



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | [www.bannockcounty.us](http://www.bannockcounty.us)

## AGENDA

### BANNOCK COUNTY

### PLANNING & DEVELOPMENT COUNCIL MEETING

OCTOBER 16, 2024 – 5:15 PM

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The public meeting will be held in Conference Room 1, Office of Planning and Development Services, 5500 S 5<sup>th</sup> Ave, Pocatello, ID 83204.

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Any citizen who wishes to address the Council, must first complete a sign-up sheet and give their name and address for the record. If a citizen wishes to read documentation of any sort to the Council, they must have a copy available to submit as part of the record. There will be a three (3) minute time limitation for presentations by citizens. The purpose of this agenda is to assist the Council and interested citizens in the conduct of this public meeting. **Citizens should examine the agenda for the item of their interest. However, citizens are advised that only Public Hearings allow for public comment during the discussion / consideration process.** Citizens have an opportunity to be heard by the Council if the item meets the criteria as described in the agenda. *You must sign in at the start of the meeting to be recognized.*

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**RECESS:** The Council Chair or Vice Chair may call a recess, as they deem necessary, to allow Council members and participants a brief rest period.

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Bannock County complies with requirements of the Americans with Disabilities Act. Special accommodations can be provided with three (3) days advance notice by calling 208.236.7230, emailing [development@bannockcounty.gov](mailto:development@bannockcounty.gov), or coming into the office.

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|-----------------|----|--|
| AGENDA ITEM NO. | 1. | ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST – EX-PARTE COMMUNICATION AND SITE VISIT<br>Disclose any communication, including who was there and the basic substance of conversation. Disclose if a site visit was made, location(s) of the site visit and what was seen. |
| AGENDA ITEM NO. | 2. | PRELIMINARY BUSINESS<br>a) Agenda Clarification and Approval ( <b>Action Item</b> )  |
| AGENDA ITEM NO. | 3. | APPROVAL OF MINUTES ( <b>ACTION ITEM</b> )   |

a) May 15, 2024

**PUBLIC HEARING ITEMS**

**(The procedure used for conducting the public hearings is at the end of this agenda.)**

AGENDA ITEM NO.                      4.        TRANSFER OF DEVELOPMENT RIGHTS: Pursuant to §465 of the Bannock County Zoning Ordinance, Justin Tobias proposes the transfer of development rights from parcel RPR4263014100 to parcel RPR4225003515. Parcel RPR4263014100 is approximately 79.93 acres and is located in the Agricultural zoning district. Parcel RPR4225003515 is approximately 4.32 acres and is located in the Agricultural zoning district. Type of action: Recommendation to County Commissioners.  
**(ACTION ITEM)**

AGENDA ITEM NO.                      5.        SUBDIVISION CONCEPT PLAN – TURKEY HOLLOW SUBDIVISION: Stewart Ward proposes an amendment to Coyote Hollow Subdivision to adjust a lot line. The subject properties are located in Lots 6 & 7, Block 1, Section 26, Township 7 South, Range 36 East, Bannock County. The properties are labeled as tax parcel RPRRCHS000600, addressed as 906 E. Pidcock Road, Inkom, ID 83245, and parcel RPRRCHS000700, currently unaddressed. The existing lots are 5.00 acres and 5.00 acres. After the adjustment, the lots will be 6.42 acres and 3.58 acres. The development proposes individual wells and septic systems. The procedures and criteria for evaluating a conceptual plan are found in §302 of the Bannock County Subdivision Ordinance; approval or denial of this request shall be in accordance with standards prescribed therein. Type of action: Decision.  
**(ACTION ITEM)**

**BUSINESS ITEMS**

AGENDA ITEM NO.                      6.        PRELIMINARY PLAT APPROVAL – PURSER ACRES SUBDIVISION: Matt Baker requests preliminary plat approval for tax parcel RPR4227002007 in accordance with procedures and standards established in the

Subdivision and Zoning Ordinances. Type of action:  
Decision.

**(ACTION ITEM)**

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- |                 |    |  |
|-----------------|----|--|
| AGENDA ITEM NO. | 7. | <b>ITEMS OF INTEREST</b><br>a) Update on recommendations to Commissioners<br>b) Discussion of upcoming hearing items<br>c) Announcements   |
| AGENDA ITEM NO. | 8. | <b>CITIZEN COMMENTS</b><br>This time has been set aside to hear items from the audience, not listed on the agenda. Items which appeared somewhere else on the agenda will not be discussed at this time. The Council is not allowed to take any official action at this meeting on matters brought forward under this agenda item. You must sign in at the start of the meeting in order to be recognized. Note: Total time allotted for this item is fifteen (15) minutes, with a maximum of three (3) minutes per speaker. |
| AGENDA ITEM NO. | 9. | <b>ADJOURN</b>   |
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The application for each item will be available to the public by request at Planning and Development Services office and on the department's website at [www.bannockcounty.us/planning](http://www.bannockcounty.us/planning). Written testimony of fewer than two (2) pages must be received by the Planning and Development Services office no later than October 8, 2024. Written testimony may also be sent to [development@bannockcounty.gov](mailto:development@bannockcounty.gov). Any written testimony not received by the deadline must be brought to the council meeting and presented at the public hearing. All submitted testimony shall be considered public record. Discriminatory testimony shall not be permitted. Written testimony must comply with standards established in §560.7 of the Bannock County Zoning Ordinance.

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**PUBLIC HEARING PROCEDURE**

1. A presentation is made by the applicant. (Time limit 6 minutes)
2. An explanation of the subject of the hearing is presented by the Planning and Development Service staff. (No time limit)
3. Testimony is given by the audience in favor of the proposal and then neutral on the

proposal and against the proposal. Questioning of the participants, and rebuttals are entertained by the Planning and Development Council (time limit 3 minutes; may allow designation of additional time from sign in sheet)

4. The applicant may rebut the arguments offered by the opposition.
5. The Planning and Development Council discusses the hearing subject; they may direct questions to the staff, the applicant and the audience during this stage of the hearing process.
6. The hearing is closed to oral testimony from the applicant and the audience. The hearing process is concluded.

The Council accepts oral testimony and may accept limited written testimony from those in attendance, but only if the parties have filled out the testimony sign-in sheet. **If you have submitted written testimony as part of the packet, you cannot also give an oral testimony unless it is to read the written testimony into the record.** In order to keep a clear audio recording of this hearing, when testifying, a person must come to the podium and state their full name and address. Comments will not be accepted from the audience seats and discriminatory testimony shall not be permitted. There shall be no booing, hissing, or cheering.

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## **BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL**

**DRAFT** MEETING MINUTES | May 15, 2024

**BANNOCK COUNTY STAFF PRESENT:** Hal Jensen, Planning Director; Marj Williams, Management Assistant; Kiel Burmester, Road and Bridge.

Stewart Ward calls the meeting to order at 5:22 pm.

### **A. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:**

Present Council Members: Stewart Ward discloses that he has a business relationship with the Applicant on Agenda Items #4 and #5 but it will not affect his decision. Barbara Hill (via Zoom), Edward Ulrich.

Excused/Absent Council Members: Tam Maynard.

### **B. PRELIMINARY BUSINESS:**

AGENDA CLARIFICATION AND APPROVAL – None.

Ulrich makes a motion to approve the Agenda as outlined. Hill seconds. Motion passes unanimously by acclamation.

### **C. APPROVAL OF MINUTES:**

None.

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

### **D. PUBLIC HEARING ITEMS:**

4. VARIANCE FROM §327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS – Jeremy Manska with West Wind Construction, 1655 N. 2<sup>nd</sup> Ave, Pocatello, requests a variance to reduce the right-of-way setback requirements from 50' to 35' and side yard setback from 20'

to 15', for one residential accessory structure (garage). Applicant says this is the only place they can put the structure.

Ward asks where the lava cliffs start in relation to the house. Manska thinks they start about halfway down the site.

Hal Jensen, Planner Director, presents the Staff Report. He notes that Item A, there is no alternative, is because the County does not want to force someone to cut down mature trees for access. Staff does not see this structure creating an adverse reaction because the property directly to the north has a garage structure that is closer to the road and tighter to the property than the Applicant's request. Staff recommends approval without conditions.

Ward invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Ward proceeds on to discussion and review of the findings.

1. The applicant has shown there is not a reasonable alternative. This is due to the width and depth of the site, the contours and slope of the site, and mature growth and landscaping on the site. And the site is very restricted in its physical developable area.
2. The variance is not in conflict with the public interest. There was no public comment. County Road and Bridge approved.
3. The variance will not adversely affect adjacent property. This is based on the adjoining neighbor to the west has an existing structure that is closer to the right-of-way and the adjacent side yard than what is requested by the Applicant.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site. There is no other buildable area on the site behind the existing residential structure. The Applicant will not be able to meet setbacks if not granted and undue hardship would be that the owner could not construct a new garage.

Ulrich makes a motion, based on the record and discussion this evening, to approve the request by Jeremy Manska, representing Tom Nestor, to reduce the front yard setback from 50' to 35', and the side yard setback from 20' to 15', for one residential accessory structure in the Residential Suburban Zone, 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.

Hill seconds the motion.

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

5. VARIANCE FROM §337 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS – Jeremy Maska with West Wind Construction, 1655 N. 2<sup>nd</sup> Ave, Pocatello, requests a variance to reduce the rear yard setback requirements from 20’ to 10’ and side yard setback from 10’ to 7’, for one residential accessory structure. They are following the City of Chubbuck setbacks.

Ward notes this subdivision will be annexed into the City of Chubbuck at some point. County setbacks are wider than the city so all residents want to follow city standards.

Hal Jensen, Planning Director, presents the Staff Report. He notes this is in keeping with previous councils and actions in this subdivision and other requests.

Ward asks if the blanket setback for the remaining phases allows rear and side yard to 5’ for residential accessory structures. Jensen confirms.

Ward invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Ward proceeds on to discussion and review of the findings.

1. The applicant has shown there is not a reasonable alternative. This is based on the development will be annexed into the city of Chubbuck in the future. Previous requests have been granted in this phase of the subdivision for setback and meets the required minimum setbacks of the city.
2. The variance is not in conflict with the public interest. What is being presented is in line with the City of Chubbuck’s setbacks in previous discussions between the county and city for development of the subdivision meeting a more urban setting.
3. The variance will not adversely affect adjacent property. Other properties in the subdivision have had similar requests and they’ve been granted. No public testimony was received against this request.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site. The owner will not be able to experience the same permitted development of the property that others have previously been granted.

Hill makes a motion, based on the record and the discussion this evening, to approve the request by Jeremy Manska, to reduce the rear yard setback from 20' to 10', and the side yard setback from 10' to 7', for one residential accessory structure, 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.

Ulrich seconds the motion.

Roll call. Ward – yes. Ulrich – yes. Hill – yes. Motion to approve carries 3-0.

6. VARIANCE FROM §347 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS – Eric Nichols, 12113 W. Fish Creek Rd, on behalf of Bonnie Hansen, requests a variance to reduce the stream and riparian area setback requirements from 100' to 78', for one residential accessory structure. The northeast corner of the barn is approximately 78' to the closest point on the creek. The other corners are 119' and 122' to the creek. The barn that was there previously was only 53' off the creek and he moved it back another 68' for 119'. The northeast corner rises 4' to the edge of the creek. The space between the barn and the old structure is 43' and it rises another 3' to the creek below. Everything slopes to the west.

Hal Jensen, Planning Director, presents the Staff Report. He notes the Staff comment on Item A, page 64 of 131, that says features limit the buildable areas. However, there are potential alternatives closer to Fish Creek Rd or the east of the dwelling at the end of the driveway. Staff recommended denial only as a precaution because there are potential alternatives.

Ulrich notes the alternative would be the other side of the round pen on the hillside next to the house, which wouldn't be practical due to needing to level out the area. Nichols says their septic is also back there. He also notes the corner of the foundation to the creek is 100' so a variance would also be required at the end of the driveway. The well is located above the round pen.

Ward invites public testimony.

Public testimony in favor: Lola Smith, 1223 E. Fish Creek Rd, Lava Hot Springs. Supports, does not wish to testify but states "We have no problem with the building of a barn on their property and the requested setback."

Public testimony neutral: None.

Public testimony opposed: None.

Bonnie Hansen, 12113 W. Fish Creek Rd, Lava Hot Springs, addresses the power. There is no power on the other side of the creek. They had to have a power pole put in to get power on the barn side. They're not planning to put electricity to it yet but would like to eventually.

Ward asks if most of the other side of the creek is open space. Hansen confirms.

Jensen notes that erosion and sediment control is required at time of building permit application.

Ward proceeds on to discussion and review of the findings.

1. The applicant has shown there is not a reasonable alternative. This is based on the slope of the site, a different location will require owner to develop new electrical service to that site, the property directly to the north is dedicated as permanent open space, and Fish Creek runs almost in the middle of the developable area.
2. The variance is not in conflict with the public interest. This is based on adjoining neighbors testifying in favor. No other testimony received in opposition.
3. The variance will not adversely affect adjacent property. Adjoining property owners testified in favor and the request is for setback from riparian area only which has no bearing on adjoining properties.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site. The slope of the site, a different location will require owner to develop new electrical service to that site, the property directly to the north is dedicated as permanent open space, and Fish Creek runs almost in the middle of the developable area. And the new structure is replacing an old structure lost to heavy snow. The new setback is less than the original building setback and is a viable solution for the construction of this size of barn. If the setback is not granted, the owner will have to reduce the size of the proposed structure.

Ulrich makes a motion, based on the record and the discussion this evening, to approve the request for Bonnie Hansen, for a variance from the minimum stream or riparian area setbacks in the Recreational Zone, as described in the application of materials, as supplemented with the additional information attached in the staff report, according to the testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair .

Hill seconds.

Roll call. Ward – yes. Hill – yes. Ulrich – yes. Motion carries 3-0.

7. VARIANCE FROM §327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS – Christopher Parrott, 9803 W. Carla Dr, requests a variance to reduce the stream and riparian

area setback from 100' to 60' and the right of way setback from 30' to 15', for one residential accessory structure (25'x35'). They are trying to keep it as close to the house as possible. There's not a lot of space with the hills and trying to maximize the riparian and setback off the roadway.

Ulrich asks what the setback distance from the house to the right-of-way and creek are. Parrott says the house was built in '78 and the corner to the road barely meets the 55' road setback. From the back deck to the creek is 61'. Ulrich notes they'd either be pushing closer to the road or the creek. Parrott confirms and says the two points intersect and there's no point where you could meet the 55' and 100' required. Ward says the setback is only 30' from the road and asks what is meant by the 55' reference. Parrott says it's 55' from the center of the road.

Jensen asks what the setback from the right-of-way line to the building is. Parrott says it's 35'. Kiel Burmester, Road and Bridge, says if it's 35' then he's five feet over what he needs to be. Parrott says he went off the total distance that it had to be 55' from the center of the road, and that distance will only be 40'. Jensen notes the measurement needs to be from the property line and not the center of the road since there is a property line with a formal right-of-way on each side. Council will need to rewrite the language in the approval as the Applicant can be 30' from the right-of-way line to the side of the building.

Ward notes that the Applicant owns both parcels and asks if the setback has to be maintained between the common line. Jensen says not unless he wants to encumber the properties. Applicant says the garage could shift closer to the house but it's very steep and the hillside would need to be reinforced.

Hal Jensen, Planning Director, presents the Staff Report. He notes the condition that all construction adheres to IDEQ's practices for protection of runoff to the water feature.

Ward invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Ward proceeds on to discussion and review of the findings.

1. The applicant has shown there is not a reasonable alternative. Without variances the property has no buildable area between the road and creek. There is no buildable area on the property on the other side of the creek due to the steep slope. The required right-of-way setback and riparian setbacks cross each other and conflict in the buildable area.

2. The variance is not in conflict with the public interest. There was no public comment in opposition.
3. The variance will not adversely affect adjacent property. The desired use conforms with other adjacent properties and similar uses.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site. Without variances, the lot is rendered unbuildable.

Hill makes a motion, based on the record and the discussion this evening, to approve the request by Christopher Parrott, for a variance in the Residential Rural Zone, to reduce the right-of-way setbacks from 30' to 15' and to reduce the riparian area setbacks from 100' to 60', for one accessory structure, as supplemented with additional information attached in the staff report, according to the testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair with the following condition:

1. Any and all construction shall adhere to the Idaho Department of Environmental Quality's Best Management Practices (BMPs).

Ulrich seconds.

Roll call. Ward – yes. Ulrich – yes. Hill – yes. Motion carries 3-0.

Hill moves to close the public hearing. Ulrich seconds.

Motion passes unanimously by acclamation.

#### **F: ITEMS OF INTEREST:**

- a) Update on recommendations to Commissioners –
  - i. Commission is interviewing six potential Council members and will make recommendations. Staff is anticipating two new council members for the June 5<sup>th</sup> meeting.
  - ii. They are anticipating four recommendations, two to start now and two to start in September after Hill's and Ulrich's terms end in August.
- b) Discussion of upcoming hearing items
  - i. The June 5<sup>th</sup> meeting has three items of subdivision and one business item.
- c) Announcements – None.

#### **G. CITIZEN COMMENTS:**

Rich Phillips, 331 N. 13<sup>th</sup>, came to Council asking for a setback variance similar to Agenda Items 1 and 4. He was asked to provide a survey and topography study and was told that the burden

of proof was on him. He mentioned the cost to redevelop the land to support something that aligned with code would be prohibitive and was told that did not constitute an undue hardship. He is complaining about the inconsistencies between the last meeting and tonight. He has appealed because he feels other things were done incorrectly as well. He admits that his application was under prepared but doesn't think it was any less prepared than the four items that were approved tonight. He is asking that his application be treated with the same standards.

**H: WORK SESSION:**

None.

Meeting is adjourned.

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



# PUBLIC HEARING ITEMS

AGENDA ITEM NO. 4  
TRANSFER OF DEVELOPMENT RIGHTS:  
JUSTIN TOBIAS



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | [www.bannockcounty.us](http://www.bannockcounty.us)

## TRANSFER OF DEVELOPMENT RIGHTS PUBLIC HEARING: October 16, 2024 STAFF REPORT

**FILE #:** TDR-24-1  
**LOCATION:** RPR4263014100 and RPR4225003515; both unaddressed

### APPLICANT/OWNER:

Justin Tobias  
1020 North 3650 West  
Ogden, UT 84404

### REQUEST & BACKGROUND:

The applicant requests a transfer of development right to move a development right from RPR4263014100 to RPR4225003515.

SENDING PARCEL: RPR4263014100

ZONING: Agricultural

PROPERTY SIZE: ~ 80 acres

EXISTING STRUCTURES: None

RECEIVING PARCEL: RPR4225003515

ZONING: Agricultural

PROPERTY SIZE: ~ 4.32 acres

EXISTING STRUCTURES: None

STAFF REPORT  
TRANSFER OF DEVELOPMENT RIGHTS - Tobias  
Page 1 of 8



**SENDING PROPERTY**



**RECEIVING PROPERTY**

NORTH: Primarily bare ground; designated as BLM on the

EAST: Primarily bare ground; designated as BLM on the zoning map.

WEST: Primarily bare ground and agricultural uses; designated as Agricultural on the zoning map.





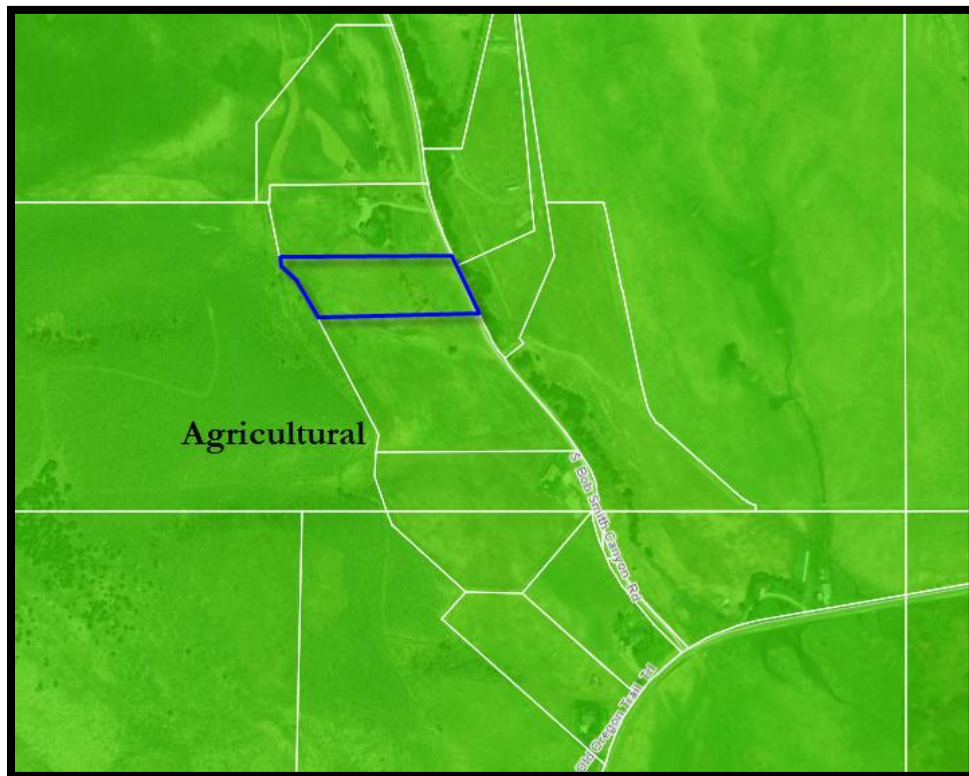
### **SURROUNDING LAND USES AND ZONING - RECEIVING**

NORTH: Primarily residential uses; designated as Agricultural on the zoning map.

EAST: Primarily bare ground; designated as Agricultural on the zoning map.

SOUTH: Primarily bare ground and residential uses; designated as Agricultural on the zoning map.

WEST: Primarily bare ground; designated as Agricultural on the zoning map.



**ZONING MAP – RECEIVING PROPERTY**



## PUBLIC COMMENTS:

- Bryan and Stacey Grant
- Cody and Natalie Scothern
- Lynn and Maggie Stewart
- Arkansas Ranches

## **STANDARDS FOR GRANTING A TRANSFER OF DEVELOPMENT RIGHTS (ZONING ORDINANCE §465)**

The Planning and Development Council may grant a transfer of development rights if it makes affirmative findings of fact on each of the following standards:

**1. *The transfer of development rights is wholly voluntary.***

Staff Findings

As stated by the owner, this transfer of development rights is voluntary.

**2. *The 'sending' and 'receiving' properties are within the Agricultural zone.***

Staff Findings

Both parcels are currently zoned Agricultural.

**3. *The 'receiving' property meets all the requirements for development as outlined in Bannock County Ordinance.***

Staff Findings

The receiving property has no development right since it does not meet the density requirement of the Agricultural zone; however, if the development right is transferred, all other development standards can be met.

**4. *The 'sending' property qualifies for a building permit.***

Staff Findings

The sending property meets the density requirements of the Agricultural zone and can be built on in its undivided state.

**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.***

Staff Findings

The sending parcel is in an area of steep slopes with several natural drainage ways. Transferring a development right from this parcel would help to preserve open space, wildlife habitat areas, and steep slopes. The receiving parcel has access from a county-maintained road, allowing for development in a more desirable location. This parcel is also located in a clustered residential area where other transfers of development rights have occurred.

STAFF REPORT  
TRANSFER OF DEVELOPMENT RIGHTS - Tobias  
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## IDAHO CODE REGARDING TRANSFER OF DEVELOPMENT RIGHTS

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IC 67-6515A. (1) Any city or county governing body may, by ordinance and following notice and hearing procedures provided for under section [67-6509](#), Idaho Code, create development rights and establish procedures authorizing landowners to voluntarily transfer said development rights subject to:

- (a) Such conditions as the governing body shall determine to fulfill the goals of the city or county to preserve open space, protect wildlife habitat and critical areas, enhance and maintain the rural character of lands with contiguity to agricultural lands suitable for long-range farming and ranching operations and avoid creation of aviation hazards as defined in section [21-501](#)(2), Idaho Code; and
- (b) Voluntary acceptance by the landowner of the development rights and any land use restrictions conditional to such acceptance.

(2) Before designating sending areas and receiving areas, a city or county shall conduct an analysis of the market in an attempt to assure that areas designated as receiving areas will have the capacity to accommodate the number of development rights expected to be generated from the sending areas.

