



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

PLANNING & ZONING MEETING
May 18, 2022
Paris Courthouse Commissioner's Room
PARIS, ID.

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

Welcome by Chairman Johnson at 7:02 pm
Pledge of allegiance led by Devin Boehme.

Chairman Johnson tells the audience we are a voluntary board to help the commissioners with the approval process concerning county growth and ordinances. It's the duty of the board to try to find every hole and bring information to lite.
No changes to agenda.

Motion to approve the agenda is made by Kristy Crane, seconded by Devin Boehme, all in favor.

Peni Stevens Lot split has 4 acres in FH in Darrell Nelson's Subdivision. She just put utilities in would like to split for future. Has 40 feet access, she thinks the county need 30 feet. So they think it fits requirements. It is in the Recreation zone. Both pieces are more than an acre after the split. Board sees this meets the ordinances, nothing to hold it up.

Motion to approve the Steven's lot split application is made by Sean Bartschi, seconded by Patrick Reese. All in favor.

Ben Pipes Lot split, Ben has parcel # 4 of the Clissold subdivision wants to split off a lot to sell off to cover costs. Shows a map. He would have to add access from HWY 89. Hasn't asked the state if he can get it. There is an existing access now, on part of the parcel. Mitch suggests they somehow combine one access to allow both lots so there isn't more access from HWY.

Motion to approve Ben Pipes lot split is made with the condition that they will have one access to access both lots made by Kristy Crane, seconded by Sean Bartschi, all in favor.

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Motion to open hearing for the Lynn Hill rezone made by Sean Bartschi, seconded Devin Boehme, all in favor.

Mike Chadwick speaks, wants to rezone to commercial zone for storage units along Joes Gap road. There is some commercial and rural community land nearby. Some houses are being built near there now. Mitch says this is in the Montpelier impact area, but it's our jurisdiction. No Public comment on this from the audience.

Motion to close Lynn Kill hearing is made by Devin Boehme, seconded by Patrick Reese, all in favor.

Deliberation Mitch says there is a buffer from these between residential and commercial required, trees for every 100 feet.

Motion to approve the rezone to commercial is made with the recommendation to add a buffer of trees Ordinance details four major trees per hundred linear feet of buffer, is made by Kristy Crane, seconded by Rob Smith, all in favor.

Motion to go to public hearing for Jon Reed-Bennington NDCI Rezone is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Jon Reed Speaks, this is in Bennington wants 8- 5 acre lots. Wants to change the zoning something other than AG 40. Has access to county roads. It will require dual access. This is along Red Canyon Rd, county hasn't been maintaining it in the winter. Jon is okay with dedicating some land to widen the road. Comments from the audience ...none.

Motion to close the public hearing is made by Patrick Reese, seconded by Devin Boehme, all in favor.

Deliberation, this seems to meet the requirements. Sean asks about future water uses and contamination, with this subdivision they will drill 8 wells and septic systems. Down the road it could hurt our residences. It meets the ordinances.

Motion to approve Jon Reed rezone is made by Kristy Crane seconded by Patrick Reese all in favor.

Motion to enter hearing for Mark and Candice Anderson Conditional Use permit is made by Devin Boehme, seconded by Rob Smith, all in favor.

Mark and Candice Anderson present together, they want to develop an RV park near Bloomington along the HWY 89. The BL State Park is popular, but people stay in Utah and spend money there. Utah gets the revenue. BL has need for more money. In the preliminary phase they want 50 camping sites if they can get things going depending on funding. Full build out will be 300 camping spots. Have lots of ideas with open space, running track and activity space. Prefer to access from Adobe Rd but might be asked to use the HWY. They are willing to get a traffic study. They think they have 30' of road, want to stay away from the ditch along South of the road. Do have access to power, but that will be later, not at first. They think they

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won't be able to have septic system since the ground water is high. They want to drain sewer into tanks and pump it out. Also want to truck in culinary water and store it in a tank for culinary use. Will be dry camping until they get things installed. Looked into options for restrooms and holding tanks. Wetlands are involved.. They have planned to stay away from wet land. Maybe add board walks, but don't know what to do with it. Don't know what is required in wetlands. Question, where will they get the water? They say there are companies that provide water for sale but didn't say what companies. They don't think there will be much water there. There will be no long-term camping except for them as camp hosts. Mitch reads a letter from Idaho Water Resources... water systems for 15 or more qualify as a public water system and will be required to follow state regs. The Andersons possibly want venues, farmers markets, concerts, have events to bring money into the community. The board mentions if they make money at it, It would be commercial at that point. They have a 5 or 10 year plan, but for now they want to start putting things in to get started. County ordinance states camping can only be for 2 weeks at a time. (or 30 days Mitch says) How long will people have to be gone before the clock starts over? Will people be able to stay for a long time if they move once in a while. On North shore before there was some issue, about mobile home parks. Can they allow snowbirds to stay longer if they have an area set apart for that? That would be a trailer park at that point. They will keep records while trailers are there to track the time they are there. It would be organized. How many acres? 32 acres including the wet area.

