



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

AGENDA

BANNOCK COUNTY

PLANNING & DEVELOPMENT COUNCIL MEETING

NOVEMBER 20, 2024 – 5:15 PM

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

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.

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.

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, or coming into the office.

AGENDA ITEM NO.	1.	ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST – EX-PARTE COMMUNICATION AND SITE VISIT 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 a) Agenda Clarification and Approval (Action Item) b) 2025 Meeting Schedule Approval

PLANNING & DEVELOPMENT COUNCIL MEETING
NOVEMBER 20, 2024

AGENDA ITEM NO. 3. APPROVAL OF MINUTES (**ACTION ITEM**)
a) June 5, 2024
b) June 19, 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 one development right 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)

BUSINESS ITEMS

AGENDA ITEM NO. 5. PRELIMINARY PLAT APPROVAL – SHADOW RIDGE ESTATES: Jose Nava requests preliminary plat approval for tax parcels RPRRMICoo2100 and RPRRMICoo2000 in accordance with procedures and standards established in the Subdivision and Zoning Ordinances. Type of action: Decision.
(ACTION ITEM)

AGENDA ITEM NO. 6. ITEMS OF INTEREST
a) Update on recommendations to Commissioners
b) Discussion of upcoming hearing items
c) Announcements

AGENDA ITEM NO. 7. CITIZEN COMMENTS
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. 8. ADJOURN

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. Written testimony of fewer than two (2) pages must be received by the Planning and Development Services office no later than November 12, 2024. Written testimony may also be sent to 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.

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.

AGENDA ITEM NO. 2

2025 Meeting Schedule Approval



Planning and Development

PLANNING & DEVELOPMENT COUNCIL 2025 MEETING SCHEDULE

The Planning and Development Council's regular meeting time is 5:15 p.m. Meetings are held in Conference Room 1, Office of Planning and Development Services, 5500 S 5th Ave, Pocatello, Idaho 83204 (Meeting location subject to change). Public hearing and business items need to be received by the Office of Planning and Development Services on or before the due date.

<u>MEETING DATE</u>	<u>PUBLIC HEARING AND BUSINESS ITEMS DUE BY:</u>
JANUARY 15, 2025	DECEMBER 16, 2024
FEBRUARY 19, 2025	JANUARY 20, 2025
MARCH 19, 2025	FEBRUARY 17, 2025
APRIL 16, 2025	MARCH 17, 2025
MAY 21, 2025	APRIL 21, 2025
JUNE 18, 2025	MAY 19, 2025
JULY 16, 2025	JUNE 16, 2025
AUGUST 20, 2025	JULY 21, 2025
SEPTEMBER 17, 2025	AUGUST 18, 2025
OCTOBER 15, 2025	SEPTEMBER 15, 2025
NOVEMBER 19, 2025	OCTOBER 20, 2025
 <u>LOOKING AHEAD TO 2026</u> 	
JANUARY 21, 2026	DECEMBER 22, 2025

When the application is submitted thirty calendar days prior to the meeting date, and determined to be complete, the item will be scheduled on the next available meeting, which is the third Wednesday of the month.

AGENDA ITEM NO. 3

Approval of Minutes

- June 5, 2024
- June 19, 2024

BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

DRAFT MEETING MINUTES | June 5, 2024

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

Stewart Ward calls the meeting to order at 5:17 pm.

A. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:

Present Council Members: Stewart Ward will recuse himself from Agenda Item #4 as he is presenting, and also Agenda Item #5 because he has a business relationship on that project. Chad Selleneit, Barbara Hill (via Zoom), David Evans.

Excused/Absent Council Members: Edward Ulrich.

B. PRELIMINARY BUSINESS:

- a. AGENDA CLARIFICATION AND APPROVAL – Hill makes a motion to approve the Agenda as outlined. Ward seconds. Motion passes unanimously by acclamation.
- b. Swear-In to Planning and Development Council – David Evans
- c. Swear-In to Planning and Development Council – Chad Selleneit

C. APPROVAL OF MINUTES:

Ward asks for a motion to approve minutes from December 13, 2023. Hill moves to approve the minutes as written. Evans seconds.

Motion passes unanimously by acclamation.

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

Hill runs the meeting for Agenda Items 4 and 5.

D. PUBLIC HEARING ITEMS:

4. SUBDIVISION CONCEPT PLAN: STAN'S INDUSTRIAL PARK – Steward Ward with Dioptra, 4880 Clover Dell, Chubbuck, proposes a 10-lot planned unit development subdivision with a total of approximately 5.00 acres. The development proposes connection to City of Pocatello water and sewer. Nine of the 10 lots are proposed office/shop-type buildings. One is currently built on Lot 1. Lot 10 is an existing transitional housing building. Because the City of Pocatello is looking to annex this area July 1st, they are proposing to build to City standard instead of County. By going through the Planned Unit Development process, those design deviations were presented as part of their pre-development meeting with the Commissioners and were approved, so this application does not have any specific design deviations. The developer is paying for the entire infrastructure (road, water, sewer, utility extensions). All storm water will be retained on site. Stan's Lane is extended through the property to the northeast line, allowing connection to further roads. They are proposing a temporary fire turnaround on the northeast end until it's connected. The 60' access easement in the front will be replaced by a new public road right-of-way of 50'.

Alisse Foster, Subdivision Planner, presents the Staff Report. She notes that the subdivision was reviewed in a joint meeting by Commission and Council in March. The Commission didn't have many requirements for them. They chose a PUD because it is what gave them the greatest density to move forward and work with their concept. This would match closer to what the City has in that area. Multiple use requires a commercial designation so that needs to be noted on the plat. There is an agreement with the City for Lots 1 and 10 but not for the back half so they need to work towards the agreement put into place.

Evans asks if GCs have to be a minimum of five acres. Foster says commercial can go down to one acre but because this is a PUD, they can get a greater density. They're also connecting to City services.

Hill asks if the back half of the property is not part of the annexation with Pocatello. Foster says that it is. The agreement is already in place for parcel one, which is the proposed Lots 1 and 10 that are connected to City services. They just need documentation for the next application that the rest of the lots will be connecting to City services.

Hill invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Hill invites the Applicant up for comments.

Ward says it is their understanding that the annexation agreement was for the whole property. They will need to just coordinate that with the City. They are planning to have fire hydrants because they are putting in City water. He also notes that this is a commercial development and asks that the condition for a school bus drop off be stricken.

Hill proceeds on to discussion and review of the findings.

1. The proposed concept plan is in conformance with the Bannock County Comprehensive Plan, is in conformance with the applicable provisions of the ordinance, and other County ordinances, and Idaho code. As a Planned Unit Development, it is in conformance with County ordinances. Objective 1.2 and 1.3 reference working with other governments and they are working to ensure compliance with the City of Pocatello. Objective 4.2: because this is a commercial development, there will be additional jobs, businesses and economic development. Objective 5.3: the roads are going to meet City of Pocatello standards due to future annexing and Stan's Way will connect with neighboring properties when they are developed.
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 purposes. Because we are in the City of Pocatello and connecting to Pocatello services, that's not considered a deviation. They will be constructed as per the governmental body that they will reside in. They are leaving the road available to connect to neighboring property when developed.
3. The proposed partitioning of land does not prohibit the extension of the dedicated streets or roads. It is built according to the best use of the property and the road is being built in such a way that it can connect the properties to the east once developed.
4. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition. The development is the best use of the land is laid out in the best way given the characteristics of the property. The existing easement will be vacated and replaced with a 50-foot easement to conform with the City of Pocatello standards.
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 have been laid out to allow for the subdivisions to have all of the utilities in the streets. The ratio of the lots does not exceed the Bannock County Subdivision Ordinance of 1:5. The roads allow for connection for future developments of adjacent properties.
6. The proposed property is physically suitable for the type and proposed density of development and does conform to existing zone standards. There is commercial currently on the property and the Planned Unit Development allows for the density that is proposed.

Evans makes a motion, based on the record and discussion this evening, to approve the request for Stan's Industrial Park concept plan, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair with the following conditions:

1. Fire suppression requirements shall be resolved with the local fire jurisdiction before the preliminary plat application and written requirements included in the application. Location of any required fire suppression must be depicted on all subsequent plats.
2. A note to be placed on all subsequent plats stating all lots shall access the interior subdivision road.
3. Provide location of central mailboxes on the preliminary plat.
4. Depict all current and proposed easements and right-of-ways located within the subdivision, and all subsequent plats to include measurements and instrument numbers when available.
5. Structures and setback measurements shall be depicted on preliminary plat only.
6. Proposed road name to be placed on all subsequent plats.
7. Road and utility easements shall be designed and constructed according to the highway standards and roadway development procedures for Bannock County.
8. Utility easement shall be labeled as public utility easement.
9. Provide development agreement with the City of Pocatello to connect to City services. Preliminary plat submittal instrument numbers must be referenced on the final plat.
10. Include the proposed stormwater detention/retention methods and measures with the calculations adequate for controlling post-development stormwater runoff on all preliminary plat construction plans.
11. Landscape of stormwater ponds will be at the cost of the developer as part of the construction plans.
12. The proposed landscape plans to include location and type of landscaping. Material will be submitted with preliminary plat and construction plans.
13. All subsequent plats shall state all lots are currently zoned by Bannock County Multiple Use District and are redesigned for the commercial general district per Bannock County Zone Ordinance 1998-1350.
14. Plats shall state it is a Planned Unit Development.
15. Declaration statement for the City of Pocatello on final plats.
16. Plat shall state stormwater drainage swales shall not be filled.

Selleneit seconds the motion.

Roll call. Selleneit – approves. Hill – yes. Evans – approves. Motion to approve passes 3-0.

5. SUBDIVISION CONCEPT PLAN: DALLAS SUBDIVISION – Brady Smith proposes an 8-lot open space subdivision with a total of approximately 15.26 acres. The development proposes community well and individual septic systems. The buildable lots will be between 0.61 and 1.10 acres in size. They were initially looking at doing a commercial subdivision and/or a residential subdivision and were told they could do either/or. Staff eventually determined that this would be designated residential only which is how they came to the present arrangement. Staff recommended they ask for a variance for the lot that is less than one acre so they can parcel it off and still keep the current buildings and infrastructure (septic and well) with no impact other than the conditioned approach. In the past 30 days they've learned that there's a moratorium on community wells. They would prefer to do a community well but since it isn't allowed they are looking to do an independent septic and well for each lot. They are committed to following all DEQ and Health Department requirements. They are aware of community concerns about the road and will try to bring the existing road to the same gravel standard as the new section.

Alisse Foster, Subdivision Planner, presents the Staff Report and notes that condition number 20 could be stricken. Lot 8 is being proposed to be less than 1 acre so Council will need to approve a variance to adjust the lot size. Applicant is proposing to come off an existing private road (Dallas Road) and have requested to not bring that section up to current standard. Staff is recommending that the Applicant build the existing road to current standard at the width of 50'. Dallas Road is not an easement and the developer owns Dallas Road from a deed standpoint. Lot 8 will need a design deviation for its own approach to access off of Yellowstone as opposed to the interior subdivision road.

Hill asks if Staff has an opinion on using Yellowstone as an approach. Foster says it is an existing gravel approach meeting the road, so Council may consider having them update the approach to match materials. They would have to pull another permit through ITD because they have jurisdiction. There is a home and accessory structures by the approach which will be parceled separately from the subdivision because the access is already in place. Barb asks if it will still be part of the subdivision. Staff confirms.

Council asks about the Highway Department advising against the access from Yellowstone. Foster spoke with ITD today and they didn't see any concerns because it is one home coming off the existing approach. They would have more concern if the entire subdivision was coming off of Yellowstone. She notes the condition to adjust the cul de sac roads that are not allowed in the open space according to ordinance. The utility easement could be in the open space.

Hill invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: Greg Zaccardi, 13908 N. Dallas Drive, asks why a community well isn't feasible. He says that they have spent their own time and money to maintain the gravel road and do not want to pay to have it paved when it's the owner's responsibility. He says that no one will be able to get out of the subdivision in the winter unless the snow is plowed. He asks where the mailboxes will be located as there isn't room at the head of Reservation Road.

Larry Zahm, 13810 Dallas, says it was a private dead-end road when he bought his place. He does the snow plowing and gravel hauling for the road and isn't going to do the upkeep for another subdivision to use the same road. He says it doesn't seem right to have all of the traffic up there and the subdivision when it was originally a dead-end road.

Kevin Ward, 12805 W. Reservation Rd, has property on Dallas Drive. His family previously owned the proposed subdivision property. He had the property surveyed in 2021 ensuring there was property available for a proper ingress and egress. Now he has concerns about the proposed impact on his neighborhood as the developer plans to use Dallas Dr to access the subdivision. He says traffic from six more homes will be detrimental to the road and asks Council to require the Applicant to upgrade and pave Dallas Drive. He is especially concerned about added septic contaminating their wells and asks that the property be assessed for drainage. He requests the Council impose deed restrictions to hold open space.

Frank Nichols, 13854 N. Dallas Dr. He is against this concept and feels the road should be taken up to Yellowstone Highway. He says it will impose a hardship on seven families as there are too many things involved to give them proper access without the main road going all the way through. He says this is the worst road design he's ever seen.

Hill invites the Applicant up for rebuttal.

Smith reiterates that the Department of Water Resources is who's controlling the moratorium. If they could do a community well system, they would. The owner is aware that the road is going to be private and is aware of the maintenance. Smith doesn't believe that his client has asked the neighbors to do anything. He says the comment that the subdivision was platted is incorrect and that it was actually a record of survey. They are aware that a perc test will be required by the Health Department, which is standard practice for any septic system. If the soil isn't suitable for a traditional system, there are advanced treatment options. They believe they have enough room within the lots for the emergency turnaround to be out of open space.

Evans asks how they will get the turnaround out of open space. Smith says they will slide the bulb to the west. They'll make sure that the dedicated portion for the road will be out of the open space. The easement will potentially protrude within that, but he doubts it will be needed

in there anyway. He has checked the intrusion and acreage and says they have enough room to still meet the 50% open space. Evans clarifies that Dallas Lane is currently 50' wide and the new proposed section would be 60' and widen back out. Smith confirms. The proposal is to have a gravel top appropriate for emergency services, etc. The turnaround is within the Road and County Bridge specs. They've tried other configurations and this is the one that the County prefers. Evans asks how long the current gravel section is. Smith says it's less than a quarter mile.

Hill asks what assurance the neighbors have that the road will be maintained and whether there's been consideration to turn over to the County once the subdivision is completed. Smith says this was discussed but it wasn't feasible to bring the road up to standard for the County to take over. The owners also want to keep the road private and not have a public right-of-way. Hill asks Burmester if paving is the only additional feature that the County would need to take over the road. Burmester confirms.

Hill asks Staff if there are any CC&Rs. Foster says she did not see any, but that doesn't mean there aren't any. New subdivision CC&Rs are usually proposed at preliminary plat and maintenance and operation plans. Hill asks if the open space will be dedicated on the plat. Foster says the Applicant will need to determine whether they're doing a separate or common-own lot and Condition 18 says it's deed restricted against further development but may be used for farming, etc.

Smith says during preliminary discussions, they were told that the County was working on the open space ordinance so it could change down the road. He says that information dictated some of their decisions and a deed restriction would restrict some of their future options.

Selleneit says that the developer owns the road and there's no easement for current landowners. Smith says it's a prescriptive easement. Selleneit asks for clarification on what kind of road maintenance will be done in the future. Smith says that in Condition 21 they will be required to provide a maintenance and operations plan with the preliminary plat. He suggests that it be taken a step further to a maintenance and operation agreement where the conditions are defined. Hill asks if the developer owns the existing road and the new proposed road. Smith confirms.

Evans asks if the owner has always owned the property from the existing road and if it came with an easement. Carrie Holm, 5335 Kymball, Chubbuck, ID, says that the road was included with the purchase of the property but was a separate transaction because they're separately recorded. Smith says it's an access easement.

Kevin Ward says he developed the four lots 35 years ago. At the time, the road had to be 50' wide to meet County standards. His intent was to always have the road service the four lots.

Kevin Ward then sold the property and road to Mr. Briscoe. Hal Jensen, Staff, asks if they are allowed to develop the subdivision and connect to a current gravel road, they meet the original four-plat subdivision standard. Kevin Ward says that the road was intended to be paved upon development because the gravel road wouldn't be suitable for six added residences.