(3) Ordinances providing for a transfer of development rights shall not require a property owner in a sending area to sell development rights. Once a transfer of development rights has been exercised it shall constitute a restriction on the development of the property in perpetuity, unless the city or county elects to extinguish such restriction pursuant to the provisions of this chapter.

(4) A city or county may not condition an application for a permit to which an applicant is otherwise entitled under existing zoning and subdivision ordinances on the acquisition of development rights. A city or county may not condition an application for a zoning district boundary change which is consistent with the comprehensive plan on the acquisition of development rights. A city or county may not reduce the density of an existing zone and thereafter require an applicant to acquire development rights as a condition of approving a request for a zoning district boundary change which would permit greater density.

(5) It shall be at the discretion of the persons selling and buying a transferable development right to determine whether a right will be transferred permanently without being exercised in a designated receiving area or whether a right will have requirements to be exercised within a designated receiving area within a set time period. If the development right is not used before the end of the time period provided by written contract and any extension thereof, the development right will revert to the owner of the property from which it was transferred.

(6) No transfer of a development right, as contemplated herein, shall affect the validity or continued right to use any water right that is appurtenant to the real property from which such development right is transferred. The transfer of a water right shall remain subject to the provisions of [title 42](#), Idaho Code.

(7) (a) Ordinances providing for the transfer of development rights shall prescribe procedures for the issuance and recording of the instruments necessary to sever development rights from the sending property and to affix the development rights to the receiving property. These instruments shall specifically describe the property, shall be executed by all lienholders and other parties with an interest of record in any of the affected property, and shall be recorded with the county recorder. Transfers of development rights without such written and recorded consent shall be void.

(b) A development right which is transferred shall be deemed to be an interest in real property and the rights evidenced thereby shall inure to the benefit of the transferee, his heirs, successors and assigns. An unexercised development right shall not be taxed as real or personal property

**REPORT BY:**

Tristan Bourquin  
Assistant Planning Director  
tristanb@bannockcounty.gov

**REPORTED DATE:** October 8, 2024





*\*Staff comments in this report are based solely upon evidence available at the time of the report. Additional information may be brought to light at or before the hearing.*

**EXHIBITS:**

1. Application
2. Site Plan
3. Evidence of Notices (on file with Staff)
4. Applicable Laws (on file with Staff)
5. Agency/Public Comments (if any)

# EXHIBIT 1

- APPLICATION & SITE PLAN

<b>TDR-24-1</b>	<b>Primary Location</b>	<b>Applicant</b>
Transfer of Development Rights	No location	 Justin Tobias
Status: Active		 801-648-4888
Submitted On: 7/24/2024		 grinfixer@tobiasdental.com
		 1020 North 3650 West
		Ogden, UT 84404

Owner Information

<b>The owners of the sending and receiving properties are the same</b>	<b>Sending/Receiving Property*</b>
<input checked="" type="checkbox"/>	Sending & Receiving
<b>Owner Name*</b>	<b>Mailing Address*</b>
Justin S. Tobias	1020 N 3650 W
<b>City, State, Zip Code*</b>	<b>Email*</b>
Ogden, UT, 84404	grinfixer@tobiasdental.com
<b>Phone Number*</b>	
801-648-4888	

Sending Property Information

<b>Parcel Number*</b>	<b>Legal Description (Section, Township, Range)*</b>
RPR4263014100	S24-T10S-R37E W2NW4 80 Ac
<b>Acreage of Sending Property*</b>	<b>Zoning*</b>
79.93	Agricultural

**Narrative for why the development rights are being removed from this property (i.e. steep terrain, limited access, prime farm ground, wetland/riparian area, etc.).\***

Limited access and this Agriculture property is currently being farmed. Deer, grouse, elk and other habitat encompass this property. Steep slopes are in some areas of this 39.99 acre piece. I wish to send one building right from the 79.93 acre piece, which has been surveyed and now referred to as parcel #2 which is 39.99 acres. The Parcel #1 of 39.95 will retain its building right for future possible use.

## Receiving Property Information

**Parcel Number\***

RPR4225003515

**Legal Description (Section, Township, Range)\***

S15-T9S-R37E TR S2 TAX 22 4.28 AC  
0.16 AC R/W

**Acreage of Receiving Property\***

4.32

**Zoning\***

Agricultural

**Narrative for why the development rights are being sent to this property.\***

Has no current Development right but is a nice piece of property with multiple building locations. Also has secondary irrigation rights with 7 water shares. Homes are built adjacent on both sides of the property. This lot would serve as a nice residence and has met all other requirements necessary for development.

## Transfer of Development Requirements

**Is the transfer of development rights wholly voluntary?\***

Yes

**Are the sending and receiving properties within the Agricultural zone?\***

Yes

Does the receiving property currently have a development right associated with it?\*

No

Besides no development right, does the receiving property otherwise meet all of the requirements for development as outlined in Bannock County Ordinance?\*

Yes

Does the sending property qualify for a building permit (does it have a development right)?\*

Yes

Does the transfer of the rights from the sending property preserve prime farm ground, eliminate residential structures in undesirable locations including flood plains and steep slopes, would preserve open space, or preserve land that is critical to wildlife habitat?\*

Yes

## Acknowledgement

The application must be complete before it can be accepted by the Planning Department. The Planning Department reserves the right to hold but not officially accept the application until total review is accomplished and all required information is submitted. The Planning Department shall have the authority to require additional specific information relevant to the consideration of any application. Once the Planning Department has received the required documents and information an agreement will be drafted. The applicant shall review the agreement, and if no issues are found, return a signed copy to the Planning Department. The Planning Department will present the signed agreement to the County Commissioner for approval at a regularly scheduled public meeting.

I hereby acknowledge that I have read this application and state that the information on this application is correct to the best of my knowledge. Furthermore, I understand that once the transfer is agreed upon, I will place a restriction for development on the deed for the sending parcel.\*



Electronic Signature [Typed Name of Applicant]\*

Justin S. Tobias

**Date of Signature\***

07/24/2024

21415418

OFFICIAL RECORD BK# 985  
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF  
FEE 5 DEPUTY MT

*Matthew*

*S Baker*

21415418

2014 NOV 21 P 12:54

**RECORD OF SURVEY FOR JEFF HARRIS**

**PREPARED BY SUMMIT LAND SURVEYING/MATHEW S BAKER**

**LOCATED IN THE S1/2 OF SEC 15, T9S, R 37E, BM**

**RECORDED IN RECORD OF SURVEYS**

**BOOK 985**





JUSTIN TOBIAS

LOCATED IN NW 1/4 SECTION 24, TOWNSHIP  
10 SOUTH, RANGE 37 EAST, OF THE BOISE  
MERIDIAN, IN THE COUNTY OF BANNOCK.



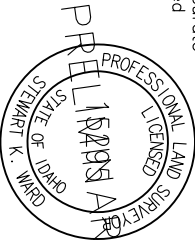
LEGEND

- Parcel Boundary
- Section Line
- Set 5/8" Rebar with Aluminum Cap PLS 15295
- Found Brass Cap Witness Corner as noted
- Found Brass Cap Monument as noted

(R1-)  
Record Bearing and Distance per BLM  
Cadastral Survey Group No. 1162, August 4,  
2003

SURVEYORS CERTIFICATE

I, Stewart K. Ward, a Licensed Professional  
Land Surveyor in the State of Idaho do  
hereby certify that this plat is an accurate  
representation of this survey completed  
under my supervision.

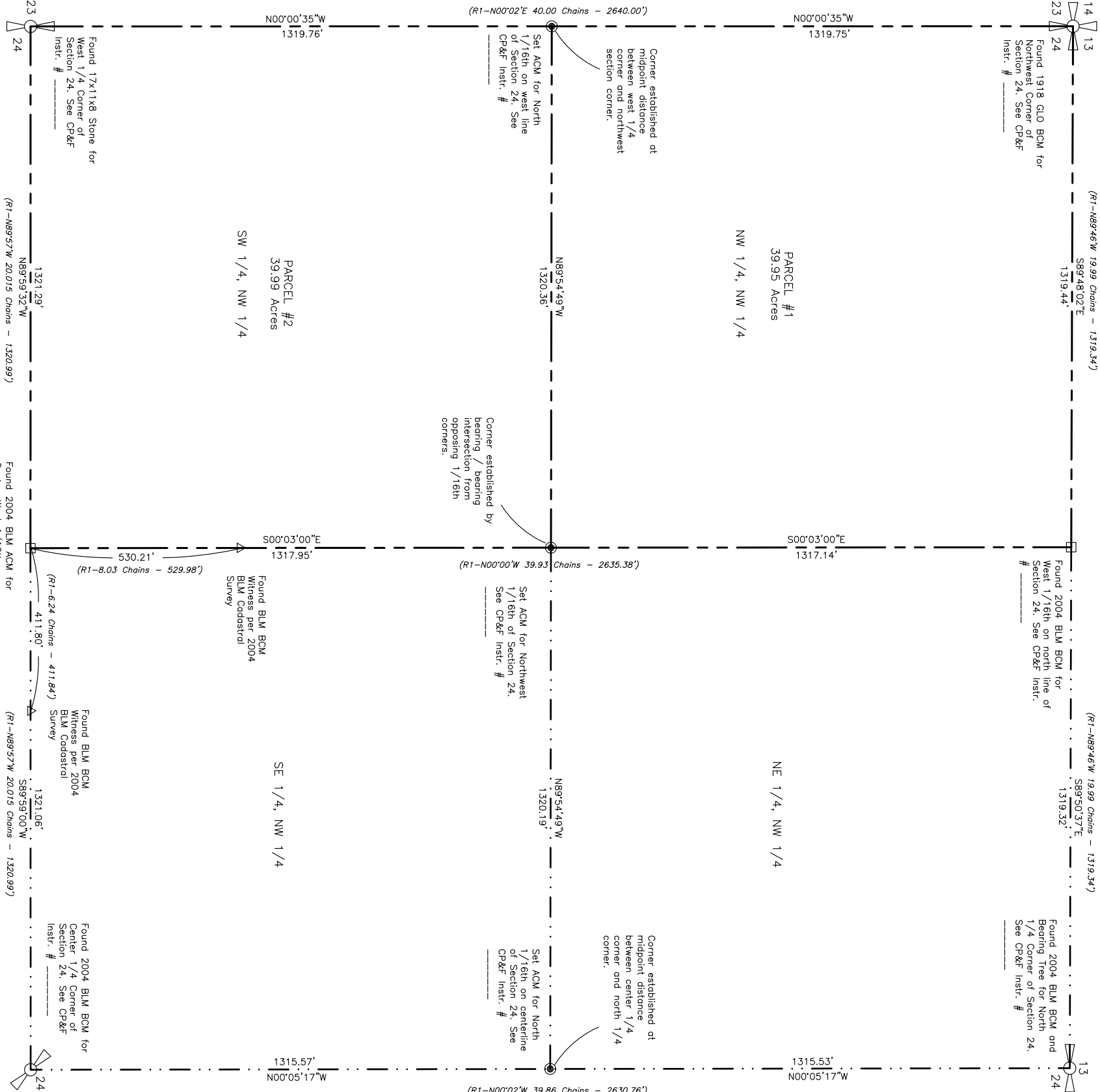


COUNTY RECORDERS CERTIFICATE

RECORD OF SURVEY



Justin Tobias	
Drawn By: RTB	Scale: 1"=200'
Date: July 2024	Project: 24071
Sheet: 1 OF 1	



SURVEY NARRATIVE

The purpose of this survey is to establish the boundary limits of the West 1/2 of the Northwest 1/4 of Section 24. Additionally, the said West 1/2 was split into the Northwest 1/4 of the Northwest 1/4, and the Southwest 1/4 of the Northwest 1/4 as shown.

Portions of Section 24 were previously surveyed in 2004 by the BLM Cadastral Survey under Group No. 1162. This BLM survey found the West 1/4 corner and the Northwest corner of Section 24 per 1913 GLO survey, and established the Center 1/4 corner, the North 1/4 corner, the Center West 1/16 corner and the West 1/16 corner on the North line of Section 24. All corners from the BLM survey were recovered as shown.

The division of the Northwest 1/4 was completed by standard procedure of bearing – bearing intersection from opposing 1/16 corners to establish the Northwest 1/16 corner as shown.

BASIS OF BEARING

Basis of bearing per Idaho State  
Plane Coordinate System – East  
Zone. GPS observation  
combination factor: 1.000303840  
Origin: Lat: N 42°32'48.00000"  
Long: W 112°07'48.00000"  
Height: 5257.162'  
All distances are US Survey Feet.

# EXHIBIT 2

## PUBLIC COMMENTS

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**TDR-24-1 on October 16 meeting agenda**

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**From** b g <grantbry4843@gmail.com>

**Date** Thu 10/3/2024 2:01 PM

**To** Bannock County Planning and Development <development@bannockcounty.gov>

 1 attachments (711 KB)

Sec15 T9S R37E.pdf;

Dear Bannock County Planning and Development Council,

Regarding the following:

TDR-24-1 TRANSFER OF DEVELOPMENT RIGHTS - Justin Tobias proposes the transfer of development rights from parcel RPR4263014100 to parcel RPR4225003515.

We oppose this transfer of development rights due to the following reason:

The southeast quarter of Section 15, more specifically Sec 15, T9S, R37E, already contains four (4) dwellings. These dwellings are:

8574 S. Bob Smith Road in Lava Hot Springs

8759 S. Bob Smith Road in Lava Hot Springs

8873 S. Bob Smith Road in Lava Hot Springs

8987 S. Bob Smith Road in Lava Hot Springs

Per the Building Bulk and Placement Standards for the Agricultural District found on Page 22 of the Bannock County Zoning Ordinance, density is one (1) dwelling per 40 acres. This density has already been met in Sec 15, T9S, R37E and thus should not be exceeded per the Building Bulk and Placement Standards for the Agricultural District described in the Bannock County Zoning Ordinance. Please see attachment for reference.

Thank you for your time and consideration.

We appreciate your efforts to support and implement the stated goals of the County as expressed in the Comprehensive Plan.

Furthermore, we value your efforts to provide for and protect agricultural lands, as well as to protect and improve the County's quality of life.

Sincerely,

Bryan and Stacey Grant

8987 S. Bob Smith Road

Lava Hot Springs, Idaho

Bannock County, ID  
Sec 15 T9S R37E





Dear Members of the Bannock County Planning and Zoning Council,

I am writing to express my opposition to the proposed transfer of development rights from parcel RPR4263014100 to parcel RPR4225003515 within the agricultural district sec15 T9S R37E .

As a resident and stakeholder in this community, I believe it is crucial to adhere to the ordinances set forth to preserve our prime agricultural and grazing lands. The proposed transfer is also in violation of ordinance (Section 315 Divisions of Agriculturally Zoned land for Residential use).

The agricultural district was established with the intent to protect and maintain the integrity of our agricultural resources. Allowing the transfer of development rights undermines this purpose and poses a threat to the sustainability of our local agriculture. Prime grazing lands are not only vital for our local economy but also for maintaining the ecological balance and rural character of our community.

I urge the council to consider the long-term implications of such decisions and to uphold the ordinances designed to safeguard our agricultural heritage. Preserving these lands is essential for future generations and for the continued prosperity of our agricultural sector.

Thank you for your attention to this matter. I trust that the council will make a decision that reflects the best interests of our community and its agricultural foundation.

Sincerely,

Cody & Natalie Scothern  
8873 S. Bob Smith Road  
Lava Hot Springs, Idaho

The block contains two handwritten signatures. The top signature is 'Cody Scothern' in a cursive script. The bottom signature is 'Natalie Scothern' in a similar cursive script.

10-07-2024

10/7/2024

16

15

15

14

NW¼SW¼

NE¼SW¼

PARCEL 3

NE¼SE¼

NW¼SW¼

PARCEL 11

PARCEL 4

PARCEL 10

PARCEL 3

SE¼SE¼

PARCEL 11A

SW¼SW¼

SE¼SW¼

PARCEL 9

SW¼SW¼

PARCEL 12

PARCEL 8

PARCEL 13

PARCEL 2

ROAD

TRAIL

NW¼NW¼

NE¼NW¼

NW¼NE¼

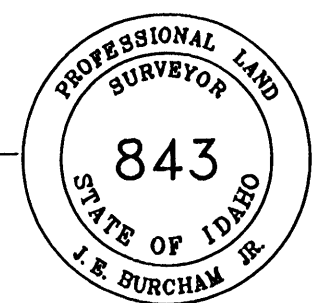
NE¼NE¼

N

SCALE 1"=400'

J. E. BURCHAM, JR.

PLS 843



PAGE 2 OF 2

# MASTER LAYOUT FOR MAX HALL PROPERTIES

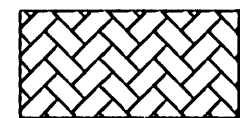
IN SECTIONS 14, 15 & 22, TOWNSHIP 9 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN  
AUGUST 2007

## OWNER:

MAX HALL  
P.O. BOX 784  
LAVA HOT SPRINGS, IDAHO 83246  
251-9879

Snake River Surveying  
PHONE (208) 226-5764 FAX (208) 226- 5767  
AMERICAN FALLS, IDAHO

PARCEL NUMBER	MOVED FROM	MOVED TO	AREA	R.O.S. INST. #	TRANSFER INST. #
1	NE4NW4 SEC. 22	NW4NE4 SEC. 22	5 AC.	96017931	20309635
2	NE4NE4 SEC. 22	NE4NE4 SEC. 22	13.21 AC.	97016386 99013743	20309635
3	NW4SW4 SEC. 15	NW4SE4 SEC. 15	11 AC.	97016386	20309635
4	NE4SW4 SEC. 15	NW4SE4/SW4SE4 SEC. 15	7 AC. 3.84 AC.	98018648 99017097	20309635
5	LOT 3 SEC. 22	LOTS 2 & 3 SEC. 22	10 AC.	98018647	20309635
6	NW4NW4 SEC. 22	NW4NW4 SEC. 22	6 AC.	20111048	20309635
7	LOT 1 SEC. 22	LOTS 1 & 2 SEC. 22	7.07 AC.	202006012	20309635
8	SW4SE4 SEC. 15	SW4SE4/SEC. 15 NW4NE4/SEC. 22	10 AC.	20202960	20309635
9	SE4SW4 SEC. 15	SW4SE4 SEC. 15	10 AC.	20227796	20309635
10	SW4SW4 SEC. 15	SEC.15/SW4SE4 NE4SW4/SE4SW4	10 AC.	20227796	20309635
11	NW4SW4 SEC. 14	NW4SW4 SEC. 14	30.07 AC.	20316435	20309635
11A	Additional Acreage added to parcel 11. No additional building right granted		13.24 AC.	20316435	NA
12	SW4SW4 SEC. 14	SW4SW4 SEC. 14	5.06 AC.	20416175	20618544
13	SE4SE4 SEC. 15	SW4SE4 SEC. 15	13.06 AC.	20727713	20727713 20618544
14	NE4SE4 SEC. 15	SW4SW4 SEC. 14	7.32 AC.	20727714	20727714 20618544
15					
16					
17					



INDICATES QUARTERS SPENT



INDICATES EXISTING PROPERTIES

LOT 4

LOT 3

LOT 2 OREGON

LOT 1

OLD

PARCEL 5

PORTNEUF

RIVER

RIVER



Attention:  
Bannock County Planning and Zoning Council

Dear Members,

We are writing in regards to a Public Notice sign posted on property located on West Bob Smith Road in Lava. The sign say's the property is the subject of a public hearing.

We would like to voice our concern as property owners on West Bob Smith. We own parcel 3 as indicated on the attached map.

We would like to appeal any pending or future authorization of building permits for lots in our area, in excess of the current ordinance of 40 acres (original parcel) per development. These permits have all been used up and further density will undermine the purpose we bought into.

To prevent the subdivision and development of small parcels we submit the following concerns.

1. Preservation of rural character: Our area has long been valued for its rural charm and open spaces. Approving additional developments would disrupt this character.
2. Environmental Concerns: Additional development would undermine the stability of our wildlife habitats and put strain on natural resources such as water and soil.
3. Quality of Life: Maintaining larger lot sizes helps reduce noise, traffic, and congestion, all of which would affect the quality of life for current residents.
4. Precedent and Long Term planning: Authorizing additional building permits for smaller lots sets a precedent that could encourage further subdivision, fundamentally changing the character of our area.

In light of these concerns, we respectfully urge the Planning and Zoning Commission to deny this building permit. This will help preserve the integrity, environment, and quality of life that our area cherishes.

Thank you for your consideration.

Lynn and Margie Stewart

*Lynn W Stewart*  
*Margie Stewart*

10-7-24

10-7-2024



16

15

15

14

NW¼SW¼

NE¼SW¼

PARCEL 3

NW¼SE¼

NE¼SE¼

NW¼SW¼

PARCEL 11

PARCEL 4

PARCEL 10

PARCEL 3

SE¼SE¼

PARCEL 9

PARCEL 11A

PARCEL 14

PARCEL 12

16

15

21

22

15

22

15

14

22

23

NW¼NW¼

NE¼NW¼

NW¼NE¼

NE¼NE¼

LOT 4

LOT 3

LOT 2 OREGON

LOT 1

OLD

PARCEL 5

PORTNEUF

RIVER

RIVER

ROAD

TRAIL

PARCEL 7

PARCEL 6

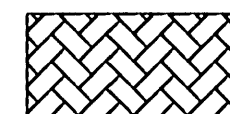
PARCEL 8

PARCEL 13

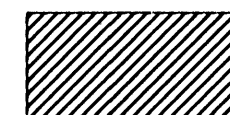
PARCEL 2

N

SCALE 1"=400'



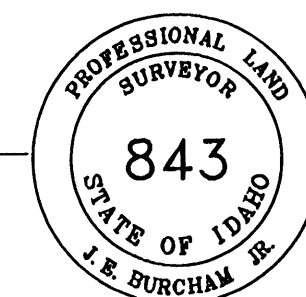
INDICATES QUARTERS SPENT



INDICATES EXISTING PROPERTIES

J. E. BURCHAM, JR.

PLS 843



PAGE 1 OF 2

## MASTER LAYOUT FOR MAX HALL PROPERTIES

IN SECTIONS 14, 15 & 22, TOWNSHIP 9 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN  
AUGUST 2007

### OWNER:

MAX HALL  
P.O. BOX 784  
LAVA HOT SPRINGS, IDAHO 83246  
251-9879

Snake River Surveying  
PHONE (208) 226-5764 FAX (208) 226- 5767  
AMERICAN FALLS, IDAHO

October 7, 2024

To The Planning and Development Council,

**We strongly oppose** Justin S. Tobias transferring a building lot or lots to the Parcel Number RPR4225003515 4.32 acres.

Every one of us in our quiet little neighborhood that have built our forever homes or live here had to have 5 acres to build on. This has been our quiet little haven amid the chaos and craziness of the Lava area. We don't want people building here that don't even live in our state that are just trying to make a buck on the backs of those of us who are just trying to live a quiet life and make a simple living. Justin Tobias doesn't plan on living here. There are other areas the lot or lots can be transferred too that would fit the neighborhood better.

We already have a junk yard that Cole Johnson has been allowed to have and has not been enforced by the county even after numerous complaints.

We have had hundreds of encounters over the decades with trespassers and people driving right through our yard without stopping, crossing the creek, driving through fields and crops, cutting fences, stealing things from sheds and equipment. Hunting illegally, riding ATV's around and then having the nerve to get mouthy and disrespectful when they are caught. Most of these people are here on vacation.

This quiet little neighborhood is not suited for the building of second homes and the difficult situations that are happening in the Lava area when people are on vacation. If you haven't spent any length of time in Lava during the warmer months, we highly recommend that you do so that you can have a better perspective of what those of us who live here are having to deal with instead of just additional tax base.

Sincerely,

Arkansas Ranches - Daniel Christensen Pres. 10-7-24  
Pamela Christensen - 10-7-24  
Eric Christensen 10-7-24  
Seanne Christensen 10-7-24

# EXHIBIT 3

## ORDINANCE EXCERPTS

## 465 VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS

**(Amendment 45, Ordinance 2019-02)**

To protect the agricultural, natural, and scenic qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or value, and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource. The preservation and maintenance of these resources will be ensured by encouraging countywide land use planning through the transfer of development rights from parcels suitable for preservation to properties meeting the criteria for development as receiving parcels.

