



# *Bear Lake County*

Planning & Zoning Commission

30 N Main Street

Paris, Idaho 83261

Phone: 435-946-2198

TO: **BEAR LAKE COUNTY PLANNING & ZONING COMMISSION**  
FROM: Albert Johnson, Chairman, Bear Lake County Planning & Zoning Commission  
DATE: Monday, Jan 8, 2024  
RE: Bear Lake County Planning and Zoning Meeting  
1/8/2024 Amended to include Election of Officers

**The Bear Lake County Planning & Zoning Commission will hold the regularly scheduled meeting on Wednesday, January 17, 2024 at 7:00 pm At the Bear Lake County Courthouse 30 N. Main Paris, Idaho.**

**Public Hearings:** Devin Skinner & Jesse Birch/ Rezone-948 8<sup>th</sup> Street, Montpelier  
Kirk Barker/ North Beach Subdivision Preliminary Plat  
Kirk Barker/ Conditional Use Permit - 455 S Main, St Charles  
Frank Addante/ Rezone 6510 US Highway 89, St. Charles

### **Action Items**

1. Approval of Agenda
2. Election of Officers
3. Brian Hirschi / Rezone- 535 East Shore Rd, St Charles
4. Devin Skinner & Jesse & Stephanie Birch/ Rezone-948 8<sup>th</sup> Street, Montpelier
5. Kirk Barker/ North Beach Subdivision Preliminary Plat- 455 S Main, St Charles
6. Kirk Barker/ Conditional Use Permit- 455 S Main, St Charles
7. Frank Addante/ Rezone - 6510 US Highway 89, St. Charles
8. Work meeting/ Short Term Rentals
9. Old Business
10. Approval of minutes
11. Adjournment



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**PLANNING & ZONING MEETING**  
**January 17, 2024**  
**Paris Courthouse Commissioner's Room**  
**PARIS, ID.**

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

Chairman Albert Johnson welcomes everyone at 7:08 pm.  
The pledge of allegiance is led by Kristy Crane.  
Agenda, there was one amendment adding election of officers.

- **Motion to approve the agenda** is made by Kristy Crane, seconded by Todd Transtrum, all in favor.

Brian Hirschi rezone, Brian first came to the board in May 2023 and asked for a rezone of two acres on the East side of Bear Lake next to his rental property. It was determined he needed to do a few things to complete his request. He comes today and says he has done these things. The request was to rezone the land to commercial. The land will be used to store equipment for the rental business and parking for the customers.

- **Motion to approve the Brian Hirschi rezone** to commercial with the conditions as presented on the site plan, which is for equipment parking and overflow customer parking, is made by Patrick Reese, seconded by Kristy Crane, all in favor.
- **Motion to go into public hearing for Devin Skinner & Jesse Birch rezone** is made by Sean Bartschi, seconded by Todd Transtrum, all in favor.

Devin came to the board earlier for this rezone and was told to check with the city for the possibility of annexation since this land is near the Montpelier City boundary. He spoke to the city; they don't want to annex this land since there is no water and sewer to this area. This land is currently heavy industrial and manufacturing. They want to rezone it to Rural Community. Any

building will need to have individual well and septic. They need the rezone to close the sale on the property. Can't close with the current zoning.

From the audience Forest Humphreys owner of the land is aware of this.

Kathy Izatt asks about all other zoning around this land, there is some residential, asks if this is spot zoning.

No more comments from the audience.

- **Motion to close the Devin Skinner & Jesse Birch rezone hearing** is made by Devin Boehme, seconded by Patrick Reese, all in favor.
- **Motion to approve the Devin Skinner & Jesse Birch rezone** to Rural Community as presented is made by Sean Bartschi, seconded by Kristy Crane, all in favor.
- **Motion to go into hearing for the Kirk Barker North Beach subdivision** is made by Todd Transtrum, seconded by Patrick Reese, all in favor.

Kirk Barker speaks, proposes a 9-lot subdivision near St Charles. The proposed development is actually in the county. It is adjacent to his property now known as North beach Condos, which is in the city limits. Kirk's proposal is to cross his land coming off of HWY 89, which is in the city, and go to the new subdivision outside of the city limits. He has received plans from the engineer and will make corrections and have them back next month. There will be single individual wells, and sewer into the St Charles sewer system. He says the city wanted him to talk to the board first, then work on the sewer with the city. Chairman Johnson says the board usually wants sewer accounted for first, then come to the board. Kirk says he spoke to well drillers and thinks they will be able to find water. Garbage will be picked up at each individual home. Question, does the county do that? The developer needs to work with the county garbage to see how the garbage will be collected.

