

BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

APPROVED MEETING MINUTES | March 20, 2024

BANNOCK COUNTY STAFF PRESENT: Hal Jensen, Planning Director; Tristan Bourquin, Assistant Director; James Bagley, Zoning Planner, Alisse Foster, Subdivision Planner; Marj Williams, Management Assistant.

Stewart Ward calls the meeting to order at 5:28 pm.

A. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:

Present Council Members: Stewart Ward, Chuck Heisler, Barbara Hill (via Zoom).

Excused/Absent Council Members: Edward Ulrich, Tam Maynard.

B. PRELIMINARY BUSINESS:

AGENDA CLARIFICATION AND APPROVAL - None.

Heisler makes a motion to accept the Agenda as written. Hill seconds. Motion passes unanimously by acclamation.

C. APPROVAL OF MINUTES:

None.

Heisler makes a motion to open the public hearing. Hill seconds. Motion passes unanimously by acclamation.

D. PUBLIC HEARING ITEMS:

4. CONDITIONAL USE PERMIT: CAMPGROUND – Elizabeth Salt, 11759 E. Fish Creek Rd, with Cameron Salt, petition for a conditional use permit to expand an existing campground, adding approximately 23 cabins, 36 camping spots, and an office building on approximately 59.98

acres. They started Lava Campground seven years ago. They feel that all criteria has been met and the surrounding properties are campgrounds and a vacant lot that won't be affected by the expansion. The county road already allows heavy machinery and trucks, so they feel their use won't be more harmful than what is already permitted. They'll have their own septic, water, utilities, etc. It is zoned recreation and helps fulfill a lodging need and will promote tourism. They will meet all state, local, and county regulations.

Heisler asks why they aren't tying into an existing city water line. Salt says they are not allowed to tie into the city line, which comes from a spring above them, because they are ahead of the actual water line. Ward asks when the city told them this. Salt says they had asked during the second expansion which was within the past three years.

Ward confirms they are expanding to the east. The Applicant confirms. He also asks if the well onsite is shared by the house. Salt says the two homes on the property have separate wells and there is a DEQ-tested well just for the campground. Ward asks where the septic is located for the onsite restrooms. Salt points out the location within the volleyball area on the map. They also have two port-a-potties that are cleaned. They will need additional septic for the cabins and additional bathrooms and have to talk to the Health Department to see what will be allowed. Ward says the letter from the Health Department says an in-depth nutrient pathogen study will be required for septic.

Hill asks if the cabins will be permanent structures. Salt confirms. Hill asks how far they would have to travel to attach to the city sewer. Salt says it's across the river at the KOA which isn't really plausible to tie into. Heisler notes that it would be topographically difficult to tie into. Jensen says the City has denied annexation because of this particular issue and there is an understanding that they are in Bannock County and under their jurisdiction for wells, septic, drain fields, etc. Cameron Salt notes that the KOA sewer system is private. He says that each of the cabins would have a bathroom.

Jim Bagley, Zoning Planner, presents the Staff Report. He notes that Bannock County allows one dwelling unit per parcel, but the cabins would not qualify as dwelling units in the building code because there will be no stoves/ovens. He feels approval with conditions is the appropriate way forward.

Ward observes that the majority of the existing campground and proposed expansion are within the flood plain and is concerned with putting in septic. Cameron Salt says the highway is in the flood plain and is 60-70 feet above the campground, so it's not really accurate. He notes they would just need to get an elevation certificate from the surveyor on each structure. Ward asks if they're drilling a new well or using existing. Cameron Salt he would need to drill a new well since the existing one would need to be maxed out.

Ward invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Hill is concerned with the sewer in the flood plain and the amount of water and asks if they should consider a condition that they meet DEQ and the Health Department requirements. Ward cites the letter from the City that says the discharge from the campground on average is the equivalent of 26 single-family homes. He is concerned about the amount of discharge that close to the river and in the flood plain. He would like to see a more detailed response from DEQ and the Health Department on the proposal before approval. Heisler asks if the DEQ approved the Applicant's previous campground. Salt confirms. Staff notes that the permit is for the expansion of their current existing conditional use, not the entire package. If the use is approved by Council and they're unable to get another well, etc, they can change to RV sites or dry cabins, etc. Council can also make a condition to extend from six months to a year to give the Applicant more time to come into compliance with DEQ and the Health Department.

Heisler asks what the current quiet hours are. Salt says 10pm to 8am.

Ward proceeds on to discussion and review of the findings.

- A. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district. Permitted uses include things like attached housing, bed and breakfast, fire station, golf course, outdoor entertainment, religious assembly, and commercial stables. Based on the nature of the surrounding uses to the west and north, which include campgrounds, and the more tourist-driven nature of Lava Hot Springs, this would not be materially injurious compared to permitted uses.
- B. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use. Vehicles of that nature are regularly using this part of the highway and are not adding stress or an extraordinary increase to the traffic system. Fish Creek Rd is currently built to support this increase in traffic, according to the Public Works director, and Fish Creek Rd has direct access to Highway 30. Fish Creek is already paved, is low volume, and traffic wouldn't be driving through a residential area.
- C. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity. The proposed use matches existing adjacent uses, is common in the area and region, and state laws and agencies will provide all necessary enforcement to prevent material injury if use includes the installation of wells and/or septic systems.

