



# PLANNING AND DEVELOPMENT SERVICES

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

## AGENDA

### BANNOCK COUNTY

### PLANNING & DEVELOPMENT COUNCIL MEETING

JANUARY 15, 2025 – 5:15 PM

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

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

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

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

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| AGENDA ITEM NO. | 1. | <p>ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST – EX-PARTE COMMUNICATION AND SITE VISIT</p> <p>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.</p> |
| AGENDA ITEM NO. | 2. | <p>PRELIMINARY BUSINESS</p> <ul style="list-style-type: none"><li>a) Agenda Clarification and Approval (<b>Action Item</b>)</li><li>b) Vote for Chair and Vice Chair</li></ul>  |

- AGENDA ITEM NO.                      3.        APPROVAL OF MINUTES (**ACTION ITEM**)
- a) August 21, 2024
  - b) September 18, 2024
  - c) October 16, 2024

**PUBLIC HEARING ITEMS**

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

- AGENDA ITEM NO.                      4.        SUBDIVISION CONCEPT PLAN – PEPPERGRASS  
POINT SUBDIVISION: Pursuant to Section 302 of the  
Bannock County Subdivision Ordinance, Jose Nava  
proposes a lot combination to an existing platted  
subdivision to adjust approximately 3.32 acres, 2.77 acres,  
and 5.66 acres into 4.71 acre and 7.05 acre lots. The  
subject property for parcel RPRRWH4000400 is located in  
the NW $\frac{1}{4}$  of Section 19, Township 7S, Range 35E., B.M.,  
Lot 17, Block 1 Wild Horse Subdivision Phase 4. The  
associated tax parcel numbers are RPRRWH4000500, Lot  
18 and RPRRWH4000600, Lot 19. The developer has  
proposed individual septic systems and existing shared  
wells. Type of action: Decision.  
(**ACTION ITEM**)

- AGENDA ITEM NO.                      5.        FUTURE LAND USE MAP AMENDMENT: Jerry Johnson  
proposes the redesignation of approximately 62.08 acres  
of land from Agricultural to Recreation on the Future Land  
Use Map. The subject properties are located in Sections  
19 and 30 of Township 9 South, Range 38 East of the Boise  
Meridian and are identified as parcels RPR4227005607,  
RPR4227021204, RPR4227021201, RPR4227021002,  
RPR4227005609, and RPR4227021208. Type of action:  
Recommendation to County Commissioners.  
(**ACTION ITEM**)

- AGENDA ITEM NO.                      6.        REZONE: Jerry Johnson proposes the redesignation of  
approximately 62.08 acres of land from Agricultural to  
Recreation on the Zoning Map. The subject properties are  
located in Sections 19 and 30 of Township 9 South, Range  
38 East of the Boise Meridian and are identified as parcels  
RPR4227005607, RPR4227021204, RPR4227021201,  
RPR4227021002, RPR4227005609, and RPR4227021208.



Type of action: Recommendation to County  
Commissioners.  
**(ACTION ITEM)**

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| AGENDA ITEM NO. | 7.  | SUBDIVISION CONCEPT PLAN – WESTFIELD ESTATES<br>DIVISION 6: Pursuant to Section 302 of the Bannock<br>County Subdivision Ordinance, David Assan proposes to<br>subdivide approximately 7.15 acres of land into 13 lots. The<br>subject property is located in the SW <sub>4</sub> NW <sub>4</sub> , Section 5,<br>Township 6S, Range 34E, B.M. The associated parcel<br>number is RPR3853006604. Sewer and water to be<br>connected to the City of Chubbuck. There will be 13<br>buildable lots and will be between 0.46 and 0.58 acres in<br>size. Type of action: Decision.<br><b>(ACTION ITEM)</b> |
| AGENDA ITEM NO. | 8.  | ORDINANCE CHANGE – ZONING ORDINANCE TEXT<br>AMENDMENT: Spot Change – Bannock County proposes<br>textual changes to 471.1 Substandard Lots, in accordance<br>with Idaho Code. Type of action: Recommendation to<br>County Commissioners.<br><b>(ACTION ITEM)</b>   |
| AGENDA ITEM NO. | 9.  | ORDINANCE ADOPTION – AGRICULTURAL<br>PROTECTION AREA ORDINANCE: New Ordinance –<br>Bannock County proposes to adopt a new Agricultural<br>Protection Area Ordinance, in accordance with Idaho<br>Code. Type of action: Recommendation to County<br>Commissioners.<br><b>(ACTION ITEM)</b>   |
| AGENDA ITEM NO. | 10. | FUTURE LAND USE MAP: Bannock County is seeking to<br>amend the Bannock County Comprehensive Plan for the<br>purpose of creating an Agricultural Protection Area<br>Overlay Zone according to Idaho Code. Type of action:<br>Recommendation to County Commissioners.   |

**BUSINESS ITEMS**

AGENDA ITEM NO.      11.      PRELIMINARY PLAT APPROVAL – REYNOLDS ACRES:  
Tyler Scheibenpflug requests preliminary plat approval for  
tax parcel RPRRLIS000200 in accordance with procedures  
and standards established in the Subdivision and Zoning  
Ordinances. Type of action: Decision.  
**(ACTION ITEM)**

AGENDA ITEM NO.      12.      PRELIMINARY PLAT APPROVAL – TURKEY HOLLOW  
SUBDIVISION: Stewart Ward requests preliminary plat  
approval for tax parcels RPRRCHS000600 and  
RPRRCHS000700 in accordance with procedures and  
standards established in the Subdivision and Zoning  
Ordinances. Type of action: Decision.  
**(ACTION ITEM)**

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AGENDA ITEM NO.      13.      ITEMS OF INTEREST  
a) Update on recommendations to Commissioners  
b) Discussion of upcoming hearing items  
c) Announcements

AGENDA ITEM NO.      14.      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.      15.      WORK SESSION  
a) 2040 Comprehensive Plan

AGENDA ITEM NO.      16.      ADJOURN

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The application for each item will be available to the public by request at Planning and Development Services office and on the department's website at [www.bannockcounty.us/planning](http://www.bannockcounty.us/planning). Written testimony of fewer than two (2) pages must be received by the Planning and Development Services office no later than January 7, 2025. Written testimony may also be sent to [development@bannockcounty.gov](mailto:development@bannockcounty.gov). Any written testimony not received by the deadline must be brought to the council meeting and presented at the public hearing. All submitted testimony shall be considered public record. Discriminatory testimony shall not be permitted. Written testimony must comply with standards established in §560.7 of the Bannock County Zoning Ordinance.

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### **PUBLIC HEARING PROCEDURE**

1. A presentation is made by the applicant. (Time limit 6 minutes)
2. An explanation of the subject of the hearing is presented by the Planning and Development Service staff. (No time limit)
3. Testimony is given by the audience in favor of the proposal and then neutral on the proposal and against the proposal. Questioning of the participants, and rebuttals are entertained by the Planning and Development Council (time limit 3 minutes; may allow designation of additional time from sign in sheet)
4. The applicant may rebut the arguments offered by the opposition.
5. The Planning and Development Council discusses the hearing subject; they may direct questions to the staff, the applicant and the audience during this stage of the hearing process.
6. The hearing is closed to oral testimony from the applicant and the audience. The hearing process is concluded.

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

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## AGENDA ITEM NO. 3

### Approval of Minutes

- a) August 21, 2024
- b) September 18, 2024
- c) October 16, 2024

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

**DRAFT** 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 Maska 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'. Maska 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. Maska 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.

## BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

**DRAFT** 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. 5<sup>th</sup> Avenue, Pocatello, ID 83204.

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

**DRAFT** MEETING MINUTES | October 16, 2024

**BANNOCK COUNTY STAFF PRESENT:** Tristan Bourquin, Assistant Planning Director; Annie Hughes Williams, Zoning Planner; Marj Williams, Management Assistant; 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 #5.

Molly Dimick and Krystal Madsen.

Excused/Absent Council Members: Chad Selleneit and Edward Ulrich.

### **2. PRELIMINARY BUSINESS:**

#### **AGENDA CLARIFICATION AND APPROVAL**

Tristan Bourquin, Assistant Planning Director, for our agenda tonight, because Ward needs to recuse himself from two items, we have a quorum with Ward. We have two options, after talking to legal counsel, the way the bylaws are written, you can move forward with a recusal as long as you start the meeting with a quorum, which you have, if you two feel comfortable moving forward knowing it is your second meeting. The other option is to postpone those two items until the November 20 meeting.

Dimick makes a motion to postpone Agenda Item #4 to November 20 meeting and moving forward with Agenda Item #5 and #6 as outlined. Madsen seconds. All in favor.

### **3. APPROVAL OF MINUTES**

Approval of Minutes for May 15, 2024. Dimick makes a motion to approve minutes as presented. Madsen seconds.

### **4. PUBLIC HEARING ITEM: TRANSFER OF DEVELOPMENT RIGHTS**

Postponed until November 20, 2024.

### **5. PUBLIC HEARING ITEM: SUBDIVISION CONCEPT PLAN – TURKEY HOLLOW SUBDIVISION**

Madsen makes a motion to open public hearing. Dimick seconds.

Stewart Ward, with Dioptra, 4880 Clover Dell, Chubbuck, ID 83202 representing the owner, Brett Robinson. Brett proposes to adjust the lot line as the lot line goes straight North between what is currently Lots 6 & 7 of Coyote Hollow Subdivision, phase one. He wants to adjust that line between those two lots further to the East to give himself more room between some other improvements. He has a well pretty close to the line, given more improvements, and taking more of the open space that is already designated. It is essentially a lot line adjustment, but based on ordinance, lot line adjustments, within a platted subdivision, have to go through the replat process. We are proposing to use the current fire suppression tank, which is down the road to the West that was installed as part of Coyote Hollow Subdivision and we are not changing any of the currently designated open space.

Ward – Any Questions? No questions.

Tristan Bourquin, Assistant Planner Director, as Ward stated this is pretty straight forward. This is a lot line adjustment between two existing subdivision lots.

Dimick asks if anyone is in favor? None.

Dimick asks if anyone is neutral? None.

Dimick asks if anyone is against? None.

Dimick proceeds on to discussion and review of the findings.

1. The proposed tentative **is** in conformance with the Bannock County Comprehensive Plan; **is** in conformance with applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.  
Since this is in an existing subdivision and all densities and open spaces will still be met for this proposal, this meets all applicable ordinances. Objective 1.1, 1.4 and 1.5 of the Comprehensive Plan are also met.
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.  
There are no new roads being constructed as part of this development since this is in an existing subdivision and all roads have already been constructed according to Section 402 of the Subdivision Ordinance.
3. The proposed partitioning of land **does not** prohibit the extension of dedicated streets or roads.  
This is an existing subdivision and the lots are already facing a public road.

4. The proposed partitioning **will not** conflict with legally established easements or access within or adjacent to the proposed land partition.  
There are no established easements that are conflicting with this proposal.
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.  
Due to no change of the lots facing an existing road, these lots are located and laid out properly.
6. The proposed property **is** physically suitable for the type and proposed density of development and **does** conform to existing zone standards.  
There are no deviations from the open space ordinance and there is no deviation to the original density of the development.

## 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. 15' utility easement shall be labeled as 15' Public Utility Easement.
3. All subsequent plats shall state "Development on individual lots is restricted by Bannock County Subdivision Ordinance 1997-4, §405 and §409."
4. All subsequent plats shall state "Open Space is within individual lots as separate lots and is deed restricted from further development per Bannock County Subdivision Ordinance 1997-4, §401.C.3.b."
5. All subsequent plats shall state "All stormwater generated on individual lots shall be retained on site per Bannock County Zoning Ordinance 1998-1, §495 and Bannock County Subdivision Ordinance 1997-4, §410."
6. All subsequent plats shall state "Driveways shall be built to meet standards of Bannock County Zoning Ordinance 1998-1, §475.13 and Bannock County Subdivision Ordinance 1997-4, §402.B."

Madsen makes a motion to approve. Dimick seconds.

Roll call. Dimick – yes. Madsen – yes.

Motion to approve passes 2-0.

Dimick closes public hearing at 5:39 p.m.



## 6. BUSINESS ITEMS: PRELIMINARY PLAT APPROVAL – PURSER ACRES SUBDIVISION

Matt Baker requests preliminary plat approval for tax parcel RPR4227002007 in accordance with procedures and standards established in the Subdivision and Zoning Ordinances.

Matt Baker, Sunrise Engineering, 600 E. Oak Street.

Ward, “I know in the concept we talked about adding a cul-de-sac at the north end of parcel two, but now there is a condition to remove that requirement. What can you tell me about that?”

Matt Baker, “I talked with Kiel from Road & Bridge and Alisse Foster, Subdivision Planner and they indicated that per ordinance that was not necessary and it is in their report.”

Tristan Bourquin, Assistant Planner Director, you have had the preliminary plat and staff report in front of you for the last week. There was the cul-de-sac on there, after discussions with Kiel, Alisse, and Hal, we determined that was a requirement that did not need to be there due to sloping. Based on the terrain, it did not make sense to require it to be where it was.

Ward, “it is kind of what I assumed, but I wanted to make sure that I understood.”

Ward, “any questions or comments?” None.

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. There are no changes from the preliminary plat and the concept plan. Apart from the condition of the cul-de-sac, all other conditions have been met.
2. The street plan for the proposed subdivision **will** permit its development in accordance with the Bannock County Subdivision Ordinance. No streets are being dedicated to the public and the easement has given ability for future access and development.
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.

No streets are being dedicated to the county, but there is an existing easement for future access and development.

4. Lot lines and roads **do** relate to land shapes and existing development.  
Based on the terrain and topography, the lot lines are laid out accordingly, and are similar to the existing development to the north.

## CONDITIONS

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

Madsen makes a motion to approve. Dimick seconds.

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

Motion to approve passes 3-0.

## 7. ITEMS OF INTEREST

Tristan Bourquin, Assistant Planning Director, upcoming hearing, we have two in November and none for December. We have one on November 6 and that will have two items. There is an ordinance that we are required to have for our MS4 permitting for stormwater. Conditional use permit for a gravel pit. This will be in the commissioner's chambers.

## 8. CITIZEN COMMENTS

NONE.

## 9. MEETING ADJOURNED

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

# PUBLIC HEARING ITEMS

AGENDA ITEM NO. 4  
Subdivision Concept Plan –  
Peppergrass Point Subdivision



# PLANNING AND DEVELOPMENT SERVICES

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

## CONCEPT PLAN– PEPPERGRASS POINT SUBDIVISION

PUBLIC HEARING: JANUARY 15, 2025

### STAFF REPORT

**FILE #:** SCP-24-7

**LOCATION:** RPRRWH4000400, currently addressed as 9950 Pepper Grass Point, Pocatello, ID 83204, RPRRWH4000500, currently unaddressed, and RPRRWH4000600, currently addressed as 9877 Pepper Grass Point, Pocatello, ID 83204.

**APPLICANT:**

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

**OWNER:**

Lysle and Lisa Barthlome	Jeffrey and Amy Mansfield
9950 Pepper Grass Point	9877 Pepper Grass Point
Pocatello, ID 83204	Pocatello, ID 83204

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

1. At submittal of Preliminary Plat, provide written approval from all utility companies for the removal or adjustment of existing utility easements.
2. 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).
3. At Final Plat, developer to provide documentation that power has been extended to the corner of each lot.
4. Written approval from all utility companies for removal/adjustment of utility easement, with preliminary plat submittal.

Council may wish to add additional conditions as needed.

**REQUEST & BACKGROUND:** Jose Nava proposes an amendment to Wild Horse Ridge Subdivision Phase 4 to combine 3 lots into 2 lots. The existing lots are approximately 3.32 acres, 2.77 acres, and 5.66 acres and are proposed to be approximately 4.71 acre and 7.05 acre lots. The development proposes individual septic systems and existing shared wells. This subdivision is located ~ 0.58 miles from the city of Pocatello boundary.

STAFF REPORT  
CONCEPT PLAN – Peppergrass Point Subdivision  
Page 1 of 9

**CONCEPT PLAN PROPOSAL SUMMARY:**

TOTAL AREA: 11.75 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENSITY: 1 dwelling unit per 5.875 acres

BUILDING LOT SIZE: Approximately 4.71 acres to 7.05 acres

WATER & SEWER: Community wells and individual septic.

STORMWATER SYSTEM: Retained on individual lots.