Before you can transfer a development right, the following requirements must be met:

- A. The transfer of development rights must be wholly voluntary.
- B. That the “sending” and “receiving” properties are within the Agricultural zone.
- C. That the “receiving” property does not qualify for a development right.
- D. That the “receiving” property otherwise meets all of the requirements for development as outlined in Bannock County ordinance.
- E. That the “sending” property does qualify for a building permit.
- F. That the transfer of the right from the “sending” property would preserve prime farm ground, eliminate residential structures in undesirable locations including flood plains and steep slopes, would preserve open space, or preserve land that is critical to wildlife habitat.
- G. The applicant will be required to place a restriction on the deed for the “sending” parcel.

Application for a transfer of development rights will be made on forms provided by the County. The applicant shall provide the County with:

- A. The most current recorded deeds for the “sending” and “receiving” properties.
- B. A metes and bounds description of the “sending” and “receiving” properties if the “sending” property is part of a larger parcel, the legal description of just the “sending” area shall be provided. The “sending” property does not have to be subdivided from the larger parcel.
- C. Title search completed within 30 days of application.
- D. Approval from lienholders, if applicable. In the event a development right is

transferred without the consent of ALL lienholders, Idaho Code makes the transfer void ab initio.

The application must be complete before it can be accepted by the Planning Department. The Planning Department reserves the right to hold, but not officially accept the application until total review is accomplished and all required information is submitted. The Planning Department shall have the authority to require additional specific information relevant to the consideration of any application.

Once the Planning Department has received the required documents and information an agreement will be drafted. The applicant shall review the agreement, and if no issues are found, return a signed copy to the Planning Department. The Planning Department will present the signed agreement to the County Commissioner for approval at a regularly scheduled public meeting.

#### 470 NONCONFORMING USES:

The purpose of these requirements is to keep to a minimum the negative impacts of nonconforming uses on surrounding permitted uses, and to eliminate those nonconforming uses which are most detrimental to the health, safety, and welfare of persons living in residential zoning districts.

- A. Unless otherwise set forth in this Ordinance, legally established uses which were in existence prior to the adoption of this Ordinance, shall be permitted to remain, substantially unchanged, as long as their operation is not discontinued for a period of greater than twelve months.
- B. Permits to expand existing and/or operating nonconforming uses by up to fifty percent in land and/or building area may be sought through the conditional use permit process regardless of the underlying zone. Cumulative expansion of 50% or greater shall not be permitted. Expansion of nonconforming uses by conditional use permit shall be allowed only when the use in existence can be made sufficiently compatible with its surroundings and if its expansion in its current location is consistent with the goals of the Comprehensive Plan. Interior remodeling which does not change the nature or extent of a nonconforming use is permitted. Any modification which will affect site development of a nonconforming use, e.g. parking spaces, traffic circulation, accesses, landscaping removal, etc., shall require a conditional use permit application.
- C. A nonconforming use may only be changed to a use permitted in the district in which it is located, except that if no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, and provided such change is approved by the Planning Director. Once changed to a conforming use, no building or land shall be permitted to be changed to a nonconforming use.
- D. The Planning Director may allow a change of one nonconforming use to another

# FINDINGS

**BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL  
FINDINGS, CONCLUSIONS AND DECISION**

**TRANSFER OF DEVELOPMENT RIGHTS  
PUBLIC HEARING: October 16, 2024**

**FILE #:** TDR-24-1  
**LOCATION:** RPR4263014100 and RPR4225003515; both unaddressed

**APPLICANT/OWNER:**

Justin Tobias  
1020 North 3650 West  
Ogden, UT 84404

**REQUEST & BACKGROUND:**

The applicant requests a transfer of development right to move a development right from RPR4263014100 to RPR4225003515.

**FINDINGS:**

**JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

**SITE CHARACTERISTICS AND ZONING:**

SENDING PARCEL: RPR4263014100  
ZONING: Agricultural  
PROPERTY SIZE: ~ 80 acres  
EXISTING STRUCTURES: None

RECEIVING PARCEL: RPR4225003515  
ZONING: Agricultural  
PROPERTY SIZE: ~ 4.32 acres  
EXISTING STRUCTURES: None

**NOTICE AND TESTIMONY REQUIREMENTS:**

Notice of the public hearing was completed according to statutory requirements. Public comment was taken according to statutory requirements.

REQUIRED FINDINGS FOR GRANTING A TRANSFER OF DEVELOPMENT RIGHTS:

1. The transfer of development right **(is) (is not)** wholly voluntary.

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2. The 'sending' and 'receiving' properties **(are) (are not)** within the Agricultural zone.

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3. The 'receiving' property **(does) (does not)** meet all of the requirements for development as outlined in Bannock County Ordinance.

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4. The 'sending' property **(does) (does not)** qualify for a building permit.

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5. The transfer of the right from the 'sending' property **(would) (would not)** 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.

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**ORDER: CONCLUSION AND DECISION**

Based upon these Findings of Fact and Conclusions of Law contained in this document, the Council **[recommends approval to the Board of County Commissioners]** **[recommends denial to the Board of County Commissioners]** **[tables]** the request by Justin Tobias, to transfer development rights.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Dimick	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Madsen	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Selleneit	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Ulrich	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Ward	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>

Motion carried by a \_\_\_\_\_ to \_\_\_\_\_ vote.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Signed by (Chairperson) (Vice chair)

**ACKNOWLEDGEMENT CERTIFICATE**

State of Idaho)  
S.S.  
County of Bannock)

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 2024, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.

S  
E  
A  
L

\_\_\_\_\_  
Notary Public  
My Commission Expires on \_\_\_\_\_ 20\_\_\_\_

# EXAMPLE MOTION

### EXAMPLE MOTION

Based on the record and the discussion this evening, I move to **[recommend approval to the Board of County Commissioners]** **[recommend denial to the Board of County Commissioners]** **[table]** the request made by Justin Tobias, to transfer a development right, 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.

AGENDA ITEM NO. 5  
SUBDIVISION CONCEPT PLAN-  
TURKEY HOLLOW SUBDIVISION



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | [www.bannockcounty.us](http://www.bannockcounty.us)

## CONCEPT PLAN– TURKEY HOLLOW SUBDIVISION

PUBLIC HEARING: OCTOBER 16, 2024

### STAFF REPORT

**FILE #:** SCP-24-6

**LOCATION:** RPRRCHS000600, currently addressed as 906 E. Pidcock Road, Inkom, ID 83245 and RPRRCHS000700, currently unaddressed.

**APPLICANT:**

Dioptra LLC  
Stewart Ward  
4880 Clover Dell Road  
Pocatello, ID 83202

**OWNER:**

Brett Robison Management LLC  
906 E. Pidcock Road  
Inkom, ID 83245

**RECOMMENDATION:** Staff recommends approval with the following conditions:

1. Depict all current and proposed easements and rights-of-way located within the subdivision, on all subsequent plats, including measurements and instrument numbers (when available).
2. 15' utility easement shall be labeled as 15' Public Utility Easement.
3. All subsequent plats shall state "Development on individual lots is restricted by Bannock County Subdivision Ordinance 1997-4, §405 and §409."
4. All subsequent plats shall state "Open Space is within individual lots as separate lots and is deed restricted from further development per Bannock County Subdivision Ordinance 1997-4, §401.C.3.b."
5. All subsequent plats shall state "All stormwater generated on individual lots shall be retained on site per Bannock County Zoning Ordinance 1998-1, §495 and Bannock County Subdivision Ordinance 1997-4, §410."
6. All subsequent plats shall state "Driveways shall be built to meet standards of Bannock County Zoning Ordinance 1998-1, §475.13 and Bannock County Subdivision Ordinance 1997-4, §402.B."

Council may wish to add additional conditions as needed.

**REQUEST & BACKGROUND:** Stewart Ward proposes an amendment to Coyote Hollow Subdivision for the purpose of adjusting a lot line. The existing lots are 5.00 acres with 2.78 acres of open space and 5.00 acres with 3.19 acres of open space. After the proposed adjustment, the lots will be 6.42 acres with 4.19 acres of open space and 3.58 acres with 1.78 acres of open space. The development proposes individual well and septic systems. This subdivision is located ~ 1.5 miles from the city of Inkom boundary.

STAFF REPORT

CONCEPT PLAN – Turkey Hollow Subdivision

Page 1 of 9

**CONCEPT PLAN PROPOSAL SUMMARY:**

TOTAL AREA: 10.0 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENSITY: 1 dwelling unit per 5.0 acres

BUILDING LOT SIZE: Approximately 3.58 acres to 6.42 acres

WATER & SEWER: Individual well and septic systems.

STORMWATER SYSTEM: Retained on individual lots and within roadside swales.

UTILITIES: Power existing to the corner of parcels.

FIRE PROTECTION: Existing fire suppression tank on block 1 lot 3 of Coyote Hollow Subdivision.

ROADS/ACCESS: Individual access via East Pidcock Road, a county-maintained road.

**SITE CHARACTERISTICS AND ZONING:**

ZONE: Residential Rural

PROPERTY SIZE: ~3.58 acres and 6.42 acres

VIEWS: The property is visible from E. Pidcock Road.

IMPACT AREA: City of Inkom

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes with flat area and natural drainage

EXISTING STRUCTURES: Residential dwelling and cottage dwelling.

OPEN SPACE: 5.97 acres within lots

OTHER: Located within Coyote Hollow Subdivision.

**SURROUNDING LAND USES AND ZONING**

NORTH: The sites are within the Residential Rural zoning district and Agricultural zoning district and consist of bare ground.

EAST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

SOUTH: The sites are within the Residential Rural zoning district and consist of bare ground.

WEST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

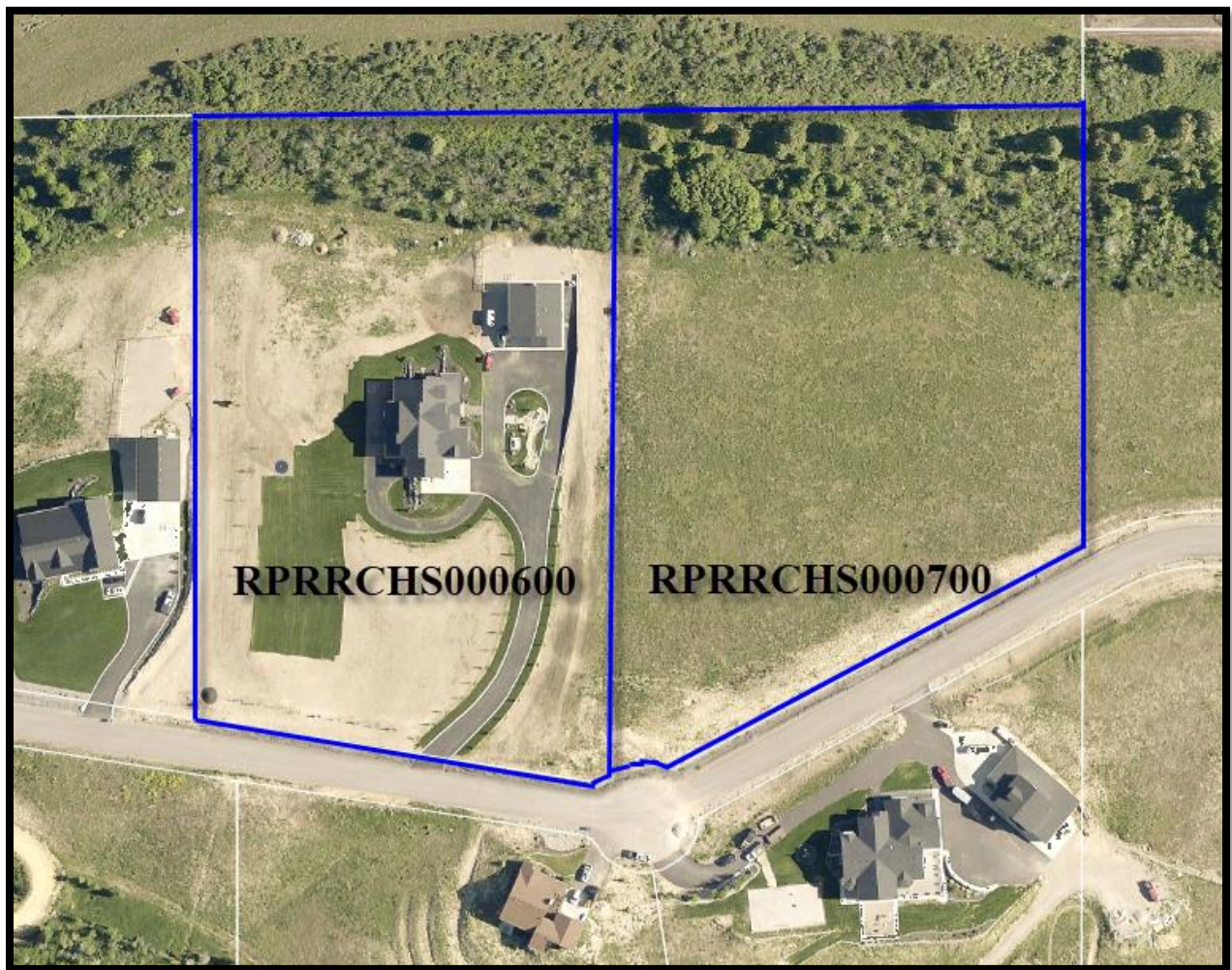
**COMMUNITY IMPACT ANALYSIS:**

1. Total population at built out will be a total of 6.4. (2 lots x 3.2 persons per household.)
2. Population five to 17 years of age will be 1.536. (6.4 population x 24%)
3. Water usage will be 1,000 gal per day per household, total project at build out will be 1,200 gal. per day per lot.
4. Sewage produced per unit will be 208 gallons a day and total for project will be approximately 2,500 gallon per day.

5. Tax generated for average size lot is estimated to be approximately \$4,600 per lot assuming a dwelling and land value of \$400,000.
6. Cost to provide services is not known.

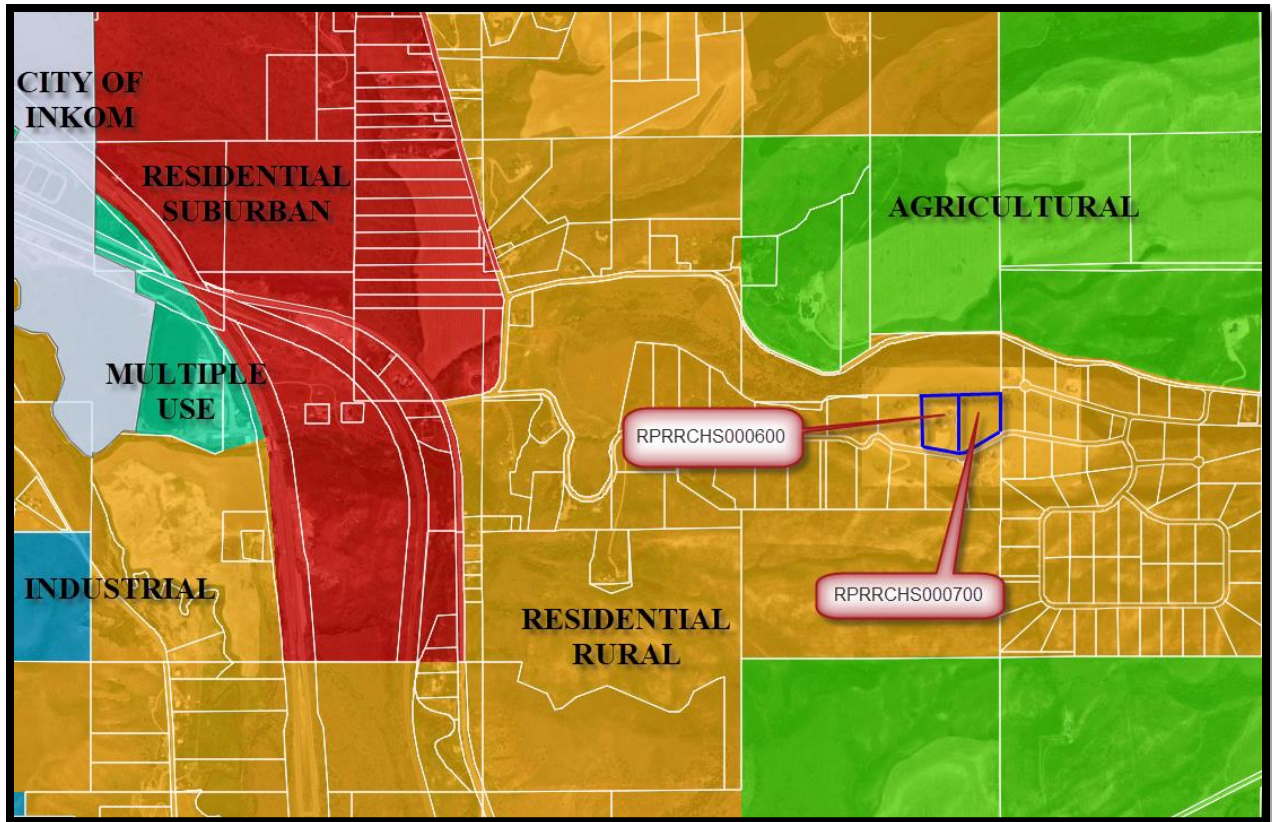
**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2021 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
  - a. §320 RESIDENTIAL RURAL DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
  - a. §302 CONCEPTUAL OR MASTER PLAN REVIEW

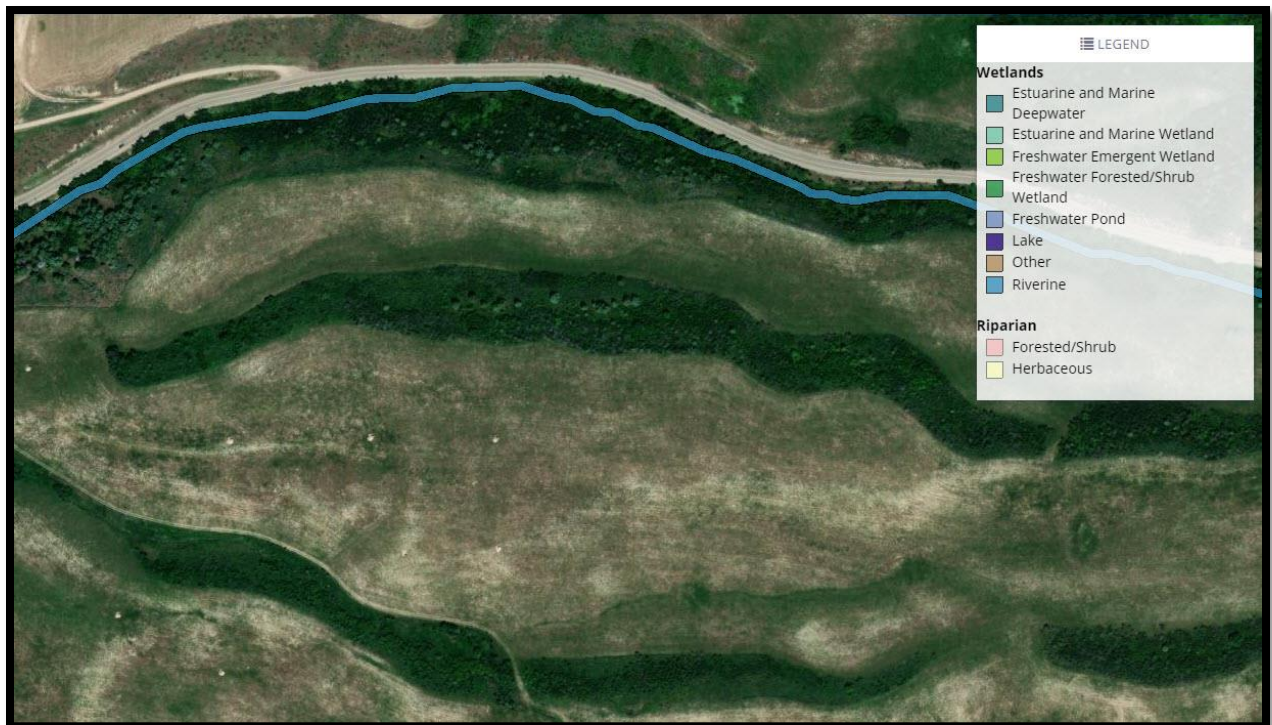


**SITE MAP**





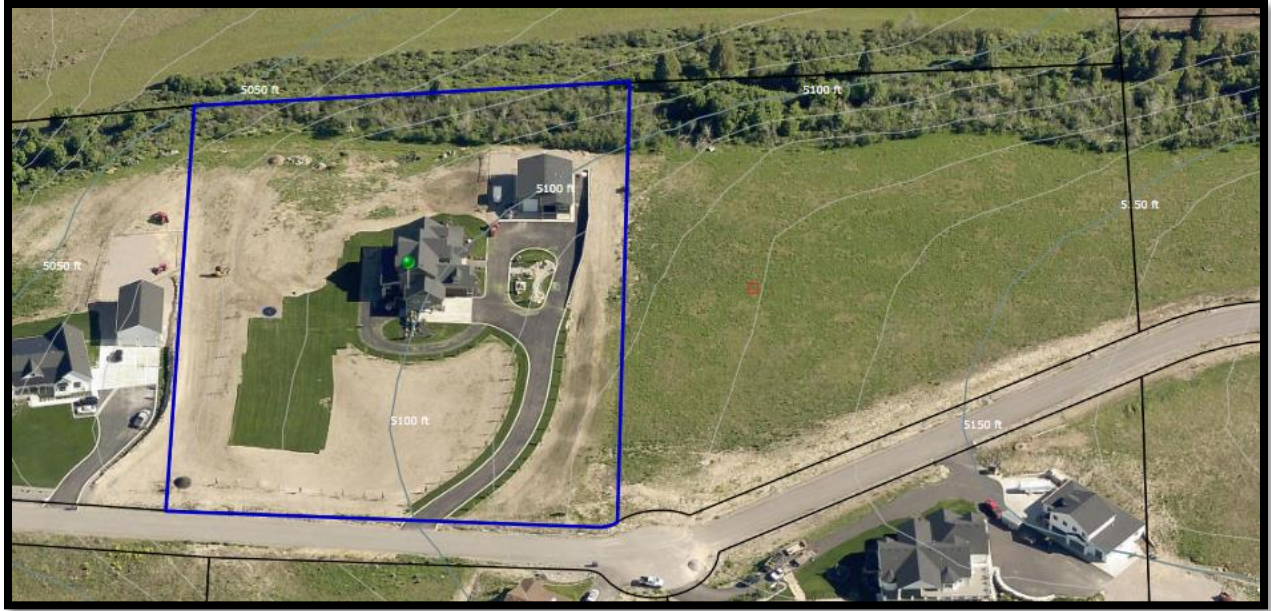
**ZONING MAP**



**US FISH & WILDLIFE WETLANDS MAP**

STAFF REPORT  
CONCEPT PLAN – Turkey Hollow Subdivision  
Page 4 of 9





**EXPLORER CONTOUR MAP**

**CONCEPT PLAN REVIEW CRITERIA §302.E**

The concept plan for a subdivision may be approved only if the reviewing authority shall find that it satisfies the following criteria:

- 1. The proposed tentative plan is in conformance with the Bannock County Comprehensive Plan; is in conformance with all applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.**

**Staff Findings**

Staff has identified the following applicable goals and policies (others may be identified by the Council) The Bannock County Comprehensive Plan states:

**Objective 1.1:** Guide County development in a manner that is fiscally responsible and aligns with County standards.

**Policy 1.1.1:** Collaborate with developers to ensure that new development bears the costs associated with providing services to said development.

**Policy 1.1.2:** Ensure that new development meets and/or implements applicable adopted County standards, policies, master plans and regional plans.

**Policy 1.2.4:** Ensure that new development retains stormwater on site.

**Policy 1.2.5:** Ensure Idaho Department of Environmental Quality stormwater requirements are met.

**Policy 1.3.1:** Continue to require developments, rezones and land uses to comply with the Future Land Use Map and associated Future Land Use Category descriptions, densities, and intensities.

Objective 1.4: Enhance the County's rural environment and character by providing diverse rural housing options.

Policy 1.4.2: Allow developments in rural areas to provide a mix of lot sizes to accommodate a rural lifestyle for individuals with various levels of income, farming and upkeep abilities.

Objective 1.5: Ensure that the County's land use policies and regulations do not violate private property rights.

Policy 1.5.2: Ensure land use actions, decisions and regulations align with the County's responsibility to protect public health, safety and welfare.

Objective 3.4: Protect County residents from natural or human-caused hazards.