- D. . The proposed use would be consistent with the goals and policies of the Comprehensive Plan of the County. This use would promote tourism and add to the tax space, as stated in Objective 4.4 of the Comprehensive Plan. Policy 4.4.2 and Objective 2.2 are also consistent with this use.
- E. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical. The adjacent uses are compatible with this proposed use, with campgrounds to the north and west. The proposed use will also adhere to all other County requirements.

Heisler makes a motion, based on the record and discussion this evening, to approve the request by Cameron Salt for a Conditional Use Permit to expand an existing campground, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair with the following conditions:

1. Established quiet hours from 10pm to 8am.
2. Fire pits or rings must meet fire code safety after an inspection by the local fire district (documentation to be provided before opening of business).
3. A posted evacuation plan on site.
4. Outdoor lighting will be directed downward and shielded. Pole-mounted light shall not exceed 15' in height.
5. A flood warning system shall be installed before opening of business, (documentation of proper installation required before the opening of the expansion)
6. On site management required during hours of operation.
7. Recreational vehicle parking will meet a setback of 30' from Stream and Riparian areas, see previously permitted variance standards.
8. 25' driveway width for the entirety of the expansion.
9. Posted directions to nearest approved sanitary dump site for recreational vehicles.
10. Campground and development and improvements will follow Idaho Department of Fish and Game's suggestions in the publication "Living with Wildlife."
11. Conditional Use Permit will expire in 12 months with one six month extension allowed if needed.

Hill seconds the motion.

Roll call. Heisler – yes. Ward – yes. Hill – yes. Motion to approve passes 3-0.

5. TRANSFER OF DEVELOPMENT RIGHTS – Pursuant to §465 of the Bannock County Zoning Ordinance, Jose Nava, 1290 Mountain West Dr., Pocatello, on behalf of Gary Johnson, proposes the transfer of development rights from parcel RPR380500200 to parcel RPR380500200. Parcel

RPR3805002200 is approximately 433.33 acres and is located in the agricultural zoning district. The current 40 acres fall near a shooting range and drainage way and are not suitable for building. The Applicant wants to create two buildable parcels for his son.

Ward clarifies that there's one development right in each of the two 40 and they're transferring them to the two 1.5-acre pieces. Nava confirms.

Jim Bagley, Zoning Planner, presents the Staff Report and notes that they're moving the development rights to have the houses be clustered near the other houses. BLM is adjacent to the east of the property and there's a small strip that they're concerned about.

Ward invites public testimony.

Public testimony in favor: Gary Johnson, 9112 W. 2 ½ Mile, Applicant, reiterates that the two 40-acre parcels below are adjacent to gun ranges and changes of development there are slim.

Public testimony neutral: None.

Public testimony opposed: None.

Ward proceeds on to discussion and review of the findings.

1. The transfer of development rights is wholly voluntary. The property owner has stated through the application and testimony that the transfer of development rights is voluntary.
2. The 'sending' and 'receiving' properties are within the Agricultural zone, based on the County zoning map.
3. The 'receiving' property meets all the requirements for development as outlined in Bannock County Ordinance. The receiving properties will exceed the one acre minimum lot size requirements in the agricultural zone and will meet all other development standards when applying for additional permits.
4. The 'sending' property qualifies for a building permit. The sending property is in the agricultural zone, has a development right, and is over 40 acres in size.
5. The transfer of the right from the 'sending' property would preserve prime farm ground, eliminate residential structures in undesirable locations including floodplains and steep slopes, would preserve open space, or preserve land that is critical to wildlife habitat. This transfer would preserve prime farm ground, areas with steep slopes, and wildlife habitat, and would eliminate structures near the shooting range.

Hill makes a motion, based on the record and the discussion this evening, to recommend approval to the Board of County Commissioners the request made by Jose Nava to transfer development rights, as described in the application materials, as supplemented with additional

information attached in the staff report, and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Heisler seconds the motion.

Roll call. Heisler – yes. Ward – yes. Hill – yes. Motion to approve passes 3-0.

Heisler moves to close the public hearing. Hill seconds.

Motion passes unanimously by acclamation.

E. BUSINESS ITEMS:

6. PRELIMINARY PLAT APPROVAL: SOUTH HILLS SUBDIVISION – Jonathan Vincent, 975 E. Pidcock Rd, Inkom, ID, requests preliminary plat approval for tax parcel RPR4013005704, in accordance with procedures and standards established in the Subdivision and Zoning Ordinances.

Ward recalls the property owner of the transitional housing to the north had concerns with this residential use being next to them because of some conditions they had on their agreement. Vincent says the property owner was going to look into it and get back with him but he never heard back. Ward notes that a development agreement from the City is required before preliminary plat. Vincent says that Merrill Quayle, Public Works engineer, had reservations about doing the development agreement before the preliminary plat approval but has no problem with doing it before the final plat. He has made recommendations for the water and sewer plan and has been onboard through the whole process. The City of Pocatello can only require an easement on an Applicant's property, so they did easements on the north and south sides. Vincent has no issues with the Staff recommendations.