Hill asks Staff to talk about allowing a variance for the initial lot to be less than one acre. Foster says they requested two design deviations: 1) To not bring the existing Dallas Road up to current standards, 2) to allow Lot 8 to access from its current approach off of Yellowstone instead of an interior subdivision road. Condition 6 says all lots shall be a minimum of one acre or have an approved variance before preliminary plat.

Hill proceeds on to discussion and review of the findings.

1. The proposed tentative plan is in conformance with the Bannock County Comprehensive Plan and is in conformance with the applicable provisions of other County Ordinances and Idaho Code. They are developing the property within County standards. The developer is going to bear the cost of the infrastructure, Objective 1.1.1. Objective 1.2: There are call outs with respect to storm water and they are leaving the opportunity for open space to continue with other types of uses. Objective 1.5: The land use doesn't violate private property rights.
2. The proposed road and bridges are designed and constructed according to Section 402 of the Subdivision Ordinance, a design deviation was requested and was granted to equal or exceed these standards for its purpose. The cul de sac will not be in open space. The existing Dallas Road is approved at 50' and the new proposed section within the plat will be 60'.
 - i. The literal interpretation and enforcement of the regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of these standards. The access from Yellowstone Highway is a private driveway and does not have public access. Because of the proposed open space, they couldn't run that road through the property.
 - ii. There are extraordinary site characteristics applicable to the property involved, or to the intended use of the property which does not generally apply to other properties. It's a private driveway off of Yellowstone that would require structures to be moved and would violate the open space ordinance if it wasn't allowed.
 - iii. The literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties. It would require building structures to be moved and would not allow them to have an open space subdivision because it would require division of the open space lot.

- iv. Granting the variance will not constitute a of special privilege inconsistent with the limitations of other properties. Open space has to remain one lot.
- v. The granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity. It only impacts Lot 8 as it's a private driveway for Lot 8 off of Yellowstone.

3. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads. This proposal does not have any dedicated streets or roads, so there's nothing to dedicate.
4. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partitions. It's a private roadway and no easements were found to conflict.
5. The block 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. One through seven are laid out with a central spot that allows the utilities and the roadway to be in the center of the development. They have accommodated unique characteristics to allow Lot 8, which already has existing structures, to maintain its current location.
6. The proposed property is physically suitable for the type and proposed density of the development and does conform to existing zone standards. They are proposing residential lots with open space lots which is according to the county ordinances. The ordinance does require one residential development per acre.

Hill makes a motion, based on the record and the discussion this evening, to approve the request for the Dallas 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 with the following conditions:

1. Fire suppression requirements shall be resolved with the local fire jurisdiction before the preliminary plat application and written requirements included in the application. Location of any required fire suppression must be depicted on all subsequent plats.
2. Provide location of central mailboxes on the preliminary plat.
3. Provide location of school bus stop on the preliminary plat.
4. 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.
5. All structures must meet setback requirements of Bannock County Zoning Ordinance 3.3.7, or meet approved variance requirements to the proposed lot lines. Structures and setback measurements shall be depicted on preliminary plat only.
6. All lots shall be a minimum of one acre or have an approved variance before preliminary plat.

7. A different proposed road name to be present to Council within the preliminary plat.
8. Dallas Road outside of the subdivision may be 50 feet wide, and shall be built to current Bannock County Highway standards and roadway development procedures.
9. The interior subdivision road shall be 60 feet wide at all points, and shall be built to current Bannock County Highway standards and roadway development procedures.
10. Lot 8 may access directly from Yellowstone Highway.
11. A note to be placed on all subsequent plats stating lots 1 through 7 shall access interior subdivision road and lot 8 shall access from Yellowstone Highway.
12. The approach for lot 8 shall be built to current County standards.
13. Include the proposed stormwater detention/retention methods and measures with calculations adequate for controlling post development stormwater runoff on the preliminary plat and construction plans.
14. All subsequent plats shall state: "All lots are currently zoned in the Bannock County multiple-use district and are re-designated to the residential suburban district per Bannock County Zoning Ordinance."
15. 15-foot utility easement must be outside of the right-of-way, along all sides of the right-of-way, and must be labeled public utility easement.
16. Open space to be removed from right-of-way and access easement.
17. Written authorization from Fort Hall Irrigation that canal may be crossed.
18. 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."
19. Provide all lot measures on all subsequent plats.
20. Maintenance and operation plan for all of Dallas Lane to be provided on the preliminary plat application.
21. Written authorization from IDT for single approach off of Yellowstone Highway to be provided on the preliminary plat application.

Selleneit seconds the motion.

Roll call. Hill – yes. Selleneit – yes. Evans – yes. Motion to approve carries 3-0.

Hill moves to close the public hearing. Evans seconds.

Motion passes unanimously by acclamation.

E. BUSINESS ITEMS:

6. PRELIMINARY PLAT APPROVAL: MARSHALL'S FIELDS SUBDIVISION – Nate Reeve requests preliminary plat approval for tax parcel RPR4223028105, in accordance with procedures and standards established in the Subdivision and Zoning Ordinances.

Foster, Staff, presents the Staff Report. She notes the only condition not met was the Fire District providing comments on fire suppression measures. The Applicant said they will work on getting those. The Fire District did initially say they wanted fire tanks during pre-development but have not commented since.

Ward asks whether the road is going to be public or private. Jensen assumes they're anticipating to pave based on Item D on page 261 about the thickness of the road being reduced to 2.25". The stormwater calculations are also based upon paved rather than gravel. Ward asks who's going to maintain the road. Burmester says the County will be taking it over.

Ward asks if there are irrigation rights on the property and who will keep them. Foster believes there are irrigation rights. She did not see anything that addressed it besides the CC&Rs, so she's assuming that is a negotiation of sale. Ward asks how they're going to get water when there's no infrastructure shown. The assumption is that no one will have rights but if there are rights, are they staying in open space or going back to the canal company. Foster says a condition can be created to address that point.

Ward asks how they were able to split the open space into two lots. Foster says it was based on the lay of the land and they wanted to design the road to loop for fire evacuation. They don't have adjacent neighbors so having that extend to another subdivision would not give them the ingress/egress. They've already sold the front parcels so they couldn't have that ingress/egress there either. They have covered the majority of the less developable area with lava rock. Ward asks if Staff is concerned that this will set a future precedence. Hill says there was a change in the interpretation of the ordinance. Mr. Marshall started the development under the old interpretation so they allowed certain projects to be grandfathered in. Jensen also notes that the Applicant spent a lot of time with their design engineer on site and they chose the land with the least lava rock and rift. They came to Staff asking for the road to continue through so they could develop that area. Ward asks if it was a design deviation or variance to do the two lots. Jensen says it was open to interpretation and Staff allowed it to move forward as proposed.

Hill recalls testimony from the irrigation company about the water and asks for clarification. Jensen says the canal company wanted guaranteed access to their ditch along the corner of the property. There was an easement placed between lots 11 and 12 so the canal company would have access to the ditch for maintenance. Ward asks if the 30 foot is part of the open space lot. Foster confirms. Ward asks if the 30"x290" would be an access easement for the irrigation company. Foster confirms that it's part of Lot 24 and is intended for access.

Burmester is concerned with note #10 in the preliminary plat that talks about all stormwater being contained in roadside swales. So all lots will drain to the road and then to a basin that is

too small to accommodate. Jensen says that's also a violation of the stormwater ordinance. Swales are intended for right-of-way retention and all other stormwater is required to be retained on site of the property owner.

Ward proceeds on to discussion and review of the findings.

1. The Preliminary Plat is in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of the Bannock County Subdivision Ordinance, and other County Codes and Ordinances, and Idaho Code. Based on the application and there are no changes since concept.
2. The street plan for the proposed subdivision will permit its development in accordance with the Bannock County Subdivision Ordinance. The Applicant proposed to follow Bannock County road standards. They are coming off of a collector road so they have to pave and dedicate it to the County.
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. Marshalls Way dead-ends to the east boundary line as a dedicated public road with a temporary turnaround.
4. Lot lines and roads relate to land shapes and existing development. Due to the topography and geological characteristics of the site, the lots and roads are laid out in a reasonable manner. There are no adjoining developments to match.

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

1. Maintenance and Operation Plan shall address who is responsible for the maintenance of the right-of-way of roads, until accepted by the county for maintenance.
2. Maintenance and Operation Plan for the community mail boxes shall address who is responsible for the maintenance and upkeep.
3. The Maintenance and Operation Plan for any required fire suppression shall address who is responsible for maintenance and upkeep.
4. The Maintenance and Operation Plan shall be recorded and be noted by instrument number on the final plat.
5. Note 12 shall be removed. A not shall be placed on the final plat stating: "Lot 23 and Lot 24 are a separate lot, per Bannock County Subdivision Ordinance 1997-4, Section 401C3B. Open Space is deed-restricted against further development but it can be farmed or timbered, etc."
6. Open space shall be hatched on the plat and the legend updated.

7. Plat shall state the "R" is restricted to preserve natural drainage, wetlands, and updated in the legend.
8. Fire suppression requirements shall be resolved with the local fire jurisdiction, McCammon Fire District, and location of all required tanks must be placed on the plat. Fire suppression measures shall not be located in open space. Staff will review whether fire suppression requirements have been met.
9. Cul de sac shall be no less than 60' radius. Temporary cul de sac turnaround will be constructed as part of the development at the east end of Marshalls Way. At the time which Marshalls Way is extended or connected to another road, the temporary cul de sac easement will be vacated by appropriate means.
10. Provide an access easement for the canal company.
11. Provide documentation addressing irrigation rights.

Evans seconds.

Roll call. Hill – yes. Selleneit – no. Ward – yes. Evans – yes. Motion carries 3-1.

F: ITEMS OF INTEREST:

- a) Update on recommendations to Commissioners – None.
- b) Discussion of upcoming hearing items
 - i. There will be two business items at the 6/19 meeting.
- c) Announcements – None.

G. CITIZEN COMMENTS:

None.

H: WORK SESSION:

None.

Meeting is adjourned.

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

BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

DRAFT MEETING MINUTES | June 19, 2024

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

Stewart Ward calls the meeting to order.

A. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:

Present Council Members: Edward Ulrich discloses that he had a conversation with Mr. Vincent but it won't affect the application. Chad Selleneit, Stewart Ward, David Evans.

Excused/Absent Council Members: Barbara Hill.

B. PRELIMINARY BUSINESS:

- a. Jensen introduces new Planning and Zoning employees: Annie Hughes Williams, Zoning Planner, and Danny Crystal, Building Inspector.
- b. AGENDA CLARIFICATION AND APPROVAL – Jensen recommends approval. Evans makes a motion to approve the Agenda as written. Selleneit seconds. Motion passes unanimously by acclamation.

C. APPROVAL OF MINUTES:

Ward asks for a motion to approve minutes from January 17, 2024. Ulrich moves to approve the minutes as drafted. Evans seconds.

Motion passes unanimously by acclamation.

D. PUBLIC HEARING ITEMS:

None.

E. BUSINESS ITEMS:

4. VARIANCE EXTENSION REQUEST: LOT SIZE AND REAR YARD SETBACKS – Jonathan Vincent requests a variance extension for parcel number RPR4013005704, in accordance with procedures and standards established in the Zoning Ordinance.

Jensen, Staff, notes the finding required for a variance extension and says that if it was not filed with them prior to the expiration, it would not be presented to Council for approval of extension.

Ward proceeds on to discussion and review of the findings.

1. The proposal was filed with the Planning and Development Council prior to the expiration date of the original variance. The variance expired May 15, 2024 and the Applicant applied on May 13, 2024.

Selleneit makes a motion, based on the record and the discussion this evening, to approve the request for variance extension for Jonathan Vincent, as described in the application of materials, as supplemented with the additional information attached in the staff report, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Ulrich seconds.

Roll call. Ulrich – yes. Selleneit – yes. Ward – yes. Evans – yes. Motion carries 4-0.

5. PRELIMINARY PLAT APPROVAL: WE THE PEOPLE ESTATES – Jose Nava, 1290 Mountain West Drive, requests preliminary plat approval for tax parcel RPR4471005406, in accordance with procedures and standards established in the Subdivision and Zoning Ordinances.

Ward asks the Applicant if they have concerns with the three recommended conditions.

1. Nava thought the restriction was for developable parcels that are going to be built on and didn't think it would apply. Ward notes that if the definition or use of open space changes in the future ordinance, it's clear as of today that it's restricted.
2. Ward asks where the name Devils Creek Road came from. Nava thinks he pulled it from Google Earth, so it will be changed to Old Malad Hwy.
3. Nava asks if the access easement needs to go back to Lot 3. Ulrich confirms.

Nava received an email from Zack Hill (Downey/Swan Lake Highway District) saying he would prefer two accesses. Jensen says that recommendation was made to comply with ordinance as opposed to the highway district. The subdivision ordinance says all lots will be served from an interior road.

Selleneit asks who the open space will be deeded to. Nava says it's part of the subdivision and it's a lot that can be farmed on, etc, but not developed. Ulrich says once it's deed restricted and the deed is labeled as restricted, it can't be built on at all.

Ward proceeds on to discussion and review of the findings.

1. The Preliminary Plat is in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of the Bannock County Subdivision Ordinance, other County Codes and Ordinances, and Idaho Code. This is an open space subdivision and has not changed from the concept plan. It meets the requirements for density and the open space requirements of the subdivision ordinance.
2. The street plan for the proposed subdivision will permit its development in accordance with the Bannock County Subdivision Ordinance. There is no street plan. Lots will be accessed off of Old Malad Hwy, Old US Hwy Route 191 with a shared access easement.
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. Access to all adjoining land will come off of Old Malad Hwy, Old US Hwy Route 191. There is no street plan because of that reason, so therefore no access is being restricted. There is no street plan because it's an open space subdivision with two buildable lots and an already state-owned highway.
4. Lot lines and roads relate to land shapes and existing development. It's flat ground, lots are centered in the property, and there is no adjoining development.

Evans makes a motion, based on the record and the discussion this evening, to approve the request for the Preliminary Plat of WE THE PEOPLE ESTATES, as described in the application of materials, as supplemented with the additional information attached in the staff report, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair with the following conditions:

1. Plat shall state the "R" is restricted to preserve natural drainage/wetlands and depicted in the legend.
2. Road name shall be updated to Old Malad Hwy, Old US Highway Route 191, unless documentation is provided showing Devils Creek Road as the county approved name.
3. A note shall be placed on the plat stating that access for lot 3 is restricted to the shared access easement.

Selleneit seconds.

Roll call. Ulrich – yes. Selleneit – yes. Ward – yes. Evans – yes. Motion carries 4-0.

F: ITEMS OF INTEREST:

- a) Update on recommendations to Commissioners – None.
- b) Discussion of upcoming hearing items
 - i. There will be a right-of-way variance, a driveway variance, and a subdivision concept plan for three lots in Lava.
- c) Announcements – None.

G. CITIZEN COMMENTS:

None.

H: WORK SESSION:

None.

Meeting is adjourned.