Policy 3.4.1: Ensure that appropriate mitigation is implemented for development in areas with high wildfire potential and/or on steep slopes.

Policy 3.4.2: Promote residential clustering to assist development in avoiding sensitive and hazardous areas.

Policy 4.3.2: Support the Right-To-Farm Act in accordance with Idaho Code §22.4501, recognizing that dust, noise and odors normally associated with agricultural pursuits are considered acceptable in agricultural areas.

#### Bannock County Zoning Ordinance:

The land is zoned Residential Rural (RR), which allows one dwelling per 2.5 acres with an open space subdivision. The proposed density of this subdivision will be 1 dwelling unit per 5.0 acres. As this lot is located within an existing subdivision the proposed density of Coyote Hollow Subdivision would become a density is 1 dwelling per 5.64 acres. The proposal is to adjust the lot line to the east of proposed lot 6A. The original subdivision was 101.53 acres /50% totaling 50.765 acres of required open space. The open space was dedicated in the original subdivision for a total of 56.66 acres. The open space was dedicated in the original subdivision on lot 6 and lot 7 was a total of 5.97 acres. Applicant has proposed open space on lot 6A to be 4.19 acres and lot 7A to be 1.78 acres, totaling 5.97 acres of open space.

There is a residential dwelling and a cottage dwelling located on lot 6. Setbacks for the existing structure must meet the requirement of the Bannock County Zoning Ordinance §327, to the new proposed lot lines.

#### Bannock County Subdivision Ordinance:

Per §109.C., a replat is required in order realign lots within a recorded subdivision. The proposed subdivision name "Turkey Hollow Subdivision" has been reviewed for duplicity by staff. The proposed subdivision is currently located within a plated subdivision, Coyote Hollow Subdivision.

The applicant has proposed separate approaches from Pidcock Road, a county-maintained road. With only two proposed lots, no interior subdivision road is required per §404.G. If a road is proposed, road must meet the standards of §402.

Applicant has proposed to use the existing 90' x 45' easement for fire truck turn-around and 20,000 gallon underground fire suppression water tank located on block 1

lot 3 of Coyote Hollow Subdivision as the fire suppression and preventions measures. Council may require applicant to provide proof of further discussion with local fire district.

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). The developer applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution power lines may be above ground with the Council's approval. In any City's Area of Impact and where that City's Subdivision Ordinance requires all underground utilities, that City's Ordinance shall apply.

Idaho Code:

Developer will need to research Idaho Code to ensure all provisions have been met.

2. **The proposed roads and bridges will be designed and constructed according to the Section 402 of this Ordinance. If a design deviation is requested, it shall equal or exceed those standards for its purpose.**

Staff Findings

The applicant proposes access from Pidcock Road for each lot.

As an open space designed subdivision is required, Bannock County Subdivision Ordinance §401.F: Open space designed subdivision applicants may apply for design deviations for sections 402, 403, and 404.

Subdivision Ordinance §402.B.7: Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, must be built to the standards in 402.A. With only two proposed lots, no interior subdivision road is required per Subdivision Ordinance §404.G. Council may consider placing a condition for the plat to state driveways shall be built to county standards.

3. **The proposed partitioning of land does not prohibit the extension of dedicated streets or roads.**

Staff Findings

There does not appear to be any dedicated streets or roads that could be extended. Pidcock Road is the only dedicated road at this time. No other roads have been proposed that would intersect with these parcels.

4. **The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.**

Staff Findings

Using Bannock County GIS maps and Coyote Hollow Subdivision plat, there is currently a 20' buffer area to the east of lot 7. There is a 15' public utility easement along Pidcock Road, outside of the right-of-way. There is a 5' public utility easement along all lot lines. No other access easements were found. The developer should research to find all existing easements and depict them on the plat, according to Bannock County Subdivision Ordinance §302.A.2.b.

5. **The blocks of lots are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.**

Staff Findings

Lot 6A is an existing developed lot. Lot 7 was platted for residential development. The east lot line is being adjusted to increase the lot size of proposed lot 6A. The lots are proposed to be placed within close proximity to existing roads, other subdivisions, and utilities. The lots to the east and west vary in size, with residential structures present. The property to the north is bare ground. The property to the south has been proposed for a residential platted subdivision. Lots appear to be laid out in a manner that properly relate to the adjoining lots, parcel lines, utilities, streets, or other existing or planning facilities.

6. **The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.**

Staff Findings

Proposed lot 6A is currently used for residential with a septic and well. Lot 7 was created for residential uses and is currently bare ground. The original division of Coyote Hollow Subdivision could have allowed a density of 40 lots. Applicant has proposed lots to be approximately 6.42 acres and 3.58 acres. The minimum density in the Residential Rural Zoning district is one dwelling to 2.5 acres. Per Bannock County Zoning Ordinance §323, detached single-family dwellings, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, and noncommercial recreational facilities are permitted uses in the district. The land is sloped with flat areas to build. The open space has been proposed to be placed over the steep slopes.

**AGENCY COMMENTS:**

1. None received at the time of this report.

STAFF REPORT  
CONCEPT PLAN – Turkey Hollow Subdivision  
Page 8 of 9

**PUBLIC COMMENTS:**

1. None received at the time of this report.

**REPORT BY:**

Alisse Foster, Subdivision Planner  
[alissef@bannockcounty.gov](mailto:alissef@bannockcounty.gov)

**REPORTED DATE:** October 7, 2024

*\*Staff comments in this report are based solely upon evidence available at the time of the report. Additional information may be brought to light at or before the hearing.*

**EXHIBITS:**

1. Application and Concept Plan
2. Predevelopment Review Comments
3. Agency/Public Comments (if any)
4. Site Soils Report
5. Referenced Ordinance and Plans-on file

# EXHIBIT 1

## APPLICATION & CONCEPT PLAN



## SCP-24-6

### Subdivision Concept Plan Application

Status: Active  
Submitted On: 9/16/2024

## Primary Location

906 E Pidcock Rd  
Inkom, ID 83245

## Owner

Brett Robison  
South 5th Ave 275 Pocatello,  
ID 83201

## Applicant

 Stewart Ward  
 208-237-7373  
 [stewart@dioptrageomatics.com](mailto:stewart@dioptrageomatics.com)  
 4880 Clover Dell Rd  
Pocatello, ID 83202

---

## Owner/Developer Information

Are the Owner and Developer the same?



Owner Name\*

Brett Robison

Street Address\*

906 E Pidcock

City\*

Inkom

State\*

ID

Zip Code\*

83245

Email Address\*

[bretthimself@yahoo.com](mailto:bretthimself@yahoo.com)

Phone Number\*

208-705-4060

## Site Information

**Proposed Subdivision Name\***

Turkey Hollow

**Parcel Number(s)\***

RPRRCHS000600, RPRRCHS000700

**Number of Lots \***

2

**Quarter**

SE

**Section**

26

**Township**

7 South

**Range**

36 East

---

## Subdivision Information

**Current zoning\***

Residential Rural

**Proposed uses of the property\***

residential

**Description of improvements proposed to be made or installed, and the time such improvements are proposed to be made or completed.\***

No new road improvements are required

**Proposed and/or existing deed restrictions, if any, including easements and rights-of-way.\***

current open space as defined by Coyote Hollow Subdivision and revised by affidavit in 2019

**Statement describing proposed water supply, sewage disposal, and drainage.\***

Lots will have individual wells and septic systems; Lots will be responsible for individual lot drainage

**Proposed utilities and location/placement of utilities.\***

utilities are located in Pidcock Rd and will not need to be extended further



Proposed fire suppression and prevention measures.\*

fire suppression tank for Coyote Hollow  
Subdivision will be used for this  
subdivision as this is a Lot line  
adjustment

Proposed road name(s)\* ?

none

Will this be an Open Space designed subdivision? ?  
\*

Yes

Will you be requesting any design deviations?\*

No

Will this be a phased subdivision?\*

No

Comments from Reviewing Agencies\* ?

see attached documents

---

## Subdivision Pre-development Meeting

Pre-development Meeting Date

08/29/2024

Comments from Pre-development Meeting ?

A new subdivision name will need to be proposed

---

## Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name

Stewart ward, PLS - Dioptra LLC

Email

stewart@dioptrageomatics.com

Phone Number

208-237-7373

---

## Acknowledgement

I hereby acknowledge that I have read this application and state that the information on this application is correct to the best of my knowledge. \*



Electronic Signature [Typed Name of Applicant]\*

Stewart Ward

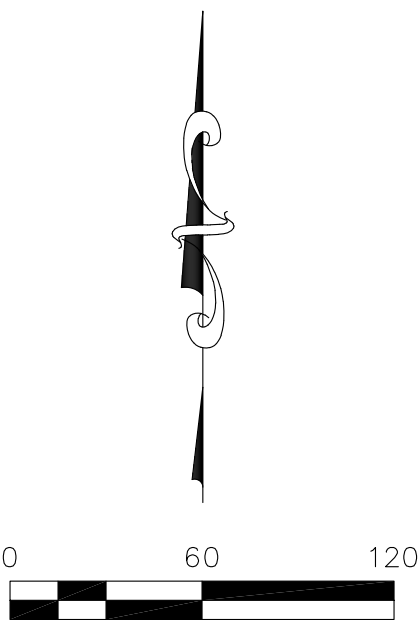
Date of Signature\*

09/12/2024

Concept Plan For

## TURKEY HOLLOW SUBDIVISION

A REPLAT OF LOTS 6 & 7 BLOCK 1 COYOTE  
HOLLOW SUBDIVISION INSTR. #21903300  
LOCATED IN SE 1/4 SECTION 26,  
TOWNSHIP 7 SOUTH, RANGE 36 EAST, OF THE  
BOISE MERIDIAN, IN THE COUNTY OF BANNOCK

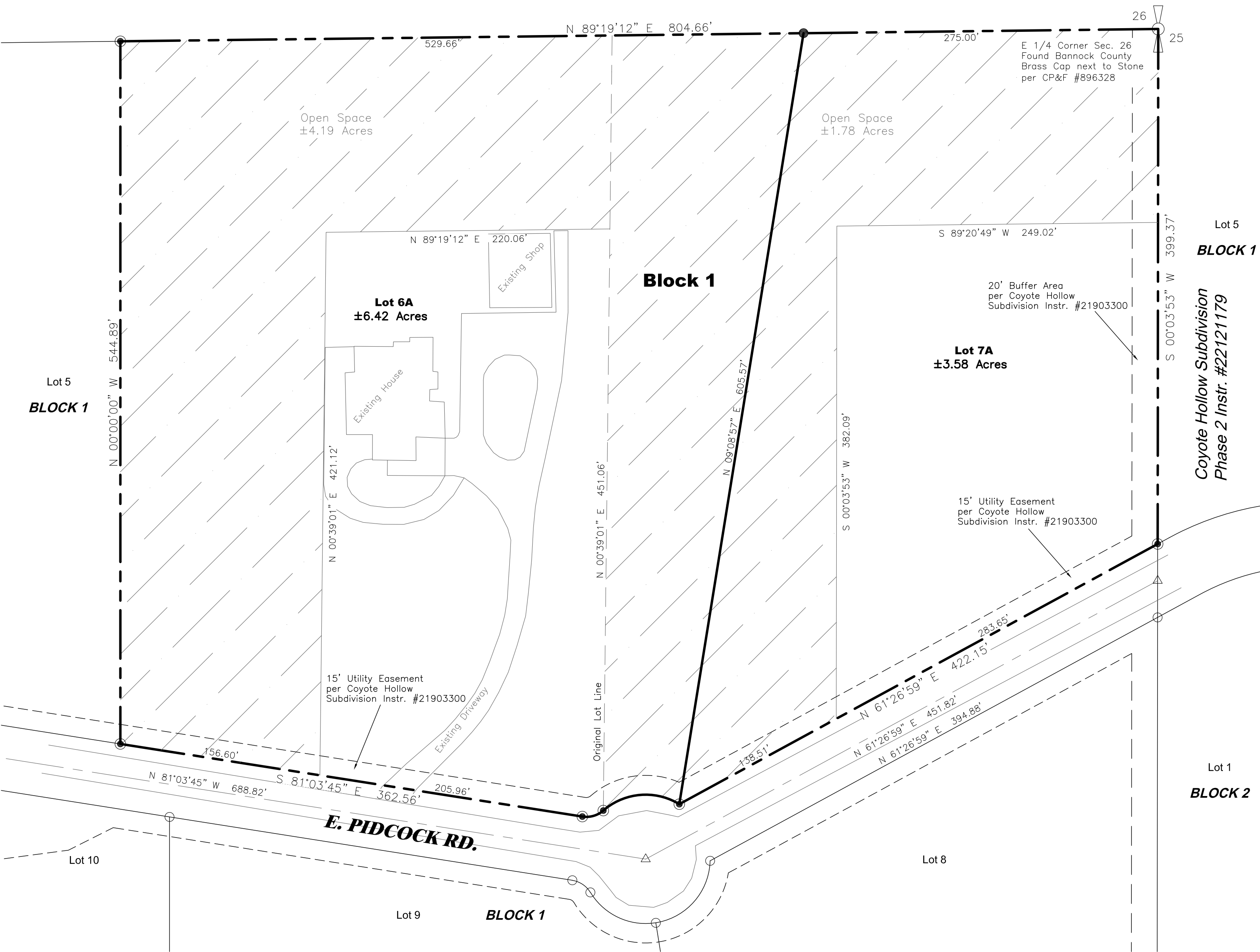


### LEGEND

- Subdivision Boundary
- Lot Lines
- Adjoining Parcels
- Existing Easements
- Road Centerline
- Existing Buffer Area
- Section Line
- Set 1/2" Rebar with Plastic Cap PLS 15295
- Found 1/2" Rebar with Plastic Cap PLS 15295; Replaced with 5/8" Rebar with Aluminum Cap PLS 15295
- Found 1/2" Rebar per Coyote Hollow Sub. Instr. #21903300
- Found 5/8" Rebar per Coyote Hollow Sub. Instr. #21903300

### SURVEYORS CERTIFICATE

I, Stewart K. Ward, a Licensed Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of this survey completed under my supervision.



### NOTES

- Development contains 2 lots and is a Lot Line Adjustment between Lots 6 and 7 of Coyote Hollow Subdivision Instr. #21903300.
- Development will be serviced by individual wells and septic systems.
- No new roads are proposed as part of this subdivision.
- Stormwater will be detained in roadside swales and on individual lots.
- Public utilities are located in existing utility easements along Pidcock Rd.
- No changes to existing Open Space are proposed. Opens Space was defined on Coyote Hollow Subdivision Instr. #21903300 and revised per Affidavit Instr. #21913057
- Current Zoning — Residential Rural
- Total Area — 10.00 Acres  
Open Space Area — 5.97 Acres

### CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00'	17.45'	16.90'	N 73°56'24" E	49°59'41"
C2	50.00'	63.27'	59.14'	S 85°11'46" W	72°30'23"
C3	50.00'	69.36'	63.93'	N 41°11'25" E	79°28'53"
C4	50.00'	59.34'	55.92'	S 65°04'06" E	68°00'04"
C5	20.00'	17.45'	16.90'	N 56°03'55" W	49°59'41"

### BASIS OF BEARING

Basis of Bearing per Idaho State Plane  
Coordinate System — East Zone, GPS  
observation combination factor: 1.0002930163.  
All distances are US Survey Feet.

		4880 Clover Dell Rd. Chubbuck, ID 83202 Ph.208-237-7373 www.dioptrageomatics.com
Turkey Hollow Subdivision		
Drawn By: SKW	Scale: 1"=60'	
Date: 9-13-24	Project: 24091	



TURKEY HOLLOW SUBDIVISION

A REPLAT OF LOTS 6 & 7 BLOCK 1 COYOTE HOLLOW SUBDIVISION INSTR. #21903300 LOCATED IN SE 1/4 SECTION 26, TOWNSHIP 7 SOUTH, RANGE 36 EAST, OF THE BOISE MERIDIAN, IN THE COUNTY OF BANNOCK



NOTES

1. Development contains 2 lots and is a Lot Line Adjustment between Lots 6 and 7 of Coyote Hollow Subdivision Instr. #21903300.

2. Development will be serviced by individual wells and septic systems.

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7. Current Zoning – Residential Rural

8. Total Area – 10.00 Acres

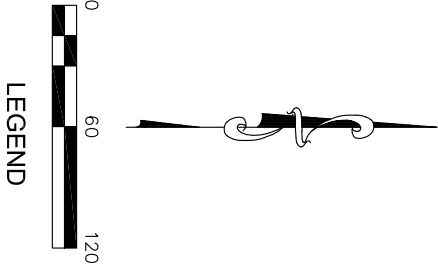
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BASIS OF BEARING

Basis of Bearing per Idaho State Plane Coordinate system, East Zone, GRS observation combination factor, 1.0002930163. All distances are US Survey feet.



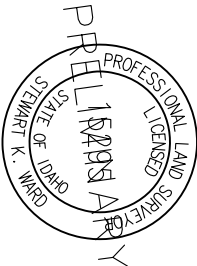
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SURVEYORS CERTIFICATE

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Turkey Hollow Subdivision

4880 Clover Dell Rd.  
Chubbuck, ID 83202  
Ph. 208-237-7373  
www.dioptrageomatics.com

Drawn By:	SKW	Scale:	1"=60'
Date:	9-13-24	Project:	24091



# EXHIBIT 2

## PRE-DEVELOPMENT LETTER



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | [www.bannockcounty.us](http://www.bannockcounty.us)

August 30, 2024

Brett Robison  
906 E. Pidcock Road  
Inkom, ID 83245

Brett Robison Management LLC  
275 S. 5<sup>th</sup> Ave  
Suite 151  
Pocatello, ID 83201

RE: Coyote Hollow - Existing Subdivision  
Pre-Development Conference – County Comments

Mr. Robison,

An application for the subdivision located on parcel #RPRRCHS000600 and #RPRRCHS000700 was submitted on July 25, 2024. The application proposes a subdivision to adjust lot line on lot 6 and lot 7 of block 1 of the Coyote Hollow Subdivision. This lot line adjustment consists of 2 lots, with a total of 10.0 acres generally off of Pidcock Road Drive, a county-maintained road. The proposed subdivision is located within the Residential Rural (RR) zoning district, which requires a minimum density of 1 dwelling per 2.5 acres with an open space subdivision per the Bannock County Zoning Ordinance (ZO) No. 1998-1, §346. The existing open space has been proposed to remain the same. The process for determining the suitability of land for subdividing can be found in the Bannock County Subdivision Ordinance (SO) No. 1997-4, §300. The requirements for the Pre-Development Conference can be found in SO §301.

## Pre-Development Proposal Summary:

**Bannock County Application Number:** SPD-24-5

**Bannock County Tax Parcel Number:** RPRRCHS000600 and RPRRCHS000700

**TOTAL AREA:** ~10.00 acres

**BUILDING LOTS:** 2 residential dwelling lot

**DWELLING UNIT DENSITY:** 1 dwelling unit per 5.0 acres

**BUILDING LOT SIZE:** ~ 3.7 acres to 6.3 acres

**WATER & SEWER:** Individual well and individual septic systems.

**STORMWATER SYSTEM:** To be determined.

**UTILITIES:** Power exists at the corner of each lot.

**FIRE PROTECTION:** Existing subdivision, Jackson Creek Fire District.

**ROADS/ACCESS:** Individual approaches via Pidcock Road, a county-maintained road.

SPD-24-5  
Page 1 of 7

**SITE CHARACTERISTICS AND ZONING:**

DESIGNATION: Residential Rural (RR)

PROPERTY SIZE: ~10.0 acres

VIEWS: The property is visible from Pidcock Road

IMPACT AREA: City of Inkom

FLOOD ZONE: X, minimal

TERRAIN: slopes and natural drainage

EXISTING STRUCTURES: Residential dwelling and cottage dwelling

---

We discussed the proposed subdivision on August 29, 2024 in the Planning and Development department's conference room and online. The following individuals were present at the meeting:

- Owner and Applicant Representative:
  - Brett Robison
- Bannock County:
  - Alisse Foster, Subdivision Planner
  - Annie Hughes, Zoning Planner
  - Kiel Burmester, Road and Bridge Director
  - Buddy Romriell, Road and Bridge Assistant Director

A brief summary of items discussed during the meeting are as follows and should be considered to assess the site's ability to meet Ordinance standards:

- General Bannock County Subdivision Process:
  - The platting process currently consists of 4 applications.
    - Pre-Development Application (current application SPD-24-5).
    - Concept Application (public hearing item in front of Bannock County Planning and Development Council).
    - Preliminary Plat Application (business item in front of Bannock County Planning and Development Council).
    - Final Plat Application (public hearing item in front of Bannock County Commissioners). This application is a review of the final plat, surveyor review per Idaho Code, and construction plans.
  - Each application must be complete prior to applying for the next application.
- Agency Discussion Points: The applicant should be prepared to address each item with council during the Concept Plan.
  - Bannock County Road and Bridge states no concern with the change in lot line.
  - Bureau of Land Management states no comments on this project.
  - Idaho Department of Lands states no comment.
  - ITD Division of Aeronautics states no objections to your proposal.

- Williams Pipelines states no issues with this change and will not be impacted due to the fact the pipeline is not in this area.
- County Staff recognizes that many comments provided within agency review letters have been addressed during the current Pre-Development plan submittal. It is recommended that the developer continue working with agencies to address any concerns.

### **Concept Plan Review Criteria for Approval §320.E**

The CONCEPT Plan for a subdivision may be approved only if the reviewing authority shall find that it satisfies the following criteria:

- 1. The proposed tentative plan is in conformance with the Bannock County Comprehensive Plan; is in conformance with all applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.**

#### **Staff Finds:**

#### **Comprehensive Plan:**

Staff has identified the following applicable goals and policies (others may be identified by the applicant or Council) The Bannock County Comprehensive Plan states:

**Objective 1.1:** Guide County development in a manner that is fiscally responsible and aligns with County standards.

**Policy 1.1.1:** Collaborate with developers to ensure that new development bears the costs associated with providing services to said development.

**Policy 1.1.2:** Ensure that new development meets and/or implements applicable adopted County standards, policies, master plans and regional plans.

**Policy 1.2.4:** Ensure that new development retains stormwater on site.

**Policy 1.2.5:** Ensure Idaho Department of Environmental Quality stormwater requirements are met.

**Policy 1.3.1:** Continue to require developments, rezones and land uses to comply with the Future Land Use Map and associated Future Land Use Category descriptions, densities and intensities.

**Objective 1.4:** Enhance the County's rural environment and character by providing diverse rural housing options.

**Policy 1.4.2:** Allow developments in rural areas to provide a mix of lot sizes to accommodate a rural lifestyle for individuals with various levels of income, farming and upkeep abilities.

**Objective 1.5:** Ensure that the County's land use policies and regulations do not violate private property rights.

**Policy 1.5.2:** Ensure land use actions, decisions and regulations align with the County's responsibility to protect public health, safety and welfare.

**Objective 3.4:** Protect County residents from natural or human-caused hazards.

**Policy 3.4.1:** Ensure that appropriate mitigation is implemented for development in areas with high wildfire potential and/or on steep slopes.

**Policy 3.4.2:** Promote residential clustering to assist development in avoiding sensitive and hazardous areas.



Policy 4.3.2: Support the Right-To-Farm Act in accordance with Idaho Code §22.4501, recognizing that dust, noise and odors normally associated with agricultural pursuits are considered acceptable in agricultural areas.

Bannock County Zoning Ordinance:

The land is zoned Residential Rural (RR), which allows one dwelling per 2.5 acres with an open space subdivision. The proposed density of this subdivision will be 1 dwelling unit per 5.0 acres. As this lot is located within an existing subdivision the proposed density of Coyote Hollow Subdivision would become a density is 1 dwelling per 5.64 acres. The original subdivision was 101.53 acres /50% totaling 50.765 acres of required open space. The open space was dedicated in the original subdivision for a total of 56.66 acres. The open space was dedicated in the original subdivision on lot 6 and lot 7 was a total of 5.97 acres.

There is a residential dwelling and a cottage dwelling located on lot 6. Setbacks for the existing structure must be met the requirement of the Bannock County Zoning Ordinance §327, to the new proposed lot lines.

Bannock County Subdivision Ordinance:

The applicant has proposed separate approaches from Pidcock Road, a county-maintained road. Developer will need to ensure submittal requirements have been met per §302. With only two proposed lots, no interior subdivision road is required per §404.G, REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street. If a road is proposed, road must meet the standards of §402.

