



Planning & Zoning Commission  
30 North Main Street  
Paris, Idaho 83261  
Phone: 435-946-2198

**PLANNING & ZONING MEETING**  
**September 21, 2022**  
**Paris Courthouse Commissioner's Room**  
**PARIS, ID.**

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

Chairman Johnson welcomes everybody at 7:08 pm.  
Pledge of allegiance is led by Mitch Poulson.

Chairman Johnson welcomes new board member Julia Rowland.

- **Motion to approve the agenda** is made by Sean Bartschi, seconded by Rob Smith, all in favor.

Chairman Johnson explains the purpose of the board is to find fact and recommend to the commissioners. Job is to balance the property rights of everybody. Has to mesh with the ordinances.

- **Motion to go into hearing for the Bridger Tower conditional Use Permit revocation** is made by Devin Boehme, seconded by Sean Bartschi, all in favor.

This is to undo a cell tower conditional use permit approval because this is a bad idea to put a tower in the flight path of the airport. It is unsafe. The people who wanted the tower didn't respond to Mitch.

- **Motion to close the hearing** is made by Julia Rowland, seconded by Rob Smith all in favor.
- **Motion to revoke the Bridger Tower conditional Use Permit** is made by Sean, seconded by Julia all in favor

- **Motion to go into hearing for the Bart McKinnon Phase 6 Aspen Creek Meadows Subdivision** is made by Devin Boehme, seconded by Sean Bartschi all in favor.

Bart McKinnon speaks, this started in 2004. This is the last phase he wants to finish it. All the engineering and plans are finished he is ready to proceed. Mitch says one lot will have to be renumbered because another developer will change their development.  
No comments from the audience.

- **Motion to close the Phase 6 Aspen Creek Meadows Subdivision hearing** is made by Rob Smith, seconded by Devin Boehme, all in favor.

No other comments from the board.

- **Motion to approve the Bart McKinnon Phase 6 Aspen Creek Meadows Subdivision** is made by Devin Boehme, seconded by Rob Smith, all in favor.

**John Nelson lot split-** Pat Argyle representing asking for a lot split. Mitch asks for explanation. On the beach some people tried to make access to the beach. Three lots were illegally split Mitch asking the board how they want to move. Should they lift the illegal split?

- **Motion to lift the illegal split** label from all three of the lots is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

**Teri Eynon Phase 5 final plat Aspen Creek Meadows Subdivision.** Mitch says last time she was her there was some questions about the plat she has made the changes, about the pond, and other things.

- **Motion to accept the final plat for Teri Eynon Phase 5 Aspen Creek Meadows Subdivision** is made by Devin Boehme, seconded by Sean Bartschi all in favor.
- **Motion to go into hearing for Montpelier Creek KOA Conditional Use permit** is made by Kristy Crane, seconded by Rob Smith all in favor.

Brenton Neff wants to expand the KOA increasing it to 11 to 13 sites. Shows on map how they would do it along a road they already have. They are on Montpelier City water. They just bought the property. No problem with the water. Montpelier city was notified but they are outside of the city limits even though they are on Montpelier water. They have their own septic system. The health department is having them check the soils. Mitch says when they came in to apply, he couldn't find anything on record for a previous conditional use permit. He thought now it was good to have them come in and apply for the conditional use permit. HWY department had some comments mostly about the approach being widened and some driveway being paved. Army Corp. is on board for anything around the creek.

From the audience, Reed Walrich a neighbor on the West wants a buffer zone between them and the new lots. He feels the ground water is now getting contaminated by the septic system.

The old well they had before was contaminated and that's why they got on the city water. Concerned about the number of people that will come in. Thinks it is a good size now and can be used better without increasing size. Worried about noise and the peace. Thinks there should be buffers along a fence. A green belt along the fence 10 to 20 feet would be good.

Paul Nelson owns land on the South and East. He always thought if you owned land, you should be able to do whatever you want. He doesn't think that way now after people come in and do all kind of things that he doesn't like. STR places causing troubles. There has been trouble from kids coming from the KOA to his land and buildings. He thinks the house on the place has water pressure troubles. They used to have diesel pumps for water and power. People complained about the noise, so they put in electric pumps. There isn't enough power for everything now. When he sprays the spraying people can't spray properly because the campers are too close. They farm at night making noise. He is opposed.