UTILITIES: Power existing on the lots.

FIRE PROTECTION: Private water system.

ROADS/ACCESS: Individual access via Pepper Grass Point, a county-maintained road.

**SITE CHARACTERISTICS AND ZONING:**

ZONE: Residential Suburban

PROPERTY SIZE: ~11.75 acres

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

IMPACT AREA: City of Pocatello.

FLOOD ZONE: X, minimal

TERRAIN: Sloped from west to east

EXISTING STRUCTURES: Residential dwellings and accessory structures.

OTHER: Located within Wild Horse Ridge Subdivision Phase 4.

**SURROUNDING LAND USES AND ZONING**

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

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

SOUTH: The sites are within the Residential Suburban zoning district and consist of residential uses.

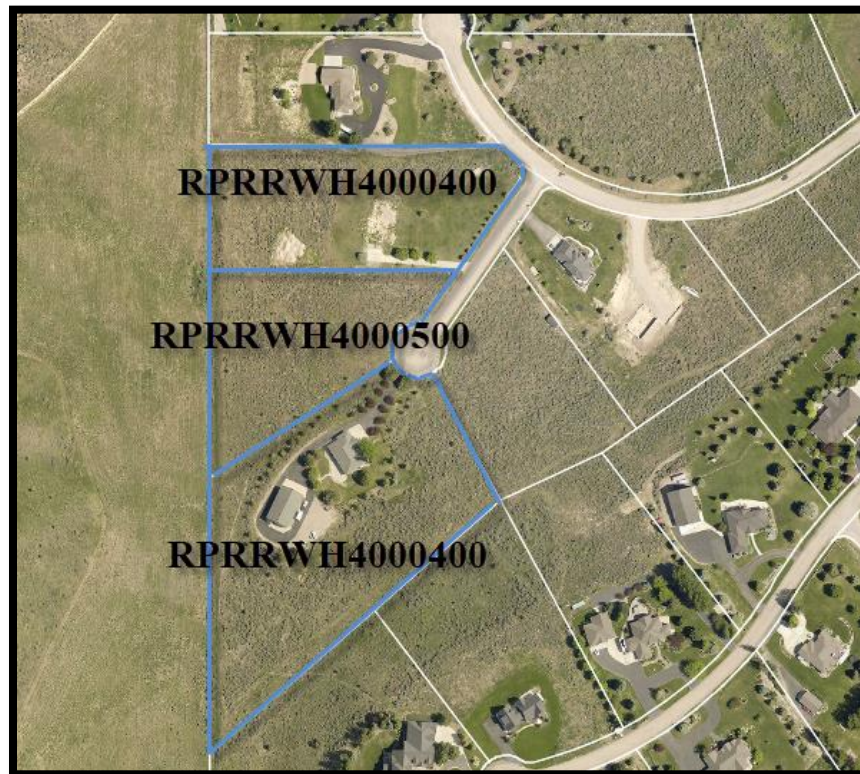
WEST: The sites are within the Agricultural zoning district and consist of bare ground.

**COMMUNITY IMPACT ANALYSIS:**

1. Total population at built out will be a total of 6.4. (2 lots x 3.2 persons per household.)
2. Population five to 17 years of age will be 1.536. (6.4 population x 24%)
3. Water usage will be 1,000 gal per day per household, total project at build out will be 1,200 gal. per day per lot.
4. Sewage produced per unit will be 208 gallons a day and total for project will be approximately 2,500 gallon per day.
5. Tax generated for average size lot is estimated to be approximately \$4,600 per lot assuming a dwelling and land value of \$400,000.
6. Cost to provide services is not known.

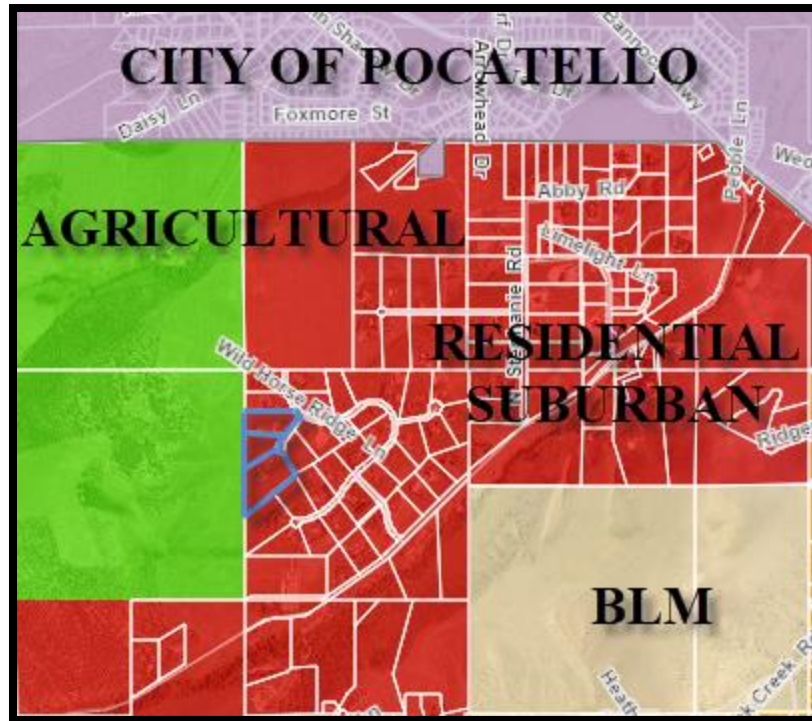
**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2021 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
  - a. §330 RESIDENTIAL SUBURBAN DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
  - a. §302 CONCEPTUAL OR MASTER PLAN REVIEW

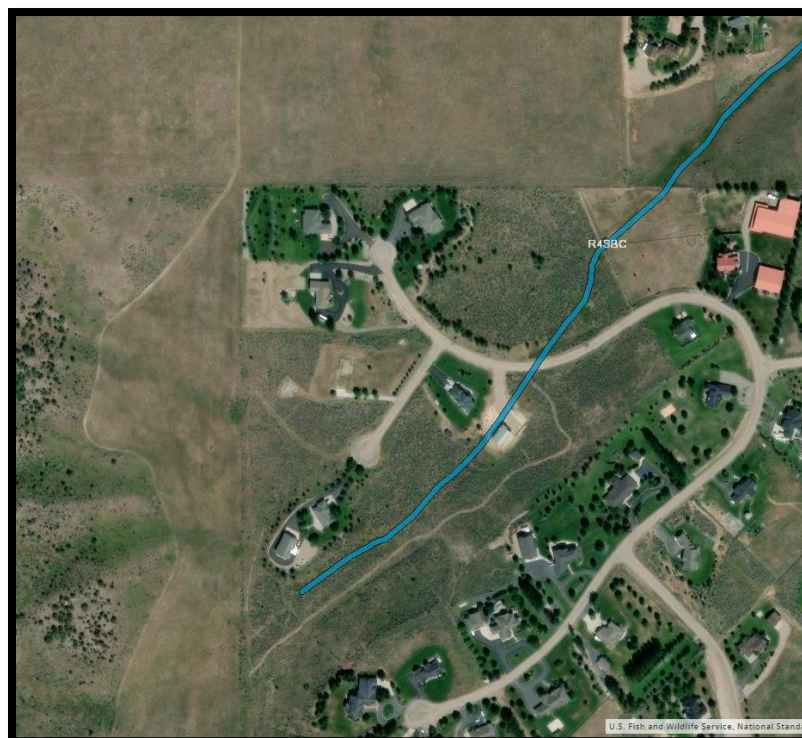


**SITE MAP**





**ZONING MAP**



**US FISH & WILDLIFE WETLANDS MAP**





**EXPLORER CONTOUR MAP**

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

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

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

**Staff Findings**

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

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

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

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

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

STAFF REPORT  
CONCEPT PLAN – Peppergrass Point Subdivision  
Page 5 of 9

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

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

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

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

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

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

Policy 2.5.1: Promote recreational open spaces in new developments with a focus on natural resources protection and habitat and wildlife preservation.

Objective 3.2: Encourage the preservation of natural ecosystems, wildlife habitats, and recreation connections to agricultural lands.

Policy 3.2.1: Work to create habitat connectivity, preservation of wildlife corridors and prevent ecosystem fragmentation.

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

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

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

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

#### Bannock County Zoning Ordinance:

The land is currently zoned Residential Suburban and is located within the existing platted subdivision, Wild Horse Ridge Subdivision Phase 4. At the time Wild Horse Ridge Subdivision Phase 4 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. Applicant has proposed 3 existing residential building lots to be adjusted to become 2 residential building lots.

Since these lots were created in a previous ordinance and no new lots are being created, the proposal meets ordinance standards.

The proposed density is 1 dwelling per 5.875 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 §337, to the new proposed lot lines.

Bannock County Subdivision Ordinance:

Per §109.C., a replat is required in order to realign lots within a recorded subdivision.

The proposed subdivision name "Peppergrass Point Subdivision" has been reviewed and no duplication was found. The proposed subdivision is currently located within a platted subdivision, Wild Horse Ridge Subdivision Phase 4.

The applicant has proposed separate approaches from Pepper Grass Point, a county-maintained road. With only two proposed lots, no interior subdivision road is required per §404.G, REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street. If a road is proposed, road must meet the standards of §402.

There are wetlands located near the south lot line of proposed lot 2. Surveyor will need to determine if these wetlands are located within the proposed subdivision. There may be steep slopes over 15% located within the parcel.

Per §404.B: 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.

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.

Applicant has proposed a private water system for fire suppression and prevention measures. Council may require applicant to provide proof of further discussion with local fire district.

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). 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. The concept plan does not have enough information to ensure this has been met.

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

Staff Findings

Existing individual approaches have been proposed for each lot via Pepper Grass Point, a county-maintained road.

With only two proposed lots, no interior subdivision road is required per Subdivision Ordinance §404.G, REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street.

STAFF REPORT  
CONCEPT PLAN – Peppergrass Point Subdivision  
Page 7 of 9

There was a no design deviation requested.

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

Staff Findings

It does not appear there are any dedicated streets or roads that could be extended other than Pepper Grass Point. The parcel to the west is privately owned. Applicant may consider communicating with the owner to the west to see if there is a need for future access.

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

Staff Findings

Using Bannock County GIS maps and Wild Horse Ridge Subdivision Phase 4 plat, there are 15' utility easements along all existing lot lines. Applicant has proposed to adjust the utility easement with the new lot lines. Written approval from all utility companies is required to remove or adjust the existing utility easements. There is a 50' recreation easement to the south of proposed lot 2 for horse riding, biking, and walking. No other access easements were found. The developer should research to find all existing easements and depict them on the plat, according to Bannock County Subdivision Ordinance §302.A.2.b.

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

Staff Findings

The proposed buildable lots are existing developed lots. Existing lot 18 is being split to be combined with proposed lot 1 and lot 2. The proposed lots are laid out to allow direct access from Peppergrass Point, a county-maintained road. The lots to the north, east, and south vary in size, with residential structure present. The property to the west is bare ground. Lots appear to be laid out in a manner that properly relate to the adjoining lots, parcel lines, utilities, streets, or other existing or planning facilities.

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

Staff Findings

Applicant has proposed 3 existing residential building lots to be adjusted to 2 residential building lots. It was determined by Commission in 2001 that the lots met zoning standards at the time they were created. Per Bannock County Zoning Ordinance §333,

single-family dwellings, duplexes, accessory uses which are customarily incidental to residential uses, and livestock on one acre or more are permitted uses in the district. The land is sloped with flatter areas where development has occurred, providing building areas with minimal excavation.

Applicant has proposed lots to be approximately 4.71 acres and 7.05 acres. Applicant is reducing the number of lots, therefore decreasing the existing density.

**AGENCY COMMENTS:**

1. None received at the time of this report.

**PUBLIC COMMENTS:**

2. None received at the time of this report.

**REPORT BY:**

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

**REPORTED DATE:** January 6, 2025

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

**EXHIBITS:**

1. Application and Concept Plan
2. Predevelopment Review Comments
3. Agency/Public Comments (if any)
4. Wild Horse Ridge Subdivision Phase 4 Plat
5. Referenced Ordinance and Plans-on file

# EXHIBIT 1

## Application & Plat



## SCP-24-7

### Subdivision Concept Plan Application

Status: Active

Submitted On: 12/3/2024





### Primary Location

9950 W PEPPER GRASS  
Rural Subs , ID 832040000

### Owner

LYSLE D BARTHLOME  
9950 W PEPPER GRASS  
POCATELLO, ID 832040000

### Applicant

 Jose Nava  
 208-317-6189  
 navajos3@isu.edu  
 1290 Mountain West Dr.  
Pocatello, Idaho 83202

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## Owner/Developer Information

Are the Owner and Developer the same?



Owner Name\*

Jeffery Lynn Mansfield

Street Address\*

558 Dell RD.

City\*

Chubbuck

State\*

Idaho

Zip Code\*

83202

Email Address\*

cj7fun4mud@gmail.com

Phone Number\*

(208) 251-4843

## Site Information

**Proposed Subdivision Name\***

Peppergrass Point Subdivision

**Parcel Number(s)\***

RPRRWH4000400, RPRRWH4000500,  
RPRRWH4000600

**Number of Lots \***

2

**Quarter**

NW

**Section**

19

**Township**

7S

**Range**

35E

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## Subdivision Information

**Current zoning\***

Residential Suburban

**Proposed uses of the property\***

Residential

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

Proposed future shop. No timeline at this time.

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

Pepper Grass Point Right-of-Way.  
Existing 15' wide public utility easements along all lot lines. 100 ft recreational Easement along the southerly Subdivision Boundary



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

Water provided by a private water system from existing well sites as shown on the Wild Horse Phase 4 plat (Inst. No. 20117036) and as described in the water and homeowners association bylaws thereof (inst. No. 99011093). Drainage shall be retained on each individual lot. Lots have existing Septics and drain fields

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

Utilities shall run along existing and proposed 15' wide public utility easements adjoining each lot line. Existing Public utility easements will be relinquished and relocated to run along the newly proposed lot line. According to the owners, no existing utilities are present within the easements being relinquished.

**Proposed fire suppression and prevention measures.\***

Private water system

**Proposed road name(s)\* ?**

N/A

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

No

**Will this be a phased subdivision?\***

No

**Comments from Reviewing Agencies\* ?**

See Attachments

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## Subdivision Pre-development Meeting

**Pre-development Meeting Date**

11/25/2024

**Comments from Pre-development Meeting ?**

## Engineer/Planner/Surveyor Information

### Engineer/Planner/Surveyor Name

Jose T. Nava

### Email

gvedraft@gmail.com

### Phone Number

(208) 317-6189

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## 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. \*



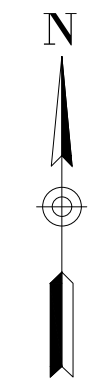
Electronic Signature [Typed Name of Applicant]\*

Jose T. Nava

Date of Signature\*

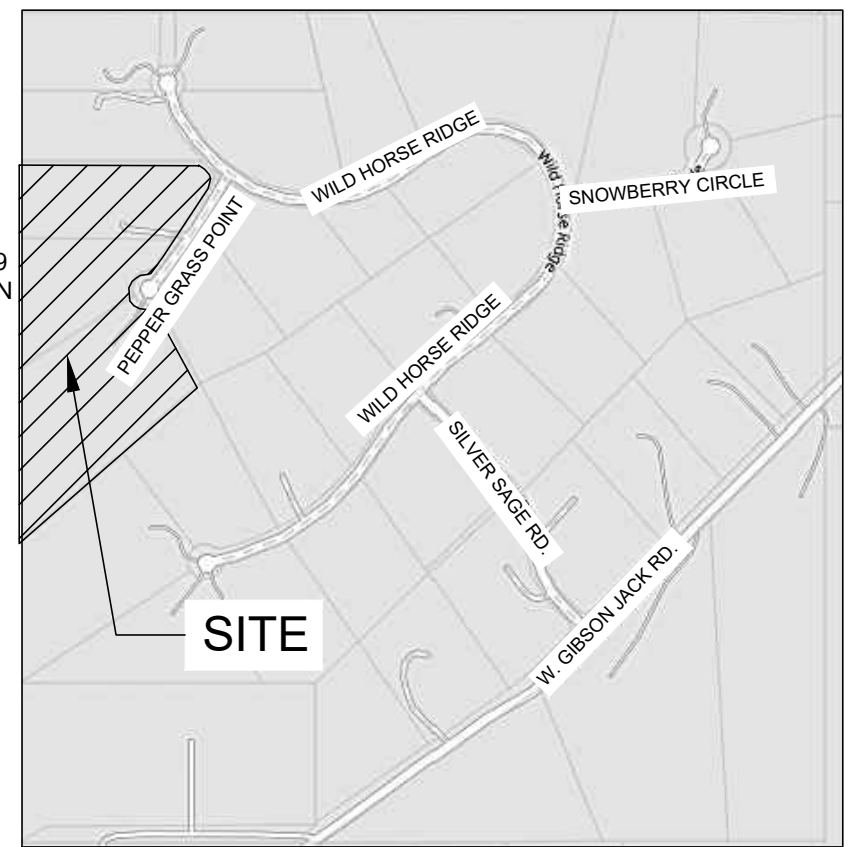
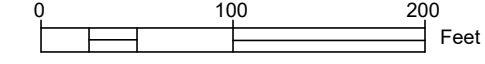
12/03/2024

CONCEPT PLAN  
PEPPERGRASS POINT SUBDIVISION  
A RE-PLAT  
OF LOTS 17, 18, AND 19 IN BLOCK 1 OF  
WILD HORSE RIDGE SUBDIVISION PHASE 4,  
ALL IN THE NW<sup>1</sup>/<sub>4</sub> OF  
SECTION 19, T. 7 S., R. 35 E., B.M.,  
BANNOCK COUNTY, IDAHO



SCALE: 18 x 24  
1 IN. = 100 FT.