From the audience, Loyal Hulme attorney in opposition for his family sent a letter already. He thinks this is inconsistent with the general plan. It's a bad location, the road intersects with lot of properties and HWY 89. Adobe road is narrow, this impacts lots of property owners. There will be lots of 4 wheelers, and people are already trespassing now. Trucking in water is impractical and sewer will not work. This application is the most troubling he has seen in years. Bloomington city cannot provide any services. He does not oppose RV parks but not here. Probably few worse places then this place. The people should have thought this out before buying the land. This is winter ground for animals. Plans aren't thought through. Glad the board asked many questions. Burdon is on the applicant to prove it meets the county ordinance. They fail on every point. Wants to reject it so owners have no hope of moving this forward. Winston Heart for his brother Keith Heart. Has been farming it for years. It is wet ground most of the time. Thinks this should be designated wet land. Concerned about animals, smoke, fires and trash. How will it affect Bloomington city, and emergency services? There are trailing rights for cattle on Adobe Ln twice a year, cows will be everywhere. Bloomington city hasn't been contacted yet about utilities and they don't have capacity to increase theirs. Thinks the value of surrounding properties will decrease. Lots of mosquitoes. Has observed lots of birds there. Thinks this will destroy wetlands and ecological echo system. Idaho threatened species list, animals cannot protest. This area is a possible placement of future sewer lagoon, near his land. Need to control traffic noise and pollution. Blake Heart has biological concerns and ecological. Has hayed this field many years ago. Owns property to the east now. Worried about ditch water getting to him. Jenny Bywater is family and in favor, if people would look at the plan, they would see the applicants have done a good job. There will be trees, and big camp sites it will be a good-looking place. She thinks it will be away from homes and farms it will be a family-oriented place. There is a need for something like this. Connie Hulme says the road is used for livestock a lot she has been there for 50 years. It's hard to move livestock across the road. This will impact the ranchers, it's very wet. No more from the audience.

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Anderson rebuttal, they are doing their due diligence as they go. Are offended by the comments of the audience. They did do the diligence as far as they know. Tried to do it right with Mitch's help. Don't like being told it's a bad idea would rather hear that they should make adjustments. They will give land for widening the road on their side and protect the ditch on the other side. They tried to find out if it was wetlands, but they didn't find much. They will plant plants to help with mosquitoes. Will bring in fill to widen the road and stay above the wet land. Chairman Johnson says these are the things that should be nailed down in the presentation. Board tries not to reject it right off without all research being done. Land rights run both ways.

Motion to close the hearing is made by Sean Bartschi, seconded by Devin Boehme all in favor.

Fish and game haven't responded yet they usually do. Mitch says the P & Z always send letters to the government offices. If they don't respond it's considered, they have no comment. There has been little response on these. Irrigation laws are controlled by the state and are in place. Other developments of these types require a turning lane on the HWY is required. In winter the field is snowed over and not a winter animal spot. Lots of loose ends in this application that are not settled. It's not a good area for this. Sean says no. What about RVs with full tanks, they will have to dump somewhere. Porta-potties are not fun, but they work for the basics. What things would make this acceptable? A subdivision would need a HWY traffic study done before the board could approve. What ordinances would we have to massage to make this work? When the campground ordinance was created the board didn't envision so many lots. What about the fire safety? No one will be there in the winter. With a subdivision we require an engineer to design it. As it stands it's not good. If that's the problem we should change the ordinance to tell people what we want so they come more prepared. Would the board approve this if they came with a smaller proposal? Maybe but will still have to massage the ordinance to make it fit. For now, it don't meet the ordinance so it can't be accepted.

Motion to deny the Marc & Candice Anderson conditional use permit is made by Sean Bartschi, seconded by Devin Boehme all in favor.

Motion to enter J & S Real Estate Holdings Preliminary Plat App is made by Devin Boehme, seconded by Sean Bartschi all in favor.

