

## BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

**APPROVED** MEETING MINUTES | August 21, 2024

**BANNOCK COUNTY STAFF PRESENT:** Hal Jensen, Planning Director; Tristan Bourquin, Assistant Planning Director; Annie Hughes Williams, Zoning Planner; Marj Williams, Management Assistant; Kiel Burmester, Road and Bridge; Danny Crystal, Building Inspector.

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 Items #4, #8, and #10. Edward Ulrich, Barbara Hill (via Zoom), Chad Selleneit.

Excused/Absent Council Members: None.

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

- a. AGENDA CLARIFICATION AND APPROVAL – Ulrich makes a motion to approve the Agenda as outlined. Hill seconds. Motion passes unanimously by acclamation.
- b. This is Barbara Hill's last meeting on the Council.
- c. David Evans resigned, so there will be two additional Council members in September.

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

None.

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

Ulrich runs the meeting for Agenda Items #4, #8, and #10.

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

4. VARIANCE FROM §475.13 – DRIVEWAYS: Aaron Arnson, 4882 Wiltshire St, Chubbuck, ID 83202, requests a variance from the driveway standards. The current standard requires the driveway to be built no less than 20' wide at all points. The applicant proposes a 15' width at all points. The road straight-aways cannot be widened due to slope. North Bannock Fire wrote a letter in support of the variance. They plan to widen the curbs and make a hammerhead for emergency vehicles to turn around. The current aggregate is about 7" with plans to bring enough in to meet spec (12" or more). They plan to address all water flow and erosion issues that may arise. This road has been around for a very long time and has maintained its structure well. Not allowing for a variance will greatly impact the client's ability to attach a garage to the current home due to cost and may impact the ability to proceed with the project.

Annie Hughes Williams, Zoning Planner, presents the Staff Report and asks if Council has any questions.

Ulrich asks if the Fire Department made recommendation for the widening. Tristan Bourquin, Assistant Planning Director, says the Fire District helped come up with the plan on where to widen in order to accommodate the fire trucks. Jensen notes that the ordinance driveway standards were driven by the WUI (wildland-urban Interface) code, which states that anything over 150' long should be 20' wide. He notes the Applicant has support from the Fire Department which gives grounds for recommending approval.

Hill asks if the Applicant asking for 15' width is different than the letter from the Fire Department recommending 20'. Jensen says they may have incorrectly stated something in the meeting. Ulrich notes that they can fix that, if needed, by adding a condition to meet the Fire Department's requirement.

Ulrich invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Ulrich proceeds on to discussion and review of the findings.

1. The applicant has shown that there is no reasonable alternative. This is based on the existing conditions of the road and the requirements that will be met from the Fire District.
2. The variance is not in conflict with the public interest. The driveway has been existing at this width for over 50 years, and there has been no conflict up to this point.

3. The variance will not adversely affect adjacent property. This parcel is over five acres and this request will not affect the neighboring properties since this is contained on the parcel in the application.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site. In order to bring the driveway to the 20' standard, it would require significant engineering and would disturb natural habitat and the existing driveway.

Selleneit makes a motion, based on the record and discussion this evening, to approve the request by Aaron Arnson requesting a variance from the driveway to be built 15' width at existing straight-aways, 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 condition:

1. The driveway must meet the requirements as outlined in the letter from the Fire District.

Hill seconds the motion.

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

5. VARIANCE FROM §337 – BUILDING BULK AND PLACEMENT STANDARDS: Frank Holden, 9525 W. Gibson Jack, Pocatello, ID 83204, requests a variance to reduce the right-of-way setback requirements from 30' to 15' for one residential accessory structure (a 26x26 garage). The hill is very steep so it would be difficult to build in another location. There are utilities already in place. The angle of the roof of the garage will parallel the angle of the road to fit in aesthetically. He feels the variance will have minimal impact on neighbors or anything else in the area.

Ward asks if the change from 30' to 15' is based on the property line instead of the edge of the road. Holden confirms and says changing to 15' will immensely improve the building site. There's a berm on the road where they'll build so there won't be displacement of other materials.

Annie Hughes Williams, Zoning Planner, presents the Staff Report and asks if the Council has any questions.

Ulrich asks Road and Bridge if the 15' on the edge of the roadway leaves enough room for utilities and road work and snow removal. Burmester says it's a local road with lower volume. He doesn't think it will interrupt maintenance and utilities.