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

PUBLIC HEARING ITEMS

AGENDA ITEM NO. 4

Transfer of Development Rights –

Justin Tobias



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

TRANSFER OF DEVELOPMENT RIGHTS

PUBLIC HEARING: November 20, 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

STAFF REPORT
TRANSFER OF DEVELOPMENT RIGHTS - Tobias
Page 2 of 8

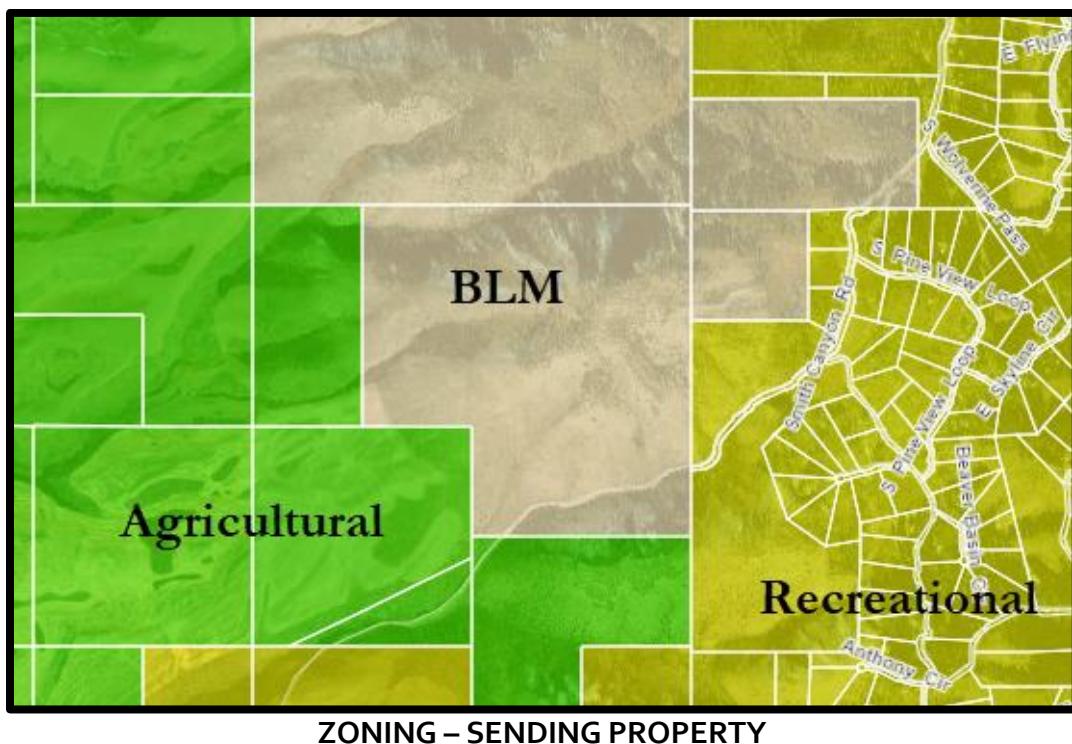
SURROUNDING LAND USES AND ZONING - SENDING

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

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

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

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



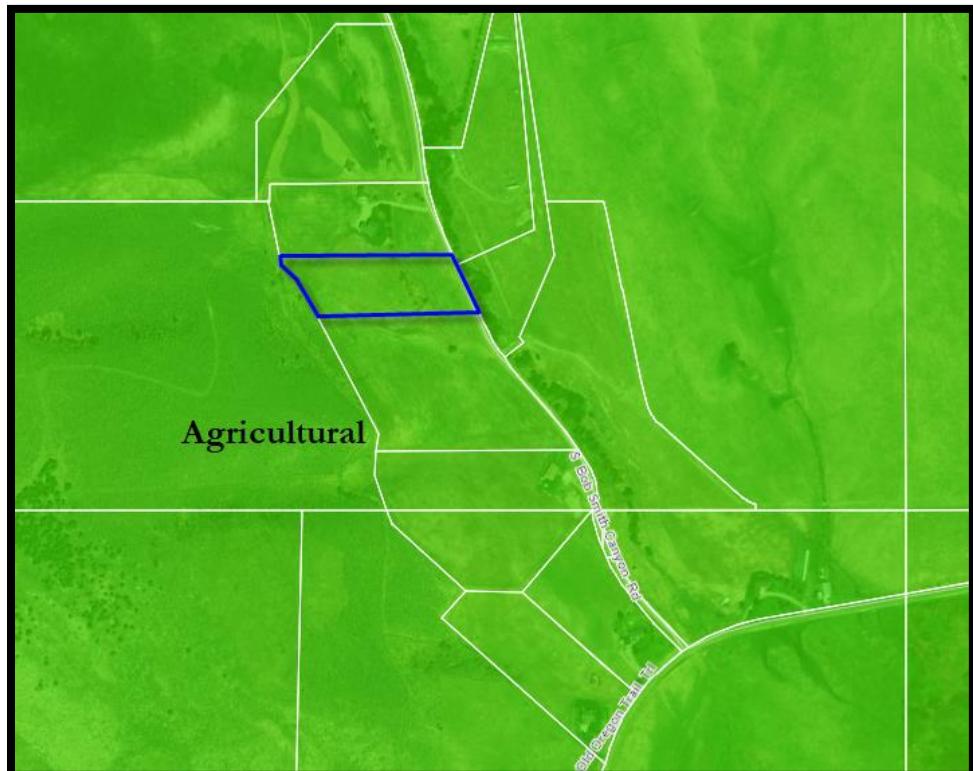
SURROUNDING LAND USES AND ZONING - RECEIVING

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

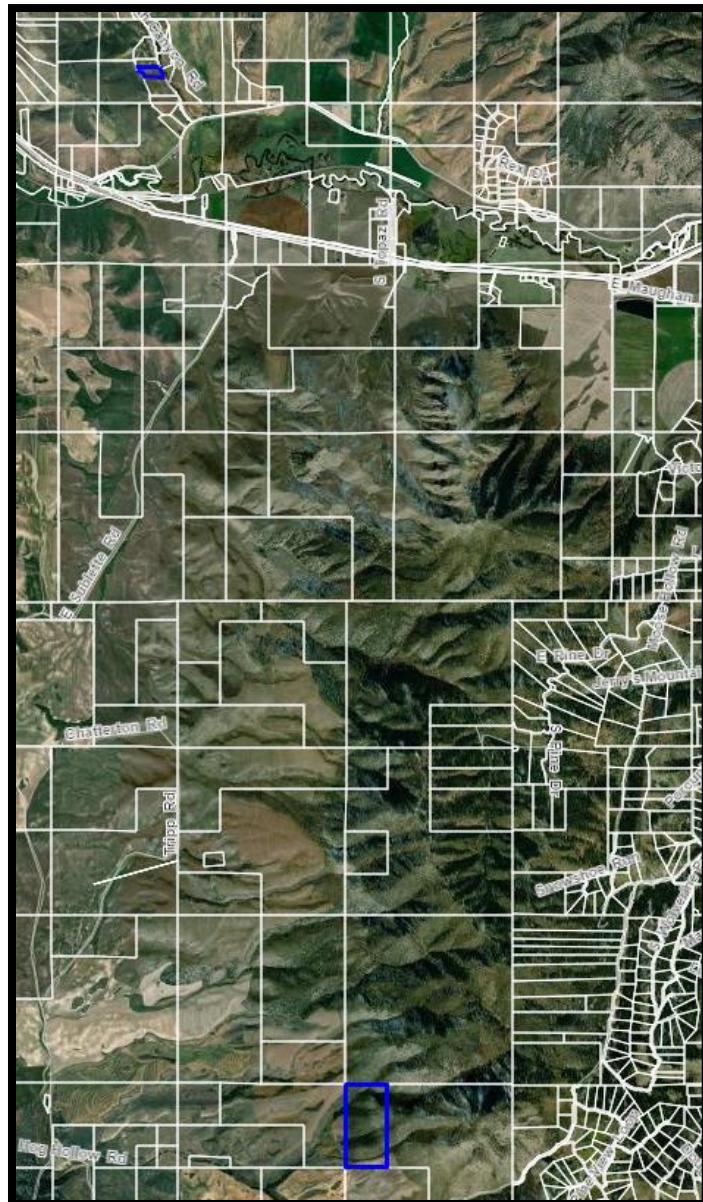
EAST: Primarily bare ground; designated as Agricultural on the zoning map.

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



AREA MAP

APPLICABLE LAWS AND PLANS:

1. Idaho Code § 67-6515A, Transfer of Development Right
2. Bannock County Zoning Ordinance, 1998-1, specially:
 - a. §465 VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS

AGENCY COMMENTS:

- None received at the time of this report

STAFF REPORT
TRANSFER OF DEVELOPMENT RIGHTS - Tobias
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PUBLIC COMMENTS:

- Bryan and Stacey Grant
- Cody and Natalie Sothern
- 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
Page 6 of 8

IDAHO CODE REGARDING TRANSFER OF DEVELOPMENT RIGHTS

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: November 12, 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)

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

EXHIBIT 1

Application & Site Plan



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

Owner Information

The owners of the sending and receiving properties are the same	Sending/Receiving Property*
<input checked="" type="checkbox"/>	Sending & Receiving

Owner Name*	Mailing Address*
Justin S. Tobias	1020 N 3650 W

City, State, Zip Code*	Email*
Ogden, UT, 84404	grinfixer@tobiasdental.com

Phone Number*
801-648-4888

Sending Property Information

Parcel Number*	Legal Description (Section, Township, Range)*
RPR4263014100	S24-T10S-R37E W2NW4 80 Ac

Acreage of Sending Property*	Zoning*
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*	Legal Description (Section, Township, Range)*
RPR4225003515	S15-T9S-R37E TR S2 TAX 22 4.28 AC 0.16 AC R/W
Acreage of Receiving Property*	Zoning*
4.32	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 mulitple 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?*	Are the sending and receiving properties within the Agricultural zone?*
Yes	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.*



② 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 11

Mathew

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

EXHIBIT 2

Recorded Warranty – Receiving Parcel



WARRANTY DEED

Order No.: 640060AM

FOR VALUE RECEIVED

Brett Prather and Amanda Prather, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Justin S Tobias, a married person

whose current address is:

1020 N 3650 W
Marriott-Slaterville City, UT 84404

the grantees(s), the following described premises, in Bannock County, Idaho,
TO WIT:

**A parcel of land located in the South 1/2 of Section 15, Township 9 South, Range 37 East of
Boise Meridian, Bannock County, Idaho, described as follows:**

Commencing at the South 1/4 corner of Section 15, being described as shown in Bannock
County Instrument Number 96017929; thence North 89°56'00"East, along the South line of
Section 15, a distance of 381.98 feet to an existing property line; thence North 20°32'26"West,
along the existing property line, a distance of 222.76 feet; thence North 6°26'28" East, a distance
of 180.85 feet; thence North 28°04'04"West a distance of 568.26 feet to the true point of
beginning; thence continuing North 28°04'04"West a distance of 181.48 feet; thence North
50°50'24"West a distance of 91.12 feet; thence North 10°16'54"West a distance of 270.78 feet;
thence North 1°19'00"East a distance of 81.32 feet; thence North 89°56'23" East a distance of
681.25 feet to the center line of West Bob Smith Road being a point of non-tangency with a
1083.09 foot radius curve in which the center bears North 78°49'41" East; thence Southeasterly
following the said 1083.09 foot radius curve and the center line of West Bob Smith Road through
a central angle of 12°54'11" an arc distance of 243.91 feet (the chord of which bears South
17°37'24" East a distance of 243.40 feet) to the end of the curve and a point of tangency; thence
South 24°04'30" East, following said centerline, a distance of 359.06 feet; thence South
89°29'25"West, leaving said centerline, a distance of 698.95 feet to the point of beginning.

Excepting therefrom:

**A parcel of land located in a portion of the South 1/2 of Section 15, Township 9 South, Range 37
East, Boise Meridian, Bannock County, Idaho, described as follows:**

COMMENCING at the South 1/4 corner of said Section 15, marked by a 3" Bannock County Brass
Cap monument as described in corner perpetuation Instrument No. 96017929;
Thence North 89°56'00" East, along the South boundary line of said Section 15, (Basis of bearing
assumed North 89°56'00" East between the South 1/4 corner and the Southeast corner of Section
15, see Record of Survey's Instrument No.'s 20111048, 20202960 and 20227796), a distance of
381.98 feet;
Thence North 20°32'26" West, along the Westerly boundary line of Record of Survey Instrument
No. 20202960, a distance of 164.69 feet to a found 1/2" rebar with plastic cap stamped PELS
2341;

Thence North 06°26'28" East, along the West boundary line of said Survey, a distance of 103.28 feet to a found $\frac{1}{2}$ " rebar with plastic cap stamped PELS 2341 being a point on the Southwest corner of Record of Survey Instrument No. 20227796;

Thence along the Westerly boundary line of said Record of Survey for the next four (4) courses:

1) Continuing North 06°26'28" East a distance of 77.57 feet to a found $\frac{1}{2}$ " rebar with plastic cap stamped PLS 843;

2) North 28°04'04" West a distance of 749.74 feet to a found $\frac{1}{2}$ " rebar with plastic cap stamped PLS 843

3) North 50°50'24" West a distance of 91.12 feet to a found $\frac{1}{2}$ " rebar with plastic cap stamped PLS 843

4) North 10°16'54" West a distance of 43.46 feet to a set $\frac{1}{2}$ " rebar with plastic cap stamped LS 13023, being the POINT OF BEGINNING.

Thence continuing along the Westerly boundary line of said Record of Survey for the next two (2):

1) Continuing North 10°16'54" West a distance of 227.32 feet to a found $\frac{1}{2}$ " rebar with plastic cap stamped PLS 843;

2) North 01°19'00" East a distance of 81.32 feet to the Northwest corner of said Record of Survey being marked by a $\frac{1}{2}$ " rebar with plastic cap stamped PLS 843;

Thence North 89°56'53" East, along the North boundary line of said Record of Survey, a distance of 681.25 feet to a point on the center line of Bob Smith Road, the Northeast corner of said Record of Survey, being a point of non-tangency of a 1083.10 foot radius curve whose center bears North 78°49'41" East;

Thence along the center line of Bob Smith Road and the Easterly boundary line of said Survey for the next two (2) courses:

1) Following said curve in a counter clock-wise direction for an arc distance of 243.92 feet, through a central angle of 12°54'11" (The chord of said curve bears South 17°37'25" East a distance of 243.40 feet) to a point of tangency;

2) South 24°04'30" East a distance of 79.88 feet;

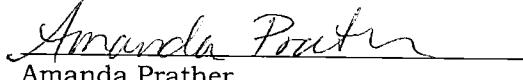
Thence South 89°56'53" West a distance of 748.82 to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 25, 2024



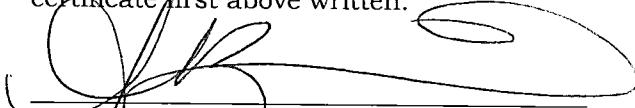
Brett Prather



Amanda Prather

State of Idaho } ss
County of Bannock}

On this 27 day of June, 2024, before me, the undersigned a Notary Public in and for said state, personally appeared Brett Prather and Amanda Prather, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho
Residing at: Chubbuck
Commission Expires: 1-8-30

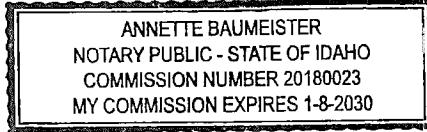


EXHIBIT 3

Recorded Warranty – Sending Parcel



Instrument # 22406672
Bannock County, Pocatello, Idaho
06/28/2024 02:04:06 PM No. of Pages: 1
Recorded for: AMERITITLE - POCATELLO
Jason C. Dixon Fee: \$15.00
Deputy kpovey
Electronically Recorded

WARRANTY DEED

Order No.: 639420AM

FOR VALUE RECEIVED

Lava Ranch, an Idaho Partnership

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Justin Tobias, a married person

whose current address is:

1020 N 3650 W
Marriott-Slaterville City, UT 84404

the grantees, the following described premises, in Bannock County, Idaho,
TO WIT:

Township 10 South, Range 37 East, Boise Meridian, Bannock County, Idaho

Section 24: W1/2NW1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 25, 2024

Lava Ranch, an Idaho Partnership

Dennis F Bullock, Partner

State of Utah ss.
County of Cache

On this 27 day of June, 2024, before me, the undersigned a Notary Public in and for said state, personally appeared Dennis F Bullock known or identified to me to be a partner of the Lava Ranch, an Idaho Partnership that executed the foregoing instrument, and acknowledged to me that he executed the same in said Partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Utah
Residing at: Logan
Commission Expires: 5/23/2025

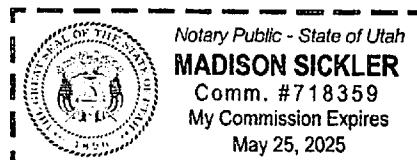


EXHIBIT 4

Public Comments

TDR-24-1 on October 16 meeting agenda

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.