Spencer Bailey representing a 9-unit subdivision between St Charles and FH tried to complete it correctly for all. Has 32 acres, the lots will vary in size. Wants to put best foot forward. Intends to make these STRs. FH Sewer will allow them to connect to sewer. Each property will have a well. Power will be available. Are looking into helping put in a bike path along the HWY and in the subdivision Will satisfy egress ingress requirements. Will be an open concept recreation plan. Club house, in the shared area in middle. Will have some amenities for recreation. They are planning on fencing the entire parameter. Want to expand "Rich Lane" to county standards. Most of the roads will be private. How big will the club house be, answer 2-3000 sq feet. Mitch heard from DEQ they have questions about the club house. The rest meets the ordinance assuming they have access. Is ITD good with the first access. Right now they are good with it. They own both sides of the HWY and can use that to access easier.
From the audience
Alan Arthur builder from Garden City works with Spencer supports this project.

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Bret Rich has family that owns property north. He is neutral but has concerns the second access is important. Wonders about nine wells, STRs. Off road vehicles on the HWY knows they will use the HWY it's illegal.

Linda Transtrum represents Gail Rich Estate on both sides of them. There are no fences her cows will be in there. If they build a fence who maintains it? Trespassing is a real problem now concerned about that too. No one has talked to her about the lane, it's her property wants conversation.

Carolyn Mosser for sister-in-law owns land south. Her nephew eventually wants to build there. Wondering if they can work out something to have access on the road they always have used. Teri Eynon not here as a realtor today. She has just sold big homes as STRs in Garden City there is lots of taxes available from this for the county.

Spencer rebutted first about the lane. Spencer thought the surveyor spoke with the Transtrums about the road. Spencer has two plans; he will work with the Transtrums. And construct most or all of the road needed on his land. He hopes to have the road split half each. He will fence the entire subdivision. Trespassing is an issue, he don't support trespassing. He brings in people that are high caliber. Has a black list if people break the rules, he don't tolerate it. It's part of the rental agreement. How big are the houses to be built? Answer 8-12000 sq feet.

Motion to close the hearing is made by Devin Boehme, seconded by Sean Bartschi, all in favor.

Deliberation, the road is an issue,

Motion to approve the Preliminary Plat Application for J & S Real Estate Holdings with the condition that the South access called Rich Lane be jointly shared with the Transtrums or access be completely on the subdivision land, and include provisions with the CC&rs to maintain the fence, made by Patrick Reese, seconded by Rob Smith all in favor.

Motion to enter hearing for Jordan Bills Conditional Use permit for gravel pit is made by Kristy Crane, seconded by Patrick Reese, all in favor.

Martin Bills has 48 acres South side of worm creek wants to make a gravel pit there. They have a new road built will use it to access the gravel pit. They border the Wards property will take off the top of the mountain. Some of the cut will be seen from the HWY. Will build slopes per storm water regs from the state. When do they need to control the storm water? During the excavation will have to control run off water into a pond. Will only disturb 20 acres at a time then reclaim it then move further. The state will watch that. What about traffic study? ITD will require it. There will be lots of trucks possibly 100 per day. Wanting to be permitted for that many in case he has that many. Based on amount of yards taken out in a day. Reclamation plan is submitted to department of Lands waiting for answer. Chairman Johnson reads letter from DEQ talking about rock crushers and groundwater. Fish & Game letter recommends placing equipment to not hurt animals.

From the audience

Mr. Hulme's firm is engaged to oppose this. Shows on the screen what David Bindrup owns, some 700 acres that will be impacted, is very concerned. Will have significant impact on his land. Idaho code requires reclamation. Idaho Lands has rejected the application. Concern is the type of impact; it will be an enormous impact. Comprehensive plan says mining a pit makes the most intrusive impact in the county. The road with residential use and 100 trucks is a recipe for

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disaster. Fails the conditional use permits. Cannot be intrusive. This does not meet the conditions of the ordinance. Wants the board to deny this until they meet the requirements. David Bindrup property owner on the west spent a lot of time and effort to protect his rights. Talked to the DEQ reclamation plan has been rejected with a verbal confirmation. Someone on another side of him has been digging very close and steep to his land causing erosion. He was told that it's the counties responsibility to enforce. There hasn't been anyone regulating it. Don't want two pits around him. Mitch found the state lands don't really enforce this it will be on the county to enforce. Should there be a moratorium to buy time to set up ordinances? Lance Anderson for the Bills says they have letter from DEQ or Idaho Lands says they wanted to get more information. So, it's' on hold. They provided a list of things DEQ wanted about 5 things.