Bill Stock the ordinance requires buffer zones so this request should require it.

Brenton Neff comes back to rebut. Was unaware of the requirement for buffer zones. The road goes around the outside. No camp sites along the fence will be 20 to 30 feet space. Don't think there will be a lot of water used based on other experiences. Power, if they can't get more, they will limit what they do. Rocky Mountain power is in charge of that. If there isn't enough power, they can have sites without power. Will talk to his people about the trespassing. Kristy says the ordinance requires 100 feet buffer and it must be vegetative. Questions from the board.

- **Motion to leave the hearing for Montpelier Creek KOA Conditional Use permit** is made by Sean Bartschi, seconded by Rob Smith all in favor.

Deliberation. Conditions needed; vegetative buffer zone required 100 ft. on the residential side, HWY issues should be addressed, septic approval with real numbers of people approved.

- **Motion to approve the application for Montpelier Creek KOA Conditional Use permit** made by with the conditions made by Kristy Crane, seconded by Rob Smith all in favor.

#### **Bill Stock for BS Farms Subdivision Preliminary & Final Plat**

- **Motion to go into hearing for BS Farms Subdivision Preliminary & Final Plat** is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Bill says its 4.8 acers 4 lots each lot is 1 acer. Each lot will bore under the road for sewer then wells. There is an easement 60 feet wide not part of the subdivision but will be an access for McKinnon's subdivision. All four lots will access the Loveland Lane. Talked to the road and bridge department. Will have two lots showing interest soon. Mitch has no comments. Engineer looked at it and approves.

- **Motion to go out of hearing for BS Farms Subdivision Preliminary & Final Plat** is made by Sean Bartschi, seconded by Devin Boehme, all in favor.
- **Motion to approve BS Farms Subdivision Preliminary & Final Plat** is made by Sean Bartschi, seconded by Devin Boehme all in favor.



Kirk Barker, a commercial developer presents a development standard he put together and has some recommendations. He thinks the growth in the county will continue. Suggest two plans, one continue as it is or make plans. Proposes two separate planning districts North for the Ag South for the tourists. Wants to protect and enhance the valley. Wants to restrict STR in residential. Says the state legislation provides some tools that will give the county power for some control. When homes are turned into commercial buildings by STRs they don't have any fire and life safety requirements like a hotel/motel. Wants to regulate how homes look and what is allowed. Wants open space requirements. Restrict overnight lodging restrictions. Protect the residential areas as residential areas.

- **Motion to go into hearing for the Jordan Bills Conditional Use permit for a gravel pit** is made by Kristy Crane, seconded by Sean Bartschi all in favor.

Jordan Bills has been here before he has 48 acers total and wants to mine 20 acers at time then reclaim that before moving onto another 20 acers. Dust and run off will be controlled his engineer has done a good job. They will be controlling slopes on mining. 100-foot setbacks to neighbors.

From the audience, Sara Bindrup owns land East of pit. Have objections of the mine, will be below thier land and view of lake. Very visible from the HWY. In conflict of the land use ordinance. Origan trial Scenic byway. Wildlife area. Study should be done. Traffic, lots of trucks on the road. Need a traffic impact study. HWY guys don't know of this. A truck every few minutes. Road sharing with residential use. Construction trailers and equipment. Who will regulate the requirements. Do they have mineral rights now? The county doesn't regulate the pits now, neither does the state. Too many conflicts to approve. Would have negative impact on everyone around.