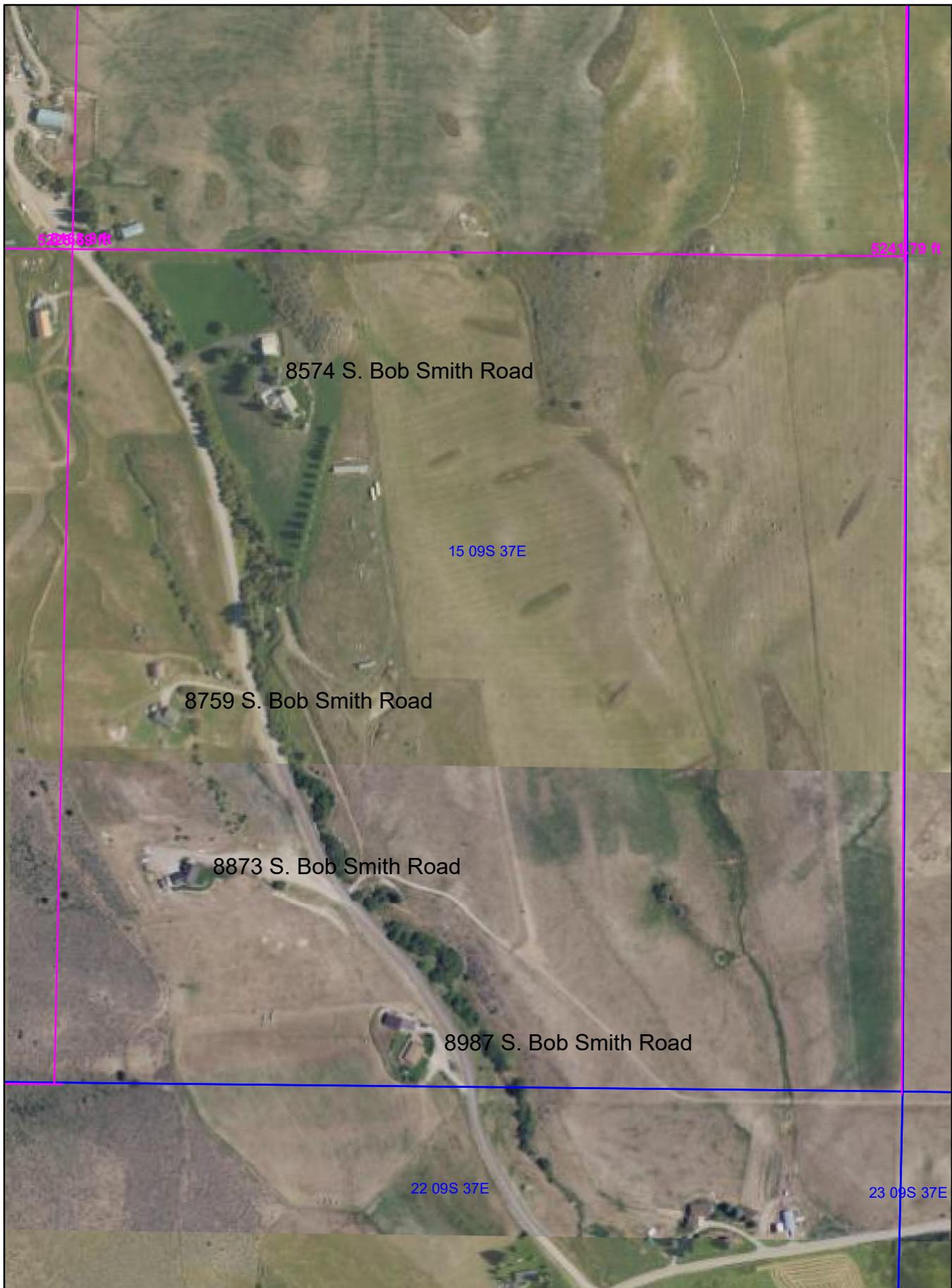
Sincerely,

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.

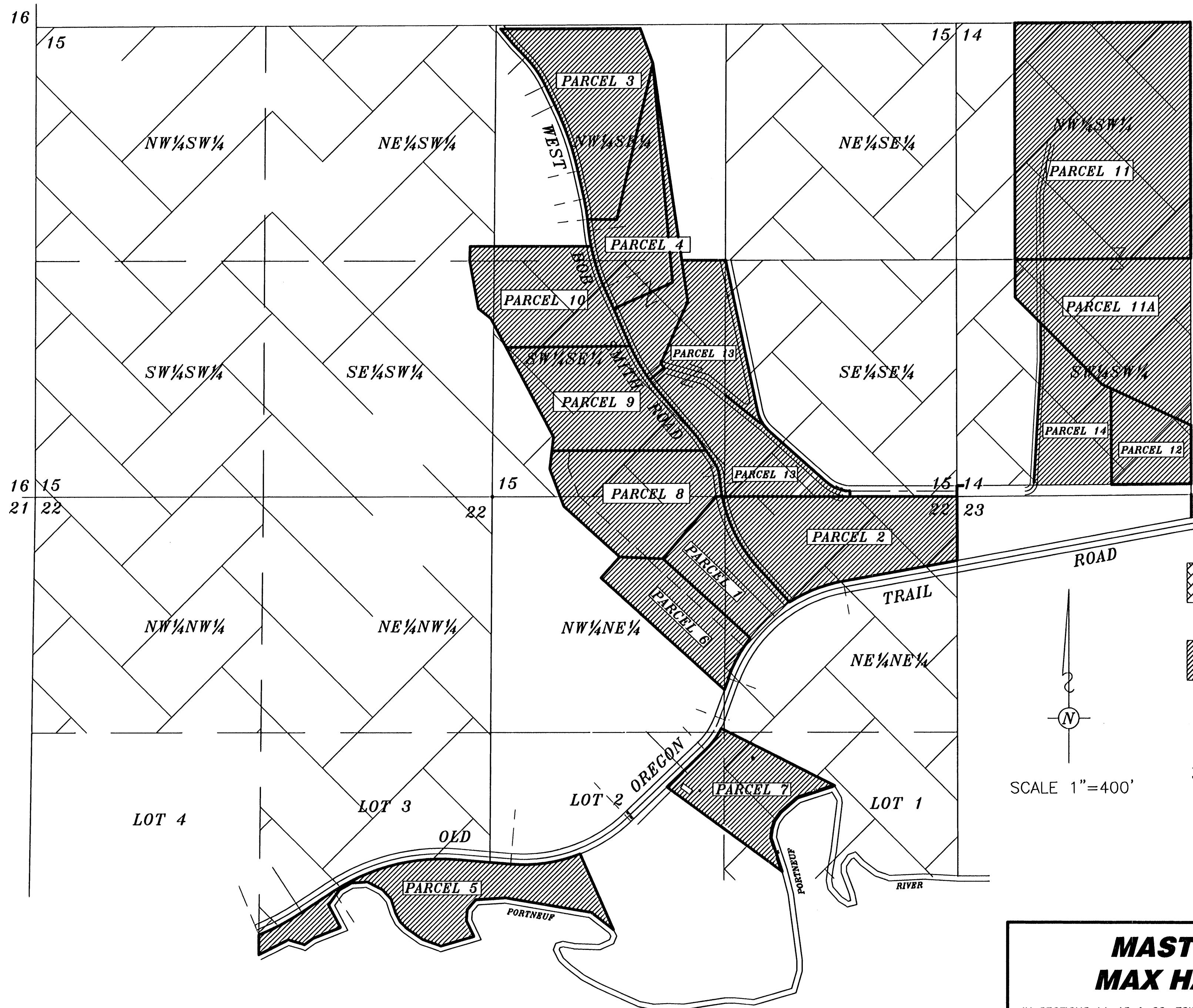
Sincerely,

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

Handwritten signatures of Cody & Natalie Scothern in black ink. The signature for Cody is a stylized 'Cody' with 'Scothern' underneath. The signature for Natalie is a stylized 'Natalie' with 'Scothern' underneath.

10-07-2024

10/7/2024



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	207279829 20618544
14	NE4SE4 SEC. 15	SW4SW4 SEC. 14	7.32 AC.	20727714	207279829 20618544
15					
16					
17					

INDICATES QUARTERS SPENT

 INDICATES EXISTING PROPERTIES

SCALE 1" = 400'

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
--	---

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.

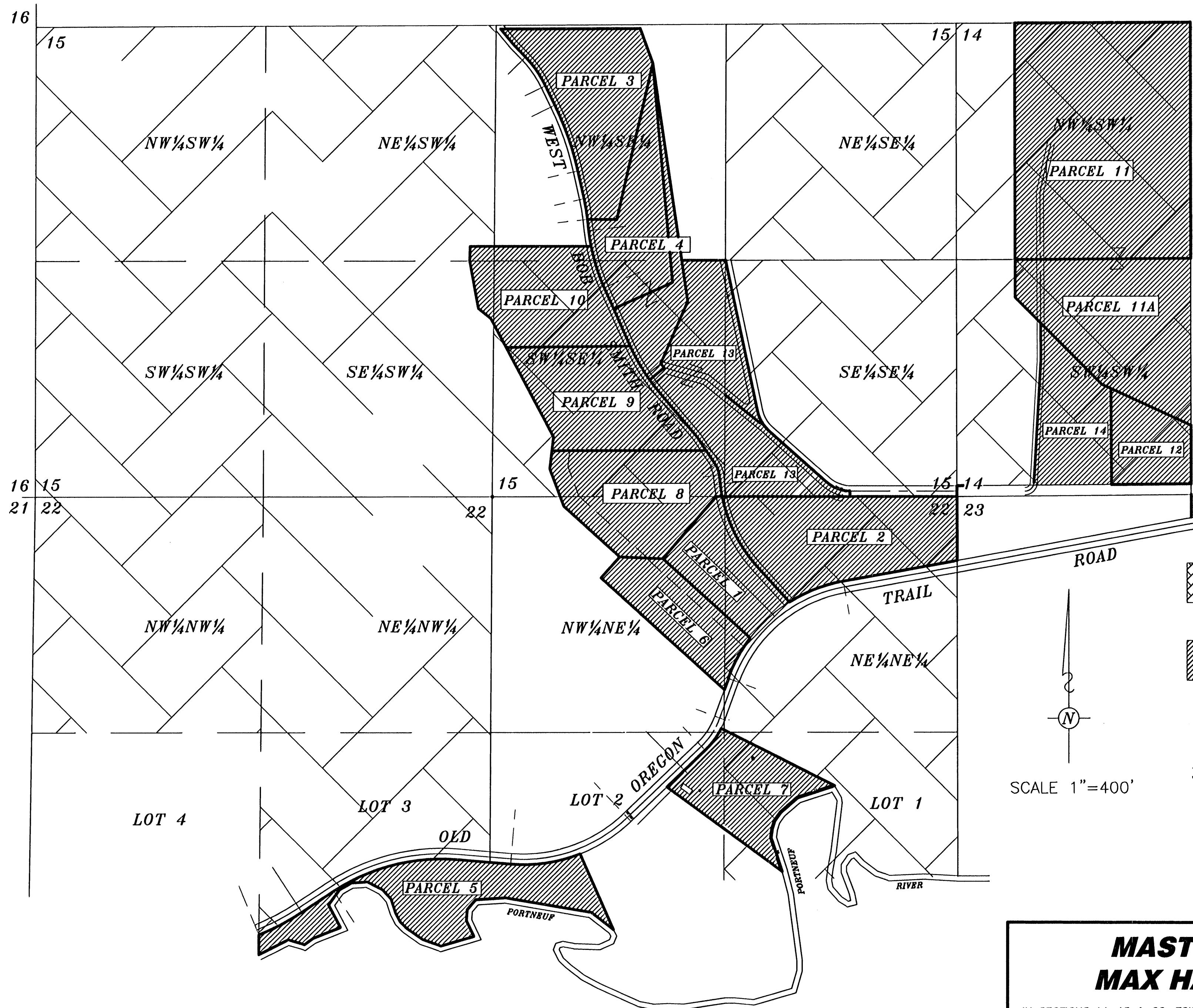
Thank you for your consideration.

Lynn and Margie Stewart

Lynn W Stewart
Margie Stewart

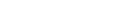
10-7-24

10-7-2024



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
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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
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14	NE4SE4 SEC. 15	SW4SW4 SEC. 14	7.32 AC.	20727714	207279829 20618544
15					
16					
17					

INDICATES QUARTERS SPENT

 INDICATES EXISTING PROPERTIES

SCALE 1"=400'

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 ATVs 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 - Danell Christensen Pres.
10-7-24
Patsy Christensen - 10-7-24
Eric Christensen 10-7-24
Deanne Christensen 10-7-24

EXHIBIT 5

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: November 20, 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.

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

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

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

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.

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 [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____

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL
PERMIT: TDR-24-1
Page 3 of 3

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.

BUSINESS ITEMS

AGENDA ITEM NO. 5

Preliminary Plat Approval –

Shadow Ridge Estates



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

PRELIMINARY PLAT – SHADOW RIDGE ESTATES

MEETING DATE: NOVEMBER 20, 2024

STAFF REPORT

FILE #: SPP-24-7

LOCATION: RPRRMICoo2100, currently addressed as 2066 Patton Drive, Pocatello, ID 83204 and RPRRMICoo2000, currently addressed as 2028 Patton Drive, Pocatello, ID 83204.

APPLICANT:

GVE Drafting and Land Surveying
Jose Nava
1290 Mountain West Drive
Pocatello, ID 83202

OWNER:

Hodge Revocable Trust
2066 Patton Drive
Pocatello, ID 83204

Aaron Clements
2028 Patton Drive
Pocatello, ID 83204

RECOMMENDATION: Staff recommends approval with the following conditions:

1. Asphalt approach from Pheasant Drive to be installed by developer at Final Plat.
2. Slope analysis shall be completed to determine slope grades and provided at final plat.
3. 20' utility easement along Patton Drive to be labeled as "Public Utility Easement".
4. CC&R's shall reference new subdivision name.

Council may wish to add addition conditions as needed.

REQUEST & BACKGROUND: Jose Nava proposes an amendment to Mink Creek Meadows Subdivision for the purpose of adjusting a lot line. The development proposes septic systems and City of Pocatello water. The buildable lots will be between 1.70 and 3.75 acres in size. The buildable lots will be between 1.05 and 1.08 acres in size. This subdivision is located ~ 1.25 miles from the city of Pocatello boundary.

PRELIMINARY PLAT PROPOSAL SUMMARY:

TOTAL AREA: 5.45 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENSITY: 1 dwelling unit per 2.725 acres

BUILDING LOT SIZE: Approximately 1.5 acres to 3.95 acres

WATER & SEWER: City of Pocatello municipal water and individual septic systems.

STORMWATER SYSTEM: Retained on individual lots.

UTILITIES: Power existing on the parcel.

FIRE PROTECTION: Pocatello Valley Fire District.

ROADS/ACCESS: Individual access via Patton Drive, a county-maintained road.

STAFF REPORT
PRELIMINARY PLAT – Shadow Ridge Estates
Page 1 of 8

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural

PROPERTY SIZE: ~1.5 acres and 3.95 acres

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

IMPACT AREA: None

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes

EXISTING STRUCTURES: Residential dwellings and accessory structures.

OTHER: Located within Mink Creek Meadows Subdivision.

SURROUNDING LAND USES AND ZONING:

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

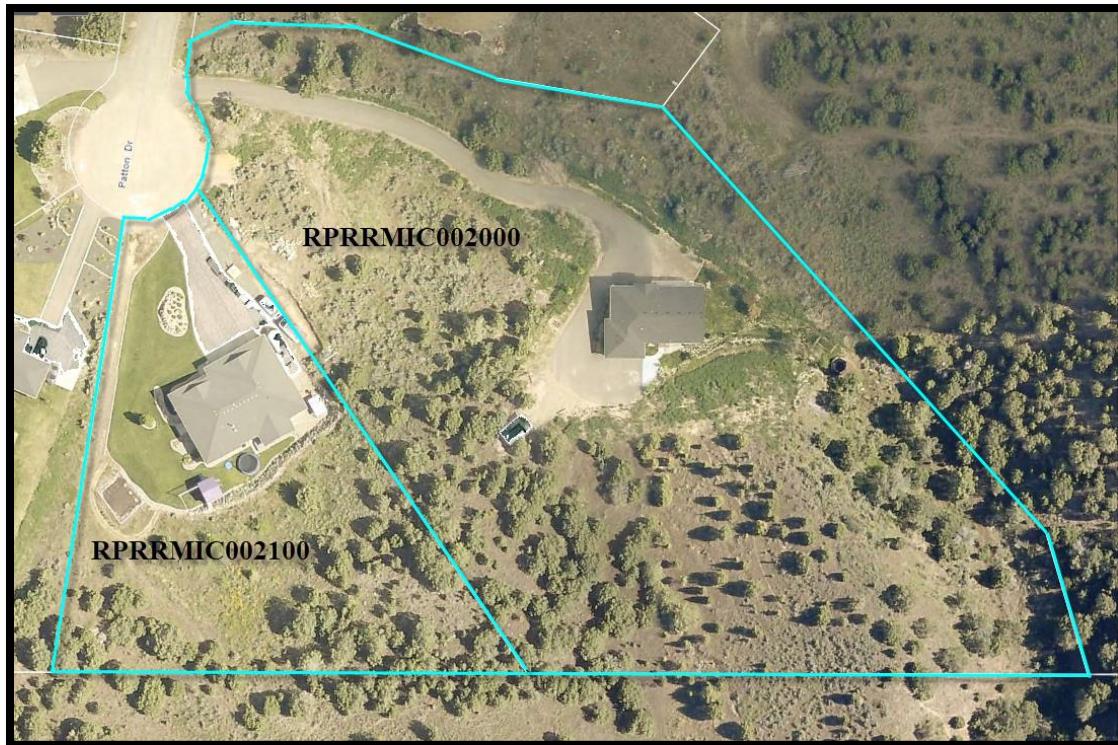
EAST: The sites are within the Residential Rural zoning district and Special Lands zoning district and consist of residential uses and bare ground.