BASIS OF BEARING  
ASSUMED S00°04'43"W BETWEEN FOUND  
MONUMENTS AT THE SOUTHWEST CORNER OF  
LOT 17 AND THE NORTHWEST CORNER OF LOT 19  
OF BLOCK 1 PER WILD HORSE RIDGE SUBDIVISION  
PHASE 4 INST. NO. 20117036



VICINITY MAP  
(NOT TO SCALE)

NOTES

1. THE PURPOSE OF THIS PLAT IS TO RECONFIGURE THE BOUNDARIES BETWEEN LOTS 17, 18, AND 19 OF BLOCK 1 OF WILD HORSE SUBDIVISION PHASE 4 INST. NO. 20117036. THE AFOREMENTIONED LOT 18 SHALL BE SPLIT AND COMBINED WITH THE ADJOINING LOTS CREATING A TOTAL OF 2 LOTS AS SHOWN.
2. ACCESS FOR LOT 1&2 SHALL BE FROM PEPPER GRASS POINT AS PER CURRENT APPROACHES.
3. ALL PARCELS MARKED WITH AN "R" ARE RESTRICTED FOR THE PRESERVATION OF NATURAL DRAINAGE/WETLAND AREAS. DEVELOPMENT OF THESE PARCELS SHALL COMPLY WITH THE CURRENT BANNOCK COUNTY ORDINANCES. REQUIREMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT
4. ALL EXISTING EASEMENTS SHALL REMAIN AS PER WILD HORSE RIDGE SUBDIVISION PHASE 4 (INST. NO. 20117036), EXCEPTING THOSE PUBLIC UTILITY EASEMENTS ALONG THE NORTH AND SOUTH LOT LINES OF LOT 18 OF BLOCK 1 OF SAID WILD HORSE RIDGE PHASE 4 WHICH SHALL BE VACATED UPON THE RECORDING OF THIS PLAT IN ACCORDANCE WITH IDAHO CODE 50-1306A(5).
5. A PROPOSED PUBLIC UTILITY EASEMENT SHALL RUN ALONG THE COMMON LINE BETWEEN LOTS 1&2 OF BLOCK 1 OF HEREON PEPPERGRASS POINT SUBDIVISION AS SHOWN. ALL LOT LINES SHALL BE ADJOINED WITH A 15' WIDE PUBLIC UTILITY EASEMENT, ALL LOTS SHALL HAVE A 15' WIDE EASEMENT ADJOINING PEPPER GRASS POINT FOR UTILITIES, SLOPE AND SNOW REMOVAL, SAID EASEMENTS ARE ALSO FOR WELL SITE ACCESS. OTHER EASEMENTS ARE AS NOTED.
6. ALL COVENANTS AND RESTRICTIONS SHALL REMAIN AS RECORDED PER INST. NO. 20116935.
7. WATER IS CURRENTLY AND SHALL CONTINUE TO BE PROVIDED BY A PRIVATE WATER SYSTEM FROM EXISTING WELL SITES AS SHOWN ON WILD HORSE PHASE 4 (INST. NO. 20117036) AND AS DESCRIBED IN THE WATER AND HOMEOWNERS ASSOCIATION BYLAWS THEREOF (INST. NO. 99011093).
8. ALL STORM WATER SHALL BE RETAINED ON EACH INDIVIDUAL LOT.

SUBDIVISION  
INFORMATION

TOTAL LOTS: 2  
AVERAGE SIZE: 4.71 - 7.05 ACRES  
TOTAL ACREAGE: 11.76 ACRES

OWNER / DEVELOPER

OWNER: JEFFREY LYNN MANSFIELD  
ADDRESS: 558 DELL RD,  
CHUBBUCK, ID 83202

OWNER: LYSLE D. BARTHLOME  
ADDRESS: 9950 W PEPPER GRASS  
POINT, POCATELLO, ID 83204

SURVEYOR

GVE DRAFTING & LAND SURVEYING  
1290 MOUNTAINWEST DR.  
POCATELLO, ID 83202  
(208)317-6189  
JOSE T. NAVA: SURVEYOR

FLOOD PLAIN

PROPERTY IS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND NOT WITHIN A FLOOD HAZARD AREA PER THE FLOOD INSURANCE RATE MAP PANEL # 16005C0370D EFFECTIVE JULY 7, 2009

SANITARY SEWER

LOTS WITHIN THIS SUBDIVISION HAVE EXISTING INDIVIDUAL SEPTIC SYSTEMS AND DRAIN FIELDS

ZONING

CURRENT: RESIDENTIAL SUBURBAN

IRRIGATION

LOTS SHALL OBTAIN WATER FROM A IRRIGATION AND FIRE SUPPRESSION SYSTEM AND IN ACCORDANCE WITH THE WATER & HOMEOWNERS ASSOCIATION BY-LAWS FOR WILD HORSE RIDGE PHASE4

LEGEND

- SET 1/2" DIA x 24" LONG IRON PIN W / PLASTIC CAP INSCRIBED PLS 19356
- FOUND 1/2" IRON PIN W / PLASTIC CAP INSCRIBED PLS 843 OR AS OTHERWISE NOTED
- FOUND 1/2" IR MARKED PLS 843, REPLACED WITH 5/8" DIA x 24" LONG IRON PIN W / PLASTIC CAP INSCRIBED PLS 19356
- ◇ FOUND 5/8" DIA x 24" LONG IRON PIN W / ALUMINUM CAP INSCRIBED PLS 843
- △ CALCULATED POSITION NOTHING FOUND OR SET
- FOUND 2" ALUMINUM CAP MONUMENT INSCRIBED PLS 843 IN STANDARD VAULT
- P.O.B. POINT OF BEGINNING
- SECTION LINE
- EXISTING EASEMENT SIDELINE PER WILD HORSE PHASE 4 INST. NO. 20117036
- PROPOSED EASEMENT SIDELINE
- ROAD RIGHT OF WAY
- WILD HORSE RIDGE SUBDIVISION LOT LINES (PHASE 2&4)
- ROAD CENTERLINE
- CENTER OF EXISTING WATERLINE EASEMENT PER WILD HORSE RIDGE PHASE 4 INST. NO. 20117036
- SUBDIVISION BOUNDARY
- EXISTING FENCE
- BEAR/DIST PER WILD RIDGE SUBDIVISION PHASE 4 INST. NO. 20117036
- PUBLIC UTILITY EASEMENTS PROPOSED TO BE RELINQUISHED
- EXISTING 50 FOOT RADIUS WELL SITE EASEMENT AS PER WILD HORSE RIDGE PHASE 4 INST. NO. 20117036. SEE LINE TABLE FOR TIES TO LOT CORNERS. SEE WATER AND HOME OWNERS ASSOCIATION INC. INST. NO. 99011093 FOR DISPOSITION OF WELLS AND EASEMENTS.
- "R" SEE NOTE 3

CURVE TABLE						
NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	4°44'16"	S 47°02'48" E	20.68'	500.00'	41.34'	41.33'
C2	84°03'10"	S 7°23'20" E	27.04'	30.00'	44.01'	40.17'
C3	24°50'24"	S 47°03'27" W	6.61'	30.00'	13.01'	12.90'
C4	59°53'21"	S 54°22'22" W	31.68'	55.00'	57.49'	54.91'
C5	142°42'31"	S 46°55'34" E	163.00'	55.00'	136.99'	104.23'
C6	46°08'29"	S 1°21'27" W	23.43'	55.00'	44.29'	43.11'

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 57°10'30" W	95.10'
L2	N 67°18'43" W	52.00'



GVE DRAFTING AND LAND SURVEYING  
1290 MOUNTAIN WEST DR.  
POCATELLO ID. 83202  
208-317-6189 CELL

CONCEPT PLAN  
PEPPERGRASS POINT SUBDIVISION  
A RE-PLAT  
OF LOTS 17, 18, AND 19 IN BLOCK 1 OF  
WILD HORSE RIDGE SUBDIVISION PHASE 4,  
ALL IN THE NW<sup>1</sup>/<sub>4</sub> OF  
SECTION 19, T. 7 S., R. 35 E., B.M.,  
BANNOCK COUNTY, IDAHO

DRAWN BY:	JTN
PROJECT NO:	24-032
DATE:	12/03/2024
SHEET:	1 of 1

EXHIBIT 2

Pre-Development Letter &  
Agency Notifications/Comments



# PLANNING AND DEVELOPMENT SERVICES

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

November 25, 2024

Jeffrey Mansfield  
558 Dell Road  
Chubbuck, ID 83202

Lysle Barthlome  
9950 Pepper Grass Point  
Pocatello, ID 83204

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

RE: Peppergrass Point Subdivision  
Pre-Development Conference – County Comments

Mr. Nava,

An application for the subdivision located on parcel #RPRRWH4000600, #RPRRWH4000500 and #RPRRWH4000400 was submitted on November 8, 2024. The application proposes a lot combination to an existing platted subdivision to adjust approximately 3.32 acres, 2.77 acres, and 5.66 acres into 4.71 acres and 7.05 acre lots, generally off of Pepper Grass Point, a county-maintained road. The proposed subdivision is located within the Residential Suburban (RS) zoning district, which requires a minimum density of 1 dwelling per acre with an open space subdivision per the Bannock County Zoning Ordinance (ZO) No. 1998-1, §336. The process for determining the suitability of land for subdividing can be found in the Bannock County Subdivision Ordinance (SO) No. 1997-4, §300. The requirements for the Pre-Development Conference can be found in SO §301.

## Pre-Development Proposal Summary:

---

**Bannock County Application Number:** SPD-24-6

**Bannock County Tax Parcel Number:** RPRRWH4000600, RPRRWH4000500 and RPRRWH4000400

TOTAL AREA: ~11.75 acres

BUILDING LOTS: 2 residential dwelling lot

DWELLING UNIT DENSITY: 1 dwelling unit per 5.875 acres

BUILDING LOT SIZE: ~ 4.71 acres to 7.05 acres

WATER & SEWER: Community well and individual septic systems.

STORMWATER SYSTEM: To be determined.

UTILITIES: Power exists.

SPD-24-6  
Page 1 of 8

FIRE PROTECTION: Pocatello Valley District.

ROADS/ACCESS: The subdivision has existing access via Pepper Grass Point, a county-maintained road.

**SITE CHARACTERISTICS AND ZONING:**

DESIGNATION: Residential Suburban (RS)

PROPERTY SIZE: ~3.32 acres, 2.77 acres, and 5.66 acres

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

IMPACT AREA: City of Pocatello

FLOOD ZONE: X, minimal

TERRAIN: Sloped from west to east

EXISTING STRUCTURES: Dwellings and accessory structures.

---

We discussed the proposed subdivision on November 25, 2024 in the Planning and Development department's conference room and online. The following individuals were present at the meeting:

- Owner and Applicant Representative:
  - Jose Nava
  - Jeffrey Mansfield
- Bannock County:
  - Hal Jensen, Planning and Development Director
  - Tristan Bourquin, Planning and Development Assistant Director
  - Alisse Foster, Subdivision Planner
  - Kiel Burmester, Road and Bridge Director
  - Buddy Romriell, Road and Bridge Assistant Director

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

- General Bannock County Subdivision Process:
  - The platting process currently consists of 4 applications.
    - Pre-Development Application (current application SPD-24-6).
    - Concept Application (public hearing item in front of Bannock County Planning and Development Council).
    - Preliminary Plat Application (business item in front of Bannock County Planning and Development Council).
    - Final Plat Application (public hearing item in front of Bannock County Commissioners). This application is a review of the final plat, surveyor review per Idaho Code, and construction plans.
  - Each application must be complete prior to applying for the next application.

- **Agency Discussion Points:** the applicant should be prepared to address each item with council during the Concept Plan.
  - Bureau of Indian Affairs stated no comment.
  - Bannock County Transportation Planning stated no comment.
  - Bureau of Land Management stated no comment as it appears that the land at issue is not adjacent to federal land management by the BLM.
  - City of Pocatello stated no comment or objections.
  - Idaho Department of Lands stated no comment.
  - Idaho Department of Environmental Quality provided general recommendations which include; engineering, air quality, surface water quality, and hazardous material and petroleum storage.
  - Idaho Power states all, other than the requirements of adding additional infrastructure to accommodate power to an additional lot, no concerns.
  - ITD Division of Aeronautics states no comment.
  - ITD District 5 Traffic Engineer stated takes no exception to this subdivision.
  - Intermountain Gas states no comments.
  - North Bannock Fire District stated no comment.
  - Pocatello Regional Airport stated no comment.
  - Pocatello/Chubbuck School District #25 stated no comment.
  - Pocatello Valley Fire District stated no comment.
  - Sparklight stated no comment.
  - South East Idaho Public Health states no concerns. Application must be made with SIPH for the creation of the new subdivision. Proposed lots have existing houses serviced by septic systems for wastewater disposal. No new soil evaluation will be required at this time.
  - US Forest Service stated no comment.
  - Williams Pipeline stated the pipeline is clear of this development and has not objections.
  - County Staff recognizes that many comments provided within agency review letters have been addressed during the current Pre-Development plan submittal. It is recommended that the developer continue working with agencies to address any concerns.

#### **Concept Plan Review Criteria for Approval §302.E**

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

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

#### **Staff Finds:**

#### **Comprehensive Plan:**

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

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

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

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

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

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

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

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

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

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

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

Policy 2.5.1: Promote recreational open spaces in new developments with a focus on natural resources protection and habitat and wildlife preservation.

Objective 3.2: Encourage the preservation of natural ecosystems, wildlife habitats, and recreation connections to agricultural lands.

Policy 3.2.1: Work to create habitat connectivity, preservation of wildlife corridors and prevent ecosystem fragmentation.

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

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

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

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

#### Bannock County Zoning Ordinance:

The land is currently zoned Residential Suburban and is located within the existing platted subdivision, Wild Horse Ridge Subdivision Phase 4. At the time Wild Horse Ridge Subdivision Phase 4 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.



Applicant has proposed 3 existing residential building lots to be adjusted to 2 residential building lots.

Since these lots were created in a previous ordinance and no new lots are being created, this meets ordinance standards.

The proposed density is 1 dwelling per 5.875 acres.

There is an existing dwelling and accessory structures on each lot. Setbacks requirements for the adjusted side yard lot line appear to be met.

Bannock County Subdivision Ordinance:

Per §109.C., a replat is required in order to realign lots within a recorded subdivision.

Developer will need to ensure submittal requirements have been met per §302.

The proposed subdivision name "Peppergrass Point Subdivision" has been reviewed for duplicity by staff. The proposed subdivision is currently located within a platted subdivision, Wild Horse Ridge Subdivision Phase 4.

Per Idaho code 50-1307: Plats of towns, subdivisions or additions must not bear the name of any other town or addition in the same county, nor can the same word or words similar or pronounced the same, be used in making a name for said town or addition, except the words city, place, court, addition or similar words, unless the same is contiguous and laid out and platted by the same party or parties platting the addition bearing the same name, or a party files and records the written consent of the party or parties who platted the addition bearing the same name. All plats of the same name must continue the block numbers of the plat previously filed.

