



**Planning & Zoning Commission**  
**30 North 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:** Tuesday, October 13, 2021

**RE:** Bear Lake County Planning and Zoning Meeting

**Amended 10/14/2021 to delete Mark & Marie Rasmussen's Variance Request**

**The Bear Lake County Planning & Zoning Commission will hold its regular scheduled meeting on Wednesday, October 20, 2021 at 7:00 pm**

At the Bear Lake County Courthouse 30 N. Main Paris, Idaho.

The meeting will also be broadcast via the "zoom" platform at the following URL:

<https://us02web.zoom.us/j/81572232442>

Meeting ID: 815 7223 2442

**Public Hearings:** Thomas Fork Ranch/ Conditional Use Permit /Gravel Pit, T-14S, R-46E, Sec. 21  
Dave Cottle/ Variance-2629 US Hwy 89, Fish Haven ID  
Alan Arthur-Cabin Hollow Subdivision/ Preliminary Plat-T-16S, R-43E, Sec. 22

#### **Action Items**

1. Approval of Agenda
2. Thomas Fork Ranch/ Conditional Use Permit /Gravel Pit, T-14S, R-46E, Sec. 21
3. Dave Cottle/ Variance-2629 US Hwy 89, Fish Haven ID
4. Alan Arthur-Cabin Hollow Subdivision/ Preliminary Plat-T-16S, R-43E, Sec. 22
5. Devin Budge/ Lot Split-Sharon ID Parcel# 02751.02
6. Gabe Lleras/Reserve Phase 7 Final Plat- 21 lot Subdivision North of Fish Haven
7. Old Business
8. Approval of minutes
9. 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  
30 North Main Street  
Paris, Idaho 83261  
Phone: 435-946-2198

**PLANNING & ZONING MEETING**  
**October 20, 2021**  
**Paris Courthouse Commissioner's Room**  
**PARIS, ID.**

ATTENDANCE: CHAIRMAN ALBERT JOHNSON  
KRISTY CRANE -VICE CHAIRMAN  
SEAN BARTSCHI---Excused  
KAY BECK---Excused  
DEVIN BOEHME  
ROB SMITH  
PATRICK REESE---Excused  
MITCH POULSEN, ADMINISTRATOR  
WAYNE DAVIDSON, SECRETARY

Chairman Johnson began the meeting at 7:02 pm.

Pledge of allegiance led by Rob Smith.

Corrections to agenda Mark Rasmussen asked to be withdrawn from agenda.

- **Motion to approve the amended agenda** is made by Kristy Crane, seconded by Devin Boehme, all in favor.
- **Motion to go into hearing for Thomas Fork Ranch gravel pit conditional use permit** is made by Devin Boehme, seconded by Rob Smith, all in favor.

Angela Rasmussen owns the ranch it's at boarder, and they have been approached by Jack B Parsons. They have a pit that hasn't been used for a while. They would like to start using it. Question How much will they extract Answer, don't know yet will need to be tested. They think there is a lot of useable gravel still there. Q has the ITD been contacted about access? Not yet, it was used before at least 20 years ago. Won't be expanding the area past what was already planned.

Deliberation, there appears to be no conflict.

Roy Hawks from Hawks and Sons across the river. Will they need a water right to wash gravel? Sediment ponds? His fence line is close to the river. If they dig too low, they will drain the irrigation. Has seen wrecks on the HWY there might be unsafe for the trucks. Board says the water concerns are really a concern of the Idaho Lands to decide. Angela says the contractor hasn't asked for water. They will take it and wash it somewhere else. They will stay away as required by the Idaho Lands. They don't have water rights. There is a plan already in place for that.

**Page 2-Bear Lake Planning & Zoning meeting- October 20, 2021**

- **Motion to close the hearing for Thomas Fork Ranch** is made by Kristy Crane, seconded by Devin Boehme all in favor.
- **Motion to approve the conditional use permit for a gravel pit on the Thomas Fork Ranch** contingent on them meeting the ITD requirements, and department of Idaho Lands and paying their fees made by Devin Boehme, seconded by Kristy Crane, all in favor.
- **Motion to go into hearing for Dave Cottle Variance** is made by Devin Boehme, seconded Rob Smith, all in favor.

Dave Cottle shows the map of old buildings on his land tells story of how the buildings are where they are now. He wants to build new buildings as these are dilapidated. To build the new buildings with the current setbacks required by the county would make the rest of his lot less desirable or unusable There are three now and he wants to combine two making them one. The current structures are nearly on the property line now within a foot. They were first brought here in the 50s. They need to be demolished.

Testimony in favor Gary McKee thinks they are cute. Q What is adjacent to Cottle's land? West is the creek; North is FH General store. All neighbors were notified, and no one responded.

None against.

- **Motion to close Dave Cottle Variance** is made by Kristy Crane, seconded by Devin Boehme, all in favor.