SOUTH: The sites are within the Special Lands zoning district and consist of bare ground.

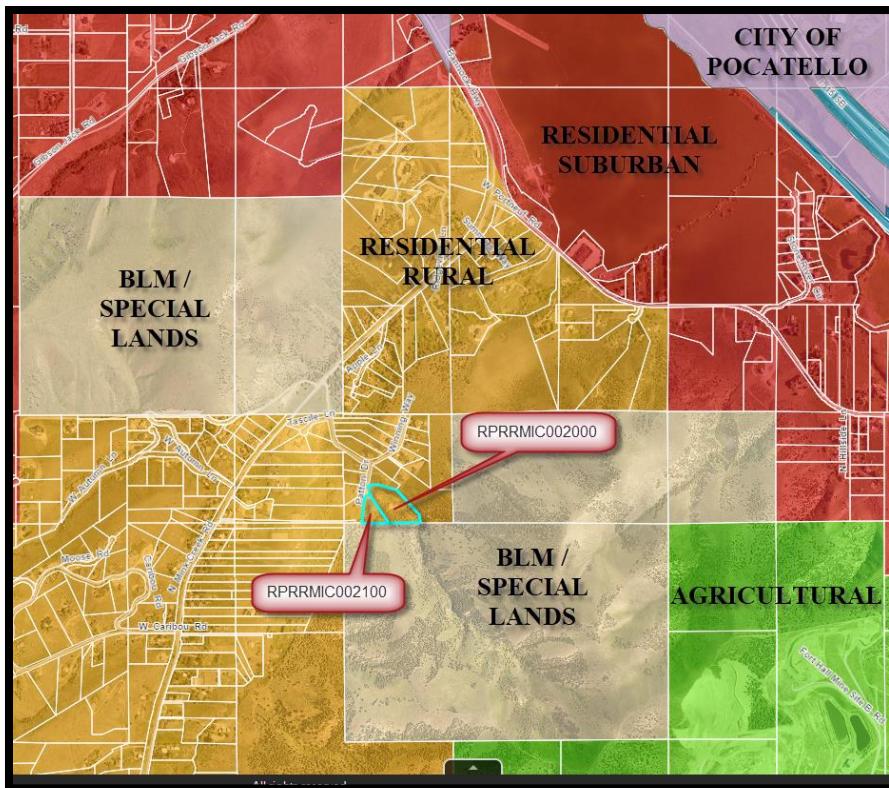
WEST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

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. §303 PRELIMINARY PLAT REVIEW
 - b. §400 DESIGN STANDARDS

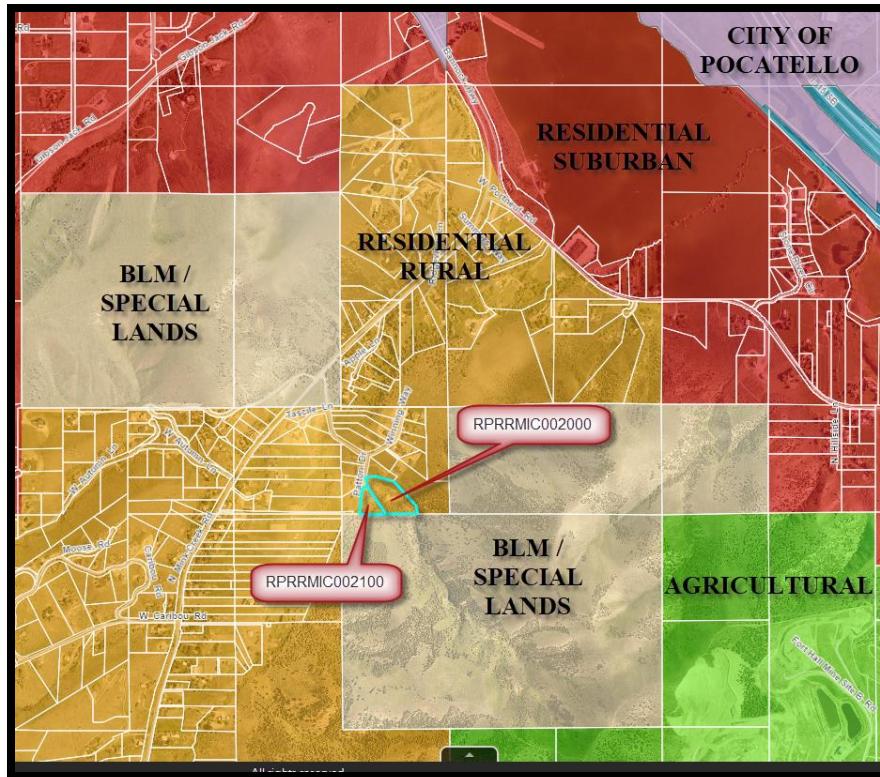


SITE MAP



ZONING MAP

STAFF REPORT
PRELIMINARY PLAT – Shadow Ridge Estates
Page 3 of 8



CONTOUR MAP



US FISH & WILDLIFE WETLANDS MAP

STAFF REPORT
PRELIMINARY PLAT – Shadow Ridge Estates
Page 4 of 8

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

Utility easements are shown on the preliminary plat submittal as 20' feet wide, located outside of Patton Drive right-of-way. 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

The land is currently zoned Residential Rural and is located within the existing platted subdivision, Mink Creek Meadows. At the time Mink Creek Meadows started the subdivision process, the land was zoned Residential Suburban and was located within the ACI of Pocatello. The minimum lot size in the 1990 ordinance was 1 acre in the Residential Suburban zoning district. Since these lots were created under a previous ordinance and no new lots are being created, ordinance standards have been met.

- 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

Applicant has proposed to use the CC&R's from the original subdivision, Mink Creek Meadows. Council may consider requiring the CC&R's to reflect the new subdivision name.

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

No street has been proposed.

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

Staff Findings

The developer proposes to use existing connections to a community water system. The existing water system is required, by CC&R's, to be metered and is part of the Cross Connection Control Program for Mink Creek Meadows Water Corporation. This program requires annual inspection and testing of all backflow prevention assemblies.

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

Staff Findings

There are no commonly-owned improvements proposed for this subdivision.

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 2 states propose a new subdivision name for Council to review at Preliminary Plat. Applicant has proposed the subdivision name "Shadow Ridge Estates". The proposed name has been reviewed and found no duplication.
 - b. **Compliance with the Bannock County Subdivision Ordinance, other County Codes and Ordinances, and Idaho Code.**
Bannock County Zoning Ordinance:
The land is currently zoned Residential Rural and is located within the existing platted subdivision, Mink Creek Meadows. At the time Mink Creek Meadows started the subdivision process, the land was zoned Residential Suburban and was located within the ACI of Pocatello. The minimum lot size in the 1990 ordinance was 1 acre in the Residential Suburban zoning district.
The proposal is to adjust the lot line to the east of proposed lot 1.
Since these lots were created under a previous ordinance and no new lots are being created, ordinance standards have been met.
The proposed density is 1 dwelling per 2.725 acres.
There is an existing dwelling and accessory structures on each lot. Setbacks for the existing structure appear to 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 "Shadow Ridge Estates" has been reviewed for duplicity by staff.

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

There are wetlands located within the drainage easement of parcel. There may be steep slopes over 15% located within the parcel.

Per §404.B.1: Steep Slopes: Lots with a slope in excess of 20 percent grade over 25 percent of the lot. Such areas will be shaded on the plat, with explanation of the restriction on the face of the plat.

Council may consider requiring a slope analysis to ensure this requirement has been met.

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). If power is not already existing, 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.

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 to use existing approaches via Patton Drive, a county-maintained road. 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. Currently, Patton Drive is the only street that the proposed subdivision has access too.

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 Patton Drive and public utility easement.

REPORT BY:

Alisse Foster, Subdivision Planner
alissef@bannockcounty.gov

REPORT DATE: November 8, 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. Proposed CC&R's
4. Agency Comments
5. Referenced Ordinances – On file

STAFF REPORT
PRELIMINARY PLAT – Shadow Ridge Estates
Page 8 of 8

EXHIBIT 1

Application & Plat



Bannock County, ID

October 25, 2024

SPP-24-7

Subdivision Preliminary
Plat Application
Status: Active
Submitted On: 10/7/2024

Primary Location

,

Owner**Applicant**Jose
Nava208-317-
6189

navajos3@isu.edu

1290
Mountain
West Dr.

Pocatello, Idaho 83202

Owner/Developer Information

Are the Owner and Developer the same?**Owner Name***

Daniel Hodge

Street Address*2066 N PATTON DR, POCATELLO, ID
83204**City***

POCATELLO

State*

ID

Zip Code*

83202

Phone Number*

(208) 221-4540

Email*

Hodgeelectric@gmail.com

Site Information

Proposed Subdivision Name*

Shadow Ridge Estates

Parcel Number(s) *

RPRRMIC002100, RPRRMIC002000

Proposed Number of Lots*

2

Concept Plan Approval Date*

09/18/2024

Quarter*

SW

Section*

20

Township*

7S

Range*

35E

Total acreage of parcel(s)?*

5.45

Zoning of parcel(s)?*

Residential Rural District

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

steep slopes and drainage along northeasaterly boundary. No creeks or Streams

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

30' Drainage/wetland easement along northeast boundary. Utility easement adjoining Patton dr.

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

Existing homes and septic tanks, lots currently obtain water from a community water system. Water use, rights and restrictions are as set forth in the Mink Creek Meadows Water Corporation by-laws, and resolutions.

Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name*

Jose T. Nava

Phone Number*

(208) 317-6189

Email *

gvedraft@gmail.com

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 the name change has been addressed as per the concept approval conditions.

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

No new street plan available. Existing approaches to North Patton Dr.

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.*

N/A

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]*

Jose T. Nava



Date of Signature*

10/07/2024

EXHIBIT 2

Restrictive Covenants

RESTRICTIVE COVENANTS
FOR
Mink Creek Meadows Subdivision
BANNOCK COUNTY, IDAHO

20804088

The undersigned, being the owner and developer, holder of the equitable title of Mink Creek Meadows Subdivision, sets forth these restrictive covenants to run with the land.

WHEREAS, the owners desire to subdivide said property and sell lots, the building sites thereon are subject to certain restrictions; and,

WHEREAS, the owners, by these Restrictive Covenants, intend and desire to insure the above described real property for attractive and residential purposes, to prevent nuisances and to prevent the impairment of the attractiveness, to maintain the desired tone of the residential community, and to insure subsequent property owners the full benefit and enjoyment of attractive residential property and to prevent any uses that may tend to diminish the value or pleasurable enjoyment of the above described property.

NOW THEREFORE, the Undersigned, fee owners of the following described land do hereby make the following declarations as to limitations, restrictions and uses to which said property may be put, and hereby specify that such declarations should constitute covenants to run with all the lands, as provided by law, and shall be binding on all persons and all parties claiming under them:

I.

PROPERTY DESCRIPTION

See attached Exhibit 1

All in what is known as Mink Creek Meadows Subdivision and its additions, Bannock County, Idaho. Comprising of Block 1 Lots 1-5, Block 2 Lots 1-5, Block 3 Lots 1-14

20/2

II.

LAND USE AND BUILDING TYPE

(a) No lot or acreage shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot or acreage other than one attached single family dwelling, which shall have a minimum of 1,500 square feet, or if a home should be of a two-story construction, then the main floor shall have a minimum of 1,200 square feet, exclusive of any basement. All dwellings shall have an attached garage of sufficient size to accommodate not less than two automobiles or pickups or similar automobiles having an interior width of not less than 23 feet. The Architectural Control Committee shall at it's sole discretion allow for variances in the above stated square footages if the home has a triple car garage or the value of the home will be at least that of other homes in the subdivision. Any other building accessories, which are customarily accessory to houses or single family dwellings, including a recreation room, dark room, studio, a greenhouse, storage building may be included providing any such accessory building does not detract from the general over-all appearance of the property; such accessory building or buildings shall conform to the general architectural plan of the dwelling unit. Any greenhouses or storage buildings accessory to the dwelling unit shall meet all of the requirements as to location and such other requirements as set forth in these restrictions.

(b) The property shall be restricted exclusively to residential purposes and shall not be used for any type of commercial, retail sales, home services or manufacturing.

(c) No accessory building shall be used for sleeping or living purposes.

(d) All dwelling units shall be permanently attached by foundation to the property and no mobile homes shall be allowed upon the property, except travel trailers or recreational vehicles, which may be stored upon the premises if such recreational vehicles or travel trailers shall be owned or rented by the owner of any lot or acreage. No recreational vehicles or travel trailer shall be used for living quarters.

(e) All homes or buildings erected upon the premises shall be of good construction and shall have a pleasant appearance. The single family residence may, at the discretion of the owner, have an apartment, to be contained within the dwelling, but such apartment shall not be a structure separate and apart from the family dwelling unit. No dwelling shall be erected that has the appearance of a side-by-side duplex.

(f) No dwelling shall be occupied until the exterior is completely finished and the interior is reasonably finished, except in certain emergencies to be determined by the Architectural Control Committee.

(g) All storage buildings shall be of new construction and new materials, excepting if exterior be of older construction it shall be completely remodeled with new materials on the exterior and painted and maintained

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in new condition. Buildings shall be subject to the approval of the Architectural Control Committee.

(h) All dwelling owners, within nine months of occupancy of any dwelling, shall plant and maintain landscaping with lawn, shrubbery or other growth as approved by the Architectural Control Committee, and at least two (2) flowering fruit trees with a minimum height of four (4) feet, placed in the front yard and spaced equally. The lawn area shall be of at least 2,000 square feet surrounding the dwelling.

(i) All lots adjacent to Mink Creek Highway shall be restricted by not allowing ingress or egress from off Mink Creek Highway.

(j) Each builder/homeowner will design on-site lot grading to facilitate protection of his home from runoff from adjacent properties. Lot grading should be completed so as not to infringe on neighboring property with any normal runoff from their lot.

III

ARCHITECTURAL CONTROL

(a) No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the locations of the structure have been approved by the Architectural Control Committee as to quality of workmanship and the materials, harmony of the external design with existing structure and as to the location with respect to topography and finish grade elevations.

(b) No fence or wall shall be erected, placed or altered on any lot nearer to any street than 10 feet, unless similarly approved by the Architectural Control Committee. Fencing will be constructed of vinyl or chain-link materials. Not wood products. Any and all fences shall be subject to the approval of the Architectural Control Committee. Approval shall be as provided in paragraph IV of these restrictions.

(c) No wire fence of any kind, with the exception of chain link shall be used or erected across the front of any lot.

IV

BUILDING LOCATION

(a) No building shall be located on any lot nearer than 50 feet to the front lot line or nearer than 50 feet to any side street line.

(b) No building shall be located nearer than 20 feet to an interior lot line.

(c) For the purposes of this Agreement, eaves, steps, and open porches shall not be considered part of the building, provided however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

V

ONE DWELLING PER LOT

(a) No more than one dwelling shall be erected on any one lot and all such dwellings shall be limited to not more than two families.

(b) For purposes of this restriction, each lot shall be approximately 1.0 acre or larger and the lot or lots shall not be subdivided nor redivided nor split into smaller lots.

(c) Each building site shall have not less than 400 square feet of concrete or paved areas (excluding garages) sufficient for the off-street parking of two (2) cars and, in addition, shall provide an area protecting garbage and trash cans from the view from the street, which area shall be within the building site.

VI

EASMENTS

(a) Easements for installation and maintenance of utilities and drainage facilities shall be preserved from any and all lots as shown on the recorded plat thereof. Within the bounds of such easements, no structures, planting or other materials will be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may obstruct or retard the use and access of such easement.

Drainage Easements shall exist as provided for on the recorded plat. To the extent practicable, surface water shall be retained on-site on each individual lot.