There are wetlands located near the south lot line of proposed lot 2. Surveyor will need to determine if these wetlands are located within the proposed subdivision. There may be steep slopes over 15% located within the parcel.

Per §404.B: 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.

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.

Applicant has proposed a private water system for fire suppression and prevention measures. Council may require applicant to provide proof of further discussion with local fire district.

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). 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. The pre-development submittal does not have enough information to ensure this has been met.

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

Staff Finds:

The applicant has proposed to use existing approaches via Pepper Grass Point, a county-maintained road.

Subdivision Ordinance §402.B.7: Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, must be built to the standards in 402.A. With only two proposed lots, no interior subdivision road is required per Subdivision Ordinance §404.G, REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street. If a road is proposed, road must meet the standards of §402.

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

Staff Finds:

The applicant will need to ensure this criterion of approval can be met. It does not appear there are any dedicated streets or roads that could be extended other than Pepper Grass Point. The parcel to the west is privately owned. Applicant may consider communicating with the owner to the west to see if there is a need for future access.

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

Staff Finds:

Using Bannock County GIS maps and existing plat, there are 15' utility easement along all existing lot lines. Applicant has proposed to adjust the utility easement with the new lot lines. Council may require additional documentation from all utility companies to remove the existing utility easements. There is a 50' recreation easement to the south of proposed lot 2 for horse riding, biking, and walking. No other access easements were found. The developer should research to find all existing easements and depict them on the plat, according to Bannock County Subdivision Ordinance §302.A.2.b.

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

Staff Finds:

The buildable lots are existing developed lots. Existing lot 18 is being split to be combined with proposed lot 1 and lot 2. The lots are proposed to be placed within close proximity to existing roads, other subdivisions, and utilities.

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

Staff Finds:

Applicant has proposed 3 existing residential building lots to be adjusted to 2 residential building lots. It was determined by Commission in 2001 that the lots meet zoning standards at the time they were created. Per Bannock County Zoning Ordinance §333, single-family dwellings, duplexes, accessory uses which are customarily incidental to residential uses, and livestock on one acre or more are permitted uses in the district. The land is sloped with flatter areas where development has occurred, providing building areas with minimal excavation.

Applicant has proposed lots to be approximately 4.71 acres and 7.05 acres. Applicant is reducing the number of lots, therefore decreasing the existing density.

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

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

If you have questions, please contact us. Our office is open Monday through Thursday, 8:00 AM to 5:00 PM and Friday, 8:00 AM to 1:00 PM, or contact us at (208) 236-7230.

Respectfully,



Tristan Bourquin on behalf of

Hal W. Jensen

Planning and Development Director

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

Enclosed: Proposed Sketch Plan



**Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)**

20 messages

**Jose Nava** <gvedraft@gmail.com>

Mon, Oct 21, 2024 at 11:49 AM

To: anitah@bannockcounty.us, jeremym@bannockcounty.us, kielb@bannockcounty.us, david.bollinger@bia.gov, dkmiller@blm.gov, mdwarren@blm.gov, hsanger@pocatello.us, kkeller@phd6.idaho.gov, ahill@sbtribes.com, gbillman@idl.idaho.gov, IDL\_jurisdictional@idl.idaho.gov, pbrown@idl.idaho.gov, Katy.Bergholm@deq.idaho.gov, Carolyn.Weiler@deq.idaho.gov, allan.johnson@deq.idaho.gov, becky.johnson@idfg.idaho.gov, james.cefalo@idwr.idaho.gov, gpeck@idahopower.com, Flo.Ghighina@itd.idaho.gov, Corey.Krantz@itd.idaho.gov, james.murphy@intgas.com, phillip.colborn@intgas.com, portneufswcd@gmail.com, ryan.cook@rockymountainpower.net, Russell.Christ@sparklight.biz, kim.obele@usda.gov, james.m.joyner@usace.army.mil, nate.matlack@usda.gov, michael.rieske@williams.com, mori@bannockplanning.org, "mquayle@pocatello.us" <mquayle@pocatello.us>, "jmansfield@pocatello.us" <jmansfield@pocatello.us>, "mlewis@pocatello.us, aevans@pocatello.us, kheinz@pocatello.us, "reedba@sd25.us" <reedba@sd25.us>, "howelldo@sd25.us" <howelldo@sd25.us>, holly.jackson@portneuflibrary.org, "josh.barnes@portneuflibrary.org" <josh.barnes@portneuflibrary.org>, brenda.marshall@williams.com, "ballsjo@sd25.us" <ballsjo@sd25.us>, johnny.ketner@tax.idaho.gov, mmiller@cityofchubbuck.us, Brian Curtis <chief@northbannockfire.us>, pocvalleyfpd@gmail.com

Hello all, I am contacting you per the requirements of bannock county to inform you of a proposed 2 lot subdivision near 9877 W PEPPER GRASS POINT, POCATELLO, ID 83204. Please see attached draft concept map and comment back with any concerns. This subdivision is an Amendment to the Wild Horse Ridge Phase 4 subdivision, for the purpose of reconfiguring the boundaries between lots 17, 18, and 19 of Block 1 of Wild Horse Subdivision Phase 4. This subdivision will split lot 18 and combine with the adjoining lots creating a total of 2 larger lots. If no comment please reply no comment.

Thanks,

Jose T. Nava, PLS

GVE Drafting & Land Surveying

1290 Mountain West Dr.

Pocatello, ID 83202

Cell: 208-317-6189

**24-032 Peppergrass Point Pre Develoment\_CONCEPT plan.pdf**

235K

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Cc:

Bcc:

Date: Mon, 21 Oct 2024 11:49:08 -0600

Subject: Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

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Final-Recipient: rfc822; [holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)

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----- Forwarded message -----

From: Jose Nava <[gvedraft@gmail.com](mailto:gvedraft@gmail.com)>

To: [anitah@bannockcounty.us](mailto:anitah@bannockcounty.us), [jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us), [kielb@bannockcounty.us](mailto:kielb@bannockcounty.us), [david.bollinger@bia.gov](mailto:david.bollinger@bia.gov), [dkmiller@blm.gov](mailto:dkmiller@blm.gov), [mdwarren@blm.gov](mailto:mdwarren@blm.gov), [hsanger@pocatello.us](mailto:hsanger@pocatello.us), [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov), [ahill@sbtribes.com](mailto:ahill@sbtribes.com), [gbillman@idl.idaho.gov](mailto:gbillman@idl.idaho.gov), [IDL\\_jurisdictional@idl.idaho.gov](mailto:IDL_jurisdictional@idl.idaho.gov), [pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov), [Katy.Bergholm@deq.idaho.gov](mailto:Katy.Bergholm@deq.idaho.gov), [Carolyn.Weiler@deq.idaho.gov](mailto:Carolyn.Weiler@deq.idaho.gov), [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov), [becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov), [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov), [gpeck@idahopower.com](mailto:gpeck@idahopower.com), [Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov), [Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov), [james.murphy@intgas.com](mailto:james.murphy@intgas.com), [phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com), [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com), [ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net), [Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz), [kim.obeles@usda.gov](mailto:kim.obeles@usda.gov), [james.m.joyner@usace.army.mil](mailto:james.m.joyner@usace.army.mil), [nate.matlack@usda.gov](mailto:nate.matlack@usda.gov), [michael.rieske@williams.com](mailto:michael.rieske@williams.com), [mori@bannockplanning.org](mailto:mori@bannockplanning.org), [mquayle@pocatello.us](mailto:mquayle@pocatello.us) <[mquayle@pocatello.us](mailto:mquayle@pocatello.us)>, [jmansfield@pocatello.us](mailto:jmansfield@pocatello.us) <[jmansfield@pocatello.us](mailto:jmansfield@pocatello.us)>, [mlewis@pocatello.us](mailto:mlewis@pocatello.us), [aevans@pocatello.us](mailto:aevans@pocatello.us), [khein@pocatello.us](mailto:khein@pocatello.us), [reedba@sd25.us](mailto:reedba@sd25.us) <[reedba@sd25.us](mailto:reedba@sd25.us)>, [howelldo@sd25.us](mailto:howelldo@sd25.us) <[howelldo@sd25.us](mailto:howelldo@sd25.us)>, [holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org), [josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org) <[josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org)>, [brenda.marshall@williams.com](mailto:brenda.marshall@williams.com), [ballsjo@sd25.us](mailto:ballsjo@sd25.us) <[ballsjo@sd25.us](mailto:ballsjo@sd25.us)>, [johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov), [mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us), [Brian.Curtis@chief@northbannockfire.us](mailto:Brian.Curtis@chief@northbannockfire.us), [pocvalleyfpd@gmail.com](mailto:pocvalleyfpd@gmail.com)

Cc:

Bcc:

Date: Mon, 21 Oct 2024 11:49:08 -0600

Subject: Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

----- Message truncated -----

Mail Delivery Subsystem <[mailer-daemon@googlemail.com](mailto:mailer-daemon@googlemail.com)>

Mon, Oct 21, 2024 at 11:49 AM

To: [gvedraft@gmail.com](mailto:gvedraft@gmail.com)



## Address not found

Your message wasn't delivered to **reedba@sd25.us** because the address couldn't be found, or is unable to receive mail.

[LEARN MORE](#)

The response was:

550 5.2.1 The email account that you tried to reach is inactive. For more information, go to <https://support.google.com/mail/?p=DisabledUser> 2adb3069b0e04-53a223e30bbsor891582e87.10 - gsmt

Final-Recipient: rfc822; [reedba@sd25.us](mailto:reedba@sd25.us)

Action: failed

Status: 5.2.1

Diagnostic-Code: smtp; 550-5.2.1 The email account that you tried to reach is inactive. For more 550-5.2.1 information, go to

550 5.2.1 <https://support.google.com/mail/?p=DisabledUser> 2adb3069b0e04-53a223e30bbsor891582e87.10 - gsmt

Last-Attempt-Date: Mon, 21 Oct 2024 10:49:23 -0700 (PDT)

---

 **noname**  
4K

---

**Heinz, Kristy** <khein@pocatello.gov>

Mon, Oct 21, 2024 at 12:38 PM

To: Jose Nava <gvedraft@gmail.com>

No comment from the airport.

*Kristy Heinz*

Management Assistant/Airport Security Coordinator

Pocatello Regional Airport

208-234-6154 ext. 102(Office)

208-233-8418 (Fax)

[iFlyPocatello.com](https://www.flypocatello.com)



---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** [anitah@bannockcounty.us](mailto:anitah@bannockcounty.us); [jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us); [kielb@bannockcounty.us](mailto:kielb@bannockcounty.us); [david.bollinger@bia.gov](mailto:david.bollinger@bia.gov); [dkmiller@blm.gov](mailto:dkmiller@blm.gov); [mdwarren@blm.gov](mailto:mdwarren@blm.gov); [Sanger, Hannah <hsanger@pocatello.gov>](mailto:Sanger,Hannah@hsanger@pocatello.gov); [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov); [ahill@sbtribes.com](mailto:ahill@sbtribes.com); [gbillman@idl.idaho.gov](mailto:gbillman@idl.idaho.gov); [IDL\\_jurisdictional@idl.idaho.gov](mailto:IDL_jurisdictional@idl.idaho.gov); [pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov); [Katy.Bergholm@deq.idaho.gov](mailto:Katy.Bergholm@deq.idaho.gov); [Carolyn.Weiler@deq.idaho.gov](mailto:Carolyn.Weiler@deq.idaho.gov); [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov); [becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov); [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov); [gpeck@idahopower.com](mailto:gpeck@idahopower.com); [Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov); [Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov); [james.murphy@intgas.com](mailto:james.murphy@intgas.com); [phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com); [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com); [ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net); [Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz); [kim.obebe@usda.gov](mailto:kim.obebe@usda.gov); [james.m.joyner@usace.army.mil](mailto:james.m.joyner@usace.army.mil); [nate.matlack@usda.gov](mailto:nate.matlack@usda.gov); [michael.rieske@williams.com](mailto:michael.rieske@williams.com); [mori@bannockplanning.org](mailto:mori@bannockplanning.org); [Quayle, Merrill <mquayle@pocatello.gov>](mailto:Quayle,Merril@mquayle@pocatello.gov); [Mansfield, Jeffrey <jmansfield@pocatello.gov>](mailto:Mansfield,Jeffrey@jmansfield@pocatello.gov); [Lewis, Matthew](mailto:Lewis,Matthew)

Bannock County Planning & Development Council

January 15, 2025

Page 66 of 403



<mlewis@pocatello.gov>; Evans, Alan <aevans@pocatello.gov>; Heinz, Kristy <kheinz@pocatello.gov>; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

**Subject:** Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

SECURITY WARNING - This email was sent from outside of the City of Pocatello's email system. DO NOT OPEN links or attachments from unknown senders. \_\_\_\_\_

[Quoted text hidden]

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**Mori Byington** <Mori@bannockplanning.org>  
To: Jose Nava <gvedraft@gmail.com>

Mon, Oct 21, 2024 at 12:56 PM

Hi

BTPO has no comments on the proposed subdivision.

Mori Byington,

Bannock Transportation Planning Organization

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

---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; Corey.Krantz@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obeles@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; Mori Byington <Mori@bannockplanning.org>; mquayle@pocatello.us; jmansfield@pocatello.us; mlewis@pocatello.us; aevans@pocatello.us; kheinz@pocatello.us; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

**Subject:** Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

Hello all, I am contacting you per the requirements of bannock county to inform you of a proposed 2 lot subdivision near [9877 W PEPPER GRASS POINT, POCATELLO, ID 83204](#). Please see attached draft concept map and comment back with any concerns. This subdivision is an Amendment to the Wild Horse Ridge Phase 4 subdivision, for the purpose of reconfiguring the boundaries between lots 17, 18, and 19 of Block 1 of Wild Horse Subdivision Phase 4. This subdivision will split lot 18 and combine with the adjoining lots creating a total of 2 larger lots. If no comment please reply no comment.

Thanks,

[Quoted text hidden]

---

**Jonathan R Balls** <ballsjo@sd25.us>  
To: Jose Nava <gvedraft@gmail.com>

Mon, Oct 21, 2024 at 1:02 PM

No comment,

Have a good afternoon,

**JONATHAN R. BALLS**  
DIRECTOR OF BUSINESS OPERATIONS  
3115 Pole Line Rd  
Pocatello ID 83201  
Office: 208.235.3212  
[www.sd25.us](http://www.sd25.us)



[Quoted text hidden]

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**Quayle, Merril** <mquayle@pocatello.gov>

Mon, Oct 21, 2024 at 1:32 PM

To: Jose Nava <gvedraft@gmail.com>, "anitah@bannockcounty.us" <anitah@bannockcounty.us>, "jeremym@bannockcounty.us" <jeremym@bannockcounty.us>, "kielb@bannockcounty.us" <kielb@bannockcounty.us>, "david.bollinger@bia.gov" <david.bollinger@bia.gov>, "dkmiller@blm.gov" <dkmiller@blm.gov>, "mdwarren@blm.gov" <mdwarren@blm.gov>, "Sanger, Hannah" <hsanger@pocatello.gov>, "kkeller@phd6.idaho.gov" <kkeller@phd6.idaho.gov>, "ahill@sbtribes.com" <ahill@sbtribes.com>, "gbillman@idl.idaho.gov" <gbillman@idl.idaho.gov>, "IDL\_jurisdictional@idl.idaho.gov" <IDL\_jurisdictional@idl.idaho.gov>, "pbrown@idl.idaho.gov" <pbrown@idl.idaho.gov>, "Katy.Bergholm@deq.idaho.gov" <Katy.Bergholm@deq.idaho.gov>, "Carolyn.Weiler@deq.idaho.gov" <Carolyn.Weiler@deq.idaho.gov>, "allan.johnson@deq.idaho.gov" <allan.johnson@deq.idaho.gov>, "becky.johnson@idfg.idaho.gov" <becky.johnson@idfg.idaho.gov>, "james.cefalo@idwr.idaho.gov" <james.cefalo@idwr.idaho.gov>, "gpeck@idahopower.com" <gpeck@idahopower.com>, "Flo.Ghighina@itd.idaho.gov" <Flo.Ghighina@itd.idaho.gov>, "Corey.Krantz@itd.idaho.gov" <Corey.Krantz@itd.idaho.gov>, "james.murphy@intgas.com" <james.murphy@intgas.com>, "phillip.colborn@intgas.com" <phillip.colborn@intgas.com>, "portneufswcd@gmail.com" <portneufswcd@gmail.com>, "ryan.cook@rockymountainpower.net" <ryan.cook@rockymountainpower.net>, "Russell.Christ@sparklight.biz" <Russell.Christ@sparklight.biz>, "kim.obele@usda.gov" <kim.obele@usda.gov>, "james.m.joyner@usace.army.mil" <james.m.joyner@usace.army.mil>, "nate.matlack@usda.gov" <nate.matlack@usda.gov>, "michael.rieske@williams.com" <michael.rieske@williams.com>, "mori@bannockplanning.org" <mori@bannockplanning.org>, "Mansfield, Jeffrey" <jmansfield@pocatello.gov>, "Lewis, Matthew" <mlewis@pocatello.gov>, "Evans, Alan" <aevans@pocatello.gov>, "Heinz, Kristy" <kheinz@pocatello.gov>, "reedba@sd25.us" <reedba@sd25.us>, "howelldo@sd25.us" <howelldo@sd25.us>, "holly.jackson@portneuflibrary.org" <holly.jackson@portneuflibrary.org>, "josh.barnes@portneuflibrary.org" <josh.barnes@portneuflibrary.org>, "brenda.marshall@williams.com" <brenda.marshall@williams.com>, "ballsjo@sd25.us" <ballsjo@sd25.us>, "johnny.ketner@tax.idaho.gov" <johnny.ketner@tax.idaho.gov>, "mmiller@cityofchubbuck.us" <mmiller@cityofchubbuck.us>, Brian Curtis <chief@northbannockfire.us>, "pocvalleyfpd@gmail.com" <pocvalleyfpd@gmail.com>

The City of Pocatello does not have any comments or objections to this plat.