Ward invites public testimony.

Public testimony in favor: Randy Shelton-Davis lives on the parcel west of the property. He originally bought 19 acres and then split it with the Applicant. He says the bench on the proposed property allows for privacy and doesn't think the variance will have a negative impact.

Public testimony neutral: None.

Public testimony opposed: None.

Hill invites the Applicant up for further comments.

Holden says he bought the property in 1980 and built in 1990. He's been there a long time and would like to stay as long as he can. He says having the structure on top is going to allow him to plow snow from the top down instead of pushing it up the hill, which will make it easier for him to stay in the home longer as he ages. He said someone from the Fire District came by and said they had no issues with the proposal. He's seen the road plowed for years and says there will still be ample space for snow removal.

Ward proceeds on to discussion and review of the findings.

1. The applicant has shown that there is no reasonable alternative. This is based on the topography of the site and lack of additional options for the structure.
2. The variance is not in conflict with the public interest. The public were in support and the County Road and Bridge did not have any concerns.
3. The variance will not adversely affect adjacent property. The property is 10 acres and is self-contained. It is also a distance from any other structures.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site. The topography doesn't offer many options due to the significant sloping and the location of the creek.

Ulrich makes a motion, based on the record and the discussion this evening, to approve the request by Frank Holden to reduce the right-of-way setback requirements from 30' to 15', 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.

Selleneit seconds the motion.

Roll call. Hill – yes. Selleneit – yes. Ulrich – yes. Ward – yes. Motion to approve carries 4-0.

6. SUBDIVISION CONCEPT PLAN – PURSER SUBDIVISION: Tanner Purser, 14386 S. Attleboro Dr, Herriman, UT, 84096 proposes a 3-lot open space subdivision with a total of approximately 16.33 acres. The development proposes individual wells and septic systems. He has other properties in the area that he rents through Airbnb. He would like to move from Utah with his mother-in-law. He would keep Lot 2 for himself and Lot 3 would be open space.

Ward says there was a previous minor land division done a few years ago and asks if the open space is any different from that. Matt Baker, 366 Washington, Pocatello, ID, says it did not change from the original minor land division survey recorded in 2020.

Ward asks if the Applicant is aware of Condition #7 to rename the subdivision and present to Council on the preliminary plat as there is already a similar subdivision name in existence. Purser was not aware but says it can be changed.

Ward asks if the 50' access easement is an existing easement. Applicant confirms and it's to access the property to the south. It will be changed to 60' to meet the Fire District requirements. Ward notes the access easement must be 60' wide and must connect to the parcel south of Lot 3 since there's no other access to that parcel. Ward also notes that a cul-de-sac needs to be placed at the south end of Lot 2. The Applicant was unaware of that condition and says that will be hard as it's steep terrain. He was under the impression that they had to have a cul-de-sac inside Lot 2 but not the south end.

Hal Jensen, Planning Director, presents the Staff Report and recommends Council discuss the practicality of the placement of the cul-de-sac and whether it needs to go all the way through or just provide access to Lot 2 within reason of the slope/contour of the lot.

Ulrich asks if it matters where the cul-de-sac is as long as it can access the structures. Burmester says it is their recommendation to just go into the beginning of Lot 2.

Ward invites public testimony.

Public testimony in favor: Megan Raser, 7303 S. Pheasant Drive, Lava Hot Springs, ID. The Applicant purchased the parcels from her and she is supportive of the development. It won't be blocking any views of the valley since he's up on the hillside and all of the other homes are more upfront.

Public testimony neutral: None.

Public testimony opposed: None.

Ward invites the Applicant up for further comments.

The Applicant asks for clarification on whether the road will be brought through to Lot 2 and that's where the turnaround will be. Ward says that's the way the condition is currently written but they'll probably change that due to the topography. Ward asks Staff if the change to the turnaround condition will be a design deviation. Jensen says no.

Ward proceeds on to discussion and review of the findings.

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

Selleneit makes a motion, based on the record and the discussion this evening, to approve the request for the Pheasant Valley 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 of approval:

1. Depict all current and proposed easements and rights-of-way located within the subdivision, on all subsequent plats, to include measurements and instrument numbers (when available).
2. Access easement to be no less than 60' wide.
3. Access easement must connect to the parcel south of lot 3.