The proposed subdivision name "Coyote Hollow – Existing Subdivision" has been reviewed and is a duplication. A new subdivision name will need to proposed on the next application for review and approval.

Applicant will need to ensure lot meets §404.C.1:Width to depth ratio shall not exceed 1 to 5; i.e., a 100 ft. Width lot cannot exceed 500' in depth.

Applicant has proposed to use the existing 90' x 45' easement for fire truck turn-a-round and 20,000 gallon underground fire suppression water tank located on lot 3 of Coyote Hollow Subdivision as the fire suppression and preventions measures. Council may require applicant to provide proof of further discussion with local fire district. Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). The subdivision applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution power lines may be above ground with the Council's approval. In any City's Area of Impact and where that City's Subdivision Ordinance requires all underground utilities, that City's Ordinance shall apply.

Idaho Code:

Developer will need to research Idaho Code to ensure all provisions have been met. The pre-development submittal does not have enough information to ensure this has been met.

2. **The proposed roads and bridges will be designed and constructed according to the Section 402 of this Ordinance. If a design deviation is requested, it shall equal or exceed those standards for its purpose.**

Staff Finds:

The applicant proposes access from Pidcock Road for each lot.

Bannock County Subdivision Ordinance states lots in a subdivision of four or more lots shall access from an interior subdivision road.

As an open space designed subdivision is required, Bannock County Subdivision Ordinance §401.F: Open space designed subdivision applicants may apply for design deviations for sections 402, 403, and 404.

Subdivision Ordinance §402.B.7: Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, must be built to the standards in 402.A.

3. **The proposed partitioning of land does not prohibit the extension of dedicated streets or roads.**

Staff Finds:

Pidcock Road is the only dedicated road at this time. No other roads have been proposed that would intersect with these parcels.

The applicant will need to ensure this criterion of approval can be met.

4. **The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.**

Staff Finds:

Using Bannock County GIS maps and Coyote Hollow Subdivision plat, there is currently a 20' buffer area to the east of lot 7. There is a 5' public utility easement along Pidcock Road, outside of the right-of-way. The developer should research to find all existing easements and depict them on the plat, according to Bannock County Subdivision Ordinance §302.A.2.b.

5. **The blocks of lots are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.**

Staff Finds:

The proposed lots are laid out to allow direct access from Pidcock Road. The existing utility easement along Pidcock Road will be located within each lot and lay out the way direction of the existing subdivision.

**6. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.**

Staff Finds:

Lot 6 is currently used for residential with a septic and well. Lot 7 was created for residential uses and is currently bare ground. The original division of Coyote Hollow Subdivision could have allowed a density of 40 lots.

Per Bannock County Zoning Ordinance §323, detached single-family dwellings, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, and noncommercial recreational facilities are permitted uses in the district.

The land is sloped with flat areas to build.

At the conclusion of the meeting, it is staff's understanding that the Owner / Applicant plans to submit a Concept Plan application to address the items noted within this letter. Please note, this letter is based on current County Ordinances; future changes to County Ordinances may change the status of the subdivision proposal.

This letter in no way relieves the applicant from meeting any of the requirements found in the Bannock County Subdivision or Zoning Ordinances and other applicable standards.

If you have questions, please contact us. Our office is open Monday through Thursday, 8:00 AM to 5:00 PM and Friday, 8:00 AM to 2:00 PM, or contact us at (208) 236-7230.

Respectfully,



Hal W. Jensen

Planning and Development Director

[halj@bannockcounty.gov](mailto:halj@bannockcounty.gov)

Enclosed: Proposed Sketch Plan



Proposed Sketch Plan provided by Applicant

# EXHIBIT 3

## PRE-DEVELOPMENT AGENCY COMMENTS

**From:** [Brett Robison](#)  
**To:** [Stewart Ward](#)  
**Subject:** Fw: [EXTERNAL] Re: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho  
**Date:** Thursday, September 12, 2024 5:06:11 PM

---

Brett

----- Forwarded Message -----

**From:** Miller, Danny K <dkmiller@blm.gov>  
**To:** Brett Robison <bretthimself@yahoo.com>  
**Sent:** Monday, August 19, 2024 at 10:51:58 AM MDT  
**Subject:** RE: [EXTERNAL] Re: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho

No Federal Land is adjacent to this land, therefore the BLM has no comment on this project.

---

**From:** Brett Robison <bretthimself@yahoo.com>  
**Sent:** Thursday, August 15, 2024 3:35 PM  
**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; Bollinger, David <David.Bollinger@bia.gov>; Miller, Danny K <dkmiller@blm.gov>; Davis, Melissa D <melissadavis@blm.gov>; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@IDL.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; Russell.Christ@sparklight.biz; Obele, Kim - FS, ID <kim.obele@usda.gov>; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; brenda.marshall@williams.com; johnny.ketner@tax.idaho.gov  
**Cc:** mori@bannockplanning.org; inkomcityoffices@cableone.net; maxdshaffer@hotmail.com; inkomladams@cableone.net; gtucker@mvsd21.org  
**Subject:** [EXTERNAL] Re: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

On Saturday, June 29, 2024 at 11:41:19 AM MDT, Brett Robison <[bretthimself@yahoo.com](mailto:bretthimself@yahoo.com)> wrote:

This is being sent out as 2nd required notice for a proposal to move the lot line between Lot 6 and 7 of Phase one of Coyote Hollow subdivision. Both lots have the same owner. Lot line is being moved to maintain a current well that lot 6 uses on that property. This line movement will not change any open space for either lot nor encroach upon any buildable area on lot 7. The increase in lot 6 will be maintained as undeveloped open space. Lot 6 will then be approximately 6 acres and lot 7 will be approximately 4 acres.

Lot 7 Parcel number: **RPRRCHS000700**

Lot 6 Parcel number: **RPRRCHS000600**

I have attached a drawing showing the change.

Thank you

Brett Robison

208-705-4060

**From:** [Brett Robison](#)  
**To:** [Stewart Ward](#)  
**Subject:** Fw: [EXTERNAL] Re: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho  
**Date:** Thursday, September 12, 2024 5:06:43 PM

---

Brett

----- Forwarded Message -----

**From:** Marshall, Brenda <brenda.marshall@williams.com>  
**To:** Brett Robison <bretthimself@yahoo.com>  
**Sent:** Friday, August 16, 2024 at 07:37:07 AM MDT  
**Subject:** RE: [EXTERNAL] Re: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho

Hi Brett,

Williams Northwest Pipeline has no issues with this change and will not be impacted due to the fact the pipeline is not in this area.

Thanks,

**Brenda Marshall**

Land Rep

Williams – Northwest Pipeline

1301 S. Locust Grove Road

Meridian, Idaho 83642

(208) 870-0149 mobile

---

**From:** Brett Robison <bretthimself@yahoo.com>  
**Sent:** Thursday, August 15, 2024 3:35 PM  
**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@IDL.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov;



Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov;  
becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com;  
Flo.Ghighina@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com;  
portneufswcd@gmail.com; Russell.Christ@sparklight.biz; kim.obebe@usda.gov;  
james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com;  
Marshall, Brenda <Brenda.Marshall@williams.com>; johnny.ketner@tax.idaho.gov  
**Cc:** mori@bannockplanning.org; inkomcityoffices@cableone.net;  
maxdshaffer@hotmail.com; inkomladams@cableone.net; gtucker@mvsd21.org  
**Subject:** [EXTERNAL] Re: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow  
subdivision Inkom Idaho

**\*\*\*CAUTION! EXTERNAL SENDER\*\*\* STOP. ASSESS. VERIFY!! If suspicious, STOP and click the Phish Alert Button**

On Saturday, June 29, 2024 at 11:41:19 AM MDT, Brett Robison <[bretthimself@yahoo.com](mailto:bretthimself@yahoo.com)> wrote:

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Lot 7 Parcel number: **RPRRCHS000700**

Lot 6 Parcel number: **RPRRCHS000600**

I have attached a drawing showing the change.

Thank you

Brett Robison

208-705-4060

**From:** [Brett Robison](#)  
**To:** [Stewart Ward](#)  
**Subject:** Fw: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho  
**Date:** Thursday, September 12, 2024 5:07:01 PM  
**Attachments:** [image001.png](#)

---

Brett

----- Forwarded Message -----

**From:** Gary Billman <[gbillman@idl.idaho.gov](mailto:gbillman@idl.idaho.gov)>  
**To:** Brett Robison <[bretthimself@yahoo.com](mailto:bretthimself@yahoo.com)>  
**Sent:** Thursday, August 15, 2024 at 03:37:48 PM MDT  
**Subject:** RE: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho

IDL has no comment



**Gary Billman, P.G.**

**Lands Resource Specialist Senior—Minerals/Geologist**

Idaho Department of Lands

Eastern Area

3563 Ririe Hwy

Idaho Falls, ID 83401

Office: (208) 525-7167

Email: [gbillman@idl.idaho.gov](mailto:gbillman@idl.idaho.gov)

<https://www.idl.idaho.gov>

---

**From:** Brett Robison <[bretthimself@yahoo.com](mailto:bretthimself@yahoo.com)>  
**Sent:** Thursday, August 15, 2024 3:35 PM  
**To:** [anitah@bannockcounty.us](mailto:anitah@bannockcounty.us); [jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us); [kielb@bannockcounty.us](mailto:kielb@bannockcounty.us); [david.bollinger@bia.gov](mailto:david.bollinger@bia.gov); [dkmiller@blm.gov](mailto:dkmiller@blm.gov); [mdwarren@blm.gov](mailto:mdwarren@blm.gov); [hsanger@pocatello.us](mailto:hsanger@pocatello.us); [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov); [ahill@sbtribes.com](mailto:ahill@sbtribes.com); Gary Billman <[GBillman@idl.idaho.gov](mailto:GBillman@idl.idaho.gov)>; IDL\_Jurisdictional <[IDL\\_Jurisdictional@idl.idaho.gov](mailto:IDL_Jurisdictional@idl.idaho.gov)>; Pat Brown <[pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov)>; Katy.Bergholm@[deq.idaho.gov](mailto:deq.idaho.gov); Carolyn.Weiler@[deq.idaho.gov](mailto:deq.idaho.gov); [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov); [becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov); [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov); [gpeck@idahopower.com](mailto:gpeck@idahopower.com); [Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov); [james.murphy@intgas.com](mailto:james.murphy@intgas.com); [phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com); [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com);

Russell.Christ@sparklight.biz; kim.obeale@usda.gov; james.m.joyner@usace.army.mil;  
nate.matlack@usda.gov; michael.rieske@williams.com; brenda.marshall@williams.com;  
johnny.ketner@tax.idaho.gov  
**Cc:** mori@bannockplanning.org; inkomcityoffices@cableone.net;  
maxdshaffer@hotmail.com; inkomladams@cableone.net; gtucker@mvsd21.org  
**Subject:** Re: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision  
Inkom Idaho

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---

On Saturday, June 29, 2024 at 11:41:19 AM MDT, Brett Robison <[bretthimself@yahoo.com](mailto:bretthimself@yahoo.com)> wrote:

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Lot 7 Parcel number: **RPRRCHS000700**

Lot 6 Parcel number: **RPRRCHS000600**

I have attached a drawing showing the change.

Thank you

Brett Robison

208-705-4060

**From:** [Brett Robison](#)  
**To:** [Stewart Ward](#)  
**Subject:** Fw: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho  
**Date:** Thursday, September 12, 2024 5:06:32 PM  
**Attachments:** [image001.png](#)

---

Brett

----- Forwarded Message -----

**From:** Flo Ghighina <[flo.ghighina@itd.idaho.gov](mailto:flo.ghighina@itd.idaho.gov)>  
**To:** Brett Robison <[bretthimself@yahoo.com](mailto:bretthimself@yahoo.com)>  
**Sent:** Friday, August 16, 2024 at 08:17:20 AM MDT  
**Subject:** RE: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho

Hello Brett,

The Idaho Division of Aeronautics has received your information and has no objection to your proposal outlined below. Have a great day.

Best regards,

**Flo Ghighina**

**Airport Inspector/Obstructions Evaluator**

ITD-Division of Aeronautics

Ph: 208-334-8895

Cell: 208-866-1558

<http://www.itd.idaho.gov/aero>

<https://www.facebook.com/idaho aeronautics>



---

**From:** Brett Robison <bretthimself@yahoo.com>

**Sent:** Thursday, August 15, 2024 3:35 PM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@IDL.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina <Flo.Ghighina@itd.idaho.gov>; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; Russell.Christ@sparklight.biz; kim.obebe@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; brenda.marshall@williams.com; johnny.ketner@tax.idaho.gov

**Cc:** Mori Byington <Mori@bannockplanning.org>; inkomcityoffices@cableone.net; maxdshaffer@hotmail.com; inkomladams@cableone.net; gtucker@mvsd21.org

**Subject:** Re: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho

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---

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Lot 6 Parcel number: RPRRCHS000600

I have attached a drawing showing the change.

Thank you

Brett Robison

208-705-4060

**From:** [Brett Robison](#)  
**To:** [Stewart Ward](#)  
**Subject:** Fw: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho  
**Date:** Thursday, September 12, 2024 5:09:05 PM

---

Brett

----- Forwarded Message -----

**From:** Mori Byington <mori@bannockplanning.org>  
**To:** Brett Robison <bretthimself@yahoo.com>  
**Sent:** Monday, July 1, 2024 at 09:06:23 AM MDT  
**Subject:** RE: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho

Brett,

Bannock Transportation Planning Organization has no comments on the proposal.

Thanks

Mori Byington,

Bannock Transportation Planning Organization

[mori@bannockplanning.org](mailto:mori@bannockplanning.org)

---

**From:** Brett Robison <bretthimself@yahoo.com>  
**Sent:** Saturday, June 29, 2024 11:46 AM  
**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@IDL.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; Russell.Christ@sparklight.biz; kim.obebe@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; brenda.marshall@williams.com; johnny.ketner@tax.idaho.gov  
**Cc:** Mori Byington <Mori@bannockplanning.org>; inkomcityoffices@cableone.net; maxdshaffer@hotmail.com; inkomladams@cableone.net; gtucker@mvsd21.org  
**Subject:** 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom

Idaho

Brett

Call

Send SMS

Call from mobile

Add to Skype

You'll need Skype Credit

On Saturday, June 29, 2024 at 11:41:19 AM MDT, Brett Robison <[bretthimself@yahoo.com](mailto:bretthimself@yahoo.com)> wrote:

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Lot 7 Parcel number: **RPRRCHS000700**

Lot 6 Parcel number: **RPRRCHS000600**

I have attached a drawing showing the change.

Thank you

Brett Robison

208-705-4060



**From:** [Brett Robison](#)  
**To:** [Stewart Ward](#)  
**Subject:** Fw: Automatic reply: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho  
**Date:** Thursday, September 12, 2024 5:07:14 PM

---

Brett

----- Forwarded Message -----

**From:** Sanger, Hannah <hsanger@pocatello.gov>  
**To:** Brett Robison <bretthimself@yahoo.com>  
**Sent:** Thursday, August 15, 2024 at 03:34:54 PM MDT  
**Subject:** Automatic reply: 2nd notice: Parcel Line adjustment Lot 6 and 7 Coyote Hollow subdivision Inkom Idaho

I am out of the office with limited email access and will be back on August 22. Please contact the Engineering Department (208) 234-6225 for assistance.

# EXHIBIT 4

## SOIL REPORT



United States  
Department of  
Agriculture

NRCS

Natural  
Resources  
Conservation  
Service

A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for Bannock County Area, Idaho, Parts of Bannock and Power Counties



# Preface

---

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

## Custom Soil Resource Report

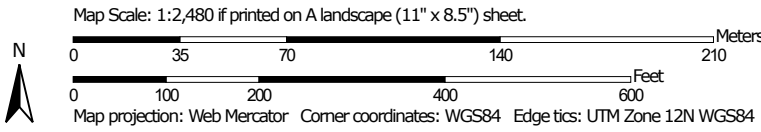
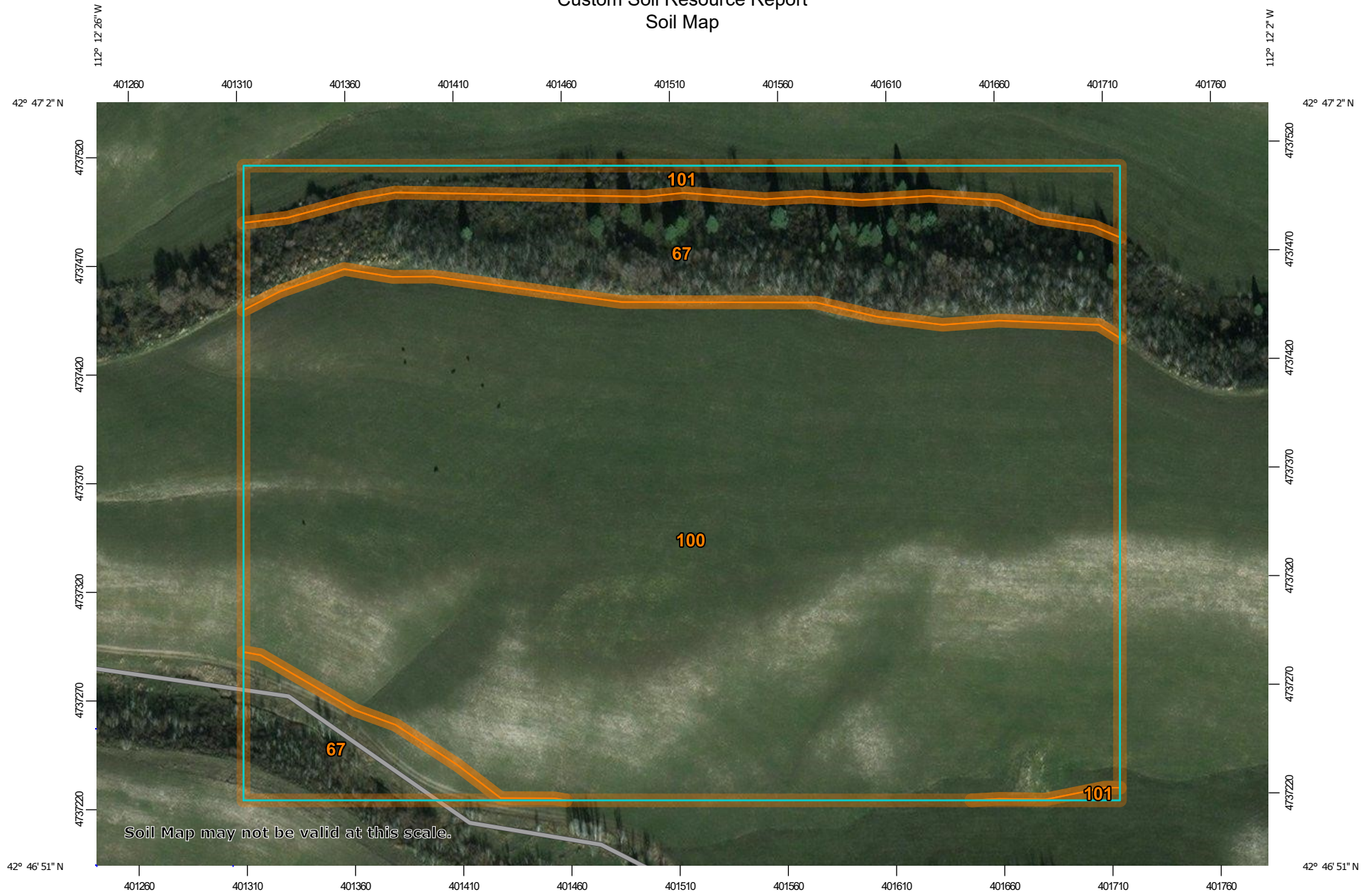
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map




## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop


 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole


 Slide or Slip


 Sodic Spot


 Spoil Area

 Stony Spot


 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

### Water Features

 Streams and Canals


### Transportation

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Bannock County Area, Idaho, Parts of Bannock and Power Counties  
Survey Area Data: Version 18, Sep 5, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 22, 2005—Nov 13, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background



**MAP LEGEND**

**MAP INFORMATION**

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
67	Lanoak silt loam, 12 to 20 percent slopes	5.7	19.5%
100	Ririe-Watercanyon complex, 4 to 12 percent slopes	21.9	74.7%
101	Ririe-Watercanyon complex, 12 to 20 percent slopes	1.7	5.8%
<b>Totals for Area of Interest</b>		<b>29.4</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or

landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Bannock County Area, Idaho, Parts of Bannock and Power Counties

### 67—Lanoak silt loam, 12 to 20 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2s9j  
*Elevation:* 4,800 to 6,600 feet  
*Mean annual precipitation:* 16 to 22 inches  
*Mean annual air temperature:* 41 to 45 degrees F  
*Frost-free period:* 75 to 100 days  
*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Lanoak and similar soils:* 85 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Lanoak

##### Setting

*Landform:* Mountain slopes, fan remnants  
*Landform position (three-dimensional):* Mountainflank  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Loess influenced alluvium and/or colluvium and/or slope alluvium

##### Typical profile

*A - 0 to 22 inches:* silt loam  
*Bt - 22 to 44 inches:* silt loam  
*Bk - 44 to 59 inches:* silt loam

##### Properties and qualities

*Slope:* 12 to 20 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.71 to 2.13 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 15 percent  
*Available water supply, 0 to 60 inches:* Very high (about 12.1 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* B  
*Ecological site:* R013XY005ID - Loamy 16-22 PZ ARTRV/FEID-PSSPS  
*Other vegetative classification:* mountain big sagebrush-mountain snowberry/  
bluebunch wheatgrass (HFW025)  
*Hydric soil rating:* No

## 100—Ririe-Watercanyon complex, 4 to 12 percent slopes

### Map Unit Setting

*National map unit symbol:* 2szwm  
*Elevation:* 4,800 to 6,000 feet  
*Mean annual precipitation:* 12 to 20 inches  
*Mean annual air temperature:* 43 to 46 degrees F  
*Frost-free period:* 80 to 100 days  
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Ririe and similar soils:* 60 percent  
*Watercanyon and similar soils:* 30 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Ririe

#### Setting

*Landform:* Hillslopes, fan remnants  
*Landform position (two-dimensional):* Backslope  
*Landform position (three-dimensional):* Side slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Concave  
*Parent material:* Loess

#### Typical profile

*A - 0 to 12 inches:* silt loam  
*Bk - 12 to 59 inches:* silt loam

#### Properties and qualities

*Slope:* 4 to 12 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.71 to 2.13 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 35 percent  
*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 12.0  
*Available water supply, 0 to 60 inches:* High (about 9.8 inches)

#### Interpretive groups

*Land capability classification (irrigated):* 6e  
*Land capability classification (nonirrigated):* 3e  
*Hydrologic Soil Group:* B  
*Ecological site:* R013XY001ID - Loamy 12-16 PZ  
*Other vegetative classification:* mountain big sagebrush/bluebunch wheatgrass  
(HFW019)  
*Hydric soil rating:* No

## Description of Watercanyon

### Setting

*Landform:* Hillslopes, fan remnants  
*Landform position (two-dimensional):* Backslope  
*Landform position (three-dimensional):* Side slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Convex  
*Parent material:* Loess and/or loess influenced slope alluvium

### Typical profile

*Ap - 0 to 7 inches:* silt loam  
*Bw - 7 to 16 inches:* silt loam  
*Bk - 16 to 59 inches:* silt loam

### Properties and qualities

*Slope:* 4 to 12 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.71 to 2.13 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 35 percent  
*Maximum salinity:* Very slightly saline to slightly saline (2.0 to 4.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 10.0  
*Available water supply, 0 to 60 inches:* High (about 9.8 inches)

### Interpretive groups

*Land capability classification (irrigated):* 6e  
*Land capability classification (nonirrigated):* 3e  
*Hydrologic Soil Group:* B  
*Ecological site:* R013XY001ID - Loamy 12-16 PZ  
*Other vegetative classification:* mountain big sagebrush/bluebunch wheatgrass (HFW019)  
*Hydric soil rating:* No

## 101—Ririe-Watercanyon complex, 12 to 20 percent slopes

### Map Unit Setting

*National map unit symbol:* 2szwl  
*Elevation:* 4,600 to 6,000 feet  
*Mean annual precipitation:* 12 to 18 inches  
*Mean annual air temperature:* 43 to 46 degrees F  
*Frost-free period:* 80 to 110 days  
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Ririe and similar soils:* 50 percent



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*Watercanyon and similar soils: 30 percent*

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Ririe

#### Setting

*Landform: Hillslopes, fan remnants*

*Landform position (two-dimensional): Backslope*

*Landform position (three-dimensional): Side slope*

*Down-slope shape: Linear*

*Across-slope shape: Concave*

*Parent material: Loess*

#### Typical profile

*A - 0 to 12 inches: silt loam*

*Bk - 12 to 59 inches: silt loam*

#### Properties and qualities

*Slope: 12 to 20 percent*

*Depth to restrictive feature: More than 80 inches*

*Drainage class: Well drained*

*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high  
(0.71 to 2.13 in/hr)*

*Depth to water table: More than 80 inches*

*Frequency of flooding: None*

*Frequency of ponding: None*

*Calcium carbonate, maximum content: 35 percent*

*Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)*

*Sodium adsorption ratio, maximum: 12.0*

*Available water supply, 0 to 60 inches: High (about 9.8 inches)*

#### Interpretive groups

*Land capability classification (irrigated): None specified*

*Land capability classification (nonirrigated): 4e*

*Hydrologic Soil Group: B*

*Ecological site: R013XY001ID - Loamy 12-16 PZ*

*Other vegetative classification: mountain big sagebrush/bluebunch wheatgrass  
(HFW019)*

*Hydric soil rating: No*

### Description of Watercanyon

#### Setting

*Landform: Hillslopes, fan remnants*

*Landform position (two-dimensional): Backslope*

*Landform position (three-dimensional): Side slope*

*Down-slope shape: Linear*

*Across-slope shape: Convex*

*Parent material: Loess*

#### Typical profile

*Ap - 0 to 7 inches: silt loam*

*Bw - 7 to 16 inches: silt loam*

*Bk - 16 to 59 inches: silt loam*

#### Properties and qualities

*Slope: 12 to 20 percent*

*Depth to restrictive feature: More than 80 inches*

## Custom Soil Resource Report

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.71 to 2.13 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 35 percent

*Maximum salinity:* Very slightly saline to slightly saline (2.0 to 4.0 mmhos/cm)

*Sodium adsorption ratio, maximum:* 10.0

*Available water supply, 0 to 60 inches:* High (about 9.8 inches)

### **Interpretive groups**

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 4e

*Hydrologic Soil Group:* B

*Ecological site:* R013XY035ID - South Slope Loamy 12-16 PZ ARTRW8/PSSPS

*Hydric soil rating:* No

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# EXHIBIT 5

## ORDINANCE EXCERPTS

**320 RESIDENTIAL RURAL DISTRICT (RR)****321 PURPOSE:**

The Residential Rural zoning district is established to provide low density, single-family residential areas in rural settings. RR districts require lot sizes or sufficient open space to maintain a semi-rural setting.

