

BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

APPROVED MEETING MINUTES | September 18, 2024

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

Stewart Ward calls the meeting to order at 5:15 p.m.

1. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:

Present Council Members: Stewart Ward will recuse himself from Agenda Items #4 and #6. Edward Ulrich and Chad Selleneit. Molly Dimick and Krystal Madsen sworn in.

Excused/Absent Council Members: None.

2. PRELIMINARY BUSINESS:

AGENDA CLARIFICATION AND APPROVAL

Hal Jensen, Planning Director states to add agenda item 2 c) to preliminary business. Council will need to vote for new Vice Chair after new council members are sworn in.

Ulrich makes a motion to approve the agenda with addition. Selleneit seconds.

SWEAR-IN MEMBERS TO PLANNING AND DEVELOPMENT COUNCIL

Commissioner Jeff Hough swears in new council members – Krystal Madsen and Molly Dimick.

VICE CHAIR

Selleneit makes motion that Ulrich continue his current service of Vice Chair until the first of the year. Ulrich did not oppose.

Ward makes a motion to approve that Ulrich remain Vice Chair until the first of the year. Dimick seconds. All in favor.

3. APPROVAL OF MINUTES

Approval of Minutes for March 14, 2024, March 20, 2024, and April 17, 2024. Ulrich makes a motion to approve minutes as presented. Selleneit seconds.

4. PUBLIC HEARING ITEM: VARIANCE BUILDING BULK AND PLACEMENT STANDARDS

Ulrich presented that Brady Smith is requesting a variance in lot size from 1 acre to 0.61. The affected property is parcel RPR3803038109 and is currently addressed as 13855 N. Yellowstone Hwy., Chubbuck, ID 83202.

Brady Smith, 161 Jefferson Avenue, Pocatello, ID 83201 representing applicant on this project. Brady Smith requests a variance in lot size from the minimum of 1 acre to 0.61 acre. Accommodate open space and smaller lot sizes. Own septic system and well. No concerns with conditions.

Selleneit asked with the setback variance would that be a separate variance. Assistant Planning Director, Tristan Bourquin indicated it would have to be a separate variance.

Annie Hughes, Bannock County Zoning Planner, you have had the staff report for a week now and I would like to make note that this lot size variance has been submitted due to a condition of approval with Dallas Subdivision Concept Plan. Do you have any questions?

Ulrich stated, "this is in the City of Chubbuck impact area. Is this going to cause more problems with that or is it something that will fit with a lot of the stuff already going on in Chubbuck?"

Hal Jensen, Planner Director, "I don't anticipate that, that has any bearing or impact upon your action tonight."

Ulrich, "the other would be the variance that has to come back. We don't need to talk about the variance at all, then right?"

Hal Jensen, "No."

Ulrich, "okay good because I do have some questions about that, but I will table those until another time."

Selleneit, "were you here when this came through on the concept?"

Ulrich, "I think I was because I recognize it."

Selleneit, "just with your concerns, I know that Road & Bridge was good with having access through that lot, if the variance was granted." "Just access to that lot, which would be lot #8 in here if I remember right and not a through way for the other lots."

Ulrich, "well yes and I think that makes it a little easier to do this." "It is what it is."

Ulrich, “was there any public comments or did anyone sign up for public comment on this one?”
“There was reference to a written letter coming from Southeast Idaho Public Health. Did we hear anything back on that when we put the agenda together?” We typically send a letter to them correct?”

Assistant Planning Director, “yes, we do and the only agency comment we have was the Department of Environmental Quality and it was just the general recommendation with their general form letter.

Ulrich, “Brady are you okay with that requirement that we get that letter prior to moving forward?”

Brady, “I think it is noted as a final plat. Just got some information from the owner with regards to that building that they are okay to even tear it down if that is what it takes because it is just an old lean tube building and to meet setbacks they are willing to do that. The building would go away which would reduce the 35% even more or the 17 that we have so just that you are aware they are completely fine with that.”

Hal Jensen, “Brady and council, by way of information, the Health Department would request a letter from us if you act on this and grant that approval then we would send a letter to the Health Department stating that we recognize the minimum lot size of 6/10 of an acre, which they would then grant.”

Ulrich proceeds on to discussion and review of the findings.

