone from Lake Shore Development to Commercial, seconded by Commissioner Jensen, motion carried.

Commissioner Rasmussen had to leave for a meeting, but was present by phone for the remainder of the meeting. Budge asked when the ordinance went into effect. Prosecutor McKenzie stated it takes effect when published, which will be August 7, 2019. Mr. Hirschi thought from the last meeting it he was good to go after it was signed, but Prosecutor McKenzie reaffirmed to him that it would have to be August 7, 2019. Steve Hardy mentioned Mr. Hirschi doing business on the adjacent property which is not zoned commercial and it would be a violation of the conditions. Prosecutor McKenzie stated that condition #4 specifies the business is run on the rezoned commercial property.

MOTION: Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (1) (f) 'To communicate with legal counsel with the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement', seconded by Commissioner Jensen.

Roll call vote: Commissioner Jensen – Yes, Commissioner Payne – Yes, Commissioner Rasmussen – Yes. Let the minutes show that Prosecutor McKenzie and Clerk Garner were also present.

Board out of executive.

MOTION: Commissioner Payne made a motion to clarify for the record, the Exhibits were mistakenly labeled, so to verify, Exhibit 'I' will become Exhibit 'G' and Exhibit 'J' will become Exhibit 'H', seconded by Commissioner Jensen, motion carried.

MOTION: Commissioner Jensen made a motion to adjourn the meeting, seconded by Commissioner Payne, motion carried. Meeting ended at 5:50 p.m.