



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

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

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

Chairman Jensen welcomes everyone at 7:02 pm.
The pledge of allegiance was led by Kristy Crane.

- **Motion to approve the agenda** as printed is made by Eric Bomsta seconded by Devin Boehme, all in favor.
- **Motion to go into hearing for BLW Commercial Rezone** for future communications tower is made by Kristy Crane, seconded by Devin Boehme, all in favor.

Pat Hunter talking about a new cell tower, he wants a rezone of 50' by 50' piece of ground to commercial to build a tower. We can't get the computer to connect to the TV so Pat shows on his own lap to the audience his presentation. He says the tower will be 80 feet tall, it will be on a pad down near the dumpsters on BLW property. It will be disguised as a tree. He is also working on another tower on another site he will bring to the board later. His presentation shows computer views from the road of how this tower looks like a tree. He says the industry standards now are, most people use cell phones now. 80 % of all phone calls are on cell phones. He says there are no statistics showing property values fall with a cell tower nearby. People want cell phones to work. This will be better for the valley. He has researched the worst spots for cell coverage and thinks this spot will be best. They are trying to make it so there are less dropped calls. He knows the cell tower requirements in county ordinance restrict them to 40 feet not 80. He will be asking for a height variance once the rezone is passed. He thinks this is the best place for coverage.

From the audience:

Kim Erickson has documents saying the property has been in his family's possession for over 100 years. Mentions the RF tower will be in his back yard. Too close, BLW has other places to put this. He feels there is good coverage all over. Less than 10% of BLW is full time. He cites cancer research of radio frequencies and effects on people. Says property values will drop. He says RF causes cancer. This is why RF towers shouldn't be allowed in anyone's back yard. He lives within 300 feet to the North of the proposed site.

Ed Izatt, question, since it's on the highway, BLW has several common areas if they went up the hill a little it might help.

Teri Jensen worked for Verizon and has experience in this. Has worked on this contract with BLW. They looked at a site on the hill, but it's zoned residential, and it's not allowed there. It proposes this site because of its accessibility during winter and hides between trees. Her phone now drops calls at her house just up the hill now. Because the other towers don't point at her well. Didn't mean to offend anyone. They asked others if there was opposition. Thinks there are others who have poor reception. Mitch told her about the other areas up the hill won't work for zoning reasons.

Gary McKee, they did this before in the reserve and it doesn't really look like a tree even though it was promised to be so.

Bill Stock quotes the land use ordinance in the matrix saying, in recreational and lake shore zones they are not allowed so they must rezone. It's not addressed in the compressive plan. In chapter 7 says it there it's not allowed.

Rebuttal From Pat Hunter: understands the concerns about RF and says it's not worse than cell phones., Says dropped calls are not an issue now but as we grow it will get worse since towers can only handle so much traffic. Chairman Jensen says in residential zones they are allowed conditionally. If it's up on the hill it won't be any more different to rezone. Pat says if it's not disguised as a pine tree it can be taller and use more power.

- **Motion to close the hearing for BLW Commercial Rezone** Kristy Crane seconded by Todd Boehme, all in favor.

From the board, in the report Chairman Jensen says there is nothing that would hold it up. The board didn't know it would require a double height variance. Those living close to it will have to see it all the time. Those who will benefit the most up the hill won't see it that much. It is right in the backyard of people when they have lots of room above. If the only difference from a spot up on the hill is the zoning, then it might work. If it's up the hill it might still have to be tall to get over houses and cover the area better. Is there a better spot? Can it go in the golf course? There will be other tower requests coming. The board wants to balance the needs of all others. If we table it, Mitch Poulsen will be able to answer more questions.

- **Motion to table the hearing for BLW Commercial Rezone** for a future communications tower until we get more information is made by Eric Bomsta, seconded by Devin Boehme, all in favor.
- **Motion to go into hearing for Jeffery Hirschi rezone to rural community**, was made by Devin Boehme, seconded by Kristy Crane, all in favor.

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Jeffery Hirschi speaks, he wants to rezone a 15-acre parcel as one. This is near Lanark Rd. It didn't qualify for a family lot split as discovered in last month's meeting.
From the audience.