Merril Quayle, P.E.

Public Works Development Engineer

(208) 234-6228

City of Pocatello

PO Box 4169 | Pocatello | Idaho 83205

911 N 7<sup>th</sup> Avenue | Pocatello | Idaho 83201



---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; Sanger, Hannah <hsanger@pocatello.gov>; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; Corey.Krantz@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obeale@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; mori@bannockplanning.org; Quayle, Merrill <mquayle@pocatello.gov>; Mansfield, Jeffrey <jmansfield@pocatello.gov>; Lewis, Matthew <mlewis@pocatello.gov>; Evans, Alan <aevans@pocatello.gov>; Heinz, Kristy <kheinz@pocatello.gov>; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

**Subject:** Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

SECURITY WARNING - This email was sent from outside of the City of Pocatello's email system. DO NOT OPEN links or attachments from unknown senders. \_\_\_\_\_

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Thanks,

[Quoted text hidden]

---

**Evans, Alan** <aevans@pocatello.gov>

Mon, Oct 21, 2024 at 1:34 PM

To: Jose Nava <gvedraft@gmail.com>

No comment from the airport.

**\*\*Please note that all City of Pocatello e-mail addresses have changed extensions from ".us" to ".gov" My new e-mail address is [aevans@pocatello.gov](mailto:aevans@pocatello.gov)**

Alan Evans

Airport Manager

Pocatello Regional Airport

Office: (208)234-6154

Mobile: (208)681-9204



---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; Sanger, Hannah <hsanger@pocatello.gov>; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; Corey.Krantz@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obebe@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; mori@bannockplanning.org; Quayle, Merrill <mquayle@pocatello.gov>; Mansfield, Jeffrey <jmansfield@pocatello.gov>; Lewis, Matthew <mlewis@pocatello.gov>; Evans, Alan <aevans@pocatello.gov>; Heinz, Kristy <kheinz@pocatello.gov>; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

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Thanks,

[Quoted text hidden]

---

**Marshall, Brenda** <Brenda.Marshall@williams.com>

To: Jose Nava <gvedraft@gmail.com>

Mon, Oct 21, 2024 at 1:38 PM

Williams Northwest Pipeline is clear of this development and has no objections.

Bannock County Planning & Development Council

January 15, 2025

Page 70 of 403

Brenda Marshall

Land Rep

Williams – Northwest Pipeline

1301 S. Locust Grove Road

Meridian, Idaho 83642

(208) 870-0149 mobile

---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; Corey.Krantz@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obeale@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; mori@bannockplanning.org; mquayle@pocatello.us; jmansfield@pocatello.us; mlewis@pocatello.us; aevans@pocatello.us; kheinz@pocatello.us; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; Marshall, Brenda <Brenda.Marshall@williams.com>; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

**Subject:** [EXTERNAL] Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

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

[Quoted text hidden]

---

**Brian Curtis** <chief@northbannockfire.us>

Mon, Oct 21, 2024 at 2:25 PM

Reply-To: Brian Curtis <chief@northbannockfire.us>

To: gvedraft@gmail.com

Good day,  
The North Bannock Fire District had no comment on this project.

Respectfully,

B. Curtis

Brian Curtis  
Fire Chief  
North Bannock Fire District  
208.339.8430



[Quoted text hidden]

**Pocatello Valley Fire Protection District** <pocvalleyfpd@gmail.com>  
To: Jose Nava <gvedraft@gmail.com>

Mon, Oct 21, 2024 at 3:42 PM

The proposed subdivision is located within the Pocatello Valley Fire Protection District. The District has no comment on the proposed subdivision.

On Mon, Oct 21, 2024 at 11:49 AM Jose Nava <gvedraft@gmail.com> wrote:

[Quoted text hidden]

**Corey Krantz** <Corey.Krantz@itd.idaho.gov>

Mon, Oct 21, 2024 at 4:27 PM

To: Jose Nava <gvedraft@gmail.com>, "anitah@bannockcounty.us" <anitah@bannockcounty.us>, "jeremym@bannockcounty.us" <jeremym@bannockcounty.us>, "kielb@bannockcounty.us" <kielb@bannockcounty.us>, "david.bollinger@bia.gov" <david.bollinger@bia.gov>, "dkmiller@blm.gov" <dkmiller@blm.gov>, "mdwarren@blm.gov" <mdwarren@blm.gov>, "hsanger@pocatello.us" <hsanger@pocatello.us>, "kkeller@phd6.idaho.gov" <kkeller@phd6.idaho.gov>, "ahill@sbtribes.com" <ahill@sbtribes.com>, "gbillman@idl.idaho.gov" <gbillman@idl.idaho.gov>, "IDL\_jurisdictional@idl.idaho.gov" <IDL\_jurisdictional@idl.idaho.gov>, "pbrown@idl.idaho.gov" <pbrown@idl.idaho.gov>, "Katy.Bergholm@deq.idaho.gov" <Katy.Bergholm@deq.idaho.gov>, "Carolyn.Weiler@deq.idaho.gov" <Carolyn.Weiler@deq.idaho.gov>, "allan.johnson@deq.idaho.gov" <allan.johnson@deq.idaho.gov>, "becky.johnson@idfg.idaho.gov" <becky.johnson@idfg.idaho.gov>, "james.cefalo@idwr.idaho.gov" <james.cefalo@idwr.idaho.gov>, "gpeck@idahopower.com" <gpeck@idahopower.com>, Flo Ghighina <Flo.Ghighina@itd.idaho.gov>, "james.murphy@intgas.com" <james.murphy@intgas.com>, "phillip.colborn@intgas.com" <phillip.colborn@intgas.com>, "portneufswcd@gmail.com" <portneufswcd@gmail.com>, "ryan.cook@rockymountainpower.net" <ryan.cook@rockymountainpower.net>, "Russell.Christ@sparklight.biz" <Russell.Christ@sparklight.biz>, "kim.obele@usda.gov" <kim.obele@usda.gov>, "james.m.joyner@usace.army.mil" <james.m.joyner@usace.army.mil>, "nate.matlack@usda.gov" <nate.matlack@usda.gov>, "michael.rieske@williams.com" <michael.rieske@williams.com>, Mori Byington <Mori@bannockplanning.org>, "mquayle@pocatello.us" <mquayle@pocatello.us>, "jmansfield@pocatello.us" <jmansfield@pocatello.us>, "mlewis@pocatello.us" <mlewis@pocatello.us>, "aevans@pocatello.us" <aevans@pocatello.us>, "kheinz@pocatello.us" <kheinz@pocatello.us>, "reedba@sd25.us" <reedba@sd25.us>, "howelldo@sd25.us" <howelldo@sd25.us>, "holly.jackson@portneuflibrary.org" <holly.jackson@portneuflibrary.org>, "josh.barnes@portneuflibrary.org" <josh.barnes@portneuflibrary.org>, "brenda.marshall@williams.com" <brenda.marshall@williams.com>, "ballsjo@sd25.us" <ballsjo@sd25.us>, "johnny.ketner@tax.idaho.gov" <johnny.ketner@tax.idaho.gov>, "mmiller@cityofchubbuck.us" <mmiller@cityofchubbuck.us>, Brian Curtis <chief@northbannockfire.us>, "pocvalleyfpd@gmail.com" <pocvalleyfpd@gmail.com>

Mr. Nava,

The Idaho Transportation Department takes no exception to this subdivision.

Sincerely,

Corey A. Krantz, P.E.

Idaho Transportation Department

District 5 Materials Engineering Mgr

208-239-3372 (office)

208-201-3372 (Cell)

---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina <Flo.Ghighina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obele@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; Mori Byington <Mori@bannockplanning.org>; mquayle@pocatello.us; jmansfield@pocatello.us; mlewis@pocatello.us; aevans@pocatello.us; kheinz@pocatello.us; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

**Subject:** Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

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[Quoted text hidden]

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**Miller, Danny K** <dkmiller@blm.gov>

Tue, Oct 22, 2024 at 7:22 AM

To: Jose Nava <gvedraft@gmail.com>

The BLM has no comment as it appears that the land at issue is not adjacent to federal land managed by the BLM.

---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; Bollinger, David <David.Bollinger@bia.gov>; Miller, Danny K <dkmiller@blm.gov>; Davis, Melissa D <melissadavis@blm.gov>; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; Corey.Krantz@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obele@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; mori@bannockplanning.org; mquayle@pocatello.us; jmansfield@pocatello.us; mlewis@pocatello.us; aevans@pocatello.us; kheinz@pocatello.us; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

**Subject:** [EXTERNAL] Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

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**Bollinger, David** <David.Bollinger@bia.gov>

Tue, Oct 22, 2024 at 7:26 AM

To: Jose Nava <gvedraft@gmail.com>, "anitah@bannockcounty.us" <anitah@bannockcounty.us>, "jeremym@bannockcounty.us" <jeremym@bannockcounty.us>, "kielb@bannockcounty.us" <kielb@bannockcounty.us>, "Miller, Danny K" <dkmiller@blm.gov>, "Davis, Melissa D" <melissadavis@blm.gov>, "hsanger@pocatello.us" <hsanger@pocatello.us>, "kkeller@phd6.idaho.gov" <kkeller@phd6.idaho.gov>, "ahill@sbtribes.com" <ahill@sbtribes.com>, "gbillman@idl.idaho.gov" <gbillman@idl.idaho.gov>, "IDL\_jurisdictional@idl.idaho.gov" <IDL\_jurisdictional@idl.idaho.gov>, "pbrown@idl.idaho.gov" <pbrown@idl.idaho.gov>, "Katy.Bergholm@deq.idaho.gov" <Katy.Bergholm@deq.idaho.gov>, "Carolyn.Weiler@deq.idaho.gov" <Carolyn.Weiler@deq.idaho.gov>, "allan.johnson@deq.idaho.gov" <allan.johnson@deq.idaho.gov>, "becky.johnson@idfg.idaho.gov" <becky.johnson@idfg.idaho.gov>, "james.cefalo@idwr.idaho.gov" <james.cefalo@idwr.idaho.gov>, "gpeck@idahopower.com" <gpeck@idahopower.com>, "Flo.Ghighina@itd.idaho.gov" <Flo.Ghighina@itd.idaho.gov>, "Corey.Krantz@itd.idaho.gov" <Corey.Krantz@itd.idaho.gov>, "james.murphy@intgas.com" <james.murphy@intgas.com>, "phillip.colborn@intgas.com" <phillip.colborn@intgas.com>, "portneufswcd@gmail.com" <portneufswcd@gmail.com>, "ryan.cook@rockymountainpower.net" <ryan.cook@rockymountainpower.net>, "Russell.Christ@sparklight.biz" <Russell.Christ@sparklight.biz>, "kim.obele@usda.gov" <kim.obele@usda.gov>, "james.m.joyner@usace.army.mil" <james.m.joyner@usace.army.mil>, "nate.matlack@usda.gov" <nate.matlack@usda.gov>, "michael.rieske@williams.com" <michael.rieske@williams.com>, "mori@bannockplanning.org" <mori@bannockplanning.org>, "mquayle@pocatello.us" <mquayle@pocatello.us>, "jmansfield@pocatello.us" <jmansfield@pocatello.us>, "mlewis@pocatello.us" <mlewis@pocatello.us>, "aevans@pocatello.us" <aevans@pocatello.us>, "kheinze@pocatello.us" <kheinze@pocatello.us>, "reedba@sd25.us" <reedba@sd25.us>, "howelldo@sd25.us" <howelldo@sd25.us>, "holly.jackson@portneuflibrary.org" <holly.jackson@portneuflibrary.org>, "josh.barnes@portneuflibrary.org" <josh.barnes@portneuflibrary.org>, "brenda.marshall@williams.com" <brenda.marshall@williams.com>, "ballsjo@sd25.us" <ballsjo@sd25.us>, "johnny.ketner@tax.idaho.gov" <johnny.ketner@tax.idaho.gov>, "mmiller@cityofchubbuck.us" <mmiller@cityofchubbuck.us>, Brian Curtis <chief@northbannockfire.us>, "pocvalleyfpd@gmail.com" <pocvalleyfpd@gmail.com>

The BIA Fort Hall Irrigation Project has no comment on this proposed plat.

Thank you,

*David Bollinger*  
*Project Manager*  
*DOI/BIA Fort Hall Irrigation Project*  
*Fort Hall, Idaho 83203*  
*208.238.1992*

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us <anitah@bannockcounty.us>; jeremym@bannockcounty.us <jeremym@bannockcounty.us>; kielb@bannockcounty.us <kielb@bannockcounty.us>; Bollinger, David <David.Bollinger@bia.gov>; Miller, Danny K <dkmiller@blm.gov>; Davis, Melissa D <melissadavis@blm.gov>; hsanger@pocatello.us <hsanger@pocatello.us>; kkeller@phd6.idaho.gov <kkeller@phd6.idaho.gov>; ahill@sbtribes.com <ahill@sbtribes.com>; gbillman@idl.idaho.gov <gbillman@idl.idaho.gov>; IDL\_jurisdictional@idl.idaho.gov <IDL\_jurisdictional@idl.idaho.gov>; pbrown@idl.idaho.gov <pbrown@idl.idaho.gov>; Katy.Bergholm@deq.idaho.gov <Katy.Bergholm@deq.idaho.gov>; Carolyn.Weiler@deq.idaho.gov <Carolyn.Weiler@deq.idaho.gov>; allan.johnson@deq.idaho.gov <allan.johnson@deq.idaho.gov>; becky.johnson@idfg.idaho.gov <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov <james.cefalo@idwr.idaho.gov>; gpeck@idahopower.com <gpeck@idahopower.com>; Flo.Ghighina@itd.idaho.gov <Flo.Ghighina@itd.idaho.gov>; Corey.Krantz@itd.idaho.gov <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com <james.murphy@intgas.com>; phillip.colborn@intgas.com <phillip.colborn@intgas.com>; portneufswcd@gmail.com <portneufswcd@gmail.com>; ryan.cook@rockymountainpower.net



<ryan.cook@rockymountainpower.net>; Russell.Christ@sparklight.biz <Russell.Christ@sparklight.biz>; kim.obeles@usda.gov <kim.obeles@usda.gov>; james.m.joyner@usace.army.mil <james.m.joyner@usace.army.mil>; nate.matlack@usda.gov <nate.matlack@usda.gov>; michael.rieske@williams.com <michael.rieske@williams.com>; mori@bannockplanning.org <mori@bannockplanning.org>; mquayle@pocatello.us <mquayle@pocatello.us>; jmansfield@pocatello.us <jmansfield@pocatello.us>; mlewis@pocatello.us <mlewis@pocatello.us>; aevans@pocatello.us <aevans@pocatello.us>; kheinz@pocatello.us <kheinz@pocatello.us>; reedba@sd25.us <reedba@sd25.us>; howelldo@sd25.us <howelldo@sd25.us>; holly.jackson@portneuflibrary.org <holly.jackson@portneuflibrary.org>; josh.barnes@portneuflibrary.org <josh.barnes@portneuflibrary.org>; brenda.marshall@williams.com <brenda.marshall@williams.com>; ballsjo@sd25.us <ballsjo@sd25.us>; johnny.ketner@tax.idaho.gov <johnny.ketner@tax.idaho.gov>; mmiller@cityofchubbuck.us <mmiller@cityofchubbuck.us>; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com <pocvalleyfpd@gmail.com>

**Subject:** [EXTERNAL] Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

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**Colborn, Phillip** <phillip.colborn@intgas.com>  
To: Jose Nava <gvedraft@gmail.com>

Tue, Oct 22, 2024 at 7:54 AM

IGC has no comment.