Question: will the city abandon the continuation of 1st West and not connect to the subdivision? The cul-de-sac is pretty long coming from the highway, an intersecting street would cut the length down. Is there really an easement to this property from 1st West? Does it cross the neighbors land too? The board's job is to try to connect things and make the roads work with neighboring communities like the city. Kirk may need to get some input from the City and the County on this.

Public comment: Ed Izatt, only comment is there is not enough information to move forward. Private roads only can have 4 lots he thinks. Stay away from one lane one-way roads because of emergency services. Would be good to have another street.

Allen Michaelson, St Charles city, 1st West don't go that far, it is platted only 180 feet South from Jacobs Canyon rd.

Jess Johnson from St Charles City Council, the only communication the City Council had from Kirk was for annexation about a year ago, nothing about connecting to the sewer. Coming from HWY 89, the city requires 110 ft frontage, they will need that from the HWY. If he does this, the easement will be too close to the existing structures. Jess doesn't know where the utility lines are now. They may be in that area too.

Kent Wilks St Charels City Council, asks about private wells, can they have fire hydrants? The city doesn't want to send water out there. There were some exceptions long ago but not now. As a long time policy. They are providing sewer to the 7 Mile Ranch subdivision as a trade for a

lift station. 7 Mile Ranch was in a good position location wise to make both parties happy. It might be easier to ask FH Sewer district to connect on to their sewer line. So far, the city hasn't given approval for sewer connections.

Kathi Izatt, she is looking at the ordinance definition for a street on private property of 4 or fewer lots. Page 30 & 39 cul-de-sac can only be 500 feet long, he is proposing 1500 ft.

She spoke to Bill Stock the FH Sewer Chairman. They have not been approached about sewer connecting.

Kirk Barker rebuttal, he had conversations with Mayor Michalson before, he can talk to the city again. With the road he can check on the easement coming from 1<sup>st</sup> West. Length of the road, and width of road it's pretty big, don't know why the frontage needs be so big.

- **Motion to close the Kirk Barker North Beach subdivision hearing** is made by Sean Bartschi, seconded by Kristy Crane, all in favor.

Discussion, IDT hasn't been contacted, will the HWY guys agree with the city requirements for the size of the approach? The approach will be in the city limits and on the HWY. At this point the application is incomplete. The county engineer suggests to deny this one, and get more information. Kirk asks for directions on how to correct the application. He wants specifics.

- **Motion to deny the Kirk Barker North Beach subdivision request** until the frontage/approach from the HWY is satisfied with the HWY Department and the city of St Charles. Any easements from 1<sup>st</sup> West to the subdivision are accounted for. Any comments from the engineers are addressed, is made by Devin Boehme, seconded by Patrick Reese. All in favor
- **Motion to go into hearing for Kirk Barker Conditional Use permit** is made by Kristy Crane, seconded by Patrick Reese, all in favor.

This is about a conditional use permit for a proposed 10-unit apartment building to be placed just outside the St Charles City limits, next to Kirk's existing apartment building. Mitch explains the public hearing notice was inaccurate when posted he spoke to the Attorney, and she said it could go forward if it was corrected in time. Mitch says it was corrected and changed and republished in time, he says it's hard for people who travel far to come and have the hearing canceled. The other notices in the other locations were accurate. It's up to the board to continue or cancel the hearing or not. Kirk Barker has left the meeting so can't make a comment. There are some in the audience who have come for this and would like to make comments.

From the audience,

Kent Wilkes St Charles City Council, the city has not allowed multifamily homes in the city. There is one now, it's Kirk Bakers it was changed from a commercial building to apartments some time ago. He feels stronger about this than the subdivision. The building there now is a little short on the frontage footage. This property is zoned residential now.

Jess Johnson, City Council board, frontage, sewer, they denied the water. Won't annex him. Will need a well for the multi family unit.