Discussion since they want to build close to the property line the building code can allow it, if they are built with a 1-hour fire wall. The county doesn't usually have a grandfather right when it comes to setbacks. This is a building code issue and county ordinance issue, not grandfather.

- **Motion to approve the Dave Cottle Variance** to get closer to the property line for three small buildings with the condition a building permit is obtained and construction meeting the building code is approved by the county building inspector is made by Devin Boehme, seconded by Kristy Crane, all in favor.
- **Motion to go into hearing for Alan Arthur preliminary plat** is made by Kristy Crane, seconded by Rob Smith, all in favor.

Alan Arthur representing Cabin Hollow for preliminary and final plat wants to divide 7 acres into 4 lots. Owner wants to build on one lot and build a road. The board has a drawing for the road. Length of the road now is about 800 feet long might need a variance to get that approved. The engineer doesn't have any problems with the plat. The road and cul-de-sac are built to county standards mostly, some are 50 ft wide now and can be enlarged if needed. Some sewer is gravity some will need some pumping.

Those against from the audience Cameron Holzer on zoom says the covenants say this can't be subdivided. Neighbor has rights to subdivide but not this property. Other neighbors must be notified. The CC&Rs stay with some of the lots but not this lot until lot 5 is subdivided. Mitch

### Page 3-Bear Lake Planning & Zoning meeting- October 20, 2021

says from the attorney this was not a recorded plat back when it was first done. Was recorded as a survey but has CC&Rs which muddies the water some but has no legal bearing. The CC&Rs are not a P & Z issue should be civil issue between owners.

Alan says all five owners have signed a dissolution agreement prepared by an attorney dissolving all CC&Rs. So that is not an issue now.

Rock Erickson on zoom, will they connect to sewer system? Who owns and maintains it? Answer it's FH sewer. The owners pay for the improvements. Owners can rent the homes. Q. Any light pollution restrictions on properties. A. No. Trash bins? Yes. And individual wells for each property.

Neutral Ed Izatt says documents dating back to when the 5 lots were made shows there were CC&Rs recorded. He didn't know they were dissolved.

In favor, Spencer Bailey thinks it's a good expansion. It was recorded as a parcel. Thinks the road is built well. Positive way to get to the lots. Owner takes pride in the properties. Alan's rebuttal, wants the property owner to utilize his property and use it. Thinks it will enhance property value and beauty of area.

From Mitch, the engineer comments cul-de-sacs is longer than 500 ft. notation items should be taken care of. The commissioners have been asked to find better ways or more ways out of the area for emergency escape. Their road could help to future build a way out.

From Cameron who is responsible to maintain road. At some point county will be asked to take over the road. Thinks the CC&Rs are still valid.

- **Motion to leave hearing for Alan Arthur preliminary plat for Cabin Hollow hearing** is made by Devin Boehme, seconded by Rob Smith, all in favor.

Already deliberated most of this, what's the feeling of the board. It's 4 lots, within the density. It's feasible the road could be built further if easement is allowed. May not want public through his land. Lot 3 would be accessed from Mountain way. The plat may need more clarification as to future road building. Should they be made to build a road? It may never be added to. Some discussion about roads, easements

- **Motion to accept two plats for Alan Arthur, Cabin Hollow preliminary and final.**

Conditions for approval are as follows:

Correct deficiencies noted in the engineers review

Extend right of way to south property line

Notation on plat that the easement is to be public upon consummation of road across lot #5 to the south

Right of Way width to be 60'

Pay preliminary plat application fee of \$484

Motion is made by Kristy Crane, seconded by Rob Smith, all in favor.

Devin Budge lot split Mark Budge here to speak. 45 acers in Immigration Canyon wants a lot split. Wants 4.5 acers off of the 45 acers. Devin isn't sure what he wants to do, maybe split more of the land later? In the spring? The previous approval for the subdivision was contingent on the plat being done within 2 years. If they split a piece off now, will they have to wait 5 years

**Page 4-Bear Lake Planning & Zoning meeting- October 20, 2021**

to finish the subdivision? It's zoned rural community now if they get the plat in before 2 years passes. If they split now and subdivide later will the original first lot will be included in subdivision?

We need to decide on what is before them today. He is asking for a lot split. Can they say no. Does it fit the ordinance? Right now, they can split the lot.

- **Motion to approve the lot split for Devin Budge** is made by Devin Boehme, seconded by Kristy Crane all in favor.

Gabe Lleras reserve phase 7 final plat. Gabe has conditional approval for the plat now, and this is the same plat as before the plans have been updated. The plat changes seem to be minor. Mitch says the plat has been well done

- **Motion to approve the revised plat for the Reserve Phase 7** is made by Kristy Crane, seconded by Rob Smith, all in favor.

Old business None

- **Motion to approve the minutes** from last month's meeting is made by Rob Smith, seconded by Kristy Crane, all in favor
- **Motion to adjourn** is made by Devin Boehme, seconded by Kristy Crane all in favor at 9:22 pm.

**APPROVAL OF MINUTES:**

  
Albert Johnson, Chairman

  
Date