Ward proceeds on to discussion and review of the findings.

1. The Preliminary Plat is in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of this Ordinance, other County Codes and Ordinances, and Idaho Code. It's in conformance with the concept plan because concept conditions have been met, subdivision requirements for preliminary plat have been met, plat conforms to lot size requirements with a previously approved variance, and road standards have been met according to current design. Additionally, there's been no significant design change between concept proposal and preliminary plat.
2. The street plan for the proposed subdivision will permit its development in accordance with this code. The road will be built to the standards outlined in the Highway Standards

and Roadway Development Procedures for Bannock County and the City of Pocatello standards and construction plans will be reviewed during final reviews.

3. The street plan for the proposed subdivision will permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary. Valentine Lane extends to the east boundary of the subdivision providing access and future development to undeveloped land. Valentine Lane is also proposed to be dedicated as public right-of-way and will be dedicated to the local jurisdiction for maintenance.
4. Lot lines and roads relate to land shapes and existing development. The road has been placed with an existing easement. Each lot appears to have a potential building site. Lot 18 was created due to an existing well and labeled as a non-buildable lot.

Heisler makes a motion, based on the record and the discussion this evening, to approve the request for the preliminary plat of South Hills Subdivision, as described in the application of materials, as supplemented with the additional information attached in the staff report, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair with the following conditions:

1. Final plat to state right-of-way is for private use or right-of-way to be dedicated to the public.
2. Proposed CC&R's must address maintenance of all common-owned improvements to include fire hydrants, mailboxes, retention areas, and rights-of-way. CC&R's shall be recorded and noted by instrument number on the final plat.
3. Provide executed development agreement and will serve agreement with the city of Pocatello with final plat submittal.
4. Declaration statement for the City of Pocatello on final plat.
5. Plat shall state the lots 1-6 and 10-17 are for fourplexes. Lots 7,8, and 9 are for two fourplexes. Lot 19 shall be labeled as common area.
6. Homeowners' Association Codes, Covenants and Restrictions shall address maintenance of the right-of-way until dedicated to the county, mailboxes, and all common owned areas. This shall be reviewed for approval by Staff at final plat.
7. Legal documents shall be executed by both parties regarding shared right-of-way, recorded, and right-of-way shall be dedicated to Bannock County or the City of Pocatello, as appropriate. Instrument number shall be referenced on the plat.
8. Legal documents shall be executed by both parties regarding cul-de-sac, recorded, and cul-de-sac shall be dedicated to Bannock County or the City of Pocatello, as appropriate. Instrument number shall be referenced on the plat.
9. Provide letter from School District 25 stating approval of location of proposed school bus stop.
10. Plat shall state "All lots are re-designated to the Commercial General Zoning district per Bannock County Zoning Ordinance 1998-1 §350."
11. Plat shall state stormwater drainage swales shall not be filled.

12. Approach must meet distance requirements per Highway Standards and Roadway Development Procedures for Bannock County.

Hill seconds.

Heisler – yes. Ward – yes. Hill – yes. Motion carries 3-0.

SUBDIVISION EXTENSION REQUEST: EASTWOOD ESTATES SUBDIVISION – Rick Dixon, 13613 W. Tyhee Rd, Pocatello, requests an extension for Eastwood Estates Subdivision. The original preliminary plat approval date was April 20, 2022. The extension is due to the utility companies asking for approaches not to be installed until utilities are trenched. Construction plans have been approved and reviewed by Staff and they are just waiting on inspections of construction on the application process.

Ward asks if there are power lines on that side of the road. Dixon says the power and gas lines have been trenched but the approaches haven't been done because of the weather. There was overhead power across but it has been put underground. Dixon has talked to the Post Office and they want individual mail boxes installed. He would need two mailboxes on one side of the approach to be considered clustered.

Ward proceeds on to discussion and review of the findings.

1. The applicant has submitted 100 percent of the engineering plans or has made a showing of "good cause." Engineering plans have been submitted and approved. The Applicant has been working on improvements but due to weather and delays from utility companies, Applicant cannot finish prior to preliminary plat expiration.

Heisler makes a motion, based on the record and the discussion this evening, to approve the request by Rick Dixon for an extension of deadline submittal of the final plat for Eastwood Estates Subdivision, as described in the application of materials, as supplemented with the additional information attached in the staff report, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Hill seconds.

Heisler – yes. Ward – yes. Hill – yes. Motion carries 3-0.

F: ITEMS OF INTEREST:

- a) Update on recommendations to Commissioners – None.
- b) Discussion of upcoming hearing items –

- i. March 26th will be the next public hearing with Commission for ordinance edits.
- j. There are two public hearing items and a business item.

G. CITIZEN COMMENTS:

None.

H: WORK SESSION:

None.

Meeting is adjourned.

The public meeting was held in the Planning and Development Conference Room, 5500 S 5th Ave, Pocatello, ID 83204. Due to limited seating in the conference room, the meeting was also available via web-conference and telephone.

Respectfully Submitted,

Marjorie Williams

Marjorie Williams
Management Assistant