**322 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

The Residential Rural designation is to be applied to existing neighborhoods with larger, rural sized lots, and for areas of underdeveloped land which will serve as buffer areas between Agriculture districts and urbanizing areas. Factors to be considered in designating land for RR districts should include, but not be limited to, availability of county services and roads, types of surrounding land uses, and suitability of land to safely handle individual well and sewage systems on lots 5 acres or more in size, or higher densities with central or municipal water and sewer systems.

**323 USES PERMITTED - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN  
(SECTION 503)**

- A. All uses listed as permitted in the RS district, except attached housing unless such housing is in an open space designed subdivision.
- B. Commercial Agricultural uses for use on the premises, buildings, and structures, except hog farms, feed lots, and agricultural support uses.
- C. State licensed day care homes or centers with up to six client children.

**324 USES CONDITIONALLY PERMITTED:**

The following land uses may be permitted conditionally in the RR district subject to conditions established in this section and elsewhere in this Ordinance.

- A. All uses permitted by conditional use permit in the Residential Suburban district, except attached housing unless such housing is in an open space designed subdivision.

**325 PARKING STANDARDS:**

All residential development shall meet the parking standards set forth in the Residential Suburban District Section 335 inclusive.

326 SUBDIVIDING IN THE RESIDENTIAL RURAL DISTRICT: The following methods of subdividing are permitted in the RR zone:

- A. Open Space Designed Subdivision (see design standards of Subdivision Ordinance) with density of one dwelling to 2.5 acres.

Open Space designed subdivisions are required in the RR zone if one or more of the following apply:

1. A proposed subdivision's average net lot size is less than five acres;
  2. If 25% or more of the subdivision is above 5000' elevation.
  3. If the proposed subdivision includes important wildlife habitat.
- B. Conventional: Five-acre minimum lot size if individual well *or* septic systems are used. Such subdivisions are prohibited from further division.
- C. Planned Unit Development provided that municipal water and sewer are provided and limited to locations within Area of City Impact; density may be up to one dwelling per ½ acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development. **(Amendment #19 Ordinance #2008-4)**
1. Minimum size for a planned unit development in the RR district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. **(Amendment #19 Ordinance #2008-4)**
- D. All subdivisions on a city boundary must apply to be annexed into that city which has designated that land to be within its "Area of City Impact."
1. In the event the City declines in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

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**327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

The following table sets forth building bulk and placement standards for the Residential Rural District:

**RESIDENTIAL RURAL DISTRICT**MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.
PERMITTED USES:					
Single-family Residence	30	50	30	10	35
Two-family Residence	30	50	30	10	35
Residential Accessory Structures	30	50	20	20	35
Agricultural Structures	30	50	20	20	
Farm Animal Structures	30	50	30	30	15
Commercial Agriculture Accessory Structures for Farm Animals	100	100	100	100	-
Non-Residential Buildings	30	50	20	20	-

**(Amendment 63, Ordinance 2024-02)**

Setback for all structures shall be 100' from any stream or riparian area

Minimum Lot Size: Five acres; see Section 326. Larger lot sizes may be required by the Health Department.

anticipated public costs. Agencies may offer comment on topics not listed above, but the County requests, at a minimum, comments on those topics. Agencies to be contacted:

- a. The electric power provider (Utah Power or Light or Idaho Power Co.).
  - b. Intermountain Gas.
  - c. Telephone: U.S. West Engineering Department.
  - d. Ditch or irrigation company when present or within  $\frac{1}{2}$  mile.
  - e. Cable company - fiber optic or television.
  - f. Pipelines, if any.
  - g. Any other subdivision of government or private utility as applicable.
7. ARMY CORPS OF ENGINEERS: for determination of (1) wetlands or riparian areas (2) stream crossing needs, or (3) any additional issues the Corps may address.
8. PUBLIC LAND AGENCIES: such as Fort Hall Reservation, Forest Service, BLM, or State, without regard to location of proposed subdivision.

Applicant shall include all comments with application. In the absence of comments, evidence of contact at least twice by applicant may be submitted.

### 302 CONCEPTUAL OR MASTER PLAN REVIEW:

302.A. SUBMITTAL REQUIREMENTS: Developer shall submit review fees as established by the Board, the report from District Health and the following items at least 30 days prior to the hearing: **(Amendment No. 5 Ordinance 2022-03)**

1. A list of all property owner(s) and the property tax parcel number(s), located within 300 feet of the proposed development's boundary including street or road rights-of-way and bodies of water.
2. A sketch, accurate to plus or minus 5 percent, showing:
  - a. Proposed uses of the property and present zoning, if applicable.
  - b. Proposed and/or existing deed restrictions, if any, including easements and rights-of-way.
  - c. Description of the improvements proposed to be made or installed, the time such improvements are proposed to be made or completed, and the procedures the subdivider wishes to use.

- d. Statement describing proposed water supply, sewage disposal, and drainage.
  - e. Approximate location of blocks and number of lots in each.
  - f. Legal description to quarter-quarter section, township and range.
  - g. North arrow.
  - h. Landscaping locations and general type of vegetation.
  - i. Ownership and land use of subject development and within 300' beyond plat boundaries.
  - j. Road names - subject to County Addressing Ordinance.
  - k. Road design deviations if open space subdivision is proposed.
3. Comments from Reviewing Agencies, 301.D.
- a. If an agency does not comment, and applicant has proof of contact, staff will contact; if no response is forthcoming, the agency may testify at Concept phase. If no testimony nor written comments are presented at the public hearing, Council may proceed to review application without the agency's comments.

**302.B. COMMUNITY IMPACT ANALYSIS:** Staff will prepare a Community Impact Analysis for all developments, to include:

- 1. Total population at build out;
- 2. Population five to 17 years of age;
- 3. Water usage per unit and total for project;
- 4. Sewage produced per unit and total for project;
- 5. Tax generated for average size lot and dwelling of 2000 sq. ft.;
- 6. Cost to provide services by: Sherriff's Department; Road and Bridge; School District, for transportation and per student cost, if known; Fire District; ambulance service provider and any other affected agency as determined by County.

**302.C. ENVIRONMENTAL IMPACT ASSESSMENT:** County Engineer may require an environmental impact assessment prepared by an environmental engineer, licensed in the State of Idaho, when any of the following conditions apply: inclusion of wetlands, streams or floodplains; land which may have been used previously as an industrial site or has a history of pollution; land which may be subject to sliding, slumping, or movement of any sort; land identified as important wildlife habitat; land which may have historical or anthropological

artifacts, or other land deemed by the County to be sensitive to development. Said assessment shall address, but is not limited to, the items listed above, without regard to size of proposed subdivision.

**302.D. PUBLIC HEARING:** The Council will consider the Concept or Master Plan as a Public Hearing item, according to procedures established in the Zoning Ordinance. In phased subdivisions, each phase is considered a Preliminary Plat for the purpose of this section. Concept approval may be based upon a sketch and narrative describing the development and its improvements. Standards (criteria) in 302.E. shall be applied to:

1. Density - average lot size and range of lot sizes.
2. Utilities - water, power, natural gas, cable TV, telephone; type and placement underground or overhead.
3. Uses and zoning.
4. Fire suppression and prevention measures.
5. Transportation routes - internal and existing arterial or collector routes.
6. Conformance to Comprehensive Plan.
7. Conformance to applicable transportation plans.
8. Suitability of soil and topography for development.
9. Wildlife considerations.

Plats which will be phased are called Master Plans and the following additional items will need approval as a part of the public hearing for Concept approval. Additional issues to be addressed are:

10. Timing of the total project and intervals between phases.
11. Schedule for construction of improvements in each phase.
12. Sequence of phases.
13. A Master Plan map of total project, showing phases, approximate location of lots, streets and other improvements at build-out.

**302.E. REVIEW CRITERIA:** The CONCEPT Plan for a subdivision may be approved only if the reviewing authority shall find that it satisfies the following criteria:

1. The proposed tentative plan is in conformance with the Bannock County Comprehensive Plan; is in conformance with all applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.
2. The proposed roads and bridges will be designed and constructed according to Section 402 of this Ordinance. If a design deviation is requested, it shall equal or exceed those standards for its purpose.
3. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads.
4. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.
5. The blocks of lots are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.
6. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.

**302.F. CONDITIONS:** The Council may place conditions upon the proposed plat to bring it into compliance with the comprehensive plan. If the developer accepts those conditions, the developer may then proceed to Preliminary Plat review.

**302.G. DIVISIONS OF LAND INTO FOUR OR FEWER PARCELS:** A one-time division into four or fewer parcels if it meets the following criteria: **(Amendment No. 5 Ordinance 2022-03)**

- access for each lot is from maintained county road or a private shared driveway
- utilities are available
- a public hearing is not required
- all other Zoning and Subdivision requirements apply

1. Such divisions must be filed as Records of Survey, and shall be prepared in accordance with Chapter 19, Title 55 of Idaho Code. All other standards, requirements, processes and criteria of this Ordinance shall be met. Survey notes and or other conditions may be required.

**302.H. TIME LIMITS:** Approval of the Concept Plan is valid for one year from the date of approval by the Council. Concept or Master Plans not advanced to Preliminary Plat review by the Council within one year of Concept approval by the Council must be resubmitted for a new Concept/Master Plan approval.

### **303 PRELIMINARY PLAT REVIEW:**

**303.A. SUBMITTAL REQUIREMENTS:** Preliminary Plat review will be considered by the Council as a business item at subsequent, regularly scheduled meetings of the Council. The following items must be submitted to the County Engineer and Planning Department at least 30 days prior to the Council's regular monthly meeting:

# FINDINGS

**BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER**

**CONCEPT PLAN – TURKEY HOLLOW SUBDIVISION  
PUBLIC HEARING: OCTOBER 16, 2024**

**FILE #:** SCP-24-6  
**LOCATION:** RPRRCHS000600, currently addressed as 906 E. Pidcock Road, Inkom, ID 83245 and  
RPRRCHS000700, currently unaddressed.

<b>APPLICANT:</b> Dioptra LLC Stewart Ward 4880 Clover Dell Road Pocatello, ID 83202	<b>OWNER:</b> Brett Robison Management LLC 906 E. Pidcock Road Inkom, ID 83245
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**REQUEST & BACKGROUND:** Stewart Ward proposes an amendment to Coyote Hollow Subdivision for the purpose of adjusting a lot line. The existing lots are 5.00 acres with 2.78 acres of open space and 5.00 acres with 3.19 acres of open space. After the proposed adjustment, the lots will be 6.42 acres with 4.19 acres of open space and 3.58 acres with 1.78 acres of open space. The development proposes individual well and septic systems. This subdivision is located ~ 1.5 miles from the city of Inkom boundary.

**FINDINGS:**

**JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

**SITE CHARACTERISTICS AND ZONING:**

**ZONE:** Residential Rural  
**PROPERTY SIZE:** ~3.58 acres and 6.42 acres  
**VIEWS:** The property is visible from E. Pidcock Road.  
**IMPACT AREA:** City of Inkom  
**FLOOD ZONE:** X, minimal  
**TERRAIN:** Steep slopes with flat area and natural drainage  
**EXISTING STRUCTURES:** Residential dwelling and cottage dwelling.  
**OPEN SPACE:** 5.97 acres within lots  
**OTHER:** Located within Coyote Hollow Subdivision.



**NOTICE AND TESTIMONY REQUIREMENTS:**

Notice of the public hearing was completed according to statutory requirements. Public comment was taken according to statutory requirements.

**REQUIRED FINDINGS FOR CONCEPT PLAN – REVIEW CRITERIA, §302.E**

1. The proposed tentative plan **[is] [is not]** in conformance with the Bannock County Comprehensive Plan; **[is] [is not]** in conformance with applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.  

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2. The proposed roads and bridges **[are] [are not]** designed and constructed according to Section 402 of the Subdivision Ordinance. A design deviation **[was] [was not]** requested and **[was] [ was not]** granted to equal or exceed these standards for its purpose.  

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3. The proposed partitioning of land **[does] [does not]** prohibit the extension of dedicated streets or roads.  

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4. The proposed partitioning **[will] [will not]** conflict with legally established easements or access within or adjacent to the proposed land partition.  

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5. The blocks of lots **[are] [are not]** located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.  

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---

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6. The proposed property **[is] [is not]** physically suitable for the type and proposed density of development and **[does] [does not]** conform to existing zone standards.  

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(If adding approval conditions) with the following conditions of approval,

ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request for Turkey Hollow Subdivision Concept Plan, as described in the application, shall be [approved] [denied] [tabled].

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Dimick	Voted [Yes] [No] [Absent/Recused]
Councilperson Madsen	Voted [Yes] [No] [Absent/Recused]
Councilperson Selleneit	Voted [Yes] [No] [Absent/Recused]
Councilperson Ulrich	Voted [Yes] [No] [Absent/Recused]
Councilperson Ward	Voted [Yes] [No] [Absent/Recused]

Motion carried by a \_\_\_\_\_ to \_\_\_\_\_ vote.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)  
S.S.  
County of Bannock)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2024, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.

S  
E  
A  
L

\_\_\_\_\_  
Notary Public  
My Commission Expires on \_\_\_\_\_ 20\_\_\_\_

# EXAMPLE MOTION

## EXAMPLE MOTION

Based on the record and the discussion this evening, I move to **[approve]** **[deny]** **[table]** the request for the Turkey Hollow Subdivision Concept Plan 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.

(IF ADDING APPROVAL CONDITIONS) with the following conditions of approval,

1. ....
2. ....

# BUSINESS ITEMS

AGENDA ITEM NO. 6  
PRELIMINARY PLAT APPROVAL –  
PURSER ACRES SUBDIVISION



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | [www.bannockcounty.us](http://www.bannockcounty.us)

## PRELIMINARY PLAT– PURSER ACRES SUBDIVISION

MEETING DATE: OCTOBER 16, 2024

### STAFF REPORT

**FILE #:** SPP-24-6  
**LOCATION:** RPR4227002007, currently unaddressed.

**APPLICANT:**

Sunrise Engineering  
Matt Baker  
600 E. Oak Street  
Pocatello, ID 83201

**OWNER:**

JP Rentals LLC  
Tanner Purser  
14386 Attleboro Drive  
Herriman, UT 84096

**RECOMMENDATION:** Staff recommends approval with the following conditions:

1. Asphalt approach from Pheasant Drive to be installed by developer at Final Plat.
2. Remove condition #4 from Concept approval: A cul-de-sac shall be placed within the north end of lot 2 to meet the Highway Standards and Roadway Development Procedures of Bannock County.
3. Road Maintenance Agreement shall be recorded and the instrument number referenced on final plat.
4. Slope analysis shall be completed to determine slope grades and provided at final plat.

Council may wish to add addition conditions as needed.

**REQUEST & BACKGROUND:** Matt Baker proposes a 3-lot open space subdivision with a total of approximately 16.33 acres, with the proposed name Purser Acres Subdivision. The development proposes individual wells and septic systems. The buildable lots will be between 3.0 and 3.58 acres in size. This subdivision is located 1.67 miles from the city of Lava Hot Springs boundary.

**PRELIMINARY PLAT PROPOSAL SUMMARY:**

TOTAL AREA: 16.33 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENTISY: 1 dwelling unit per 8.165 acres

BUILDING LOT SIZE: Approximately 3.0 acres to 3.58 acres

WATER & SEWER: Individual well and septic on each lot.

STORMWATER SYSTEM: Retained on individual lots.

UTILITIES: Power existing on the parcel.

FIRE PROTECTION: Lava Rural Fire District.

ROADS/ACCESS: Shared access easement, via Pheasant Drive, a county-maintained road.

STAFF REPORT

PRELIMINARY PLAT – Purser Acres Subdivision

Page 1 of 8



**SITE CHARACTERISTICS AND ZONING:**

ZONE: Recreation

PROPERTY SIZE: ~16.33 acres

VIEWS: The property is visible from the north, east and west.

IMPACT AREA: None

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes with some flatter areas.

EXISTING STRUCTURES: None

OTHER: The site has been historically used for agricultural purposes.

**SURROUNDING LAND USES AND ZONING:**

NORTH: The sites are within the Recreation zoning district and consist of residential uses and bare ground.

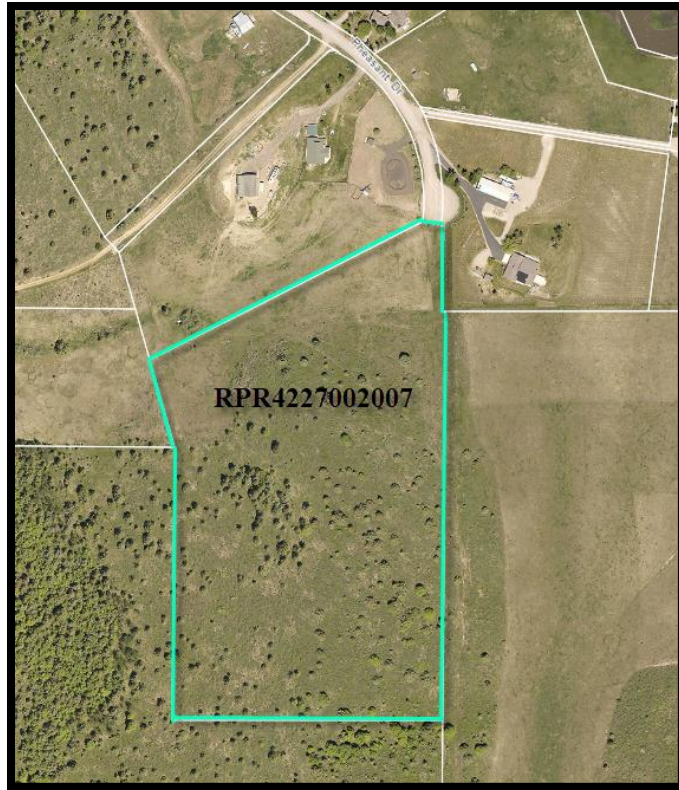
EAST: The sites are within the Recreation zoning district and consist of residential uses and bare ground.

SOUTH: The sites are within the Recreation zoning district and consists of bare ground.

WEST: The sites are within the Recreation zoning district and consist of bare ground.

**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2021 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
  - a. §340 RECREATION DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
  - a. §303 PRELIMINARY PLAT REVIEW
  - b. §400 DESIGN STANDARDS



**SITE MAP**

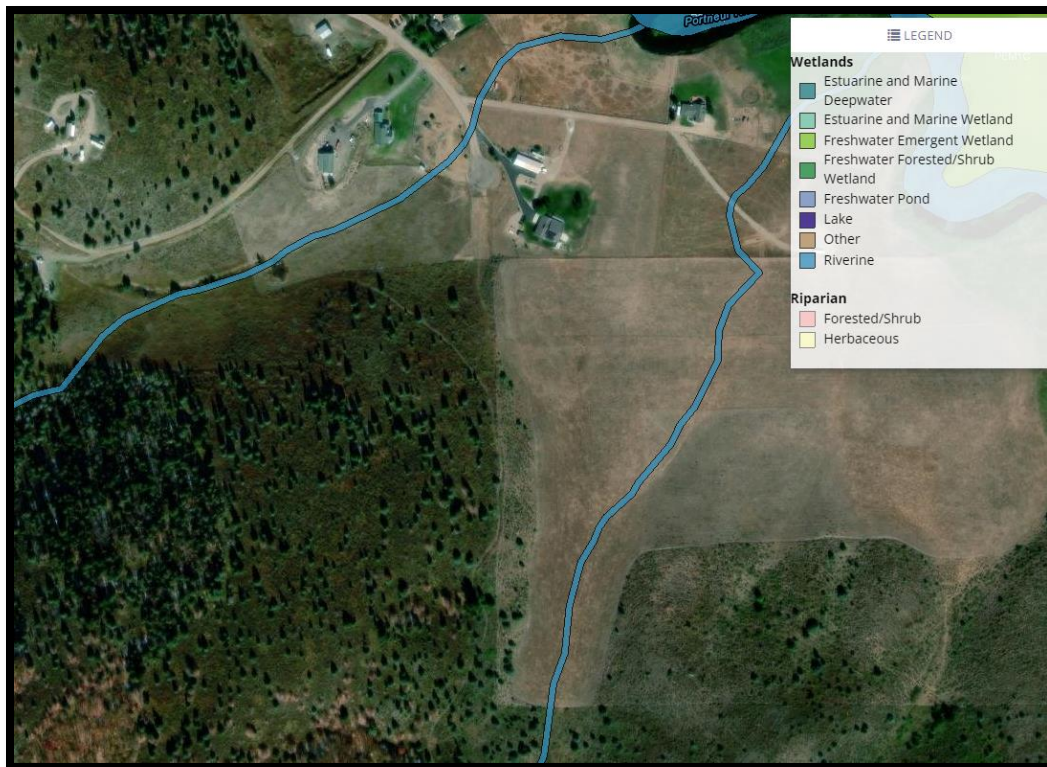


**ZONING MAP**





**CONTOUR MAP**



**US FISH & WILDLIFE WETLANDS MAP**

### **REVIEW – SECTION 303.B.**

The Council will review the Preliminary Plat as a business item, considering the plat for:

- 1. Conformance to concept approval. Preliminary Plats which:**
  - a. Alter water sources or delivery systems, or other utilities including sewage treatment, as approved in concept;**
  - b. Increases the total number of lots by 10 percent or more, or**
  - c. Change access points to existing collector or arterial roads or streets by a distance greater than 50' and not recommended by Staff or Council during concept approval, shall require a new concept review and a new review fee as established by the Board.**

#### **Staff Findings**

There was no change in delivery systems or utilities, and the number of lots have not increased from concept approval.