VII

NO OFFENSIVE ACTIVITY OR BUSINESS USE

(a) No noxious or offensive activity shall be carried on upon any lot, nor shall excessive storage of flammable or explosive material or fuel be permitted

on any lot. Any necessary storage of any such materials must be in containers made and approved for such use. Anything which may be or may become an annoying nuisance to the neighborhood or any excessive, loud or offensive noise, shall not be permitted on any lot.

(b) No commercial trucks shall be parked or located on any premises or roadway for more than 48 hours. No business activities shall be permitted on any lot and all lots shall remain residential in character.

VIII

TEMPORARY STRUCTURES

(a) No structure of a temporary character, basement, tent trailer, shack, mobile home, garage, barn or other outbuilding shall be used or placed upon any lot at any time as a residence, temporarily or permanently.

IX

LIVESTOCK AND POULTRY

(a) No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except as follows:

1. Dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes. The number of dogs, cats or other household pets kept on such premises shall not exceed two (2) in number of any one species. Such animals shall not be permitted to run loose and create a nuisance to the neighborhood or cause damage to landscaping or a hazard to children.

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2. The owner of each lot may keep domestic water fowl or poultry not to exceed five (5) in number, per acre.

(b) No commercial breeding of any household pets, horses, cattle, sheep, water fowl or poultry shall be permitted nor shall a feedlot operation be permitted on any lot.

(c) All accumulations of animal residue or manure shall be removed from the premises at least twice each year and shall be disposed of in accordance with the regulations of Bannock County, Idaho, but shall not be allowed to accumulate. Any accumulations not removed by the owners of any lot will require enforcement with appropriate legal action being taken by the Architectural Control Committee with lot owner responsible for legal expenses. The owners of any such lot shall cause chemical or mechanical means to be used for the control of flies, gnats, mosquitoes or other insects, rodents or pests.

X

PROCEDURE

(a) The committee's approval or disapproval as required in these covenants shall be in writing.

1. In the event that the committee, or its designated representative, fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or if suit to enjoin construction has not been commenced prior to the completion thereof, approval will not

be required and the related covenants shall be deemed to have been fully complied with.

XI

ARCHITECTURAL CONTROL COMMITTEE

- (a) Said Architectural Control Committee herein referred to shall be composed of Boyd F. Henderson, Ethel C. Henderson and Trevor I. Henderson until such time three (3) other individuals are appointed by the property owners as provided herein.
- (b) Said Architectural Control Committee so appointed shall have all the powers, rights and duties as herein specifically set forth:
 1. Any action by said Committee may be taken by a majority thereof and the members of said Committee may act without a meeting.
 2. Said individuals, their successors or assigns, shall have the right at any time to remove any member of said Committee so appointed by each, and to fill any vacancy caused by such removal or by the death, resignation or any other inability to act of any member so appointed.
- (c) At any time after two-thirds (2/3) of the lots have been sold by the developer, then the record owners of a majority of the lots shall have the power, through a duly recorded written instrument, to change the membership of the Committee, or to restore to it any of its powers or duties.
- (d) The Architectural Control Committee shall determine what action must be taken to enforce any of the provisions of these restrictive covenants.

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1. Members of Committee. The Architectural Control Committee, referred to herein as "Architectural Committee" or "Committee," shall consist of three (3) members. The following persons are hereby designated as the initial members of the Committee.

Boyd F. Henderson

Ethel C. Henderson

Trevor I. Henderson

Each of said persons shall hold office until such time as he has resigned or has been removed or his successor has been appointed, as provided herein. Members of the Committee may be removed at any time without cause.

2. Grantor's Rights of Appointment. So long as at any time that Grantor is the Owner of at least ten percent (10%) of the Lots, Grantor shall have the right to appoint, remove, and replace any or all members of the Committee.

3. Meetings of the Committee. The Committee shall meet from time to time as necessary to perform its duties hereunder. The Committee may from time to time, by resolution unanimously adopted in writing, designate one of its members to take any action or perform any duties for and on behalf of the Committee, except the granting of variances as hereafter provided.

In the absence of such designation, the vote of any three (3) members of the Committee, or the written consent of any three (3) members of the

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Committee taken without a meeting, shall constitute an act of the Committee.

4. Compensation of Members. The members of the Committee shall receive no compensation for their services.
5. Non-Liability of Committee Members. Neither the Committee nor any member thereof shall be liable to any Owner for any loss, damage or injury arising out of or in any way connected with the performance of the Committee's duties hereunder, unless due to the willful misconduct or bad faith of the Committee. The Committee shall review and approve or disapprove all plans submitted to it for any proposed Improvement, Alteration or Addition, solely on the basis of aesthetic considerations and the overall benefit or detriment which would result to the Mink Creek Meadows Subdivision.
The Committee shall take into consideration the aesthetic aspects of the architectural designs, placement of improvements, landscaping, color schemes, exterior finishes and materials and similar features, but shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building or other codes.
6. Variances. The Committee may authorize variances from compliance with any of the architectural provisions of the Declaration or any Supplemental Declaration, including restrictions upon height, size, floor area or placement of structures, or similar restrictions, when circumstances

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such as topography, natural obstructions, hardship, aesthetic or environmental consideration may require. Any such variance must be evidenced in writing, must be signed by all three (3) members of the Committee, and shall become effective upon recordation in the Office of the County Recorder of Bannock County, Idaho. If such variances are granted, no violation of the covenants, conditions and restrictions contained in the Declaration or any Supplemental Declaration shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of the Declaration or to any Supplemental Declaration for any purpose except as to the particular Lot and Particular provision therein covered by the variance.

XII

SEWAGE DISPOSAL

- (a) As of the date of filing of the plat, central sewage connections are not reasonably available. Therefore, all lots shall have a subsurface sanitary sewer system installed by the buyer, as approved by the Southeast District Health Office, and pursuant to conditions set forth on the plat or its attachment.
- (b) All sewer connections shall exit the side of the dwelling to allow for possible future connections to a central sewer system should one become available.
- (c) To allow proper function of the drain fields for the subsurface sanitary sewage system, flood irrigation shall not be allowed over the drain fields. Irrigation

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of the lots shall be by sprinklers only, with a system approved by Butler Engineering or other licensed engineer.

XIII

COMMUNITY WATER SYSTEM

- (a) All of the lots in the subdivision known as Mink Creek Meadows Subdivision will obtain water for culinary purposes from a Community Water System. No property owner shall be permitted to drill an individual well on the property.
- (b) There shall be a culinary/irrigation water system. Each lot shall accept delivery of water from the central water delivery system.
- (c) Usage of water for culinary and irrigation water shall be metered by the placement of a metering device as recommended by the Architectural Committee. Placement of a meter shall be at the expense of the homeowner/builder.
- (d) There shall be a Cross Connection Control Program to prevent the entrance to the system of materials known to be toxic or hazardous. See the Cross-Connection Control Plan in the Mink Creek Meadows Water Corporation O&M Manual. Suitable protection must be installed prior to providing water service. See IDAPA 58.01.08, Subsection 900, Table 2 to identify cross-connection locations and determine required suitable protection devices. Annual inspection and testing will be conducted of all installed backflow prevention assemblies. Results will be submitted to and kept on file with the water corporation secretary. Testing procedures shall be done in accordance with published guidelines by the University of Southern California

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Foundation for Cross-Connection Control and Hydraulic Research. In the absence of suitable backflow protection for a cross connection the water corporation shall discontinue service and be entitled to an immediate injunction.

(e) Each water system user will pay for fair and proportionate cost of water supply to the water users corporation using a rate structure that includes the following fees: 1) line service fees to operate and maintain the booster station and distribution system; 2) a flat fee from the City of Pocatello to read and pay for maintenance of the water line and meter serving the development; 3) a water usage fee to pay for the cost of buying water from the City of Pocatello; and 4) a billing charge.

XIV

WATER USERS CORPORATION

(a) A water users corporation named Mink Creek Meadows Water Corporation has been filed with the Idaho Secretary of State. Water use, rights and restrictions are as set forth in the Mink Creek Meadows Water Corporation By-Laws, and resolutions.

XV

TERMS

(a) These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of ten (10) years from the date that these covenants are recorded after which time, said covenants shall

be automatically extended for a successive period of ten (10) years unless an instrument signed by the majority of the owners of the lots agreeing to change said covenants has been recorded.

XVI

ENFORCEMENT

(a) Enforcement shall be by proceedings at law by the owners in fee simple of any lot and/or the Bannock County's option, or other entity having active jurisdiction.

XVII

SEVERABILITY

(a) Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

XVIII

SIGNS

(a) No sign of any kind shall be displayed to the public view on any lot except on (1) professional sign of not more than one square foot or one sign of not more than five square feet advertising the property for sale or rent, or signs used by builder to advertise the property during construction and sales period.

XIX

GARBAGE AND REFUSE DISPOSAL

(a) No lot shall be used or maintained as a dumping ground.

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(b) Rubbish, trash, garbage or other waste shall not be kept except in sanitary containers and disposed of by County/City pick-up services or transported to a county or city dumpsite.

(c) All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

(d) All lot owners shall be responsible for limiting and controlling weeds and noxious weeds. Weed growths shall not be entitled to remain unabated. Noxious weeds as defined by the Bannock County Extension Office shall be sprayed or abated on not less than an annual basis. Failure to abate noxious seeds may render the individual liable for appropriate control, including spraying.

(e) No building material of any kind shall be placed or stored upon a building site until the owner or the builder is ready and able to commence construction, and then such materials shall be placed within the property lines of the building site upon which the structure is to be erected. The builder/owner shall be responsible to insure that no waste or debris will be allowed to be deposited or blown on an adjacent lot or in the subdivision by their contractors or subcontractors.

XX

SIGHT DISTANCE AT INTERSECTIONS

(a) No fence, wall, hedge, or shrub planting which obscures sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the

street, property lines, and a line connecting them at points twenty-five feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended.

1. The same sight line limitations shall apply on any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement.
2. No trees shall be permitted to remain within such distance of such intersections unless foliage line is maintained at sufficient height to prevent obstructions of such sight lines.

XXI

COMPLETION TIME

- (a) After commencement of the construction of any building, outbuildings, private garages, structures, fences or walls permitted hereby to be constructed, the same shall be processed to completion with reasonable diligence and according to plans and specifications approved by the Architectural Control Committee as herein set forth.
 1. No residence shall be in any manner occupied until made to comply with the conditions herein set forth and all requirements hereof thereunto appertaining.

XXII

BREACH OF CONDITIONS

- (a) It is expressly provided that a breach of any of the foregoing conditions shall not defeat or render invalid any mortgage or deed of trust made in good faith

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and for value as to said premises or any part thereof, but said conditions shall be binding upon and effective against any owner of said premises whose title thereof was acquired by foreclosure, trustee's sale or otherwise as to any breach occurring after acquirement of title.

XXIII

AMENDMENT

(a) It is understood that these restrictive covenants may be amended from time to time by written consent of two-thirds (2/3) of the owners of property subject to these restrictions, provided, however, that this provision shall have no application so long as the grantor, Mink Creek Meadows Subdivision, a.k.a. Boyd F. Henderson, shall be the owner of fifty percent (50%) of the subject property.

XXIV

SAVING CLAUSE

(a) The invalidity of any one of these covenants by judgment or court order or by any other method, shall in no way affect any of the other provisions which shall remain in full force and effect.

XXV

ANNEXATION BY MUNICIPALITY

(a) In the event the premises herein described are annexed by the City of Pocatello, or other municipality said land shall still have agricultural rights under the ordinances of such municipality together with these restrictions.

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IN WITNESS WHEREOF, the owners have hereunto caused these restrictive covenants
to be duly executed on this 27 day of February, 2008.

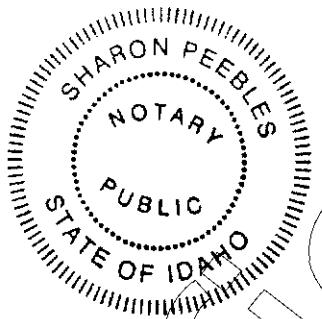
Mink Creek Meadows Subdivision

Boyd F. Henderson
Boyd F. Henderson, Developer

STATE OF IDAHO)
SS.
County of Bannock)

The foregoing instrument was acknowledged before me by Boyd Henderson,
this 27 day of February, 2008.

(seal)



NOTARY PUBLIC

Residing at:

My commission expires:

904
D. 2008-08-27
BANNOCK COUNTY, IDAHO

RECORDED AT REQUEST OF
DEPUTY BP

Boyd Henderson
20804088
2008 FEB 27 P 3:01

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Exhibit 1
Legal Description

Parcel 1

The Southeast Quarter of Southwest Quarter of Section 20, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho. Except: Beginning at the Northeast corner of said 1/16 section; thence South $89^{\circ} 19'$ West along the North line a distance of 275.00 feet; thence South $0^{\circ} 41'$ East a distance of 904.46 feet; thence North $89^{\circ} 19'$ East a distance of 275.00 feet to the East line of said 1/16; thence Northerly along the said East line to the point of beginning.

Parcel 2

The triangular tract of land located in the SW1/4 SW1/4, Section 20, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows: commencing at the Southwest 1/16 corner of Section 20; thence south $0^{\circ} 51'$ East, 90 feet along the West 1/16 line; thence North $42^{\circ} 39' 35''$ West 120.00 feet; thence North $88^{\circ} 45'$ East, 80.00 feet to the true point of beginning.

Parcel 3

A tract of land in the SW1/4 SW1/4, of Section 20, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows: Beginning at the Northeast corner, which is a point on the South 16th line of Section 20, 80 feet measured along said line West of the Southwest 16th corner of the Northeast corner of the SW1/4 SW1/4 of Section 29; thence South $88^{\circ} 45'$ West, Road South $41^{\circ} 42'$ West, 477.49 feet to a point of tangency; thence continuing along Mink Creek Road along a curve to the left having a central angle of $120^{\circ} 46'$ an arc distance of 128.26 feet; thence South $89^{\circ} 52'$ East, 987.09 feet; thence North $0^{\circ} 51'$ West, 378.49 feet; thence North $42^{\circ} 39' 35''$ West, 120 feet to the point of beginning...

EXHIBIT 3

Concept Plan Recorded Findings

(SCP-24-5)

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

CONCEPT PLAN – MINK CREEK MEADOWS AMENDMENT PUBLIC HEARING: SEPTEMBER 18, 2024

FILE #: SCP-24-5
LOCATION: RPRRM1C002100, currently addressed as 2066 Patton Drive, Pocatello, ID 83204 and RPRRM1C002000, currently addressed as 2028 Patton Drive, Pocatello, ID 83204.

APPLICANT:	OWNER:
GVE Drafting and Land Surveying	Hodge Revocable Trust
Jose Nava	2066 Patton Drive
1290 Mountain West Drive	Pocatello, ID 83204
Pocatello, ID 83202	Aaron Clements
	2028 Patton Drive
	Pocatello, ID 83204

REQUEST & BACKGROUND: Jose Nava proposes an amendment to Mink Creek Meadows Subdivision for the purpose of adjusting a lot line. The development proposes City of Pocatello water and septic systems. The buildable lots will be between 1.70 and 3.75 acres in size. The buildable lots will be between 1.05 and 1.08 acres in size. This subdivision is located ~ 1.25 miles from the city of Pocatello boundary.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural

PROPERTY SIZE: ~1.5 acres and 3.95 acres

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

IMPACT AREA: None

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes

EXISTING STRUCTURES: Residential dwellings and accessory structures.

OTHER: Located within Mink Creek Meadows 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 in conformance with the Bannock County Comprehensive Plan; is in conformance with applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.

This plan is in conformance with Subdivision Ordinance §302 as well as the Zoning Ordinance for lot size requirements. This plan is increasing one lot and the other lot will still meet minimum lot size requirements with the decrease.

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.

No additional roads or bridges are proposed. The lots will be accessed from an existing county road and there will be no increased impact on existing roads.

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

There is no change to existing streets or roads.

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

There are no changes to legally established easements or access.

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 proposed lot line follows the contours and drainage of the adjacent lot and not affect the 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 does conform to existing zone standards.

Density and number of lots will not change through this proposal. The new lot line conforms with setback requirements.

(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, including measurements and instrument numbers (when available).
2. Propose a new subdivision name for Council to review at Preliminary Plat.

3. Provide written approval from Southeast Idaho Health Department for the lot line adjustment at Preliminary Plat, per note C on the original plat.

ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request for Mink Creek Meadows Amendment Concept Plan, as described in the application, shall be **approved**.