Thanks

**Phillip Colborn**

Intermountain Gas Company

Pocatello Operations Manager

(208) 637-6431

[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com;

Bannock County Planning & Development Council

January 15, 2025

Page 75 of 403

gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; Corey.Krantz@itd.idaho.gov; Murphy, James <james.murphy@intgas.com>; Colborn, Phillip <phillip.colborn@intgas.com>; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obeale@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; mori@bannockplanning.org; mquayle@pocatello.us; jmansfield@pocatello.us; mlewis@pocatello.us; aevans@pocatello.us; kheinz@pocatello.us; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

**Subject:** Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

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**Peck, Gary** <GPeck@idahopower.com>

Tue, Oct 22, 2024 at 9:25 AM

To: Jose Nava <gvedraft@gmail.com>, "anitah@bannockcounty.us" <anitah@bannockcounty.us>, "jeremym@bannockcounty.us" <jeremym@bannockcounty.us>, "kielb@bannockcounty.us" <kielb@bannockcounty.us>, "david.bollinger@bia.gov" <david.bollinger@bia.gov>, "dkmiller@blm.gov" <dkmiller@blm.gov>, "mdwarren@blm.gov" <mdwarren@blm.gov>, "hsanger@pocatello.us" <hsanger@pocatello.us>, "kkeller@phd6.idaho.gov" <kkeller@phd6.idaho.gov>, "ahill@sbtribes.com" <ahill@sbtribes.com>, "gbillman@idl.idaho.gov" <gbillman@idl.idaho.gov>, "IDL\_jurisdictional@idl.idaho.gov" <IDL\_jurisdictional@idl.idaho.gov>, "pbrown@idl.idaho.gov" <pbrown@idl.idaho.gov>, "Katy.Bergholm@deq.idaho.gov" <Katy.Bergholm@deq.idaho.gov>, "Carolyn.Weiler@deq.idaho.gov" <Carolyn.Weiler@deq.idaho.gov>, "allan.johnson@deq.idaho.gov" <allan.johnson@deq.idaho.gov>, "becky.johnson@idfg.idaho.gov" <becky.johnson@idfg.idaho.gov>, "james.cefalo@idwr.idaho.gov" <james.cefalo@idwr.idaho.gov>, "Flo.Ghighina@itd.idaho.gov" <Flo.Ghighina@itd.idaho.gov>, "Corey.Krantz@itd.idaho.gov" <Corey.Krantz@itd.idaho.gov>, "james.murphy@intgas.com" <james.murphy@intgas.com>, "phillip.colborn@intgas.com" <phillip.colborn@intgas.com>, "portneufswcd@gmail.com" <portneufswcd@gmail.com>, "ryan.cook@rockymountainpower.net" <ryan.cook@rockymountainpower.net>, "Russell.Christ@sparklight.biz" <Russell.Christ@sparklight.biz>, "kim.obeale@usda.gov" <kim.obeale@usda.gov>, "james.m.joyner@usace.army.mil" <james.m.joyner@usace.army.mil>, "nate.matlack@usda.gov" <nate.matlack@usda.gov>, "michael.rieske@williams.com" <michael.rieske@williams.com>, "mori@bannockplanning.org" <mori@bannockplanning.org>, "mquayle@pocatello.us" <mquayle@pocatello.us>, "jmansfield@pocatello.us" <jmansfield@pocatello.us>, "mlewis@pocatello.us" <mlewis@pocatello.us>, "aevans@pocatello.us" <aevans@pocatello.us>, "kheinz@pocatello.us" <kheinz@pocatello.us>, "reedba@sd25.us" <reedba@sd25.us>, "howelldo@sd25.us" <howelldo@sd25.us>, "holly.jackson@portneuflibrary.org" <holly.jackson@portneuflibrary.org>, "josh.barnes@portneuflibrary.org" <josh.barnes@portneuflibrary.org>, "brenda.marshall@williams.com" <brenda.marshall@williams.com>, "ballsjo@sd25.us" <ballsjo@sd25.us>, "johnny.ketner@tax.idaho.gov" <johnny.ketner@tax.idaho.gov>, "mmiller@cityofchubbuck.us" <mmiller@cityofchubbuck.us>, Brian Curtis <chief@northbannockfire.us>, "pocvalleyfpd@gmail.com" <pocvalleyfpd@gmail.com>

All, other than requirements of adding additional infrastructure to accommodate power to an additional lot..Idaho Power has no concerns. Thanks, Gary

**Gary J. Peck**

Distribution Designer

Off - 208-236-7734 Cell - 208-313-7734

[gpeck@idahopower.com](mailto:gpeck@idahopower.com)

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**From:** Jose Nava <[gvedraft@gmail.com](mailto:gvedraft@gmail.com)>  
**Sent:** Monday, October 21, 2024 11:49 AM

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**Christ, Russ** <[Russell.Christ@cableone.biz](mailto:Russell.Christ@cableone.biz)>  
To: Jose Nava <[gvedraft@gmail.com](mailto:gvedraft@gmail.com)>

Tue, Oct 22, 2024 at 9:37 AM

Hello Jose,

Sparklight has no comment.

Thank you,

**Cable One®**

**Russell Christ**

Construction Coordinator | **Cable One**

T: 208-223-0648

204 W Alameda Rd

Pocatello, ID 83201

[russell.christ@cableone.biz](mailto:russell.christ@cableone.biz)

-

**Connecting our customers and  
communities to what matters most.**

**From:** Jose Nava <[gvedraft@gmail.com](mailto:gvedraft@gmail.com)>  
**Sent:** Monday, October 21, 2024 11:49 AM

[Quoted text hidden]

[Quoted text hidden]

**Gary Billman** <[GBillman@idl.idaho.gov](mailto:GBillman@idl.idaho.gov)>

Tue, Oct 22, 2024 at 10:22 AM

To: Jose Nava <[gvedraft@gmail.com](mailto:gvedraft@gmail.com)>, "anitah@bannockcounty.us" <[anitah@bannockcounty.us](mailto:anitah@bannockcounty.us)>, "jeremym@bannockcounty.us" <[jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us)>, "kielb@bannockcounty.us" <[kielb@bannockcounty.us](mailto:kielb@bannockcounty.us)>, "david.bollinger@bia.gov" <[david.bollinger@bia.gov](mailto:david.bollinger@bia.gov)>, "dkmiller@blm.gov" <[dkmiller@blm.gov](mailto:dkmiller@blm.gov)>, "mdwarren@blm.gov" <[mdwarren@blm.gov](mailto:mdwarren@blm.gov)>, "hsanger@pocatello.us" <[hsanger@pocatello.us](mailto:hsanger@pocatello.us)>, "kkeller@phd6.idaho.gov" <[kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov)>, "ahill@sbtribes.com" <[ahill@sbtribes.com](mailto:ahill@sbtribes.com)>, IDL\_Jurisdictional <[IDL\\_Jurisdictional@idl.idaho.gov](mailto:IDL_Jurisdictional@idl.idaho.gov)>, Pat Brown <[pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov)>, "Katy.Bergholm@deq.idaho.gov" <[Katy.Bergholm@deq.idaho.gov](mailto:Katy.Bergholm@deq.idaho.gov)>, "Carolyn.Weiler@deq.idaho.gov" <[Carolyn.Weiler@deq.idaho.gov](mailto:Carolyn.Weiler@deq.idaho.gov)>, "allan.johnson@deq.idaho.gov" <[allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov)>, "becky.johnson@idfg.idaho.gov" <[becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov)>, "james.cefalo@idwr.idaho.gov" <[james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov)>, "gpeck@idahopower.com" <[gpeck@idahopower.com](mailto:gpeck@idahopower.com)>, "Flo.Ghighina@itd.idaho.gov" <[Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov)>, "Corey.Krantz@itd.idaho.gov" <[Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov)>, "james.murphy@intgas.com" <[james.murphy@intgas.com](mailto:james.murphy@intgas.com)>, "phillip.colborn@intgas.com" <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>, "portneufswcd@gmail.com" <[portneufswcd@gmail.com](mailto:portneufswcd@gmail.com)>, "ryan.cook@rockymountainpower.net" <[ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net)>, "Russell.Christ@sparklight.biz" <[Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz)>, "kim.obeale@usda.gov" <[kim.obeale@usda.gov](mailto:kim.obeale@usda.gov)>, "james.m.joyner@usace.army.mil" <[james.m.joyner@usace.army.mil](mailto:james.m.joyner@usace.army.mil)>, "nate.matlack@usda.gov" <[nate.matlack@usda.gov](mailto:nate.matlack@usda.gov)>, "michael.rieske@williams.com" <[michael.rieske@williams.com](mailto:michael.rieske@williams.com)>, "mori@bannockplanning.org" <[mori@bannockplanning.org](mailto:mori@bannockplanning.org)>, "mquayle@pocatello.us" <[mquayle@pocatello.us](mailto:mquayle@pocatello.us)>, "jmansfield@pocatello.us" <[jmansfield@pocatello.us](mailto:jmansfield@pocatello.us)>, "mlewis@pocatello.us" <[mlewis@pocatello.us](mailto:mlewis@pocatello.us)>, "aevans@pocatello.us" <[aevans@pocatello.us](mailto:aevans@pocatello.us)>, "kheinze@pocatello.us" <[kheinze@pocatello.us](mailto:kheinze@pocatello.us)>, "reedba@sd25.us" <[reedba@sd25.us](mailto:reedba@sd25.us)>, "howelldo@sd25.us" <[howelldo@sd25.us](mailto:howelldo@sd25.us)>, "holly.jackson@portneuflibrary.org" <[holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)>, "josh.barnes@portneuflibrary.org" <[josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org)>, "brenda.marshall@williams.com" <[brenda.marshall@williams.com](mailto:brenda.marshall@williams.com)>, "ballsjo@sd25.us" <[ballsjo@sd25.us](mailto:ballsjo@sd25.us)>, "johnny.ketner@tax.idaho.gov" <[johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov)>, "mmiller@cityofchubbuck.us" <[mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us)>, Brian Curtis <[chief@northbannockfire.us](mailto:chief@northbannockfire.us)>, "pocvalleyfpd@gmail.com" <[pocvalleyfpd@gmail.com](mailto:pocvalleyfpd@gmail.com)>

IDL has no comments.



**Gary Billman, P.G.**

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

Idaho Department of Lands

Eastern Area

3563 Ririe Hwy

Idaho Falls, ID 83401

Office: (208) 525-7167

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

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

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; Gary Billman <GBillman@idl.idaho.gov>; IDL\_Jurisdictional <IDL\_Jurisdictional@idl.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo.Ghighina@itd.idaho.gov; Corey.Krantz@itd.idaho.gov; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obele@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; mori@bannockplanning.org; mquayle@pocatello.us; jmansfield@pocatello.us; mlewis@pocatello.us; aevans@pocatello.us; kheinz@pocatello.us; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com  
**Subject:** Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

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Hello all, I am contacting you per the requirements of bannock county to inform you of a proposed 2 lot subdivision near [9877 W PEPPER GRASS POINT, POCATELLO, ID 83204](#). Please see attached draft concept map and comment back with any concerns. This subdivision is an Amendment to the Wild Horse Ridge Phase 4 subdivision, for the purpose of reconfiguring the boundaries between lots 17, 18, and 19 of Block 1 of Wild Horse Subdivision Phase 4. This subdivision will split lot 18 and combine with the adjoining lots creating a total of 2 larger lots. If no comment please reply no comment.

Thanks,

[Quoted text hidden]

**Flo Ghighina** <Flo.Ghighina@itd.idaho.gov>

Mon, Oct 28, 2024 at 7:42 AM

To: Jose Nava <gvedraft@gmail.com>, "anitah@bannockcounty.us" <anitah@bannockcounty.us>, "jeremym@bannockcounty.us" <jeremym@bannockcounty.us>, "kielb@bannockcounty.us" <kielb@bannockcounty.us>, "david.bollinger@bia.gov" <david.bollinger@bia.gov>, "dkmiller@blm.gov" <dkmiller@blm.gov>, "mdwarren@blm.gov" <mdwarren@blm.gov>, "hsanger@pocatello.us" <hsanger@pocatello.us>, "kkeller@phd6.idaho.gov" <kkeller@phd6.idaho.gov>, "ahill@sbtribes.com" <ahill@sbtribes.com>, "gbillman@idl.idaho.gov" <gbillman@idl.idaho.gov>, "IDL\_jurisdictional@idl.idaho.gov" <IDL\_jurisdictional@idl.idaho.gov>, "pbrown@idl.idaho.gov" <pbrown@idl.idaho.gov>, "Katy.Bergholm@deq.idaho.gov" <Katy.Bergholm@deq.idaho.gov>, "Carolyn.Weiler@deq.idaho.gov" <Carolyn.Weiler@deq.idaho.gov>, "allan.johnson@deq.idaho.gov" <allan.johnson@deq.idaho.gov>, "becky.johnson@idfg.idaho.gov" <becky.johnson@idfg.idaho.gov>, "james.cefalo@idwr.idaho.gov" <james.cefalo@idwr.idaho.gov>, "gpeck@idahopower.com" <gpeck@idahopower.com>, Corey Krantz <Corey.Krantz@itd.idaho.gov>, "james.murphy@intgas.com" <james.murphy@intgas.com>, "phillip.colborn@intgas.com" <phillip.colborn@intgas.com>, "portneufswcd@gmail.com" <portneufswcd@gmail.com>, "ryan.cook@rockymountainpower.net" <ryan.cook@rockymountainpower.net>, "Russell.Christ@sparklight.biz" <Russell.Christ@sparklight.biz>, "kim.obele@usda.gov" <kim.obele@usda.gov>, "james.m.joyner@usace.army.mil" <james.m.joyner@usace.army.mil>, "nate.matlack@usda.gov" <nate.matlack@usda.gov>, "michael.rieske@williams.com" <michael.rieske@williams.com>, Mori Byington <Mori@bannockplanning.org>, "mquayle@pocatello.us" <mquayle@pocatello.us>, "jmansfield@pocatello.us" <jmansfield@pocatello.us>, "mlewis@pocatello.us" <mlewis@pocatello.us>, "aevans@pocatello.us" <aevans@pocatello.us>, "kheinz@pocatello.us" <kheinz@pocatello.us>, "reedba@sd25.us" <reedba@sd25.us>, "howelldo@sd25.us" <howelldo@sd25.us>, "holly.jackson@portneuflibrary.org" <holly.jackson@portneuflibrary.org>, "josh.barnes@portneuflibrary.org" <josh.barnes@portneuflibrary.org>,

Bannock County Planning & Development Council

January 15, 2025

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"brenda.marshall@williams.com" <brenda.marshall@williams.com>, "ballsjo@sd25.us" <ballsjo@sd25.us>, "johnny.ketner@tax.idaho.gov" <johnny.ketner@tax.idaho.gov>, "mmiller@cityofchubbuck.us" <mmiller@cityofchubbuck.us>, Brian Curtis <chief@northbannockfire.us>, "pocvalleyfpd@gmail.com" <pocvalleyfpd@gmail.com>

Hello Jose,

The ITD-Division of Aeronautics does not have any comments or objections to this re-configuration of lot boundaries in the Wild Horse Ridge Phase 4 subdivision. Have a great day.