1. The applicant has shown there **is not** a reasonable alternative.

This is based on:

The existing lot lines, the open space requirements, and the design of the subdivision.

2. The variance **is not** in conflict with the public interest.

This is based on:

Lack of opposition of neighbors as well as it’s an existing structure with current utilities.

3. The variance **will not** adversely affect adjacent property.

This is based on:

This has existing structures and we aren’t altering anything that is already there. There have been no opposition stating this structure is adversely affecting their properties.

4. If the variance is not granted, the applicant **will** suffer undue hardship caused by the physical characteristics of the site.

This is based on:

If this variance is not granted, it would require the applicant to change open space and would require a significant change to the subdivision.

CONDITIONS

1. Written approval of a lot size less than 1 acre, from Southeast Idaho Public Health, shall be submitted with the submittal of Dallas Subdivision final plat.
2. Applicant shall prove that the total area of structures on proposed lot 8 does not exceed 35% of the total lot, per Zoning Ordinance §401.C.4.d.

Dimick makes a motion to approve variance and conditions. Selleneit seconds.

Roll call. Ulrich – yes. Selleneit – yes. Dimick – yes. Madsen – yes.

Motion to approve passes 4-0.

5. PUBLIC HEARING ITEM: SUBDIVISION CONCEPT PLAN – MINK CREEK MEADOWS SUBDIVISION

Jose Nava proposes an amendment to Mink Creek Meadows Subdivision for the purpose of adjusting a lot line. The development proposes individual wells and septic systems. Parcel RPRRMIC002100, currently addressed as 2066 Patton Drive, Pocatello, ID 83204 and Parcel RPRRMIC002000, currently addressed as 2028 Patton Drive, Pocatello, ID 83204. Buildable lots will be between 1.70 and 3.75 acres in size.

Jose Nava, 1290 Mountain West Drive, Pocatello, ID 83202. Mr. Hodge wants to adjust property line for the purpose of building a shop. These 2 lots of existing hookups to a community water system and currently have septs. Few steep slopes, but where he is going to build shop there is a flat area. Setbacks from property line will be 20' so it would meet the minimum setbacks for Bannock County and for the existing CC&R's. I believe no open space is required. No water or septic going to shop.

Selleneit commented that the Health Department were okay with the lot line being on the drain field.

Nava received comments back from the Health Department requiring more information. Nava sent them a map clarifying drain field and the Health Department commented back that they have no issues.

Ward commented on one of the recommended conditions, it talks about a new subdivision name. Have you thought about one today? The staff report basically says that you cannot use Mink Creek Meadows. Propose a new subdivision name for Council to review at Preliminary Plat.

Ward – Staff

Alisse Foster, Subdivision Planner, just for clarity of new council, whenever a lot is in a current subdivision, based on Idaho Code, it is required to go through the platting process based on County ordinance so this will be its own subdivision removing itself from the previous subdivision. Let's rename it, unless they can get written approval from the original developer. The lot line adjustment, they are not creating any additional lots, they are simply moving the line between the two lots over for setbacks. They both have existing septic and both connected to private waterlines that connect to the City of Pocatello's water. Does council have any questions based on the staff report?

Ward – Any Questions? No questions.

Ward invites public testimony.

Public testimony in favor: None.

Public testimony neutral: My name is James Shaw, 2072 N. Mink Creek Road, Pocatello, ID 83204. I am an adjacent property owner. I don't really have a problem with altering the lot lines and building a shop, but what I do have a problem with is the public hearing notice that I got. Public hearing notice states development proposes individual wells and septic systems. That is in contradiction to the original agreement and recommendations of this body for that subdivision. No individual wells and individual septic systems are allowed, but I wouldn't like to see another septic system added to this particular property, as it will be very close to Mink Creek itself and we have enough problems with water contamination as it is. I guess I would like to know the size of the shop. Cannot decipher from the map. Shop is 50x45. My only other concern is that this shop does not turn into a living shop. I believe I was told this was a clerical error.

Ward – Staff report says they are connected to city water and individual septic systems so no wells are proposed the way it was presented.

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.

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.

CONDITIONS

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.

Madsen makes a motion to approve. Ulrich seconds.