No rebuttal

Motion to close the hearing is made by Sean Bartschi, seconded by Kristy Crane all in favor. Deliberation this is like a conditional use situation. Could set the conditions then it's up to the county to enforce it. There are a few things still needed to complete. If people meet the ordinances, then we may not like it but they obeyed the requirements. Is the access road big enough for the pit and the subdivision? They need a traffic study.

Motion to table the proposal for the Jordan Bills gravel pit with the conditions they need a traffic study from ITD, a reclamation plan approved from the Idaho lands, setbacks from property lines will be 100 feet from all sides made by Kristy Crane, seconded by Deven Boehme all in favor.

Motion to enter Jordan Bills rezone made by Patrick Reese, seconded by Kristy Crane, all in favor.

Martin Bills has 59 acres wants to rezone into recreation from Ag. Using the same road that accesses the gravel pit road. Wants to divide into 9 lots for houses. It's south of the proposed gravel pit. The road now is county road to the canal. Then they want to propose a one way in and one way out road system back to the county road. Some of the traffic will be shared on the road with trucks. He has permit to plow the road that is the County's, so it is now maintained year-round. It fits the requirements for Recreation Zone from the land use ordinance.

From the audience

Roy Bunderson, county don't own the road he does. They have a prescriptive easement to it. The county has done nothing to maintain it. Bills have a 100 foot right of way now. It has been virtually a private road. It never accessed public property or lands.

He thinks this is the best use for this property it will have low impact on the community. That area is not really good AG ground. Need to provide a means for farmers and ranchers to maintain their lives. When they want to sell land, they need to have the ability to do so. The county has never done anything on the road. Is it really a county road?

No More comments

Motion to close the hearing is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Motion to approve the Jordan Bills rezone is made by Devin Boehme, seconded by Sean Bartschi, all in favor.

Motion to go into public hearing for Jordan Bills Preliminary plat for a 9-lot subdivision is made by Devin Boehme, seconded by Kristy Crane all in favor.

Martin Bills proposes a 9-lot subdivision. Lots will be 4.5 acres to 8.5 acres no nightly rentals allowed in his CC&rs Will have to figure out the road is it his or the counties. He owns the ground the "county road" is on. He owns enough land to make it wide enough. The county won't allow them to build a better road without something from the board.

From the audience

Roy Bunderson says the road has been an unmaintained road. The Bills need approval from the board so they can move forward to the road and bridge, and they can move forward. Requests the board approve it.

Phillip Ward if the road is county can he be shut out. No. Answer people just want to access their land.

Martin Bills says those that have easements will be allowed to access.

Motion to close the hearing made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Motion to approve the Jordan Bills Preliminary Platt is made by Sean Bartschi, seconded by Devin Boehme, all in favor.

Motion to go into hearing for Teri Enyon made by Kristy Crane Seconded by Patrick Reese, all in favor.

Teri Eynon speaks to the phase 5 Aspen Creek Meadows. Original plat was first approved with commercial property and a pond and open space. She would like to go with that. But has changed it now since she thinks the board don't want Commercial there. So she is asking for these changes. There is no HOA there so no one tends the land. The dumpsters that are there now, what does she do about them? Does the county take them over?

From the audience Robert Morrison has 10 acres that adjoins the subdivision. His father or father-in-law, Dale Brown, built the pond has always used as common area. Has always assumed the pond is to be used by them. Now they get a note that the land will be sold. It's wet land and people use it. Has a letter saying it should be common area. Teri checked on water rights no one claims the water in the pond. Thinks it's run off from BLW.

From the audience, Heber Dunford asks, was the agreement for the open land on the deed or where? In other places in the county there are problems with contracts on land. As land is sold sometimes the contract isn't known by the new owners.

Teri would agree to write up agreement to not build in the open space.

Motion to close the hearing is made by Sean Bartschi, seconded by Kristy Crane, all in favor.

Motion to approve Phase 5 Aspen Creek Meadows with lot 85 remaining open space, the two lots that access Loveland Lane will have one access, made by Kristy Crane, seconded by Patrick Reese, all in favor.

Albert Johnson 6/15/22

Motion to approve the minutes from last meeting is made by Devin Boehme, seconded by Patrick Reese, all in favor.

Motion to adjourn the meeting is made by Kristy Crane, seconded by Sean Bartschi, all in favor at 10:40 pm.

APPROVAL OF MINUTES:

Albert Johnson, Chairman

Date