Best regards,

**Flo Ghighina**

**Airport Inspector/Obstructions Evaluator**

ITD-Division of Aeronautics

Ph: 208-334-8895

Cell: 208-866-1558

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

<https://www.facebook.com/idahoeronautics>



---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Monday, October 21, 2024 11:49 AM

**To:** anitah@bannockcounty.us; jeremym@bannockcounty.us; kielb@bannockcounty.us; david.bollinger@bia.gov; dkmiller@blm.gov; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; pbrown@idl.idaho.gov; Katy.Bergholm@deq.idaho.gov; Carolyn.Weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo Ghighina <Flo.Ghighina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; phillip.colborn@intgas.com; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Russell.Christ@sparklight.biz; kim.obeles@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; Mori Byington <Mori@bannockplanning.org>; mquayle@pocatello.us; jmansfield@pocatello.us; mlewis@pocatello.us; aevans@pocatello.us; kheinz@pocatello.us; reedba@sd25.us; howelldo@sd25.us; holly.jackson@portneuflibrary.org; josh.barnes@portneuflibrary.org; brenda.marshall@williams.com; ballsjo@sd25.us; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; Brian Curtis <chief@northbannockfire.us>; pocvalleyfpd@gmail.com

**Subject:** Proposed 2 Lot Subdivision (Peppergrass Point Subdivision)(Replat)

Bannock County Planning & Development Council

January 15, 2025

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Hello all, I am contacting you per the requirements of bannock county to inform you of a proposed 2 lot subdivision near [9877 W PEPPER GRASS POINT, POCATELLO, ID 83204](#). Please see attached draft concept map and comment back with any concerns. This subdivision is an Amendment to the Wild Horse Ridge Phase 4 subdivision, for the purpose of reconfiguring the boundaries between lots 17, 18, and 19 of Block 1 of Wild Horse Subdivision Phase 4. This subdivision will split lot 18 and combine with the adjoining lots creating a total of 2 larger lots. If no comment please reply no comment.

Thanks,

[Quoted text hidden]



Jose Nava <gvedraft@gmail.com>

---

## 2nd attempt request for comments on proposed 2 lot subdivision in bannock county

2 messages

---

Jose Nava <gvedraft@gmail.com>

Thu, Oct 31, 2024 at 10:19 AM

To: anitah@bannockcounty.us, jeremym@bannockcounty.us, kielb@bannockcounty.us, kkeller@phd6.idaho.gov, Katy.Bergholm@deq.idaho.gov, Carolyn.Weiler@deq.idaho.gov, allan.johnson@deq.idaho.gov, becky.johnson@idfg.idaho.gov, james.cefalo@idwr.idaho.gov, portneufswcd@gmail.com, kim.obele@usda.gov, james.m.joyner@usace.army.mil, nate.matlack@usda.gov

Hello all,

This is my second attempt to contact you per the requirements of bannock county to inform you of a proposed 2 lot subdivision near 9877 W PEPPER GRASS POINT, POCATELLO, ID 83204. Please see attached draft concept map and comment back with any concerns. This subdivision is an Amendment to the Wild Horse Ridge Phase 4 subdivision, for the purpose of reconfiguring the boundaries between lots 17, 18, and 19 of Block 1 of Wild Horse Subdivision Phase 4. This subdivision will split lot 18 and combine with the adjoining lots creating a total of 2 larger lots. If no comment please reply no comment.

Thanks,

--

Jose T. Nava, PLS

GVE Drafting & Land Surveying

1290 Mountain West Dr.  
Pocatello, ID 83202

Cell: 208-317-6189



**24-032 Peppergrass Point Pre Development\_CONCEPT plan.pdf**  
235K

---

Obele, Kim - FS, ID <kim.obele@usda.gov>

Thu, Oct 31, 2024 at 10:25 AM

To: Jose Nava <gvedraft@gmail.com>

No comment.

Thank you for providing an address, otherwise I do not have the time to figure out where this is when only provided a concept plan.

**Kim A. Obele**  
District Ranger

**USDA Forest Service**

**Caribou-Targhee National Forest**

**Curlew National Grassland**



**Westside Ranger District**

p: 208-236-7510  
c: 208-220-9710  
f: 208-236-7555  
[kim.obeles@usda.gov](mailto:kim.obeles@usda.gov)

4350 S. Cliffs Dr.

Pocatello, ID 83204

[www.fs.usda.gov](http://www.fs.usda.gov)



*Caring for the land and serving people*

*“Don’t let perfection stand in the way of Progress”*

---

**From:** Jose Nava <[gvedraft@gmail.com](mailto:gvedraft@gmail.com)>

**Sent:** Thursday, October 31, 2024 10:19 AM

**To:** [anitah@bannockcounty.us](mailto:anitah@bannockcounty.us); [jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us); [kielb@bannockcounty.us](mailto:kielb@bannockcounty.us); [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov); [Katy.Bergholm@deq.idaho.gov](mailto:Katy.Bergholm@deq.idaho.gov); [Carolyn.Weiler@deq.idaho.gov](mailto:Carolyn.Weiler@deq.idaho.gov); [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov); [becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov); [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov); [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com); Obele, Kim - FS, ID <[kim.obeles@usda.gov](mailto:kim.obeles@usda.gov)>; [james.m.joyner@usace.army.mil](mailto:james.m.joyner@usace.army.mil); Matlack, Nate - FPAC-NRCS, ID <[nate.matlack@usda.gov](mailto:nate.matlack@usda.gov)>

**Subject:** [External Email]2nd attempt request for comments on proposed 2 lot subdivision in bannock county

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Jose Nava <gvedraft@gmail.com>

---

## 2nd attempt request for comments on proposed 2 lot subdivision in bannock county

1 message

---

**Jose Nava** <gvedraft@gmail.com>

Fri, Nov 15, 2024 at 12:09 PM

To: "Sanger, Hannah" <hsanger@pocatello.gov>

Hello,

This is my second attempt to contact you per the requirements of bannock county to inform you of a proposed 2 lot subdivision near 9877 W PEPPER GRASS POINT, POCATELLO, ID 83204. Please see attached draft concept map and comment back with any concerns. This subdivision is an Amendment to the Wild Horse Ridge Phase 4 subdivision, for the purpose of reconfiguring the boundaries between lots 17, 18, and 19 of Block 1 of Wild Horse Subdivision Phase 4. This subdivision will split lot 18 and combine with the adjoining lots creating a total of 2 larger lots. If no comment please reply no comment.

--

Jose T. Nava, PLS

GVE Drafting & Land Surveying

1290 Mountain West Dr.  
Pocatello, ID 83202

Cell: 208-317-6189



**24-032 Peppergrass Point Pre Development\_CONCEPT plan (1).pdf**  
235K



Jose Nava <gvedraft@gmail.com>

---

## 2nd attempt request for comments on proposed 2 lot subdivision in bannock county

1 message

---

**Jose Nava** <gvedraft@gmail.com>

Fri, Nov 15, 2024 at 11:46 AM

To: josh.barnes@portneuflibrary.org

Hello

This is my second attempt to contact you per the requirements of bannock county to inform you of a proposed 2 lot subdivision near 9877 W PEPPER GRASS POINT, POCATELLO, ID 83204. Please see attached draft concept map and comment back with any concerns. This subdivision is an Amendment to the Wild Horse Ridge Phase 4 subdivision, for the purpose of reconfiguring the boundaries between lots 17, 18, and 19 of Block 1 of Wild Horse Subdivision Phase 4. This subdivision will split lot 18 and combine with the adjoining lots creating a total of 2 larger lots. If no comment please reply no comment.

--

Jose T. Nava, PLS

GVE Drafting & Land Surveying

1290 Mountain West Dr.  
Pocatello, ID 83202

Cell: 208-317-6189



**24-032 Peppergrass Point Pre Development\_CONCEPT plan (1).pdf**  
235K



Jose Nava <gvedraft@gmail.com>

---

## 2nd attempt request for comments on proposed 2 lot subdivision in bannock county

---

Jose Nava <gvedraft@gmail.com>

Fri, Nov 15, 2024 at 12:07 PM

To: hsnager@pocatellu.us, ryan.cook@rockymountainpower.net

Hello all,

This is my second attempt to contact you per the requirements of bannock county to inform you of a proposed 2 lot subdivision near 9877 W PEPPER GRASS POINT, POCATELLO, ID 83204. Please see attached draft concept map and comment back with any concerns. This subdivision is an Amendment to the Wild Horse Ridge Phase 4 subdivision, for the purpose of reconfiguring the boundaries between lots 17, 18, and 19 of Block 1 of Wild Horse Subdivision Phase 4. This subdivision will split lot 18 and combine with the adjoining lots creating a total of 2 larger lots. If no comment please reply no comment.

--

Jose T. Nava, PLS

GVE Drafting & Land Surveying

1290 Mountain West Dr.  
Pocatello, ID 83202

Cell: 208-317-6189



**24-032 Peppergrass Point Pre Development\_CONCEPT plan (1).pdf**  
235K



Jose Nava <gvedraft@gmail.com>

---

## SIPH Request for Bannock County Pre-Development comments (Peppergrass Point Subdivision)

---

Kathleen Price <KPrice@siph.id.gov>

Thu, Oct 31, 2024 at 10:57 AM

To: Jose Nava <gvedraft@gmail.com>

Jose,

Southeastern Idaho Public Health (SIPH) has no concerns with the line adjustments of existing lots 17, 18, 19 of the Wild Horse Ridge Subdivision Phase 4 to create the newly proposed 2-lot Subdivision Peppergrass Point.

Application from the owner/developer must be made to SIPH for the creation of a new subdivision. Please direct owner/developer to have all documentation concerning this application brought into the SIPH office. Once this is received along with the fee of \$90.00 per proposed lot, SIPH will write a formal letter indicating sub-surface wastewater disposal suitability of the proposed subdivision parcels. Both proposed lots have existing houses served by septic systems for wastewater disposal. No new soil evaluation will be required at this time.

Thank you,

Kathleen Price

Onsite Coordinator

Landdevelopment Bingham and Bannock Counties

SIPH Environmental Health

Cell: 208-221-3421

---

**From:** Jose Nava <gvedraft@gmail.com>

**Sent:** Thursday, October 31, 2024 10:26 AM

**To:** Kathleen Price <KPrice@siph.id.gov>

**Subject:** Fwd: SIPH Request for Bannock County Pre-Development comments (Peppergrass Point Subdivision)

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Bannock County Planning & Development Council

January 15, 2025

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**concerns.**

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Kathleen, see below and attached. I was told to forward this over to you. Please get back to me as soon as possible.

[Quoted text hidden]

# EXHIBIT 3

## Agency Comments



January 7, 2025

Mr. Hal Jensen, Planning Director  
Bannock County Office of Planning & Development Services  
5500 S. 5<sup>th</sup> Ave  
Pocatello, ID 83204  
[development@bannockcounty.gov](mailto:development@bannockcounty.gov)

Subject: Subdivision Concept Plan – Peppergrass Point Subdivision – Nava

Dear Mr. Jensen:

The Idaho Department of Environmental Quality (DEQ) has reviewed the subject document and would like to offer the following comments:

The location of this proposed subdivision is within the service area of an existing public drinking water system (ID6030081 Wildhorse Ridge). The applicant should be aware that if a material modification of the existing water system is required to facilitate this proposal, such material modification would need to be designed by a professional engineer and reviewed and approved by DEQ prior to construction.

DEQ's general recommendations for land development projects is also attached.

If you have questions or comments, please contact me at (208) 236-6160 or via email at [Allan.Johnson@deq.idaho.gov](mailto:Allan.Johnson@deq.idaho.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Allan Johnson".

Allan Johnson, P.E.  
Regional Engineering Manager  
DEQ Pocatello Regional Office

EDMS# 2025AGD61

Attachments: DEQ General Recommendations for Land Development Projects.

C: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office



## **General Recommendations**

The following comments are generally applicable to land development projects or other land use activities with the potential to cause impacts to ground water, air quality or surface water. DEQ provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

### **Engineering**

DEQ recommends consolidation of drinking water and/or wastewater services wherever feasible especially in areas where ground water used for public drinking water supplies is potentially impacted. DEQ considers the following alternatives generally more protective of ground water resources than using individual well and septic systems for each lot, and we recommend that the county require the developer to investigate the following options:

- Provide either a centralized, community drinking water or centralized community wastewater system or both, or
- Connect each lot to an existing community drinking water system or to an existing community wastewater system or both.

In accordance with Idaho Code 39-118, construction plans & specifications prepared by a professional engineer are required for DEQ review and approval prior to construction if the proposed development is to be served by either a community drinking water or sewer system. DEQ requires that a water system serving 10 or more connections is constructed and operated in compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems."

### **Air Quality**

New emission sources are generally required to follow applicable regulations for permitting or exempting new sources. These are outlined in the Rules for the control of Air Pollution in Idaho.

Of particular concern is IDAPA 58.01.01.200-228 which establishes uniform procedures and requirements for the issuance of "Permits to Construct".

Sections 58.01.01.220-223 specifically may be used by owners or operators to exempt certain sources from the requirements to obtain a permit to construct.

Land development projects are generally required to follow applicable regulations outlined in the Rules for the control of Air Pollution in Idaho. Of particular concern is IDAPA 58.01.01.650 and 651 Rules for Control of Fugitive Dust.

Section 650 states, "The purpose of sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust."

Section 651 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.
02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.

03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.

04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.

05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.

06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

### **Surface Water Quality**

Land disturbance activities associated with development (i.e. - road building, stream crossings, land clearing) have the potential to impact water quality and riparian habitat.

If this project will ultimately disturb one or more acres and there is a possibility of discharging stormwater or site dewatering water to Surface Waters of the United States, the operator may need to submit a Notice of Intent (NOI) for coverage under the Idaho Pollutant Discharge Elimination System (IPDES) 2022 Construction General Permit (CGP). NOIs can be submitted via the IPDES E-Permitting System (<https://www2.deq.idaho.gov/water/IPDES/>). The 2022 IPDES CGP requires a Storm Water Pollution Prevention Plan (SWPPP), implementation of Best Management Practices (BMPs) to reduce the sediment and other pollutants discharged and requires regular site inspections by persons trained and knowledgeable about erosion, sediment control, and pollution prevention.

Site contractors should remove equipment and machinery from the vicinity of the waterway to an upland location prior to any refueling, repair, or maintenance. After construction is completed, disturbed riparian areas should be re-vegetated.

### **Waste Management - Hazardous Material - Petroleum Storage**

With the increasing population in southeast Idaho, to ensure sufficient solid waste capacity and service availability. It is recommended that subdivision developers be instructed to contact the appropriate solid waste collection provider and landfill for solid waste disposal coordination.

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most associated with the transportation and delivery to work sites or facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

- Hazardous and Deleterious Material Storage IDAPA 58.01.02.800
- Hazardous Material Spills, IDAPA 58.01.02.850
- Rules and Standards for Hazardous Waste IDAPA 58.01.05
- Petroleum Release Reporting, Investigation and Confirmation IDAPA 58.01.02 .851
- Petroleum Release Response and Corrective Action IDAPA 58.01.02.852

Please note, The Idaho Release, Reporting and Corrective Action Regulations, IDAPA 58.01.02.851; require notification within 24 hours of any spill of petroleum product greater than 25 gallons and notification for the release of lesser amounts if they cannot be cleaned up within twenty-four (24) hours. The cleanup requirements for petroleum are also contained in these regulations.

For reporting requirements of hazardous substances please see Idaho Statute Title 39 Chapter 7, Hazardous Substance Emergency Response Act including section 39-7108 Notification of Release is Required.