Heber Dunford has information on the mineral rights, it's recorded information. Says the mineral rights are still with the landowner. There was a lease to someone earlier but it's over now. Roy Bunderson understands the rights of all people. Tired of government telling him what he can do with his property. The Bills have obtained a reclamation permit from Idaho Lands. The agencies had the opportunity to respond and haven't. When economic consequence is addressed who is damaged the residential developer or the miner? Bills provide good paying jobs, and their products are needed to build roads and homes. Provides the board with pages from the road and bridge from the ITD data base. The county has been reimbursed for the county road for some time. Impact on wildlife, he doesn't like feeding the wildlife and don't care about the migration route. Who says there is enough gravel in the valley already? Stay out of his business, how can the board decide who the winners and losers are. No county wide plan for gravel pit over site. Provides more documentation, showing the lease of mineral rights. He checked with the state, gravel is not a mineral, by supreme court. The lease that was there is over in 1995. Encourages the board to approve the application.

Lance Undererson is the engineer for this project. Over the last 25 years has worked on gravel pits. Shows pictures of other pits they have been associated with the last 20 years. They show pits dug, and then reclaimed. ITD concerns, they did a traffic impact study, want to reduce the number of trucks to 40 a day. According to the ITD if they stay at 40 trucks, they won't need a left turn lane on the hwy. In Idaho there is fee paid to assure the reclamation of the land. Idaho lands watches that. How long the pit is useful is connected to the economics, possibly 20 to 30 years depends on how much is needed. They have 3 sources for water they can use. Roy Bunderson again says the Worm Creek RD now is about a 30 feet prescribed easement. The Bills' is a 100-foot deeded right of way.

Kristy has a question, since the commercial business is theirs, will they have some buildings there for mining operations and maintenance? Yes, they will need some buildings near the operation for storage of supplies etc.

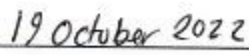
- **Motion to close hearing for the Jordan Bills Conditional Use permit for a gravel pit** is made by Julia Rowland, seconded by Sean Bartschi all in favor.

Deliberation, they are already doing an impact study. Everything else is part of their intentions, grading, dust control, reclamation, amount of traffic.

- **Motion to approval the Jordan Bills Conditional Use permit for a gravel pit with conditions of dust control, finishing the impact study from ITD**, is made by Sean Bartschi, seconded by Devin Boehme, all in favor.
- **Motion to approve the minutes** of the previous meetings is made by Devin Boehme, seconded by Sean Bartschi, all in favor.
- **Motion to adjourn** is made by Kristy Crane, seconded by Rob Smith, all in favor at 9:44 pm.

**APPROVAL OF MINUTES:**

  
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Albert Johnson, Chairman

  
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Date



## *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:** Tuesday, September 13, 2022  
**RE:** Bear Lake County Planning and Zoning Meeting

**The Bear Lake County Planning & Zoning Commission will hold its regular scheduled meeting on Wednesday, September 21, 2022 at 7:00 pm**  
At the Bear Lake County Courthouse 30 N. Main Paris, Idaho.

### **Public Hearings:**

Bridger Tower/ Conditional Use Permit revocation  
Montpelier Creek KOA-Marvin Neff/ Conditional Use Permit  
Bill Stock-BS Farms Subdivision-Preliminary & Final Plat  
Bart McKinnon-Phase 6- Aspen Creek Meadows Subdivision  
Jordan Bills/ Conditional Use Permit for Gravel Pit- Parcel # 4734.00

### **Action Items**

1. Approval of Agenda
2. Bridger Tower/ CUP revocation- parcel #4875.00 West Center Lane, Dingle ID
3. Montpelier Creek KOA-Marvin Neff/ CUP Permit 28501 US 89
4. Bill Stock-B. S Farms Subdivision/ Preliminary & Final Plat  
(Township 16 South, Range 43 East, Sections 15 and 22, 23 south of Loveland Ln.)
5. Bart McKinnon/ Phase 6- Aspen Creek Meadows Subdivision  
(Township 16 South, Range 43 East, Sections 15 and 22, south of Loveland Ln.)
6. Jordan Bills/ Conditional Use Permit for Gravel Pit- Parcel # 4734.00
7. Teri Eynon/ Phase 5 final Plat Aspen Creek Meadows Subdivision
8. Kirk Barker/ Commercial Development Standards
9. John Nelson/ lot split - 4100 N Hwy 89
10. Work meeting
11. Old Business
12. Approval of minutes
13. Adjournment