Bill Stock, they advertised 11.6 acers, now they want to stretch it into 15 acers? Will they do a boundary line change? Rezone regs in the state statutes have changed. Says the board should look at it. Says Hirschi will have to do something to get the total amount of land in one rezone.

Gary Scott across the road from this, says it's all AG around there. He was told he couldn't subdivide his. Why? Answer, this guy isn't subdividing now. Gary says he wanted to do this kind of thing but couldn't. Says the application is to have 5, 3 acres lots. This information appears to be outdated. Is he looking at last month's paper. Today, this is for a one lot rezone for the use of one house.

Tim Christinson, the surveyor, shows a map this will include 2 parcels to make this happen. It will be 15 acers total. It's all owned by the same person.

Scott Rose is across the street from this on Lanark rd., he will be affected by this. Has lived around half built subdivisions. His house is old and has a well. He worries about that. The ground in question is under water now from the spring runoff. Says the wildlife will be affected. Doesn't want it out his front door.

Chairman Johnson says the board is restricted by the ordinances, if something fits the ordinance, it's allowed.

Richard Gleed on Lanark Rd says there is a pipeline in the SE corner of the property in question. He shares the line and wants it protected. Don't know if there is an easement for the line. It will affect a good part of the field.

Rebuttal by Jeffery, he understands about AG land everyone wants to keep it green. Says they made a 60-foot road to help stay away from the pipeline.

- **Motion to go out of the Jeffery Hirschi rezone hearing** is made by Devin Boehme, seconded by Todd Transtrum, all in favor.

Deliberation on the Jeffery Hirschi rezone hearing, they would need to include the pipeline easement and talk about the lot line adjustment. Since there will be two parcels needed to make the 15 acers. The surveyor says they will do the lot line adjustment if it's required by the board. The board thinks this should be required.

- **Motion to approve the Jeffrey Hirschi Rezone to Rural Community** with stipulations
#1 Jeffry Hirschi does a lot line adjustment to make the 15-acre parcel into one parent parcel.
#2 the irrigation pipeline is noted on the plat where the line is and an easement made for the pipeline made by Eric Bomsta, seconded by Todd Transtrum, all in favor.

Brandon Park Mill Canyon Ranch Review.

Brandon represents Diamond Hills and wants to get on the agenda for a public hearing, today trying to get information. Hands out letter from the engineer. Reads the ordinances, has many legal counsel opinions, all have come to the same conclusion. Thinks the ordinances disagree with the county engineer. Hands out more paper. Feels like the engineer didn't consider everything. Reads from the engineer's report. Feels that if he proceeds with a preliminary plat, it costs him a lot of money and doesn't know if it will be approved. Sites state statutes and says he has met all the requirements. Chairman Johnson says this has been done this way for years.

and it has all been approved by the engineers. Brandon has hired an engineer, but he doesn't want to use an engineer to do a preliminary plat. Gary McKee interjects, thinks Brandon really wants to do a conceptual plat. Instead of preliminary plat. Brandon wants to know how much to do to get approved. The board can't easily find the documents. But Brandon says there is everything in there but on different pages. What is the need for the preliminary plat? Brandon wants to know what direction to go so he knows how to spend money and proceed. Brandon wanted a public hearing to proceed but was denied and was told it didn't qualify for a hearing. Feels like he is treated unjustly, is losing another month. Wants to ask for a special meeting in front of the board.