4. A cul-de-sac shall be placed within the north end of lot 2 to meet the Highway Standards and Roadway Development Procedures for Bannock County.
5. Include the proposed stormwater detention/retention methods and measures, adequate for controlling post development stormwater runoff, on the preliminary plat and construction plans.
6. All subsequent plats shall state: "Open space is a (Separate Lot or Common Owned Lot) and deed restricted against further development but may be used for farming, timbering, wildlife preservation or conservation, per Bannock County Planning and Development Council."
7. The subdivision name shall be changed and presented to Council on Preliminary Plat.

Ulrich seconds the motion.

Roll call. Hill – yes. Selleneit – yes. Ulrich – yes. Ward – yes. Motion to approve carries 4-0.

7. VARIANCE FROM §337 – BUILDING BULK AND PLACEMENT STANDARDS: Jeremy Manska with West Wind Construction, 1655 N. 2<sup>nd</sup> Ave, Pocatello, ID, requests a variance to reduce the side yard setback from 10' to 5' and the rear yard setback from 20' to 5' for one residential accessory structure (800 sq foot garage). This is in the West Field Estate Subdivision, Division 3. Similar variances have been granted in the same subdivision. Division 4 has a blanket variance for the entire subdivision. They are conforming to what has been done in the past and meeting the City of Chubbuck setback requirements for the accessory structure.

Selleneit says he's unfamiliar with a blanket variance and asks if that's for 20' to 5'. Manska confirms. Ward further clarifies that the blanket variance was for Division 4 through the remainder of the subdivision to meet City of Chubbuck setbacks because the property will be annexed. Manska notes that this is the second shop they've done in the subdivision but there are many other shops in the development meeting the same requirement.

Annie Hughes Williams, Zoning Planner, presents the Staff Report and asks if the Council has any questions.

Ulrich asks if the reason this is before the Council is because Division 3 was passed prior to the discussion with the City of Chubbuck to allow their setbacks. Jensen confirms.

Ward asks Staff if there's a way to revise the blanket variance to include Divisions 1, 2, and 3. Jensen says the developer would have to contact every property owner to sign off on the blanket variance and then have a hearing for the whole subdivision. Ward asks if this came through as part of a building permit and only affects the shop. Jensen confirms.

Ward invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Ward proceeds on to discussion and review of the findings.

1. The applicant has shown that there is not a reasonable alternative. The proposed location is in line with the resident's existing driveway and garage.
2. The variance is not in conflict with the public interest. It meets the future requirements after annexation by the City of Chubbuck and previously granted variances in Phase 1-3, as well as the blanket variance for Phases 4-8.
3. The variance will not adversely affect adjacent property. It meets the future requirements after annexation by the City of Chubbuck and previously granted variances in Phase 1-3, as well as the blanket variance for Phases 4-8.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site. The size of lot and the proposed location is in line with the existing driveway and garage.

Hill makes a motion, based on the record and the discussion this evening, to approve the request by Jeremy Manska requesting a variance for a 5' side yard setback and a 5' rear yard setback at all points, 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 condition:

1. Variance to be approved for one residential accessory structure.

Ulrich seconds the motion.

Roll call. Hill – yes. Selleneit – yes. Ulrich – yes. Ward – yes. Motion to approve carries 4-0.

8. SUBDIVISION CONCEPT PLAN – REYNOLDS ACRES: Jon Thuernagle, 1890 Touch Drive, presents the proposal to replat Lot 2, Block 1 of Lilly Sioux Subdivision. He is a neighbor of the Applicants and was asked to help with the project. The proposal is to create a 2-lot subdivision from a total of approximately 2.07 acres. The development proposes individual wells and septic systems per each lot. They retained Stewart Ward through Dioptra to ensure everything is done correctly.

Ulrich asks what the acre size is of the other properties within the subdivision. Thuernagle says most are 2-2.5 acres. His property is 3.47 acres. There is a property that has been split and the

property has been built on 1.2 acres. So the standard has already been created and they're just looking to replicate it. Homeowners on Honeysuckle have written letters in support of this proposal.

Hal Jensen, Planning Director, presents the Staff Report and asks if the Council has any questions. He asks the Applicant to add all letters of support to the table to be submitted into the public record.

Ulrich asks the Applicant if they have reviewed the seven conditions for approval. Ward says he has no issues with them.