- 2. Utility easements and facilities**

#### **Staff Findings**

Public utility easements are shown on the preliminary plat submittal as 60' feet wide, located within in the private access easement to the east. There are no public facilities proposed.

- 3. Open space if required in concept approval: amount of land, location, use, ownership and management plan.**

#### **Staff Findings**

Open space is depicted on the preliminary plat, showing the amount of land, location, use, and ownership. The total area per the preliminary plat is 16.33 acres/ 50% equals 8.165 acres required open space. Applicant has proposed 9.75 acres of open space. A minor land division had been completed in 2020, dedicating open space. Applicant has proposed to keep the open space in the same location as the minor land division. Open space connects with existing and future logical open space on undeveloped adjoining land. Open space is deed restricted on the plat per Subdivision Ordinance §401.C.3.b. A management plan is not required as open space is not commonly-owned.

- 4. Homeowners' Association Codes, Covenants and Restrictions which carry out conditions imposed by the Council or the goals of the Ordinance and Comprehensive Plan. After approval by Council, County Legal staff will also review prior to recording of plat and codes.**

#### **Staff Findings**

No CC&R's have been proposed.

There were no conditions placed by Council regarding CC&R's.

The Comprehensive Plan does not require goals for the CC&R's.

5. **Street names. A street name must not duplicate an existing street name in the County or its cities; it must not be derogatory to any person or group.**

Staff Findings

An interior access easement has been proposed. If the developer chooses to create a street in the future, a name can be reviewed by Commission per the Bannock County Addressing Ordinance.

6. **Water Users Association organization and function.**

Staff Findings

The developer proposes individual wells.

Per Bannock County Subdivision Ordinance §406 WATER SYSTEMS:

§406.A. CULINARY WATER SYSTEMS: Culinary water systems must be approved by Division Environmental Quality, Bannock County Engineer, and District Health Department.

1. Such systems must be designed by a licensed engineer, who will sign the plans and certify that the system was installed according to the approved plans.

§406.B. ADDITIONAL REPORTS: The Council may require a report by a professional hydrologist at the applicant's expense. Said report shall indicate availability and quality of water; adequacy of water delivery system design, and maintenance.

1. Hydrologist shall be selected jointly by County Engineer and Council.

7. **A Maintenance and Operation Plan for all commonly-owned improvements.**

Staff Findings

A Maintenance and Operation Plan has been proposed as a Road Maintenance Agreement. This agreement addresses the maintenance and cost of the access easement.

**SECTION 303.C. – CRITERIA FOR APPROVAL**

The Preliminary Plat may be approved only if the reviewing authority finds that it satisfies the following criteria:

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.**

- a. **Conformance with the Council's approved concept plan**

Condition 1 states depict all current and proposed easements and rights-of-way located within the subdivision, on all subsequent plats, to include measurements and instrument numbers (when available).

Applicant has depicted easements with measurements. It is unclear if there are instrument numbers that should be referenced for existing easements.

Condition 4 states a cul-de-sac shall be placed within the north end of lot 2 to meet the Highway Standards and Roadway Development Procedures of Bannock County.

Applicant has provided an access easement to the buildable lots. The fire approved turn around will be provided when the structures are erected, per building and fire code. The access easement that runs along the east parcel line extends through the property. After closer review of the terrain, it would be difficult to build a cul-de-sac at the end of lot 2. It is recommended to remove condition 4 from the concept approval.

Council should determine if the proposal has met the conditions outline on the concept plan.

**b. Compliance with the Bannock County Subdivision Ordinance, other County Codes and Ordinances, and Idaho Code.**

Bannock County Zoning Ordinance:

The land is zoned Recreation (REC). The Recreation zoning district allows residential development, which requires a density of one dwelling per acre with an open space subdivision. Density requirements have been met.

Applicant has proposed individual well and septic.

Bannock County Subdivision Ordinance:

Applicant has proposed an access easement. Per §404.G, REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street.

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). The subdivision applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution power lines may be above ground with the Council's approval. In any City's Area of Impact and where that City's Subdivision Ordinance requires all underground utilities, that City's Ordinance shall apply.

Section 404.B requires floodplain, steep slopes, subwater, drainage easements, etc. be marked with an "R" and indicate by shading and shall be noted on the plat. It appears that over 25% of the lot could have slopes at 20% grade or greater. These slopes must adhere to §404.B.

Per §409.B.2, 100% of slopes greater than 35% grade shall be designated Open Space as set forth in 401.

Idaho Code:

Developer will need to research Idaho Code to ensure all provisions have been met.

2. **The street plan for the proposed subdivision will permit its development in accordance with this code.**

Applicant has proposed an interior access easement for all lots. Due to less than 4 lots being proposed, no interior street is required per Bannock County Subdivision Ordinance §404.G.

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.**

There is no street being proposed. The proposed interior access easement does extend to the south, allowing for the potential of future growth. The access does connect with Pheasant Drive, a right-of-way dedicated to the county.

4. **Lot lines and roads relate to land shapes and existing development.**

Lot lines and roads appear to relate to the land shape. All lots front the 60' interior access easement and public utility easement. The proposed interior access easement could become a future extension of Pheasant Drive.

**REPORT BY:**

Alisse Foster, Subdivision Planner  
alissef@bannockcounty.gov

**REPORT DATE:** October 7, 2024

*\*Staff comments in this report are based upon evidence available at the time of the report. Additional information may be brought to light at or before the hearing.*

**EXHIBITS:**

1. Application & Plat
2. Concept Findings
3. Road Maintenance Agreement
4. Stormwater Calculations
5. Agency Comments (if any)
6. Referenced Ordinances – On file



# EXHIBIT 1

## APPLICATION & PLAT





SPP-24-6

Subdivision Preliminary  
Plat Application  
Status: Active  
Submitted On: 9/12/2024

Primary Location

Owner

Applicant

 Matt Baker  
 208-380-9871  
 matt.baker@sunrise-  
eng.com  
 600 E Oak St  
Pocatello, Id 83201

Owner/Developer Information

Are the Owner and Developer the same?

☒

Owner Name\*

Tanner Purser

Street Address\*

14386 Attleboro Dr

City\*

Herriman

State\*

Utah

Zip Code\*

84096

Phone Number\*

801.696.9802

Email\*

tannerpurser@gmail.com

## Site Information

**Proposed Subdivision Name\***

Purser Acres Subdivision

**Parcel Number(s) \***

RPR 4227002007

**Proposed Number of Lots\***

3

**Concept Plan Approval Date\***

08/21/2024

**Quarter\***

SW &amp; NW

**Section\***

9

**Township\***

9S

**Range\***

38E

**Total acreage of parcel(s)?\***

16.33

**Zoning of parcel(s)?\***

Recreational District

**Drainage and natural features of the site (topography, slope, creeks, streams, etc.) \***

Steep slopes with some flatter areas

**Existing deed restrictions, easements, and rights-of ways\***

Depicted on Plat, There is a 50' wide access easement along the East boundary line and it has been widened to 60' per Bannock County Request

**Does the proposed subdivision have any existing well, septic, or structures? \* ?**

None

## Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name\*

Matt Baker

Phone Number\*

208.380.9871

Email \*

matt.baker@sunrise-eng.com

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## Preliminary Plat Information

**1. The Preliminary Plat is in conformance with the Bannock County P&D Council's approved Concept Plan, all applicable provisions of this Ordinance, other County Codes and Ordinances, and Idaho Code. \***

Yes, except the cul-de-sac, due to the number of lots. The turn around will be built on the lots themselves

**2. The street plan for the proposed subdivision will permit its development in accordance with this code. \***

Just private drive ways

**3. Street plan for proposed subdivision will permit development of adjoining land by providing access to that land by right-of-way dedicated to the County, or a developed street to property boundary. \***

There is no road being constructed to access adjacent parcels

**4. Lot lines and roads relate to land shapes and existing development. \***

Yes

## Acknowledgement

I hereby acknowledge that I have read this application and state that the information on this application is correct to the best of my knowledge. \*



Electronic Signature [Typed Name of Applicant]\*

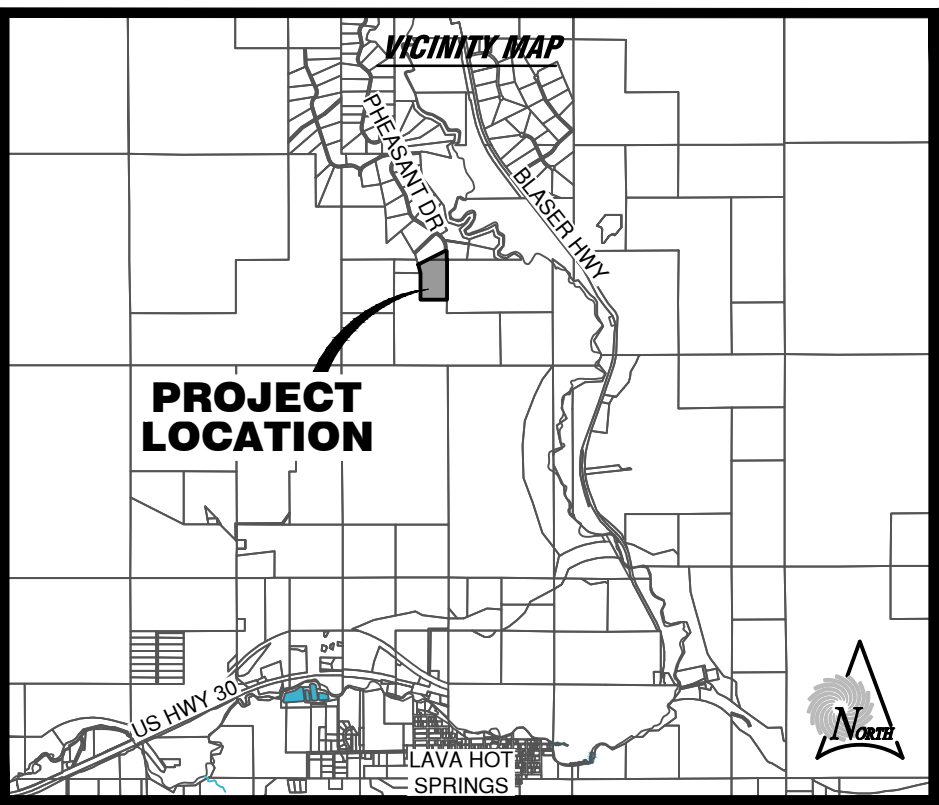
Matt Baker

Date of Signature\*







09/10/2024



LOCATED IN THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 9  
SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



### LEGEND

- |   |  |
|---|--|
|  | FOUND 1/4 CORNER AS NOTED  |
|  | FOUND 1/16 CORNER AS NOTED                                       |
|  | FOUND 5/8 INCH REBAR WITH 2 INCH ALUMINUM CAP STAMPED "PLS 9169" |
|  | FOUND 1/2 INCH REBAR WITH PLASTIC CAP STAMPED "PLS 9169"         |
|  | SET 5/8 BY 24 INCH REBAR WITH ALUMINUM CAP STAMPED "LS 13023"    |
|  | SET 1/2 BY 24 INCH REBAR WITH PLASTIC CAP STAMPED "LS 13023"     |

<b>5 BLOCK 1</b>	SUBDIVISION LOT/BLOCK NUMBER
<i>LOT 1 / BLOCK 1</i>	EXISTING SUBDIVISION LOT/BLOCK NUMBER
—————	SUBDIVISION BOUNDARY LINE
—————	SUBDIVISION LOT LINES
- - - - -	STREET CENTERLINE
— — — — —	SECTION LINES
—————	ADJACENT PROPERTY LINES
- - - - -	NEW EASEMENT SIDELINE
- - - - -	EXISTING 50' WIDE ACCESS EASEMENT SIDE RECORD OF SURVEY INST. NO. 22005203

(-P1)	RECORD INFORMATION PER INDIAN FALLS RECREATION DEVELOPMENT - PHASE 2 (INST. NO. 20915791)
(-S1)	RECORD INFORMATION PER RECORD OF SURVEY FOR KELDON & BECKY BOREN (INST. NO. 22005203)

## ***BASIS OF BEARING***

THE LATITUDINAL CENTER LINE OF SECTION 9 WAS  
ASSUMED N 89°52'13" E BETWEEN THE CENTER-WEST 1/16  
AND CENTER 1/4 CORNERS PER THE CENTRAL MERIDIAN OF  
IDAHO STATE PLANE EAST ZONE COORDINATE SYSTEM.

**COUNTY RECORDER'S CERTIFICATE**

PRELIMINARY PLAT FOR:  
**PURSER ACRES SUBDIVISION**  
 LOCATED IN THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF  
 SECTION 9, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE  
 MERIDIAN, BANNOCK COUNTY, IDAHO



REVISIONS	SURVEYED BY: MSB, RTS	
1.	OFFICE WORK BY: MSB, MLM	
2.	DATE: September 13, 2024	
DRAWING: P:\Purser, Tanner\10368-Parcel #RPR4227002007 - Subdivision Plat\SURVEY\CAD\Purser Base.dwg		
SCALE: 1 INCH = 100 FEET	PROJECT NO: 10368	SHEET 1 OF 2



EXHIBIT 2  
CONCEPT PLAN  
RECORDED FINDINGS-  
SCP-24-3

## BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

### CONCEPT PLAN – PHEASANT VALLEY SUBDIVISION PUBLIC HEARING: AUGUST 21, 2024

**FILE #:** SCP-24-3  
**LOCATION:** RPR4227002007, currently unaddressed.

<b>APPLICANT:</b>	<b>OWNER:</b>
Sunrise Engineering	Tanner Purser
Matt Baker	14386 Attleboro Drive
600 E. Oak Street	Herriman, UT 84096
Pocatello, ID 83201	

**REQUEST & BACKGROUND:** Matt Baker proposes a 3-lot open space subdivision with a total of approximately 16.33 acres, with the proposed name Pheasant Valley Subdivision. The development proposes individual wells and septic systems. The buildable lots will be between 3.0 and 3.58 acres in size. This subdivision is located 1.67 miles from the city of Lava Hot Springs boundary.

### FINDINGS:

#### JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

##### SITE CHARACTERISTICS AND ZONING:

**ZONE:** Recreation  
**PROPERTY SIZE:** ~16.33 acres  
**VIEWS:** The property is visible from the north, east and west.  
**IMPACT AREA:** None  
**FLOOD ZONE:** X, minimal  
**TERRAIN:** Steep slopes with some flatter areas.  
**EXISTING STRUCTURES:** None  
**OTHER:** The site has been historically used for agricultural purposes.

##### NOTICE AND TESTIMONY REQUIREMENTS:

Notice of the public hearing was completed according to statutory requirements. Public comment was taken according to statutory requirements.

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT SCP-24-3

## REQUIRED FINDINGS FOR CONCEPT PLAN – REVIEW CRITERIA, §302.E

1. The proposed tentative plan **is** in conformance with the Bannock County Comprehensive Plan; **is** in conformance with applicable provisions of this Ordinance, other County Ordinances, and Idaho Code. It is in conformance with open space regulations and the HSRDP. It is also in conformance with Policy 2.5.1 and Objective 3.2 of the Comprehensive Plan.
2. The proposed roads and bridges **are** designed and constructed according to Section 402 of the Subdivision Ordinance. A design deviation **was not** requested and **was not** granted to equal or exceed these standards for its purpose.  
The proposed access easement width is in accordance with HSRDP.
3. The proposed partitioning of land **does not** prohibit the extension of dedicated streets or roads.  
The access is a private access easement and is not a dedicated road.
4. The proposed partitioning **will not** conflict with legally established easements or access within or adjacent to the proposed land partition.  
The access easement as shown is an extension of an existing easement.
5. The blocks of lots **are** located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.  
The lots are laid out in a manner that best suits the topography and don't conflict with the adjacent subdivision lots.
6. The proposed property **is** physically suitable for the type and proposed density of development and **does** conform to existing zone standards.  
The proposal meets open space and lot density requirements, and it meets the minimum standards of the current zone.

(If adding approval conditions) with the following conditions of approval,

1. Depict all current and proposed easements and rights-of-way located within the subdivision, on all subsequent plats, to include measurements and instrument numbers (when available).
2. Access easement to be no less than 60' wide.
3. Access easement must connect to the parcel south of lot 3.
4. A cul-de-sac shall be placed within the north end of lot 2 to meet the Highway Standards and Roadway Development Procedures of Bannock County.
5. Include the proposed stormwater detention/retention methods and measures, adequate for controlling post development stormwater runoff, on the preliminary plat and construction plans.
6. All subsequent plats shall state: "Open space is a (Separate Lot or Common Owned Lot) and deed restricted against further development but may be used for farming, timbering, wildlife preservation or conservation, per Bannock County Planning and Development Council."
7. The subdivision name shall be changed and presented to Council on Preliminary Plat.

## ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request for Pheasant Valley Subdivision Concept Plan, as described in the application, shall be **approved**.

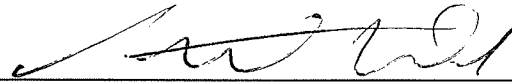
Motion by Chad Selleneit, seconded by Edward Ulrich to adopt the foregoing Findings and Order.

### ROLL CALL:

Councilperson Hill	Voted <b>Yes</b>
Councilperson Selleneit	Voted <b>Yes</b>
Councilperson Ulrich	Voted <b>Yes</b>
Councilperson Ward	Voted <b>Yes</b>

Motion carried by a 4 to 0 vote.

Dated this 21st day of August, 2024.



Signed by (Chairperson) (Vice Chair)

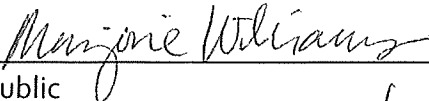
## ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)

S.S.

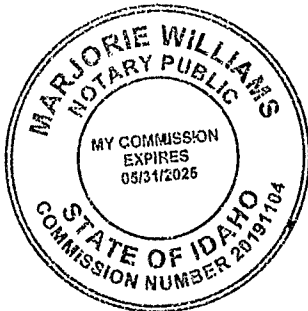
County of Bannock)

On this 21<sup>st</sup> day of August, in the year of 2024, before me Marjorie Williams, a notary public, personally appeared Stewart Ward, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.



Notary Public

My Commission Expires on 8/21 2025



BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT SCP-24-3

# EXHIBIT 3

## ROAD MAINTENANCE AGREEMENT



## ROAD MAINTENANCE AGREEMENT

This Road Maintenance Agreement ("Agreement") is made effective as of 9/12/24 by and between the following parties:

### 1. PARTIES:

- **Party A:** Tanner & Maddie Purser.
- **Party B:** Dave & Carey Roberts.

### 2. PURPOSE:

The purpose of this Agreement is to establish the terms and conditions under which the parties will share the costs and responsibilities for the maintenance, repair, and upkeep of the private driveway located off Pheasant Drive in Lava Hot Springs Idaho.

### 3. MAINTENANCE RESPONSIBILITIES:

The parties agree to the following maintenance responsibilities:

- **Routine Maintenance:** This includes grading, graveling, snow removal, pothole repairs, drainage maintenance, and any other general maintenance necessary to keep the Road in good and passable condition.
- **Major Repairs:** This includes any substantial repairs or reconstruction required due to significant damage or deterioration. Any major repairs must be agreed upon by a majority vote of the parties involved.

### 4. COST SHARING:

- All parties agree to share the costs associated with maintaining the Road. Costs will be divided equally among the parties unless otherwise agreed in writing.
- Each party shall be responsible for their share of the costs, payable within [Number of Days, e.g., 30 days] of receiving an invoice detailing the maintenance expenses.

### 5. DECISION-MAKING:

- Decisions regarding routine maintenance, emergency repairs, or major upgrades will be made by a majority vote of the parties. Each party is entitled to one vote.
- Any party proposing significant work on the Road must provide written notice to the other parties at least [Number of Days, e.g., 15 days] before the proposed work is scheduled to begin.

### 6. LIABILITY AND INDEMNITY:



- Each party agrees to hold harmless and indemnify the other parties from any liability, loss, damage, or injury resulting from their use or maintenance of the Road, except in cases of gross negligence or willful misconduct.

## 7. TERM AND TERMINATION:

- This Agreement shall remain in effect for [Number of Years or "indefinitely"] unless terminated by a unanimous written agreement of all parties. A party wishing to withdraw from the Agreement must provide at least [Number of Days, e.g., 60 days] written notice to the other parties.

## 8. AMENDMENTS:

- Any amendments or changes to this Agreement must be in writing and signed by all parties involved.

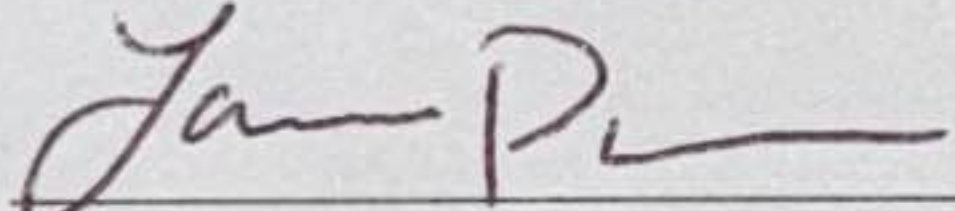
## 9. GOVERNING LAW:

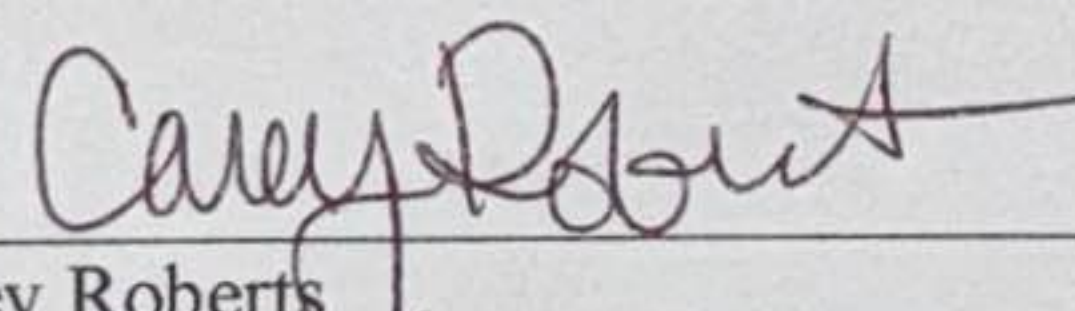
- This Agreement shall be governed by and construed in accordance with the laws of the State of [State].

## 10. ENTIRE AGREEMENT:

- This Agreement represents the entire understanding between the parties concerning road maintenance responsibilities and supersedes any prior agreements or understandings, whether written or oral.

**IN WITNESS WHEREOF**, the parties have executed this Road Maintenance Agreement as of the date first above written.

**Party A:**  
 Signature:   
 Name: Tanner Purser  
 Date: 9/12/24

**Party B:**  
 Signature:   
 Name: Carey Roberts  
 Date: 9/12/24



# EXHIBIT 4

## STORMWATER CONTROL PLAN

## **STORMWATER CONTROL PLAN FOR THE PURSER ACRES SUBDIVISION**

The Purser Acres Subdivision is located in an area bounded by Symons Road, Blaser Road and Pheasant Drive, north of Lava Hot Springs, Idaho. It is more specifically located in the NW ¼ and SW ¼ of Section 9, Township 9 South, Range 38 East, Boise Meridian.

The site covers a total land area of 16.33 acres, with 9.75 dedicated as open space. The developable Lots 1 and 2 occupies areas of 3.0 acres and 3.58 acres respectively.

A stormwater drainage basin map (Figure 1) has been attached indicating all areas of potential drainage sources and their conveyance. The project site consists of three lots, with two developable lots. There are two (2) basins on site representing Lots 1 and 2 of the subdivision. An estimated developable area of 1-acre has been assumed for each basin. A 50-year, 24-hour storm event was utilized in the computations, using a modified Bowstring Method. Rainfall Intensity data was obtained from Appendix B of the Idaho Transportation Department's Roadway Design Manual (2013).

The runoff volumes obtained for each lot is 2,609 ft<sup>3</sup>, to be contained on site. The computations are summarized in the table below.