Roy Bunderson Bennington Plat Amendment is frustrated. Applauds the board for their efforts to protect the God given rights as landowners. Frustrated over things that transpired over the last year. Common goal that everyone should be treated equally. Maybe it's time to throw the staff under the bus. But will not talk behind a person's back. The County pays \$30,000 a year to pay for the Administrator. Seen things from all kinds of ordinances not being met or obeyed. Thinks the board is doing its best. With the Bennington situation he wants things to be done right. He thinks the board should find a new attorney. Thinks there was an advertising problem, wanted to get it done right. Didn't want to sue, just do it right. If we have a flaw, it opens the door for others to contest. Was told the advertising answer they didn't have standing. Tired of being told the board is acting under legal advice when he don't agree with the legal advice. If it's 15 days' notice it should be 15 days. He is a good friend of Bill Stock and thinks he should be treated with respect. Wants a reconsideration in the Bennington decision concerning the variance. Just wanted to see if it was done right. Wants to understand who has the right to do things in a right-of-way. Just because there are other things in the right of way doesn't mean another can build there. They paid \$500 for the appeal. Says it was sent to the commissioners and they had a closed meeting and sent it to the attorney. Says it wasn't decided in a public meeting no transparency. Shows the Bennington map it has many homes in the right of way now. It's now 132 ft wide but why can't they be 60 feet like all the other parts of the county. If the board allows someone to build in the right-of-way, it's not their property to build on. Wants to work with the board and have conversation. Chairman Johnson questions with our purview what can we do about it? Answer to make recommendations to the commissioners to vacate the right of way to make it smaller. Maybe 60 ft like the other roads in the county. Roy wants to be on the agenda for next month.

- **Motion to make a recommendation to commissioners to amend the Township plat for Bennington** and all unincorporated platted communities in the county that need right-of-way adjustments to bring them into conformity with county standards made by Kristy Crane, seconded by Eric Bomsta all in favor.

Kirk Barker Septic Review Ben Davis speaks with Kirk Barker about a septic system. Kirk explains he was denied by St Charles City to connect to their sewer. Kirk has investigated other types of septic systems. Quotes Ferris Darwish the Health department person, who says our setbacks are excessive. Looking into Utah their setbacks require 150 feet. Asks what he can do if the sewer is close, but he is not allowed. The only option is to use a septic system. Kirk invited Ben Davis, a contractor who has installed systems in other states and explains an advanced system. Advanced septic systems produce cleaner water since it's filtered. It's not percolated into the ground. Studies can show advanced septic systems produce cleaner water. It has to be approved by the state DEQ. They require a test once a year on the water coming out. It works by the stuff falling into a containment bin, then water and oxygen pumped in moving from

aerobic to anaerobic. Breaks the things down to composted soil not sewage. The water comes out into a gravel pit then into a holding tank, if not clean enough then into another pond until it's clean enough. It's more advanced than what's being used now. It's already approved by the DEQ in Idaho. Alan Johnson of Pocatello DEQ says he goes through a review for each subdivision. It's up to the homeowner to make sure the samples are sent into the state. If they don't, they will get nasty letters and the DEQ and they will come fine them. A good way to use these in small subdivisions would be to have one central system for all the homes, and only one person monitoring and checking. It would be part of an HOA. Either way, these need to be maintained every couple years and monitored yearly.

The cost of these could be as much as \$40,000, compared to \$15,000.

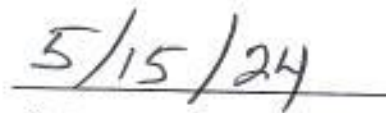
Why didn't St Charles allow him to connect to the sewer system? He thinks they just don't want growth.

Old Business

- **Motion to approve last month's minutes** is made by Eric Bomsta, seconded by Kristy Crane, all in favor.
- **Motion to adjourn** is made by Devin Boehme, seconded by Todd Transtrum, all in favor at 10:23 pm.

APPROVAL OF MINUTES:


Albert Johnson, Chairman


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: Monday, April 8, 2024
RE: Bear Lake County Planning and Zoning Meeting

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

Public Hearings:

BLW/ Commercial Rezone for future communications tower
Jeffrey Hirschi/ Rezone, parcel 03822.02 Lanark Road

Action Items

1. Approval of Agenda
2. BLW/ Commercial Rezone for future communications tower
3. Jeffrey Hirschi/ Rezone, parcel 03822.02 Lanark Road
4. Brandon Parks/ Mill Canyon Ranch review
5. Roy Bunderson/ Bennington Plat Amendment
6. Kirk Barker/ Septic review
7. Old Business
8. Approval of minutes
9. Adjournment