Kirk comes back to the meeting. Says his engineer, approves it. He has a four-unit apartment near there now. Proposing a 10-unit building, it meets the approach width. Water for the 10 units will be from a single well. Mitch spoke to Idaho water resources, says they will evaluate and then owner can apply for a water right. They would have to get a new water right. Don't know if that is available. Sewer, not accounted for. Question: Is this a work around for a large subdivision, since they are all connected? Kirk says these are two different projects in his mind. The board is asking if this is a bigger single project. Will Rocky Mountain Power contest the

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water right request? Should he proceed and spend more money on this? The board thinks it could work, but the problems must be solved with the St Charles city, HWY, and sewer. Kathi Izatt has the land use ordinance page 18 says it is a PUD and all one lot or development. Thinks it's easier, it takes care of the road and utilities all at once. It's community expansion. Proposes to call it a PUD, it would work better for everyone.

- **Motion to Close the Kirk Barker Conditional Use permit hearing** is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

### Deliberation

- **Motion to table the Kirk Barker Conditional Use permit** is made by Sean Bartschi, seconded by Patrick Reese, all in favor.
- **Motion to go into the hearing for Frank Addante Rezone** is made by Todd Transtrum, seconded by Devin Boehme, all in favor.

Frank wants to rezone 63 acres to commercial zoning on the lake along the HWY South of ST Charles. Wants to do something on the lake for everyone. Thinks it's a good balance of different things. Wants to recreate outside, set up campgrounds, glamping. Says some or most of the things will be not permanent. He will have to satisfy the HWY department, sewer, they plan on connecting, and drilling wells. Wants to keep it quiet, and dark sky, not driving around a lot. Will allow adventure vans 30 feet or less, not trailers. Want to keep some of the land for AG use also.

### From the audience:

Roy Jacobson owns property to the North, they share a new fence, he is neutral on this.

Alan Schwab, a close property owner, doesn't believe it's good for Bear Lake or AG. Thinks there should have been permits and there aren't any. Should deny this proposal. Thinks the Idaho Lands and Army Corp, needs to be contacted.

Mica Rigby used to be a deputy Sheriff here. Thinks this is not a large development like the large housing ones. Would be good for the valley.

Deny Jensen lives on the east side of the lake. Frank bought the place next to him. Has fixed it up to a very nice place. Has confidence that Frank will do a good job. Says that glamping is catching on all over. Is in favor.

Denton Hansen speaks to Franks character. Denton grew up here. Thinks Frank is a good guy and is concerned about the environment and will do it correctly.

Cindy Rigby has been helping Frank so far, the dirt on the property is from his property on the East side. She helped build the road, Frank was concerned about the wetlands, and got input from the neighbors. They want a family event place that would bring jobs in.

Kathi Izatt wants to promote this as a PUD. This is a request for a rezone from lake shore to commercial. Thinks this will be better as a Lakeshore zone. With all the things, housing, and camping. The cars will already be down there since they all must drive down there. It's a big project. Sewer availability will be a problem. The sewer lagoons are being taxed the sewer board will have to determine if there is enough space in the ponds.

Frank rebuts, questions how many people it will serve when built out? 200 -300 people. Don't know when it will be built out. Wants to do a phased build. Maybe 2 or 3 years. In the winter

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maybe an ice skating rink. Wants to keep employees employed. The diagram he submitted has lots of things on it, it is mostly a thinking page. He probably will do less.

**Motion to close the hearing for Frank Addante Rezone** hearing is made by Sean Bartschi seconded by Devin Boehme, all in favor.

Deliberation:

The board can approve this with specifics or conditions or with a sunset clause. If it doesn't go as planned it goes back to Lakeshore zone.

**Motion to table the rezone for Frank Addante rezone** until more details come forward on the conditional use is made by Sean Bartschi, seconded by Kristy Crane all in favor.

**Skip work meeting and Old Business** because it's late.

**Election of officers.**

- **Motion to keep the officers the same** is made by Devin Boehme, seconded by Todd Transtrum, all in favor.

**Table work meeting for STRs.**

No minutes from last meeting made it to this meeting, so cannot be approved.

- **Motion to adjourn** is made by Sean Bartschi, seconded by Devin Boehme, all in favor at 10:37 pm.

**APPROVAL OF MINUTES:**

  
Albert Johnson, Chairman

2/21/24  
Date