Roll call. Ward – yes. Ulrich – yes. Selleneit – yes. Dimick – yes. Madsen – yes.

Motion to approve passes 5-0.

Ward closes public hearing at 6:12 p.m.

6. BUSINESS ITEMS: PRELIMINARY PLAT APPROVAL – DALLAS SUBDIVISION

Brady Smith, 161 Jefferson Avenue, Pocatello, ID 83201 representing the applicant on this preliminary plat. In looking through the staff report, I did have a couple of questions that I wanted to mention as part of this. We tried really hard to accommodate all of the conditions that came out of the concept review application. It talks about sidewalks in conditions 6 & 7 that showed up in our CC&R's and we will get that removed. We don't anticipate or want sidewalks. Question on Lot 6, removing that note because that was actually Cory that provided that note to us, but I can see where it causes a little conflict because there is no way to put an easement across the open space so could we just strike the portion that talks about it connecting it to Dallas Lane? I think he wanted it to be pretty clear that it was only going to be accessed from the highway. It says that Lot 8 is restricted and receives Idaho Transportation Department access from US Hwy 91. I think we could say Lot 8 shall have access to Lot 4 and that's it. I think that it is what causing maybe the problem. I don't see a need for it to ever really need access to Dallas Lane unless something were to change in the ordinance in years to come where that opens that back up.

Ulrich – Staff

Alisse Foster, Subdivision Planner, you have had the staff report and it sounds like they are going to run sidewalks from the CC&R's. My only comment based on note 6 that he had discussed is if the ownership of Lot 8 and Lot 4 are the same they don't need to give themselves legal access and yet they have proposed Lot 4 to be a separate lot so if they ever sold Lot 4 separately, they are still giving Lot 8 access to Lot 4 with that note. That is something to consider.

Ulrich proceeds on to discussion and review of the conditions.

1. Final plat shall state stormwater shall be retained within individual lots.
2. Maintenance and Operation Plan recorded and referenced on plat that addresses long term maintenance of Dallas Lane, Legend Lane, and signage. This must include who bears the cost of the upkeep. Such plan shall be reviewed and approved by Staff before recording.

3. If irrigation is being proposed to each lot, it shall be included in the construction plans and the Maintenance and Operation Plan.
4. Remove the second sentence from Note 6.
5. Plat shall state right-of-way swales shall not be filled.
6. Remove reference to sidewalks from CC&Rs.
7. Change Note 10 to reference ITD instead of Bannock County Road & Bridge.

Selleneit makes a motion to approve. Dimick seconds.

Roll call. Ulrich – yes. Selleneit – yes. Dimick – yes. Madsen – yes.

Motion to approve passes 4-0.

7. BUSINESS ITEMS: CONDITIONAL USE PERMIT EXTENSION REQUEST – RV STORAGE

Tommy Kofoed requests an extension on a conditional use permit for parcel number RPR4227010801 in accordance with the Zoning Ordinance. Conditional uses can be extended one time, but they have to apply before the deadline.

Tristan Bourquin, Assistant Planning Director, if you look in the request and background information, the expiration date is greater than a year from the approval because there was an appeal so the approval date ended up not being the date council approved, but the date the appeal was processed and finalized.

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.

Ulrich makes a motion to approve. Selleneit seconds.

Roll call. Ward – yes. Ulrich – yes. Selleneit – yes. Dimick – yes. Madsen – yes.

Motion to approve passes 5-0.

8. ITEMS OF INTEREST

Tristan Bourquin, Assistant Planning Director, upcoming hearing items. Regular meeting October 16, 2024. We will have a transfer of development rights, a concept plan, preliminary plat, and the comprehensive plan. We also have an item on November 6, 2024, and it will be the gravel pit that was heard and denied last August out on Philbin. We will hold this in the commissioner's chambers.

9. CITIZEN COMMENTS:

NONE.

10. WORK SESSION – COMPREHENSIVE PLAN UPDATE

Tristan Bourquin, Assistant Planning Director, discussed comprehensive plan and updated future use land map and growth moving towards 2040.

11. MEETING ADJOURNED

The public meeting was held in the Planning and Development Conference Room, 5500 S. 5th Avenue, Pocatello, ID 83204.

Respectfully Submitted,

Marjorie Williams

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Management Assistant