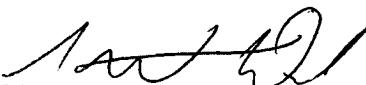
Motion by Krystal Madsen, seconded by Edward Ulrich to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Dimick	Voted Yes
Councilperson Madsen	Voted Yes
Councilperson Selleneit	Voted Yes
Councilperson Ulrich	Voted Yes
Councilperson Ward	Voted Yes

Motion carried by a 5 to 0 vote.

Dated this 18th day of September, 2024.



 Signed by Chairperson

ACKNOWLEDGEMENT CERTIFICATE

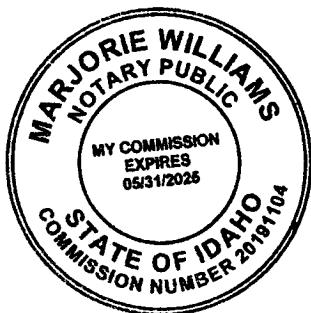
State of Idaho)

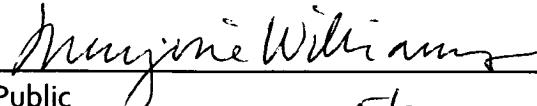
S.S.

County of Bannock)

On this 18th day of September, 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 he executed the same.

S
E
A
L





 Notary Public
 My Commission Expires on 5/31/2025

EXHIBIT 4

Agency Comments –

Southeastern Idaho Public Health

REQUEST FOR COMMENTS AND APPROVAL

6 messages

Jose Nava <gvedraft@gmail.com>
To: kkeller@phd6.idaho.gov

Wed, Aug 14, 2024 at 9:25 AM

Ken,

I am in the process of adjusting a lot line common to lots 9 &10, Block 3 of Mink Creek Meadows Subdivision (see attached Sub. Inst. No. 20804758). Page 2 of said Mink Creek Meadows Subdivision plat requires approval from the health department prior to lots being reduced in size. Will you comment back in regards to this? Both lots in question already have an existing septic system. The purpose of the adjustment is for the owner of lot 10 to build a shop. Lot 10 will increase acreage from 1.50ac to 1.70ac. Lot 9 will decrease from 3.95ac to 3.75ac. Bannock county has required something from the health department to move forward with the Re-plat. Any help would be appreciated.

thanks,

--

Jose T. Nava, PLS

GVE Drafting & Land Surveying

1290 Mountain West Dr.
Pocatello, ID 83202

Cell: 208-317-6189

2 attachments

 **24-003 MINK CREEK MEADOWS RE-PLAT CONCEPT PLAN.pdf**
281K

 **mink_creek_meadows_subdivision.pdf**
506K

Jose Nava <gvedraft@gmail.com>
To: kkeller@siph.id.gov

Mon, Aug 19, 2024 at 10:08 AM

[Quoted text hidden]

2 attachments

 **24-003 MINK CREEK MEADOWS RE-PLAT CONCEPT PLAN.pdf**
281K

 **mink_creek_meadows_subdivision.pdf**
506K

Jose Nava <gvedraft@gmail.com>
To: kkeller@siph.id.gov

Fri, Sep 13, 2024 at 9:30 AM

Ken, I have not heard back from you. What is the status on this?

Thanks,

[Quoted text hidden]

Ken Keller <kkeller@siph.id.gov>
To: Jose Nava <gvedraft@gmail.com>
Cc: Kathleen Price <KPrice@siph.id.gov>

Mon, Sep 16, 2024 at 9:17 AM

Jose,

It looks like there is a septic system located near the lot line change between Lot 1 and Lot 2 of Block 1. The plat map provides an approximate drainfield location for Lot 2. We will need to have the exact drainfield and replacement area identified and shown on a drawing so SIPH can ensure the drainfield and replacement area are not affected by a lot line adjustment.

Please let me know if you have any questions.

Thanks,

Ken Keller

From: Jose Nava <gvedraft@gmail.com>
Sent: Friday, September 13, 2024 9:30 AM
To: Ken Keller <kkeller@siph.id.gov>
Subject: Re: REQUEST FOR COMMENTS AND APPROVAL

You don't often get email from gvedraft@gmail.com. [Learn why this is important](#)

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

[Quoted text hidden]
[Quoted text hidden]

Jose Nava <gvedraft@gmail.com>
To: Ken Keller <kkeller@siph.id.gov>
Cc: Kathleen Price <KPrice@siph.id.gov>

Wed, Sep 18, 2024 at 8:49 AM

Ken, See attached revised map with the septic and drain field location. Hopefully this helps

[Quoted text hidden]

 [24-003 MINK CREEK MEADOWS AMENDMENT CONCEPT PLAN REVISED 09-18-24.pdf](#)
434K

Ken Keller <kkeller@siph.id.gov>
To: Jose Nava <gvedraft@gmail.com>

Bannock County Planning & Development Council

November 20, 2024

Page 107 of 139

Wed, Sep 18, 2024 at 10:21 AM

Cc: Kathleen Price <KPrice@siph.id.gov>

Jose,

Based on the attached map showing the location of the existing drainfield and sufficient area for a replacement drainfield located on Lot 2 Block 1 of Mink Creek Meadows Amendment A Re-plat, Southeastern Idaho Public Health does not have any concerns with the proposed lot line adjustment.

Please let me know if you have any other questions.

Sincerely,

[Quoted text hidden]

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 $\frac{1}{2}$ 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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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 DISTRICTMINIMUM 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.

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) Mainenance 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.

SECTION 400: DESIGN STANDARDS:**401 OPEN SPACE SUBDIVISIONS:**

401.A. REQUIREMENT FOR OPEN SPACE: Open space designed subdivisions will be required as specified in the County Zoning Ordinance.

401.B. DESIGN CRITERIA: Open space subdivisions will be designed to:

1. Assure buildable areas on individual lots which will assure privacy to that lot and its neighbors and preserve open lands.
 - a. Dwelling sites [buildable area] and building height limits, if appropriate, will be specified for each lot on the Preliminary Plat in such a manner as to provide privacy to subject lot and adjoining lots.
 - b. Lay-out of the subdivision will avoid structure sites on ridges or other land forms which would increase visibility of new development.
2. Reduce road-building which increases traffic dust, stormwater runoff, and road maintenance expense.
 - a. No more than an average of 100 feet of interior subdivision road is permitted per dwelling, not including arterial or collector roads or streets which connect to the subdivision.
 - i. A design deviation to this requirement may be applied for to connect separate groups of home sites.
3. Save water by using multi-party wells or community water systems if municipal utilities are not available.
 - a. Shared utilities such as multi-party wells, community water systems and central sewer facilities shall be required when practical. Easements in the open space may be used to accommodate those facilities.
 - b. Limit the use of culinary water for irrigation.
4. Protect ground water quality by using appropriate sewage and effluent pre-treatment.
5. Protect wildlife, crucial habitats and corridors.
6. Retain and enhance rural character of the area.
7. Preserve farmland, including dry grazing and wooded lands.
8. Reduce infrastructure costs and service needs.

9. Reduce visibility of development in rural areas.

10. Offer on-site outdoor recreational opportunities.

401.C. OPEN SPACE REQUIREMENT: Not more than 50 percent of the gross area shall be divided into individual lots, with the remainder devoted to open space. The open space shall include the areas listed in Natural Resource and Natural Features, Section 409. Additional open space shall be required to keep open and effective important wildlife habitat, wildlife migration routes, or prime agricultural land.

1. Allowable density shall not be required to decrease. In an example, a 30-acre tract of land zoned for one-acre lots will allow 30 dwellings on approximately $\frac{1}{2}$ acre lots and 15 acres of open space, assuming all 30 acres are developable.
 - a. Density bonuses up to 10 percent of the applicable density, using the entire parcel, may be applied for when additional land is committed to permanent open space. For each minimum lot size committed to open space, another dwelling can be developed, up to 10 percent more dwellings than would have been allowed without the bonus. Thus, if a proposed subdivision of 100 acres yields 80 acres developable and the density is one dwelling per 2.5 acres, 25 individual lots can be created on 40 acres. If the subdivider then commits ten additional acres to permanent open space, four additional lots (for a total of 29 building sites) may be created on 30 acres.
2. Open space created shall connect with other permanent open space, such as public land, riparian corridors, wetlands, other subdivision open space, or future logical open space area on undeveloped adjoining lands.
3. Developer may propose either of three options for the open space:
 - a. Common-owned space: Each lot owner will be granted a deed to a proportional share of the common space. Thus an owner of one lot in a 60-lot subdivision will receive a warranty deed for an undivided interest [1/60th] of the common space. The deeds will be restricted permanently to prohibit development including fencing and will transfer with the deeds to the individual lot. The open space cannot be sold or encumbered. The Homeowner's Association will own and manage the common space and be responsible for its upkeep, tax payment, and use, in perpetuity. Open space not within an important wildlife habitat may be used for outdoor recreation purposes, and 10 percent of the open space area may be developed for common-owned recreation facilities. Open space within an important wildlife habitat shall be limited to 10 percent of the open space area which may be used for recreation involving horses or motorized vehicles or structures.
 - b. Separate Lot: This concept treats the remainder of the site as a separate lot which can be retained by the developer who may elect to keep or sell it. The lot

will be deed-restricted against further development but it can be farmed or timbered, etc., as specified and approved by the Council.

- c. Transfer ownership to a public agency: The developer may deed the open space to a public agency such as the Forest Service, Fish and Game, etc., provided that agency is willing to accept it, by deed or by Conservation Easement approved by the Council and the public agency.
- d. To allow Minor Divisions to use easements for the open space.

4. The Council shall impose appropriate deed restrictions on the common or open space to ensure its intent for future use and preservation.
5. Open space may include easements for sewage and effluent pre-treatment facilities and wells, buffers and firebreaks, drainage ways, floodplain, riparian areas or corridors, detention basins and the like. Utility easements such as distribution lines or pipeline easements may, at the discretion of the Council, be counted as open space.
6. Open space shall not be used for open storage or for collection of refuse, junk or garbage.
7. Driveways of any length serving two or more structures or two or more non-agricultural uses shall be built to county standards (Section 402).

401.D. NEIGHBORHOOD COMMERCIAL USES: may be considered in open space subdivisions of adequate size to support the proposed use. Such uses shall not depend on business from more than two miles outside its subdivision, as indicated by a market study provided at the developer's expense. Location and type of such uses will be specified on the plat at concept review.

401.E. OPEN SPACE DESIGNED SUBDIVISIONS: are subject to all other provisions of this Ordinance.

401.F. Open space designed subdivision applicants *may apply for* design deviations for Sections 402, 403, and 404.

402 ROADS, BRIDGES AND STREETS:

402.A. DESIGN STANDARDS: Roads, bridges and streets shall be designed and constructed according to "Highway Standards and Roadway Development Procedures for Bannock County" (HSRDP), current edition. **(Amendment No. 5 Ordinance 2022-03)**

1. Design deviations to above referenced HSRDP may be granted in open space design subdivisions. The process for a design variance to be considered is described within Section 2140 "Variances" of the HSRDP.

2. The Standards contained herein are considered a minimum requirement, and may be exceeded where County Engineer and Public Works Director deem necessary. A written discussion of these areas shall be included in concept approval process, Section 302.

402.B. DRIVEWAYS: All driveways must meet the following standards:

1. Have a minimum width of 20 feet.
2. All driveways over 150' long, measured from the right-of-way, shall include a 45' radius turnaround or equivalent back-up area, and are considered fire apparatus access roads, requiring review by fire suppression district.
3. All weather surface: Where the driveway meets a paved road, driveways must be paved with concrete or asphalt to the right-of-way line of the public road.
4. No ditch sections shall exceed 300 feet on grades of 3 percent or greater without a cross-drain or other approved structure to provide water run-off management.
5. Prior to beginning of construction, driveways shall be either paved or graveled to prevent the tracking of soil off the site. It is the responsibility of the building permit holder to pave or gravel the driveway adequately prior to grading the building site.
6. A developer of a subdivision is not responsible for construction of driveways unless specifically required by the Planning and Development Council.
7. Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, must be built the standards in 402.A.

402.C. SUBDIVISION INGRESS AND EGRESS: Subdivisions of 20 or more lots, or which adjoin an existing subdivision the combination of which will equal 25 lots, shall provide two or more ingress/egress roadways, developed to standards adopted herein. When connected to an adjoining subdivision street which has egress to a collector or arterial road, that roadway may be considered the second ingress/egress. The Council shall have the option of requiring two accesses for development of fewer lots where one access may not provide adequate, safe ingress and egress due to steepness, wildlands, or development which would preclude use as a safe exit.

403 BLOCKS:

403.A. BLOCK SHAPES: Block length and width or acreage within bounding roads or streets shall accommodate the size of the lot required in the area by the Zoning Ordinance and shall provide for convenient access, circulation control, and safety of road or street traffic.

403.B. PEDESTRIAN WALKS: In blocks more than 1,000 feet long, pedestrian walks may be required in situations deemed necessary by the Council. Such walkways shall be three to ten feet wide.

403.C. SIZE: For commercial, group housing, or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

403.D. WIDTH: Blocks shall be wide enough to allow for two tiers of lots, unless the topography or other factors dictate the use of one tier through lots.

404 LOTS:

404.A. BUILDING SITE: Each lot shall contain satisfactory building site which is related to topography and conforms to the District Health Department requirements and this Ordinance.

404.B. RESTRICTED LOTS: All lots which meet the following criteria shall be marked with an "R" and indicated by shading on the preliminary and final plats. An "R" placed next to the lot number and the reasons for the restrictions: floodplain, steep slope, subwater, drainage easement, etc., shall be noted on the plat.

1. **Steep Slopes:** Lots with a slope in excess of 20 percent grade over 25 percent of the lot. Such areas will be shaded on the plat, with explanation of the restriction on the face of the plat.
2. **Water Problems:**
 - a. Lots with riparian areas, wetlands, subwater, floodway or floodplain.
 - b. Lots with drainage easements or drainage way(s) anywhere on the lot.
 - c. Lots with free flowing water on any portion of it.
 - d. Lots bounded by collector or arterial roads or streets. No access shall be permitted onto such roads or streets.

404.C. DIMENSIONS AND AREA: Lot dimensions and area shall be not less than the requirements of the Zoning Ordinance. Design deviations may be applied for on plats designed under Section 401.

1. Width to depth ratio shall not exceed 1 to 5; i.e., a 100 ft. Width lot cannot exceed 500' in depth.
2. Minimum width shall be 100' except in open space designed subdivisions.

404.D. SIDE LOT LINES: Insofar as is practical, side lot lines shall be at right angles to straight roads or streets, and radial to curved roads or streets.

404.E. APPROVED ROAD OR STREET: All lots must front upon an approved road or street, either public or private; all roads must be certified by the County as a suitable road or street, as shall be constructed in accordance with Section 402 of this Ordinance.

404.F. HAZARDOUS BUILDING SITES PROHIBITED: Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, access problems, or similar circumstances, the Council may, after adequate investigation, withhold approval of such lot.

404.G. REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street.

1. Access shall not be permitted onto functionally classified roads, highways or streets.

405 DRAINAGE WAYS:

405.A. EASEMENT: Where a subdivision is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space. Such areas shall be restricted from development of roads and structures, and the plat shall so indicate.

1. Design and performance standards in Section 409 and elsewhere in this ordinance further restricts development in stream or riparian areas.

405.B. ALTERATION: Regrading, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this Ordinance, and a plan is submitted to and approved by the County Engineer. Such plans shall insure that storage capacity and flow is not degraded.

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.

407 UTILITIES: ELECTRIC, TELEPHONE, GAS, AND OTHERS:

407.A. UNDERGROUND UTILITIES REQUIRED: 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.

407.B. PLACEMENT: North and West side of roadways: water and gas. South and East side of roadways: sewer. Telephone and underground utilities may use either side of the roadways. The developer shall submit location information with the Preliminary Plat.

1. Abbreviations to be used on plat: T - Telephone; P - Power (electric); W - Water; S - Sewer; G - Gas; T.V.-- Cable; PL - Pipeline; OC - Optical Cable.