Ward invites public testimony.

Public testimony in favor: Dawn and Joseph Merrill wrote a letter in support of the proposal.

Steven Rivera and Julie Whitworth wrote a letter in support of the proposal.

Public testimony neutral: None.

Public testimony opposed: Larry M Bull, 5787 W. Portneuf Rd, Pocatello, ID. He is the original developer of the project and says the proposal violates everything that Planning and Zoning went through 10 years ago. He originally wanted to put 15 lots on it but because there's only one access and cul-de-sac they would only approve 14 lots. The County requirement is 5 acres in a subdivision so there isn't enough open space. The infrastructure and irrigation system are set up for 14 lots. He tried to get approval for the 15 lots four different times and couldn't get approval.

Curtis Smith, 1859 N. Honeysuckle Ln, owns the property that abuts the entirety of the east side of the proposed subdivision. He objects the proposal and worries what precedence could be set for future requests. He references page eight of the CC&Rs stating that only one detached single-family dwelling, garage, and barn per lot. He says all currently exist on the present lot. It also says no lot may be subdivided into smaller parcels. He purchased his lot with the understanding that no further development could occur on the lot behind him. He says it's worrisome that the regulations can so easily be overturned and this invites any landowner to bring suit for CC&R enforcement.

Dan Bull, 3408 W. Portneuf Rd, Inkom, ID. He says the one lot that was split was for farming purposes. He has an agreement with the owner of the property with the house that they will buy it as soon as he stops farming, making it one lot again. He says the irrigation system is owned by Lilly Sioux HOA, so if that transfers into another subdivision they won't have any water right. He says when anyone buys a lot and hooks up to the power box they have to reimburse the original developer for the cost to Idaho Power for installation. They put a 10,000 water tank on Lot 1 for Bannock County's rules for fire suppression. He doesn't think it would

be fair to anyone living in Lilly Sioux to have another subdivision getting all of the Lilly Sioux benefits.

Selleneit asks how the CC&Rs affect the Council's job. Ulrich says they don't have any jurisdiction on CC&Rs. The Council has to decide whether the ask of the Applicant fits within the Planning and Zoning ordinances. Ulrich asks if there are deed restrictions from the Fire Department that limit the property to 14 lots. Staff says there aren't any deed restrictions on further development on the plat. The current ordinance allows 19 or fewer lots on one ingress/egress.

Ulrich invites the Applicant up for rebuttal.

Thuernagle acknowledges the complexities of creating a subdivision within a subdivision. He doesn't believe the Applicant has immediate plans to build a home. They're seeing if it's an option to get this approved and then go to the HOA and work through the details. The water system was put in by the subdivision, not the developer. It was not put in one riser per lot as he has five on his personal property. There are over 25 risers and one on each potential split. They're just trying to get the County ordinance approved and see what's viable. He has personal water rights that he's willing to give to the Applicant if the subdivision doesn't want to give them rights. He notes that the parcel that was split with or without a development right violated the ordinance that they now say can't happen. He has been the president of the HOA for many years and is happy to help work through the details. The subdivision was put in in 2007.

Larry Bull submits a document into the record saying it shows the deed restrictions on the property. Staff says the submitted document shows an instrument number for the CC&Rs, which are a civil matter and have no bearing on the plat.

Hill asks if they want to add a condition to make sure authorization is obtained from the Fire Department. Ulrich notes that the Fire Department is contacted on all hearings and there was no response. There is a letter from DEQ.

Ken Gibbs, 9754 W. Gibson Jack Rd, is a commissioner for the Pocatello Valley Fire Protection District. He says they have not been contacted with regard to the request.

Jensen notes that adjoining neighbors contacted Staff so they had County Legal review this matter and found that there is no case law relative to acting on attaching CC&Rs to the plat. Should that arise it would be a civil action filed by anyone who contests. Council must make a decision based on current ordinance.

Selleneit voices concern that this will set a precedent for future proposals. Ulrich notes that it'll be subject to current code unless it becomes deed restricted.

Ward proceeds on to discussion and review of the findings.