Table 1: Stormwater Storage volume computations for the Purser Acres Subdivision

BOWSTRING (MODIFIED RATIONAL) WORKSHEET						
Design Storm	50 year			PROJECT :	PURSER ACRES SUBDIVISION	
Area	1.00 acres			BASIN:	LOT 1 OR 2	
Time of Concentration	10.00 min			DESIGNER:	DAVID ASSAN, PhD., P.E.	
Weighted Cpost	0.54			DATE:	9/3/2024	
Allowable Release Rate	0 cfs					

TIME t(min)	TIME t(sec)	Intensity (in/hr)	Qp(cfs)	Vin (cu.ft)	Vout (cu.ft)	Storage cu.ft
10.00	600	3.50	1.89	1520	0	1520
5	300	5.10	2.75	1107	0	1107
10	600	3.50	1.89	1520	0	1520
15	900	2.75	1.49	1639	0	1639
20	1200	2.25	1.22	1706	0	1706
25	1500	2.00	1.08	1840	0	1840
30	1800	1.75	0.95	1894	0	1894
35	2100	1.60	0.86	1991	0	1991
40	2400	1.45	0.78	2039	0	2039
45	2700	1.40	0.76	2195	0	2195
50	3000	1.25	0.68	2163	0	2163
55	3300	1.15	0.62	2176	0	2176
60	3600	1.10	0.59	2260	0	2260
65	3900	1.05	0.57	2327	0	2327
70	4200	1.00	0.54	2378	0	2378
80	4800	0.90	0.49	2432	0	2432
90	5400	0.85	0.46	2572	0	2572
100	6000	0.76	0.41	2546	0	2546
110	6600	0.71	0.38	2609	0	2609
120	7200	0.65	0.35	2599	0	2599
<b>Minimum Storage required</b>						<b>2609</b>

**Define Cpost**

Area	Type	Cpost	sq.ft	acres
1	Impermeable	0.95	17424	0.400
2	Permeable	0.264	26136	0.600
3				0.000
				0.000
<b>total acres</b>				<b>1.00</b>
<b>Weighted C</b>				<b>0.54</b>

**Volume Required for  
Storage**

INPUT NEEDED

OUTPUTS

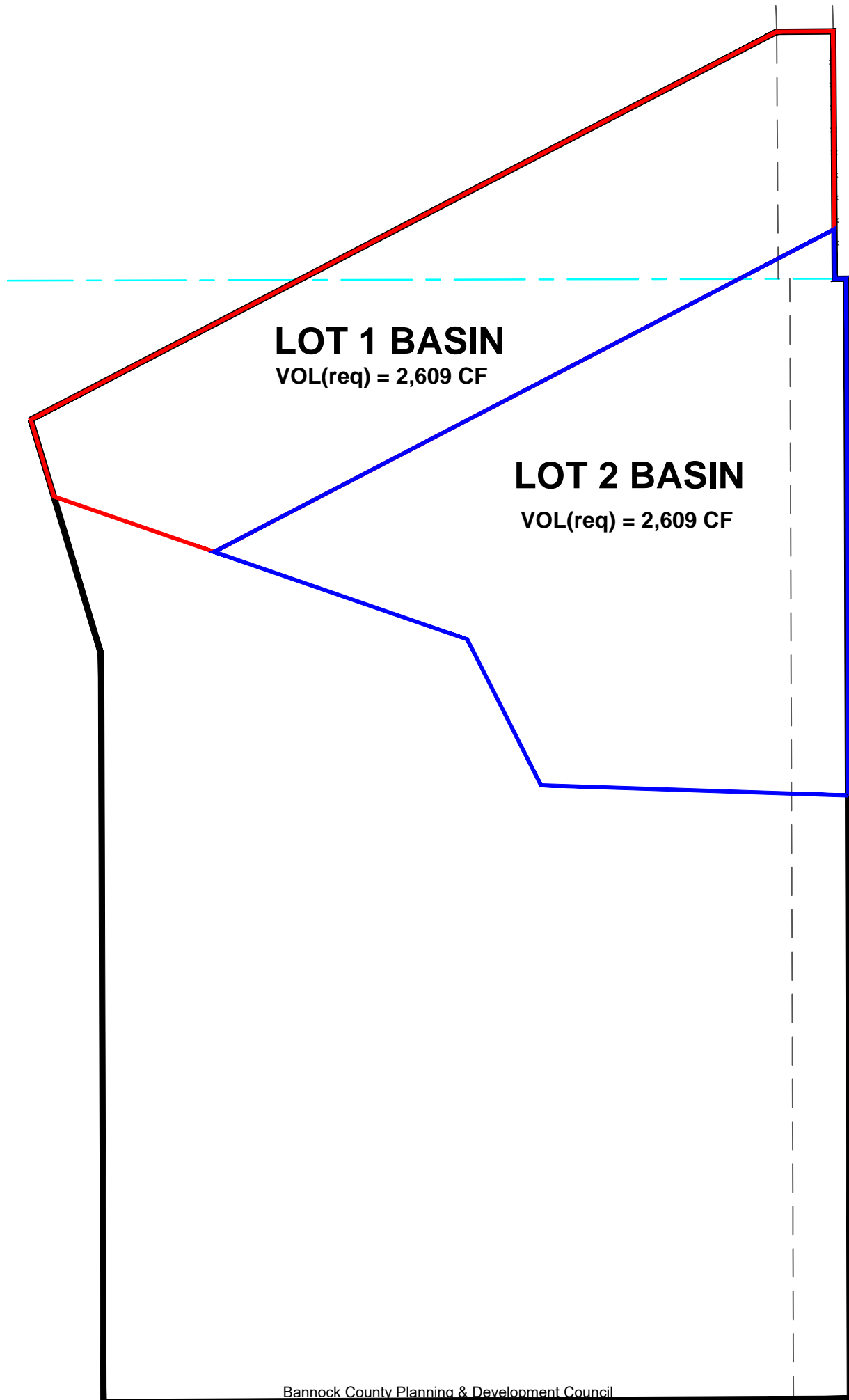


FIGURE 1: STORMWATER BASINS IN THE PURSER ACRES SUBDIVISION

# EXHIBIT 5

## ORDINANCE EXCERPTS

**340 RECREATION DISTRICT (REC)****341 PURPOSE:**

To encourage a compatible blend of recreation and tourist uses with public recreational uses in such a way as to preserve Bannock County's recreational resources.

**342 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

When considering designating land to the REC district, that land must meet the following criteria: the land is not suitable for agricultural uses; is adjacent to land already used for recreational purposes; is not environmentally sensitive; is not an important habitat for wildlife, and additional improved county arterial or collector roads would not need to be provided.

**343 PERMITTED USES - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN (SECTION 503)**

- A. Uses permitted in the RS district.
- B. Outdoor Recreational uses, such as skiing, tennis, stables, golf courses, commercial skating rinks, parks, and swimming pools, and the like.
- C. Uses which are accessory to the principal permitted uses listed above.

**344 USES CONDITIONALLY PERMITTED:**

- A. Uses conditionally permitted in the RS district.
- B. Indoor entertainment and commercial uses permitted in CG districts, except as shown on use chart, Section 395. Such uses include hotels, inns, indoor recreational activities such as bowling alleys, theaters, skating rinks, parks, dry cleaning shops, restaurants, R.V. parks, camp grounds, gift shops, and gas stations accessory to a commercial recreational facility.
- C. Public utility facilities, excluding distribution and service lines. **(Amendment No. 30 Ordinance #2015-5)**
- D. Mining.
- E. Non-hunting uses that involve firearms.
- F. Campgrounds and Recreational Vehicle parks.

Because no list of uses can be complete, decisions on specific uses will be rendered by

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the Office of Planning and Development Services with appeal to the Planning and Development Council available to the applicant.

### 345 PERFORMANCE REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT:

All new non-residential construction within the RECREATION district shall conform to the following standards:

- A. Existing attractive and healthy trees with trunk diameters of eight or more inches shall be preserved, unless they are in conflict with proposed building locations, create safety hazards, or are excluded from the Planning and Zoning Department's list of approved trees. Site plans shall be arranged so that suitable trees can be saved wherever possible. Tree removal plans shall be reviewed by the above department for compliance with this section. If a suitable tree is found to have been removed in violation of this section, the property owner shall replace it with one or two trees, as determined by the Planning Director, at least twelve feet in height for conifers or at least two inches caliper in diameter for deciduous trees.
- B. Site development will avoid unnecessary disturbance of ground so as to maintain existing native plant species, inhibit weed growth, and abate dust.
- C. Landscaped yards with full vegetative ground cover shall conform to the standards for the Residential Suburban district in terms of dimension. The rear yard requirement may be reduced by fifty percent if it abuts a commercial or industrial use. Front areas to be landscaped may be crossed by access drives or exits and sidewalks, but may not otherwise be paved. All landscaping must be maintained in a healthy, growing condition and conform to the following additional requirements:
  - 1. Landscaped yard areas shall contain at least one canopy tree for each fifty feet of lot width or length for the business in question. This shall be in addition to the landscaping required for the parking area of the building in question.
- D. **REPEALED (Amendment #31, Ordinance 2016-3)**
- E. Site plans shall be designed in such manner that they minimize the traffic impact of non-residential uses on local residential roads.
- F. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.
- G. Where a non-residential use abuts a residential use, the following standards shall be complied with concerning development of the non-residential use:
  - 1. The developer of any non-residential use shall provide between the residential use or district, and the developed portion of the non-residential use, a minimum of 50 foot

landscaped buffer (see Section 485.) It shall count as the required yard. All required buffer areas shall meet the requirements set forth in Sections 435 and 436.

2. Fences, whose design and materials shall be approved by the Planning Director, shall be erected and thereafter maintained along residential property lines to provide privacy and to prevent the intrusion of unwanted light, dust, or blowing debris.
3. Mechanical equipment must be screened to limit its visibility from neighboring residential uses and residentially zoned lands.
4. Noise-producing mechanical equipment must be located at least fifty feet from any common property line with residential uses and residentially zoned lands.
5. Lighting of the site shall not exceed fifteen feet in height and shall be directed away from residences, or residentially zoned land in the vicinity of the site.
6. Openings in buildings and activity centers on sites shall be located to minimize interference with residential uses.
7. Drainage from buildings and parking lot areas shall be detained on site and shall be directed away from residential land which abuts non-residential uses.
8. Loading and delivery entrances shall be located away from the interface with residential uses or zoning shall be screened to prevent the intrusion of the non-residential activities into the adjacent residential neighborhood.

346 SUBDIVIDING IN THE RECREATIONAL DISTRICT: The following methods of subdividing are permitted in the REC zone:

- A. Open Space Designed Subdivision (Sec. 401 of Subdivision Ordinance) with density of one dwelling per acre.

Open Space designed subdivisions are required if 25% or more of the subdivision is above 5000' elevation, or if the proposed subdivision includes important wildlife habitat.

Applicant may seek design deviations with regard to sewage treatment facilities and water delivery systems.

- B. Conventional: (when at least 75% of the area to be subdivided is below 5000' elevation) One acre minimum lot size. Such lots will be restricted from further division, and the plat and deeds shall so reflect.

1. Lots may not be further divided and plat and deeds must so indicate.

- C. Planned Unit Developments

1. Planned unit developments may be proposed in the REC district for uses permitted within the district.
  2. Design deviations may be applied to building bulk and placement requirements. Planned unit developments net density may be up to seven times greater than that which is permitted in the REC district.
  3. Minimum size for a planned unit development in the REC district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. **(Amendment #19 Ordinance #2008-4)**
- D. All subdivisions on a city boundary must be annexed into that city which has designated that land to be within its "Area of City Impact".
1. In the event the City declines, in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

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**347 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

The following table sets forth the building bulk and placement standards for the Recreation district:

**RECREATION DISTRICT****MINIMUM SETBACKS (FT)**

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM FREE-STAND- ING SIGN HEIGHT (FT)	MINIMUM % LAND- SCAPED	MAXIMUM STRUCTURE HT.
<b>PERMITTED USES:</b>							
Non-Residential Uses	30	50	20	20	20	5 %	35
Accessory Bldg. for Non-res. Uses	30	50	10	20	N/A	--	--
Parking Lots	30	50	0	0	5	5 %	N/A
Residential Uses	30	50	20	10	N/A	--	35
Residential Accessory Structures	30	50	10	10	N/A	--	--
Agricultural Structures	30	50	10	10	N/A	--	--
Farm Animal Structures	30	50	30	30	N/A	--	15

**(Amendment 63, Ordinance 2024-02)**

All structures shall be 100' from any stream or riparian area.

One-acre minimum lot area; larger lot sizes may be required by the Health Department.

1. The proposed tentative plan is in conformance with the Bannock County Comprehensive Plan; is in conformance with all applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.
2. The proposed roads and bridges will be designed and constructed according to Section 402 of this Ordinance. If a design deviation is requested, it shall equal or exceed those standards for its purpose.
3. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads.
4. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.
5. The blocks of lots are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.
6. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.

**302.F. CONDITIONS:** The Council may place conditions upon the proposed plat to bring it into compliance with the comprehensive plan. If the developer accepts those conditions, the developer may then proceed to Preliminary Plat review.

**302.G. DIVISIONS OF LAND INTO FOUR OR FEWER PARCELS:** A one-time division into four or fewer parcels if it meets the following criteria: **(Amendment No. 5 Ordinance 2022-03)**

- access for each lot is from maintained county road or a private shared driveway
- utilities are available
- a public hearing is not required
- all other Zoning and Subdivision requirements apply

1. Such divisions must be filed as Records of Survey, and shall be prepared in accordance with Chapter 19, Title 55 of Idaho Code. All other standards, requirements, processes and criteria of this Ordinance shall be met. Survey notes and or other conditions may be required.

**302.H. TIME LIMITS:** Approval of the Concept Plan is valid for one year from the date of approval by the Council. Concept or Master Plans not advanced to Preliminary Plat review by the Council within one year of Concept approval by the Council must be resubmitted for a new Concept/Master Plan approval.

### **303 PRELIMINARY PLAT REVIEW:**

**303.A. SUBMITTAL REQUIREMENTS:** Preliminary Plat review will be considered by the Council as a business item at subsequent, regularly scheduled meetings of the Council. The following items must be submitted to the County Engineer and Planning Department at least 30 days prior to the Council's regular monthly meeting:

1. PLAT: The Preliminary Plat shall be drawn up to a scale of one inch equals 100 feet or one inch equals 200 feet, prepared by a land surveyor or engineer licensed to practice in Idaho. The scale may be increased or decreased provided such deviations obtain approval by the County.

A copy, reduced to 11" x 17" shall be provided also. Map shall show:

- a. TITLE BLOCK: Date of submittal; north arrow; scale of drawing; tax parcel number(s); legal description sufficient to define the location and boundaries of the proposed subdivision by Section, Township, and Range; identification clearly stating that the map is a Preliminary Plat; plat name; engineering or surveying firm and license number of the surveyor or engineer.
- b. The location, width, and names of all existing or platted streets, ways, or public ways in the proposed subdivision or within 660 feet of the proposed subdivision; easements; railroad rights-of-way; and other important survey features, such as section lines and corners, found monument, and city boundary lines.
- c. Contour lines of existing grade shall be shown at the following minimum intervals, and shall be related to some established bench mark or other datum as approved by the County Engineer: (1) Five foot contour intervals for ground slopes between five and ten percent; (2) Ten foot contour intervals for ground slopes exceeding ten percent; and (3) For a rural area, contour lines shall be at intervals necessary to properly indicate the ground contour and to design the street pattern and lot layout, and shall be related to some established bench mark or other datum as required by the County Engineer.
- d. The location and direction of all water courses including a delineation of the high water mark.
- e. Natural features, such as rock outcroppings, marsh lands, wooded areas, bodies of water, preservable trees.
- f. Existing uses of the property, including the location of all existing structures or fences on the proposed plat and within 660' of its boundary, and proposal for use or removal of the structures and fences on the proposed plat.
- g. Proposed streets showing the location, widths, names, approximate grades, and approximate radii of curves and the relationship of all streets to any projecting streets.
- h. The location and width of all existing and proposed easements, including the purpose of such easement.
- i. Lot layout showing approximate (to within 10') dimensions, lot sizes within 5% of actual at Final submittal, and proposed lot and block numbers.



- j. Any other information on plat requested by Council, Engineer or Planner during Concept review and approval.
- 2. Drainage Plan in same detail as contour for existing grade described above.
- 3. Other engineering or study data required by Council or County Engineer.

**303.B. REVIEW:** The Council will review the Preliminary Plat as a business item, considering the plat for:

- 1. Conformance to concept approval. Preliminary Plats which:
  - a. alter water sources or delivery systems, or other utilities including sewage treatment, as approved in concept;
  - b. increases the total number of lots by 10 percent or more, or
  - c. change access points to existing collector or arterial roads or streets by a distance greater than 50' and not recommended by Staff or Council during concept approval, shall require a new concept review and a new review fee as established by the Board.
- 2. Utility easements and facilities.
- 3. Open space if required in concept approval: amount of land, location, use, ownership and management plan.
- 4. Homeowners' Association Codes, Covenants and Restrictions which carry out conditions imposed by the Council or the goals of the Ordinance and Comprehensive Plan. After approval by Council, County Legal staff will also review prior to recording of plat and codes.

**(a) Maintenance** of facilities. The developer shall fund the Homeowners' Association as follows:

- \$5.00 per lot for the water system, if any
- \$5.00 per lot for the sewage treatment facility, if any
- \$15.00 per lot for road maintenance and snow removal.

The number of lots in the total Master Plan shall be used to determine the funding. Funds may be held in an interest bearing account. At recordation of the plat or record of survey, the facilities will be transferred to the Homeowners' Association for maintenance. The Homeowners' Association will begin collecting an annual fee from all lot owners to add to initial funding. This fund will be used to repair and maintain utility systems and roads. Thereafter, all improvements shall be maintained by the Homeowners' Association in perpetuity or until connection to a municipal system.

All conditions imposed by the Council will be printed on the plat. All codes, covenants and restrictions applying to infrastructure or public facilities to be provided by the developer will be printed on the plat. A change of such conditions, codes, covenants or restrictions is deemed a replat and must be submitted and processed according to this Ordinance.

**(b) Membership** of Homeowner' Association: All lot owners shall be voting members of the Association. Owners of multiple lots shall have one vote.

5. Street names. A street name must not duplicate an existing street name in the County or its cities; it must not be derogatory to any person or group.
6. Water Users Association organization and function.
7. A Maintenance and Operation Plan for all commonly-owned improvements.

**303.C. CRITERIA FOR APPROVAL:** The Preliminary Plat may be approved only if the reviewing authority finds that it satisfies the following criteria:

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.
2. The street plan for the proposed subdivision will permit its development in accordance with this Code.
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.
4. Lot lines and roads relate to land shapes and existing development.

**303.D. CONDITIONS ON PRELIMINARY PLAT:** The Council may place conditions on the Preliminary Plat which enable the plat to meet criteria for approval. If the applicant accepts the conditions, he or she may proceed to Final Plat review.

**303.E. TIME LIMITS ON APPROVAL:** Preliminary Plats not recorded as a final plat in accordance with Section 304 within two years of the date of approval by the Council as evidenced by the Council's written decision shall become null and void unless a time extension is granted. Developer may apply to the Council for up to two time extensions of one calendar year each. The developer of any valid Preliminary Plat approved prior to the Subdivision Ordinance Amendment effective date may apply for up to two time extensions of one calendar year each from the date of Preliminary Plat approval.

Extension requests will only be granted if 100 percent of the engineering plans are submitted or upon a showing of "good cause." The Council has the sole discretion to determine whether a showing of good cause has been made. The maximum number of extensions shall not exceed two (2) requests, or two years total. The maximum time from

Preliminary Plat approval to the recording of the Final Plat shall not exceed four years total except for valid Preliminary Plats approved prior to the Subdivision Ordinance amendment effective date. Council shall consider the request for an extension of time as a business item.

### **304 FINAL PLAT:**

The County Engineer and Planner shall review the proposal to insure that any conditions the Council placed on the plat have been complied with, and that the performance standards of this Ordinance, and requirements of Idaho Code have been complied with. The Engineer will compare the submitted plat to the approved Preliminary Plat, and if it conforms, applicant and staff shall proceed as follows:

**304.A. SUBMITTAL REQUIREMENTS:** In addition to the items required for the Preliminary Plat approval, the following must be submitted and approved by the County Engineer. See Section 400 also. **(Amendment No. 5 Ordinance 2022-03)**

1. As built engineering details for water delivery systems, both culinary and irrigation.
2. Landscaping detail and fence cross sections, if applicable.
3. Bridge, road and street cross sections and profiles, weight capacity calculations.
4. Engineering for any other improvements on plat.
5. Final Codes, Covenants and Restrictions.
6. Maintenance and Operation Plans for commonly owned utilities and open space.
7. Homeowner' Association incorporation documents; codes, covenants and restrictions.
8. A copy of the subdivision plat as approved with conditions, if any, will be submitted with a number assigned to every lot corner, and at all angle points and points of curvature compromising the boundary lines of said lots or the centerline of streets, roads and special easements.
9. The bearing and distance, or two parts of curve (radius, length of curve, delta, etc.) in the case of curved lines will be down between coordinate pairs which traverse lot boundary lines or street centerline.
10. Dedication statements on the plat.
11. Plans and engineering detail for all work required by design standards found elsewhere in this ordinance.

**304.B. SIGNATURES and CERTIFICATIONS REQUIRED:** County Engineer will have example dedication statements required on plat.

# FINDINGS

# BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

## PRELIMINARY PLAT–PURSER ACRES SUBDIVISION MEETING DATE: OCTOBER 16, 2024

**FILE #:** SPP-24-6  
**LOCATION:** RPR4227002007, currently unaddressed.

<b>APPLICANT:</b>	<b>OWNER:</b>
Sunrise Engineering	JP Rentals LLC
Matt Baker	Tanner Purser
600 E. Oak Street	14386 Attleboro Drive
Pocatello, ID 83201	Herriman, UT 84096

**REQUEST & BACKGROUND:** Matt Baker proposes a 3-lot open space subdivision with a total of approximately 16.33 acres, with the proposed name Purser Acres Subdivision. The development proposes individual wells and septic systems. The buildable lots will be between 3.0 and 3.58 acres in size. This subdivision is located 1.67 miles from the city of Lava Hot Springs boundary.

### FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

#### SITE CHARACTERISTICS AND ZONING:

**ZONE:** Recreation  
**PROPERTY SIZE:** ~16.33 acres  
**VIEWS:** The property is visible from the north, east and west.  
**IMPACT AREA:** None  
**FLOOD ZONE:** X, minimal  
**TERRAIN:** Steep slopes with some flatter areas.  
**EXISTING STRUCTURES:** None  
**OTHER:** The site has been historically used for agricultural purposes.

**CRITERIA FOR APPROVAL:**

- 1. The preliminary plat **[is] [is not]** in conformance with the Bannock County Planning and Development Council’s approved Concept Plan, all applicable provisions of the Bannock County Subdivision Ordinance, other County Codes and Ordinances, and Idaho Code.

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- 2. The street plan for the proposed subdivision **[will] [will not]** permit its development in accordance with the Bannock County Subdivision Ordinance.

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- 3. The street plan for the proposed subdivision **[will] [will not]** 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.

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- 4. Lot lines and roads **[do] [do not]** relate to land shapes and existing development.

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**CONDITIONS** (If any)

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**ORDER: CONCLUSION AND DECISION**

The Planning and Development Council, pursuant to the aforementioned, finds that the request of the Preliminary Plat for Purser Acres Subdivision, as described in the application, shall be **[approved]** **[denied]** **[tabled]**.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the foregoing Findings and Order.

**ROLL CALL:**

Councilperson Dimick	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Madsen	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Selleneit	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Ulrich	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>
Councilperson Ward	Voted <b>[Yes]</b> <b>[No]</b> <b>[Absent/Recused]</b>

Motion carried by a \_\_\_\_\_ to \_\_\_\_\_ vote.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Signed by (Chairperson) (Vice Chair)

**ACKNOWLEDGEMENT CERTIFICATE**

State of Idaho)

S.S.

County of Bannock)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2024, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.

S  
E  
A  
L

\_\_\_\_\_  
Notary Public  
My Commission Expires on \_\_\_\_\_ 20\_\_\_\_

# EXAMPLE MOTION

### **EXAMPLE MOTION**

Based on the record and the discussion this evening, I move to **[approve]** **[deny]** **[table]** the request for the preliminary plat of Purser Acres Subdivision, as described in the application materials as supplemented with additional information attached in the staff report and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

(IF ADDING APPROVAL CONDITIONS) with the following conditions of approval,

1. ....
2. ....

# AGENDA ITEM NO. 7

## ITEMS OF INTEREST

- a) Update on recommendations to Commissioners
- b) Discussion of upcoming hearing items
- c) Announcements