408 BUFFERYARD AREA:

Subdivisions and other types of development may conflict with existing or planned development. Subdivisions and commercial or industrial development in the County must create buffers to reduce this conflict, existing or potential. The following chart specifies the width of the buffer between the subdivision and the existing or planned uses:

Bufferyard	
Use or zone	Width (feet)
Agriculture, present use or zone	20
Forestry	Fire break at least 20' wide or as set by Council
Residential, existing or zoned	0
Commercial or retail, zone or use.....	50
Indoor Recreation.....	50
Institutional Residential.....	50
Outdoor Recreation.....	50
Agricultural Support.....	30
Office and Professional uses, existing.....	30
Public Service.....	40
Road Service	40
Commercial Recreation	40
Light Industry	50
Extraction, Junkyard, or heavy industrial.....	75

409 NATURAL RESOURCE OR NATURAL LIMITATION PERFORMANCE STANDARDS:

ENVIRONMENTAL PROTECTION: In addition to the regulations imposed elsewhere in this Ordinance, all development shall be preceded by the identification of any environmental or natural features described below, and shall meet the standards of environmental protection as set forth below:

Site alterations, regrading, filling, and clearing or planting vegetation prior to approval of the final plat shall be a violation of this Ordinance.

409.A. WETLANDS:

1. All such areas shall remain as permanent Open Space when situated within a plat for development, except for the items listed in 409.A.3. below, as set forth in section 401.
2. Wetlands shall not be filled nor dredged.
3. Permitted uses: The following buildings or structures may be permitted within wetlands:
PERMITS ARE REQUIRED FROM THE ARMY CORPS OF ENGINEERS AND IDAHO DEPARTMENT OF WATER RESOURCES, IN ADDITION TO A COUNTY DEVELOPMENT PERMIT. Permitted uses shall not exceed 5 percent of the wetland area.
 - 1) Boat launching ramps, boat, piers, bridge and bridge approaches, marinas, picnic shelter, and Stormwater detention facilities, provided that a licensed engineer has certified that such structures are designed to withstand the forces exerted by the 100-year storm event. Evidence of this certification shall be presented as precondition to issuance of a Development Permit.
 - 2) Boat houses, boat buildings, and accessory structures (except boat or motor repair buildings) associated with uses permitted in the preceding paragraph, provided that a licensed engineer certifies that such structures are designed to allow free entrance of floodwater and to withstand structurally the forces exerted by the 100-year flood event at that location, and conformance with the County Flood Damage Control Ordinance. Evidence of this certification shall be presented as a precondition to issuance of a Development Permit.

409.B. STEEP SLOPES: In areas of steep slopes, the following standards shall apply:

1. Fifteen percent to less than 30 percent slope: no more than 20 percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to NRCS standards.
2. More than 30 percent slope: no more than five percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to NRCS standards. At least 50 percent of all areas over 30 percent slope shall be

designated open space; 100 percent of slopes greater than 35 percent shall be designated Open Space as set forth in 401.

3. Structures shall not be permitted on slopes of 20 percent or greater without an engineer site plan, including roads, stamped by a civil engineer licensed in the State of Idaho. Prior to issuance of an Occupancy Permit, a final grading inspection shall be required.

409.C. LAKES AND PONDS:

1. All such areas shall be permanent Open Space unless totally included in one lot. No development or diverting of these bodies of water shall be permitted except to provide required roads. Filling shall be permitted only in conjunction with deepening the lake and is permitted only if surface area and flood retention remain unchanged or are enlarged. ARMY CORPS OF ENGINEERS WILL REQUIRE A PERMIT.
2. No structures, animal runs or enclosures, or septic drainfields or other sewage treatment facilities are permitted within 100 feet of the riparian area surrounding a body of water. Southeastern District Health Department regulations may require greater distances.

409.D. RIPARIAN AREAS, SHORELINES OF LAKES, PONDS, STREAMS, & RIVERS:

1. No structures, animal runs or enclosures, or septic drainfields or other sewage treatment facilities are permitted within 100 feet of the riparian area. Southeastern District Health Department regulations may require greater distances.

409.E. IMPORTANT AGRICULTURAL SOILS: In the Agriculture zoning district at least 90 to 95 percent of all such areas shall remain as permanent open space. Accessory farm structures (i.e., barns, silos) shall be permitted in the open space. This is to preserve and protect the important agricultural soils, crop lands and grazing areas of the County. Also, see definition of "important agricultural soils".

410 STORMWATER RUNOFF:

410.A. ON-SITE DETENTION: Each development shall provide for the on-site or off-site detention of excess Stormwater run-off resulting from that development. For the purpose of this Ordinance, "excess Stormwater run-off shall include all increases in Stormwater resulting from: an increase in the impervious surface of the site, including all additions of buildings, roads, and parking lots; changes in soil absorption caused by compaction filling or draining of small depressional areas, alterations of DRAINAGE WAYS, or regrading of slopes; destruction of forest; alteration of DRAINAGE WAYS or installation of collection systems to intercept street flows or to replace swales or other DRAINAGE WAYS; or the alteration of subsurface flows, including any groundwater de-watering or diversion practices such as curtain drains, compared with the site in its natural state."

410.B. LIMITATION OF Stormwater RUNOFF: No development shall cause downstream property owners, water courses, channels, or conduits to receive Stormwater run-off from proposed developments at a higher peak flow rate than would have resulted from

the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped condition. "Undeveloped condition" shall mean that all the natural retention areas and DRAINAGE WAYS plus existing farm drainage tiles and highway drainage structures shall be included in the flow calculations. For the purposes of the following calculation, all ground covers shall be considered to be meadow or grassland, with the exception that forested areas shall be treated as woodland. "Channel" or "drainage way channel" shall mean the channels used to convey the 100-year drainage flows from the property, to retention facilities, or between successive retention facilities or to retention facilities for from the property.

410.C. DESIGN REGULATION: All detention facilities and improvements required by this section shall comply with the following regulations.

1. Storage volumes: Storage may be provided by wet or dry bottom basins or reservoirs.
2. Maximum depth: The maximum planned depth of Stormwater stored shall not exceed five feet unless natural ground conditions lend themselves to greater depths.
3. Outlet control structures: Outlet control structures shall be designed as simply as possible and shall operate automatically. They will be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the existing flow of the site in its natural condition.
4. Spillway: Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.
5. Dry bottom basin (basins designed without permanent pools):
 - a. Interior Drainage: Provisions must be made to facilitate interior drainage; to include the provision of natural grads to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.
 - b. Multipurpose features: These may be designed to serve secondary purposes for Recreation, Open Space, or other types of use which will not be adversely affected by occasional or intermittent flooding.
 - c. Cleaning: The basins shall be designed for periodic cleaning and removal of sediments, which shall be removed from the site or otherwise disposed of in an appropriate manner.
6. Wet Basins - basins designed as permanent pools:
 - a. Depth for fish: If fish are used to help keep the basin clean, at least one-quarter (.25) of the area of the permanent pool must have a minimum depth of ten feet.

- b. Facilities for Emptying: For emergency purposes, cleaning, or shoreline maintenance, facilities shall be provided for plans prepared for the use of auxiliary equipment to permit emptying and drainage.
- c. Pollution Abatement: Aeration facilities may be required when the quality of the influent and detention time would result in a lowering of dissolved oxygen content in the basin.
- d. Slopes: Approach slopes shall be at least 6:1 but not more than 3:1 and shall be at least four to six feet wide and slope gently toward the basin. The side slopes shall be of non-erosive material with a slope of 1:1 or flatter. The ledge shall be four to six feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of 12 to 18 inches above the high-water elevation on all retention basins. Alternate designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated.
- e. Cleaning: The basins shall be designed to include sediment traps in all inlets. Sediment traps shall be designed to permit periodic cleaning and maintenance. A basin maintenance plan shall be developed to insure that the design depths of the basin will remain over time.

410.D. MAINTENANCE OF FACILITIES: The developer shall post a performance bond for 110 percent of the cost of developing and maintaining the detention facility with the County. The bond will be returned at the end of five years provided that the County has not used funds to repair or maintain said facilities. The developer shall be responsible for the maintenance of all improvements until such time as 80 percent of the development is completed and occupancy permits are issued or five years from plat recording date, whichever is greater. At that time, the facilities may be transferred to the Homeowners' Association for maintenance after the developer has complied with the above. Thereafter, all detention improvements shall be maintained by the Homeowners' Association or individual lot owner if wholly located on one lot, in perpetuity and cannot be altered or eliminated.

410.E. INSPECTION OF FACILITIES: The developer's engineer shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans. In addition, a registered engineer, employed by Bannock County at the developer's expense, may inspect all drainage facilities while under construction, at the discretion of the County Engineer. When facilities are not constructed according to approved plans, the County has the explicit authority to compel compliance and require correction. It may suspend building permits, sue civilly or criminally, or complete the construction according to the approved plans and levy the property for the amount of money necessary to do so.

411 ACCESS FOR FIRE VEHICLE ACCESS AND OTHER STANDARDS:

Bannock County has adopted the Uniform Fire Code. Such accesses shall be developed to accomplish the following:

411.A. To facilitate rapid and effective extinguishment of fires by ensuring that all premises, which a fire department may be called upon to protect in case of fire, shall be readily accessible for effective fire department operations;

411.B. To prevent fire from entering wildlands.

411.C. To prevent the rapid spread of fire to other properties.

411.1 DEFINITION: Fire vehicle access roads are those private roads, driveways, demarcated lanes and the like which connect public roads or streets to improvements; public roads are not included in the definition.

412 OTHER DESIGN REQUIREMENTS FOR SUBDIVISIONS WHICH CREATE MORE THAN FOUR LOTS:

412.A. CENTRAL MAIL BOX DROPS: shall be required on all developments as per U.S. Postal Requirements and this Ordinance.

412.B. SCHOOL BUS ACCOMMODATIONS: shall be provided at School District's request and preference for locations.

413 AS-BUILT PLANS:

413.A. SUBMITTAL REQUIREMENTS: Two certified copies of the engineering details as actually built for roadways, utilities and all other improvements shall be submitted within two weeks of the completion of the project by the project engineer or developer. No bond may be released, and no building permits issued, until after the "As Built" Certificate, certifying that the utilities and road are built and placed as approved has been reviewed and approved by the County Engineer or authorized individual.

413.B. DETAILS FOR PROPOSED AND "AS BUILTS":

1. Show lines and directional flow of utilities (arrows are optional).
2. Stake dead ends or stub in and/or snow changes in direction or size.
3. Indicate utility crosses, depth, size, type, etc.
4. Use the approved abbreviations and make notes clear and concise.
5. Indicate bends, offsets, or dead ends.

6. Do not show more than one utility at one location through only one view. Use top and side views for clarification of details where necessary.

414 PROFILE AND CROSS SECTION STANDARDS; SURVEY PROFILES:

414.A. ROAD PROFILES: A profile of each proposed street or road shall be submitted:

1. Horizontal Scale: 1" = 100'
2. Vertical Scale: 1" = 10' and including the following features.
3. Existing ground profile along the centerline shown in reproducible ink with a dashed line. Such profile will include the lowest elevation of creeks or canyons as they cross the centerline. The proposed name of the street or road shall be clearly indicated. Profile may be taken from accurate contour lines of the Preliminary Plan.
4. Proposed centerline grades shown by a solid dark line.
5. Vertical PI (Point of Intersection) shall be shown by a small circle with station number and elevation.
6. Grades shall be lettered on the slant of the grade and expressed to nearest 0.10 percent of grade.
7. Stations shall be numbered along the bottom of each profile at each 100 foot station.
8. Stations of intersecting streets shall be shown on the profile.
9. Elevations shall be numbered every 10 feet at each end of the profile.
10. Vertical curves shall be shown by a solid line and labeled with the length of the curb.
11. Horizontal tangents and curves shall be shown.
12. Profiles shall extend at least 300 feet beyond the boundaries of the subdivision.
13. Title of the profile shall be placed in the upper left corner of the profile sheet in reproducible letters approximately one-half inch high including:
 - Plat Name
 - Identification as a Profile Sheet
 - Scale, Horizontal and Vertical
 - USGS Datum
 - Stamp of Surveyor or Engineer preparing the profile.
14. Approximate locations and elevations of culverts, drain pipes, or utility pipes or lines buried in the right-of-way shall be shown.

414.B. SURVEY CROSS SECTIONS SUBMITTAL REQUIREMENTS: Cross-sections for each proposed street or road shall be submitted to the following scale:

1. Horizontal scale: 1" = 100'
2. Vertical scale: 1" = 10'

414.C. CROSS SECTIONS: shall be shown at:

1. Each and every 100 foot station.
2. Intermediate points of critical concern, such as at extremely deep fills, high cuts or at existing proposed driveways or buildings.
3. The locations of the widest part of a vehicle turnaround.
4. Existing ground elevations, shown in Black India Ink with dashed line. When cross-sections are for a Preliminary Plat, the existing ground may be scaled from accurate five foot contours.

414.D. DRAWING STANDARDS:

1. Existing centerline elevation shown in numbers 1/10" high, 1" to 2" below cross-section, drawn directly beneath centerline of cross-section.
2. Station designation shown below centerline elevation numbers drawn in.
3. Original ground shall be shown at least 50 feet outside required right-of-way when 5 to 10 foot contours are shown on the preliminary map or tentative map and 50 feet where uncontrolled USGS contours are shown on the preliminary map or tentative map.
4. Title of cross-sections shall be placed on the cross section sheet including:

Plat Name Identification as cross-section sheet number
Scale, Horizontal and Vertical
USGS Datum
Stamp of surveyor or engineer preparing the cross-section

5. Overlapping of cross-sections will be avoided when possible.

415 STANDARDS OF SURVEY ACCURACY:

The survey of the map or plat shall be of such accuracy as to conform to the minimum requirements of State Law. The County Engineer will check the plat to ensure mathematical correctness and certify that all Local Ordinances and applicable State Laws have been complied with.

416 MONUMENT:

Shall comply with State Law 50-1300.

416.A. IDENTIFICATION OF FOUND MONUMENTS: The surveyor shall clearly identify on the face of the plat all found monuments and their origin used in the survey and the descriptions shall be sufficient to identify the monuments without reference to another record.

416.B. SETTING OF MONUMENTS: All monuments must be set prior to the filing of a plat. Witness posts must be installed prior to recordation of any Plat or Record of Survey.

416.C. ADJOINING SURVEYS AND PLATS: The plat shall clearly show the relationship of all adjoining surveys of record and their relationship to the Plat.

416.D. WITNESS POSTS:

1. Every front and rear lot corner shall also be marked with a witness post.
2. Posts shall be a minimum of four feet above ground and securely placed with a minimum of one foot buried.
3. The posts shall be a metal, high impact plastic, fiberglass, or other approved material.
4. Minimum face diameter 1 1/2 inches for "t's".
5. Minimum face diameter 1 1/2 inches for pipe.
6. Color: white, yellow, orange, bright red, or any fluorescent color band 6 inches wide around the top of the post.
7. Posts shall have permanently marked on it the Block and Lot number.

416.E. OFF SET MONUMENTS: When the placement of a required monument at its proper location is impractical, the surveyor may set a reference monument near that point. Such a reference monument has the same status as other monuments of record if its location is properly shown.

END OF SECTION

Findings

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL

FINDINGS AND ORDER

PRELIMINARY PLAT-SHADOW RIDGE ESTATES

MEETING DATE: NOVEMBER 20, 2024

FILE #: SPP-24-7

LOCATION: RPRRMICoo2100, currently addressed as 2066 Patton Drive, Pocatello, ID 83204 and RPRRMICoo2000, currently addressed as 2028 Patton Drive, Pocatello, ID 83204.

APPLICANT: **OWNER:**

GVE Drafting and Land Surveying
Jose Nava
1290 Mountain West Drive
Pocatello, ID 83202

Hodge Revocable Trust
2066 Patton Drive
Pocatello, ID 83204

Aaron Clements
2028 Patton Drive
Pocatello, ID 83204

REQUEST & BACKGROUND: Jose Nava proposes an amendment to Mink Creek Meadows Subdivision for the purpose of adjusting a lot line. The development proposes septic systems and City of Pocatello water. The buildable lots will be between 1.70 and 3.75 acres in size. The buildable lots will be between 1.05 and 1.08 acres in size. This subdivision is located ~ 1.25 miles from the city of Pocatello boundary.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural

PROPERTY SIZE: ~1.5 acres and 3.95 acres

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

IMPACT AREA: None

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes

EXISTING STRUCTURES: Residential dwellings and accessory structures.

OTHER: Located within Mink Creek Meadows Subdivision.

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.

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

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.

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

CONDITIONS (If any)

ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request of the Preliminary Plat for Shadow Ridge Estates, 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____

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL
FINDINGS AND ORDER: SPP-24-7
Page 3

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 Shadow Ridge Estates, 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. 6

Items of Interest

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