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. The request meets current subdivision standards for concept plan as well as for minimum lot size and open space.
2. The proposed roads and bridges will be designed and constructed according to the Section 402 of this Ordinance. A design deviation was not requested and was not granted to equal or exceed those standards for its purpose. There are no changes to road or bridge within the subdivision.
3. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads. Dedicated streets and roads are already existing and will serve these lots.
4. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition. Nothing changes with easements or access. Both lots are accessed by existing infrastructure.
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 lots are located to properly relate to the existing utilities and road.
6. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards. It meets minimum lot size and density for this zone.

Selleneit makes a motion, based on the record and the discussion this evening, to approve the request for the Reynolds Acre 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. 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. All subsequent plats shall state "15' wide easements are for the public utilities, roadway slopes, snow removal and drainage."
3. All subsequent plats shall state "Construction of any water well is restricted within 100' of the easterly boundary."
4. Documentation from Southeast Idaho Health that the sanitary restriction will be lifted for both lots.

5. Developer to install shared irrigation system, if water rights are being delivered to both lots.
6. Developer to install the approach to each lot, meeting the standards of the Bannock County Highway Standards & Roadway Development Procedures.
7. Developer to provide documentation that power has been extended to each lot.
8. All subsequent plats shall state open space for this subdivision was provided on Lilly Sioux Subdivision.
9. Applicant shall contact the Fire District and submit written comments. In absence of written comments, proof of contact at least twice shall be submitted at the preliminary plat.

Hill seconds the motion.

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

9. VARIANCE FROM §337 – BUILDING BULK AND PLACEMENT STANDARDS: Rich Phillips, 331 N. 13th, requests a variance to reduce the right-of-way setback requirements from 50' to 30', to the standards of local roads, for one accessory structure (a single-story 30x40 shop for cold storage). This proposal was denied by the Council in May. The Applicant appealed and Commissioners decided it was worth looking at again. The Applicant started raising cattle 10 years ago and needs somewhere to store his equipment and feed out of the elements. The area is rocky ground, unsuitable for cultivation outside of his fenced pasture and located next to an existing outbuilding. There is an established access road to get to it and has proper drainage and stormwater retention. The survey shows 30' off the center of the road, which leaves 24' to fit a 30x40 building. They could do a 40' setback but chose 30' because the County already has code and language for it.

Ward asks if the dimensions shown on the drawing are consecutive dimensions from the center of the road. Phillips confirms.

Ward asks what the proposed building area is currently being used for. Phillips says the Applicant has trailers parked on it.

Ward asks if they were able to find any of the lot corners. Phillips says they've looked but did not find them and asks if they can go off of the survey. Ward says the concern is that if they go off of the striped center line of the pavement, then that might not be the true center line of the right-of-way.

Selleneit asks Road and Bridge the likelihood that the road will be expanded in the future, noting that there can be future issues if they're not 100% sure where the right-of-way is. Burmester says it's a major collector. There's a lot of expansion going all the way over Buckskin and this is the only road that's going to feed all that traffic. Any time anything changes, Road

and Bridge gains more right-of-way. The right-of-way is actually 25' on the Applicant's side and 35' on the opposite side. There's talk of putting in bike paths as it's a highly used road for bikers. Ward notes that the survey says it's 60' right-of-way through the property, 30' on each side. Burmester says 10' were added to the opposite side to bring it up to the 60' but the road is closer to the Applicant's side. Selleneit notes they could do a 20x40 barn instead of 30x40 for more leeway.

Tristan Bourquin, Assistant Planning Director, presents the Staff Report and asks if the Council has any questions.

Ward invites public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Ward remembers talking in the previous meeting about the elevation change between the building site and the other side of the existing shed. He asks Phillips to explain why they chose to build on that location. Phillips says the topography map shows a severe grade on the other side of the shed coming off of Buckskin towards the creek. There is an established road that goes down to the flat spot making it easily navigable. If the road is pushed further down the pasture, he doesn't know that they can meet a 10% grade. The chosen building site better lends itself to accessing tractors and other equipment in the winter. The slope on the other side is steep enough that you'd be on a different elevation from the existing outbuilding and there wouldn't be an efficient way to pass between the two buildings. He also notes the significant cost associated with redoing the pad, fence, irrigation, and losing up to an acre of pasture ground (1/3 of the Applicant's property).

Jensen says the grade distance of 85.7' is a 10' contour interval (8.5%).

Ulrich asks what the distance is between the corner of the house to the property line. Ward notes it's about 50'.

Ward proceeds on to discussion and review of the findings.

1. The applicant has shown that there is no reasonable alternative. This is based on the placement of the structure not reducing farmable ground on this property.
2. The variance is not in conflict with the public interest. This is based on lack of public input, and it will be fairly hidden from the road with the existing trees along the roadway.

3. The variance will not adversely affect adjacent property. There's already an existing structure and the required side yard setback will be maintained.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site. The only alternative will reduce agricultural cultivatable ground, which is a source of income.

Ulrich makes a motion, based on the record and the discussion this evening, to approve the request by Rich Phillips for a variance with a right-of-way setback in a Residential Suburban zone, to reduce the setback from 50' to 30', for one residential accessory structure, as described in the application material, 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.

Selleneit seconds the motion.

Roll call. Hill – yes. Selleneit – yes. Ulrich – yes. Ward – yes. Motion to approve carries 4-0.

Hill moves to close the public hearing. Ulrich seconds.

Motion passes unanimously by acclamation.

#### **E. BUSINESS ITEMS:**

10. PRELIMINARY PLAT APPROVAL – STAN'S INDUSTRIAL PARK: Stewart Ward with Dioptra, 4880 Cloverdale, Chubbuck, requests a preliminary plat approval for tax parcels RPR4013006002 and RPR4013006001, in accordance with procedures and standards established in the Subdivision and Zoning Ordinances. This is a planned unit development. The concept was approved back in June. Nothing on the preliminary plat has been changed since concept. There are no concerns with the conditions. The property has already been annexed into the City of Pocatello, so the final plat and construction drawings will go through the City of Pocatello process, not the County. It's 10 lots, 2 blocks, proposed shop/office-type buildings, with the exception of Lot 2 which is an existing transitional housing facility.

Jensen, Staff, presents the Staff Report and asks the Council if they have questions.

Ulrich 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. It is in conformance with the Planning and Development Council's approved

concept plan. Applicant stated no changes have been made from the previous application.

2. The street plan for the proposed subdivision will permit its development in accordance with the Bannock County Subdivision Ordinance. The street plan meets all requirements for Bannock County's Subdivision Ordinance and will connect with adjacent property.
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. The street plan requirements have been met per the County ordinance and connection to adjacent properties demonstrated on the drawing.
4. Lot lines and roads relate to land shapes and existing development. There are already approved developments adjacent to this and it does comply and relate to those lines and land shapes.

Selleneit makes a motion, based on the record and the discussion this evening, to approve the request for the preliminary plat of Stan's Industrial Park, 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. Developer should consider removing note 8 from the plat, or update the note to reference Block 2, Lot 5.
2. Provide measurements of the temporary turnaround easement on final plat and construction plans.

Hill seconds.

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

11. CONDITIONAL USE PERMIT EXTENSION REQUEST – TRUCK STOP: Jose Nava requests an extension on a conditional use permit for parcel number RPR4433031201, in accordance with procedures and standards established in the Zoning Ordinance. Twenty-four hours before the documents were signed, the truck stop chain was sold to a conglomerate who pulled a plug on the project. The extension is for six months while potential negotiations are made. The expiration date was August 15<sup>th</sup> and the extension was submitted July 17<sup>th</sup>.

Hill asks if six months is the maximum allowable extension. Bourquin confirms. Jensen notes they can only have one extension.

Ward proceeds on to discussion and review of the findings.

1. The proposal for extension was filed with the Planning and Development Council prior to the expiration date of the original conditional use permit approval. As stated in the Staff Report, the original expiration was August 15, 2024. Applicant submitted the request on July 17, 2024.

Hill makes a motion, based on the record and the discussion this evening, to approve the request by Jay D. Gepford for an extension of a Conditional Use Permit, as described in the application of materials, as supplemented with the 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.

Selleneit seconds.

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

**F: ITEMS OF INTEREST:**

- a) Update on recommendations to Commissioners – Staff is in conversation with Commissioner Moser relative to appointing two new Council Members in September.
- b) Discussion of upcoming hearing items
  - i. There will be a concept plan, a preliminary plat, and a variance for the next meeting.
- c) Announcements – There will be a work session in September for the Comprehensive Plan update.

**G. CITIZEN COMMENTS:**

None.

Meeting is adjourned.

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

Respectfully Submitted,

*Marjorie Williams*

Marjorie Williams

Management Assistant