# EXHIBIT 4

## Wild Horse Ridge Subdivision Phase 4

WELL #	DESCRIPTION	BEARING	DIST.
8	SW COR. LT 16 BLK 2	N83°37'54"E	58.36'
9	NW COR. LT 15 BLK 1	S67°18'43"E	52.00'
10	NE COR. LT 19 BLK 1	S57°44'28"W	98.27'

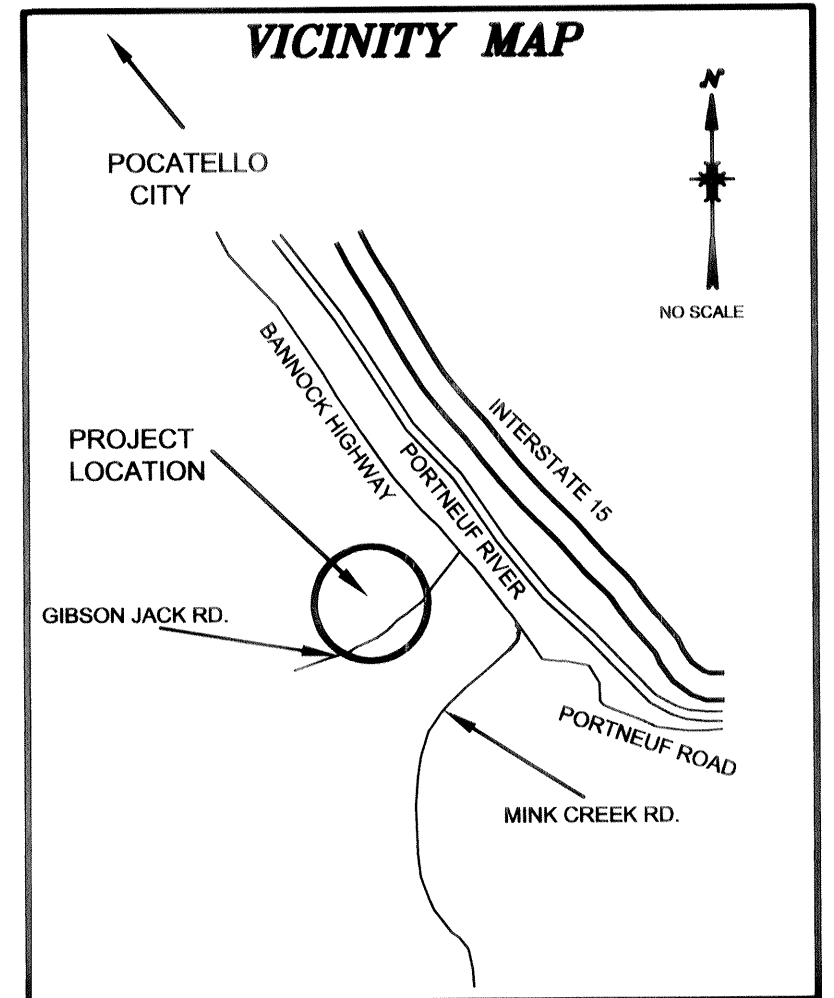
LINE	BEARING	LENGTH
L1	S53°08'34"W	41.35
L2	S53°08'34"W	148.58
L3	S53°08'34"W	148.58
L4	S53°08'34"W	107.23
L5	S34°38'15"W	220.54
L6	S34°38'15"W	446.30
L7	S34°38'15"W	132.05
L8	S34°38'15"W	197.31
L9	S34°38'15"W	108.81
L10	S55°12'49"W	83.01
L11	S55°08'16"W	50.00

# WILD HORSE RIDGE SUBDIVISION PHASE 4 NW 1/4 SECTION 19 T. 7 S., R. 35 E., B.M. BANNOCK COUNTY, IDAHO

BASIS OF BEARINGS PER CENTRAL MERIDIAN OF THE EAST ZONE OF THE IDAHO STATE PLANE COORDINATE SYSTEM.

## COVENANTS

Declaration of Covenants affecting lots recorded in instrument No. 20116435



## NOTES

- ALL LOT LINES SHALL BE ADJOINED WITH A 15' WIDE PUBLIC UTILITY EASEMENT, ALL LOTS SHALL HAVE A 15' WIDE EASEMENT AT THE FRONT FOR UTILITIES, SLOPE AND SNOW REMOVAL, SAID EASEMENTS ARE ALSO FOR WELL SITE ACCESS. OTHER EASEMENTS ARE AS NOTED
- THE 100' WIDE RECREATION EASEMENT OF WHICH 50 FEET IS DEDICATED IN PHASE 2, IS DESIGNATED FOR THE RECREATIONAL INGRESS AND EGRESS (i.e. HORSE RIDING, BIKING, WALKING...) OF ALL WILD HORSE RIDGE SUBDIVISION RESIDENTS. THE 100' WIDE TRAIL SHALL BE FREE FROM OBSTRUCTIONS SUCH AS FENCES, BUILDING STRUCTURES, GARDENS, AND LANDSCAPING.
- SEE HOMEOWNER'S AGREEMENT ON DISPOSITION OF WELL AND WELL EASEMENT.
- EXISTING EASEMENT BK 31 PG 324, RECORDED INSTR. # 50337 DID NOT ENCLOSE EXISTING MINK CREEK WATER LINE, EASEMENT TO BE ABANDONED AND NEW EASEMENT TO BE LOCATED AS SHOWN HEREON, SEE NOTE 5.
- A TWENTY FOOT WIDE WATER LINE EASEMENT, WITH THE RIGHT OF INGRESS AND EGRESS TO PERFORM MAINTENANCE AS NECESSARY, IS DEDICATED TO THE CITY OF POCA TELLO. SAID EASEMENT IS TO REPLACE THE RECORDED EASEMENT DESCRIBED IN INSTRUMENT NO. 50337, RECORDED ON 11/8/16.
- 50 FOOT WIDE UNIMPROVED RIGHT-OF-WAY FROM CULDESAC TO BOUNDARY OF SUBDIVISION FOR FUTURE DEVELOPMENT.
- EASEMENT AS SHOWN FOR DRAINAGE AND RETENTION FACILITIES. PONDS SHALL NOT BE ALTERED WITHOUT EXPRESS CONSENT OF BANNOCK COUNTY.

## LEGEND

- 50 FOOT RADIUS EASEMENT, FOR A "WELL SITE" WITH A RADIAL TIE FROM THE SPECIFIED LOT CORNER TO THE CENTER OF THE WELL CASING (SEE WELL RADIAL LINE TABLE OR AS NOTED ON PLAT). SEE WATER AND HOME OWNERS ASSOCIATION INC. INSTRUMENT #99011093 FOR DISPOSITION OF WELLS AND EASEMENTS.
- = SUBDIVISION BOUNDARY LINE
- - - = EASEMENT SIDELINE (SEE NOTE #2)

R = RECORD MEASUREMENTS PER WILD HORSE RIDGE SUBDIVISION PHASE 2 INST. 99017723  
R1 = RECORD MEASUREMENTS PER WILD HORSE RIDGE SUBDIVISION PHASE 1 INST. 97000607  
R2 = RECORD MEASUREMENTS PER WILD HORSE RIDGE SUBDIVISION PHASE 3 INST. 20014575

CR = CORNER PERPETUATION RECORD INSTRUMENT NUMBER

● = SET 5/8" REBAR W/2" DIA. ALUMINUM CAP STAMPED PLS 843

• = SET 1/2" REBAR W/PLASTIC CAP STAMPED PLS 843

◦ = FD. 1/2" REBAR W/PLASTIC CAP STAMPED PLS 843

○ = FOUND 5/8" REBAR WITH 2" DIA. ALUM. CAP STAMPED P.L.S. 843

▲ = SET CITY OF POCA TELLO STANDARD VAULT TYPE MONUMENT

⊥ = FOUND QUARTER CORNER AS NOTED

⊥ = FOUND SECTION CORNER AS NOTED

▨ = 20% SLOPES, RESTRICTED BUILDING AREA

REVISED AS OF 8/29/2001

CURVE	DELTA	TAN	RADIUS	LENGTH
C1	80°13'45"	25.28	30.00	42.01
C2	17°03'08"	53.98	360.08	107.17
C3	27°59'04"	64.28	257.98	126.00
C4	64°30'54"	162.82	257.98	290.49
C5	23°32'13"	93.75	450.00	184.86
C6	82°54'51"	397.53	450.00	651.21
C7	53°58'06"	15.28	30.00	28.26
C8	91°37'50"	56.59	55.00	87.96
C9	91°40'00"	56.62	55.00	87.99
C10	37°14'08"	18.53	55.00	35.74
C11	46°04'42"	12.76	30.00	24.13
C12	25°10'42"	111.66	500.00	219.72
C13	04°44'15"	20.68	500.00	41.34
C14	84°02'37"	27.03	30.00	44.01
C15	49°40'47"	13.89	30.00	26.01
C16	49°40'47"	13.89	30.00	26.01
C17	106°01'35"	73.02	55.00	101.78
C18	96°34'25"	61.70	55.00	92.70
C19	76°45'34"	43.56	55.00	73.68
C20	84°02'37"	27.03	30.00	44.00
C21	29°29'38"	131.61	500.00	257.38
C22	36°02'37"	162.67	500.00	314.54
C23	92°37'16"	217.72	207.98	336.21
C24	92°33'11"	243.60	232.98	376.35
C25	114°46'16"	742.33	475.00	951.49
C26	71°29'37"	341.91	475.00	592.71
C27	43°16'41"	188.44	475.00	358.79
C28	04°31'41"	2.17	55.00	4.35
C29	54°04'14"	28.07	55.00	51.90

**RMES**  
Rocky Mountain Engineering & Surveying

155 South 2nd Avenue  
Pocatello, ID 83201  
(208) 234-0110  
(208) 234-0111

460 Lincoln Street, Suite C  
American Falls, ID 83211  
(208) 226-5764  
(208) 226-5767

WILD HORSE RIDGE SUBDIVISION PHASE 4  
GIBSON JACK JOINT VENTURE  
NW1/4 SEC. 19, T. 7 S., R. 35 EBM

DRAWING  
21302.dwg  
DATE  
Aug 2001  
PROJECT NO.  
21302  
DRAWN BY:  
DRL  
SHEET  
1 of 2



# WILD HORSE RIDGE SUBDIVISION PHASE 4

NW 1/4 SECTION 19  
T. 7 S., R. 35 E., B.M.  
BANNOCK COUNTY, IDAHO

## BOUNDARY DESCRIPTION

A parcel of land located in the Northwest 1/4 of Section 19, Township 7 South, Range 35 East of the Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of said Section 19, which is a Bureau of Land Management Brass Cap monument, and the TRUE POINT OF BEGINNING; thence, S 00°04'43"W, along the WEST line of said Section, 1694.83 feet to a 5/8" rebar with an aluminum cap stamped PLS 843, said point being on the Northerly boundary line of Wild Horse Ridge Subdivision Phase 2, Instrument No. 99017723; thence, N 49°10'13" E, along the Northerly boundary line of said Phase 2, a distance of 776.11 feet to a 5/8" rebar with aluminum cap stamped PLS 843; thence, N 65°19'23" E, along said northerly boundary line, 226.13 feet to a 5/8" rebar with aluminum cap stamped PLS 843, thence, N 55°12'49" E, along said northerly boundary line, 637.67 feet to a 5/8" rebar with aluminum cap stamped PLS 843, thence, N 55°08'16" E, along said northerly boundary line, 472.82 feet, to a 5/8" rebar with aluminum cap stamped PLS 843 on the northeasterly right-of-way line of Wild Horse Ridge Lane: which point also being on a 360.08 foot radius curve, concave to the southwest, and whose tangent bears S 34°20'34" E; thence in a southeasterly direction following said right-of-way line, along said curve through a central angle of 17°03'08", an arc length of 107.17 feet to a 5/8" rebar with aluminum cap stamped PLS 843, which point being a point of reverse curvature with a 30.00 foot radius curve, concave to the northeast and whose tangent bears S 17°17'26" E; thence, in a southeasterly and easterly direction following the right-of-way lines of Wild Horse Lane and Snowberry Circle along said curve through a central angle of 80°13'45", an arc distance of 42.01 feet, to a 5/8" rebar with aluminum cap stamped PLS 843, said point being the most southerly corner of Lot 11, Block 2 of Wild Horse Ridge Subdivision Phase 3, Instrument No. 20014575; thence, N 12°58'57" E, along the westerly line of said Lot 11, a distance of 578.75 feet to a point on the North line of said Section 19, and monumented with a 5/8" rebar with aluminum cap stamped PLS 843; thence, N 89°38'37" W, along the North line of said Section 19, a distance of 1911.19 feet to the TRUE POINT OF BEGINNING and containing 42.58 acres more or less.

## OWNER'S CERTIFICATE

Know all men by these presents that Gibson Jack Joint Venture is the legal owner of the land described in the boundary description have caused the same to be subdivided into Blocks, Lots, and Streets, and do hold the City of Pocatello and the county of Bannock harmless from any existing easements or encumbrances. It is the intention of we the owners to include all of the land described in the boundary description in this plat. The location and dimension of the Blocks, Lots, and Streets are to be shown on the accompanying map of the property. The donation of the Streets is hereby dedicated to the public. The easements shown are not dedicated to the public, but the right to use said easements is hereby perpetually reserved for public utilities, roadway slopes, drainage, or for any other use designated on the plat, and no structures other than those for such utility purposes are to be erected within the lines of said easements. Water is to be provided by a private water system, described in the Water and Homeowners Association Bylaws, instrument number 99011093, that specifies how each Lot is to be serviced with water. In witness whereof we owners do hereby set our hands.

W. Chris Pein (GENERAL PARTNER) 8-29-01 DATE

Guy Anderst (GENERAL PARTNER) 8-29-01 DATE

Brad Frasure (GENERAL PARTNER) 8-29-01 DATE

Charles Frasure (GENERAL PARTNER) 8-29-01 DATE

Ellen Frasure (GENERAL PARTNER) 8-29-01 DATE

## ACKNOWLEDGMENT

STATE OF IDAHO )  
COUNTY OF BANNOCK ) SS

I, Janice M. Curtin, a notary public, do hereby certify that on this 29 day of AUGUST, 2001, personally appeared before me W. Chris Pein, Guy Anderst, Brad Frasure, Charles Frasure, and Ellen Frasure, who being by me first duly sworn, declared that they are General Partners of GIBSON JACK JOINT VENTURE, that they signed the foregoing document as General Partners, of the Joint Venture and that the statements therein contained are true. \*and as attorney-in-fact for Charles Frasure and Ellen Frasure.

Janice M. Curtin  
NOTARY PUBLIC FOR THE STATE OF IDAHO

Residing at: BANNOCK COUNTY

My Commission Expires on NOVEMBER 2, 2006

## SANITARY RESTRICTIONS

A sanitary restriction is in force per Idaho Code 50-1326 to 50-1329 on this plat. No building, dwelling, or shelter shall be erected until sanitary restriction requirements are lifted.

Sanitary restriction to be released on a lot by lot basis.

In Addition:

- A) No additional domestic water supplies shall be installed beyond the water system approved in the sanitary restrictions release.
- B) Each Lot owner shall be required to designate two (2) separate drainage field areas prior to any construction. Each drainage field area shall be protected by recorded easements.

Heidi ELHS Data Fault 08/27/01 DATE  
SOUTHEAST DISTRICT HEALTH DEPARTMENT

## CULINARY WATER

Culinary water to all lots will be supplied by private water systems with a maximum of four lots per one well. Installed and paid for by the developer.

## COUNTY SURVEYOR'S CERTIFICATE

I, TERRY BAILEY Surveyor in and for Bannock County, Idaho, do hereby certify that I have checked this plat and computations shown hereon, and have determined that the requirements of Idaho Code 50-1305 and 55-1604 have been met, and I approve same for filing this 31 day of AUGUST, 2001.

Terry Bailey  
Bannock County Surveyor

## SURVEYOR'S CERTIFICATE

I, J.E. BURCHAM, JR., a registered Land Surveyor in the State of Idaho, do hereby certify that a survey was made under my direction of the land described in the accompanying boundary description and that the plat upon which this certification appears was made under my direction. I further certify that the accompanying map correctly depicts the division of the land as marked upon the ground, that the monumentation shown conforms with that set or found upon the ground, and that the pertinent provisions of the statutes of the State of Idaho together with all local ordinances pertaining thereto have been complied with.

J.E. Burcham, Jr. PLS 843 8/20/01  
J.E. BURCHAM, JR.



## BANNOCK COUNTY

The plat on which this certification appears is hereby approved by the Bannock County, Idaho, this 31 day of AUGUST, 2001.

Jim Sullivan  
CHAIRMAN, COUNTY COMMISSIONERS

J.O. Cotnam  
ATTEST

## COUNTY TREASURER'S CERTIFICATE

Pursuant to 50-1308, Idaho Code, I, Shelley Shannon do hereby certify that all County property taxes on the property being subdivided, both current and delinquent, have been paid in full through 12-20-00.

Shelley Shannon 8-31-01 DATE  
by: Gene Alexander  
COUNTY TREASURER

## COUNTY RECORDER'S CERTIFICATE

This is to certify that this plat was filed for record in the Office of the Recorder of the County of Bannock, Idaho, on this 31 day of AUGUST, 2001 at 3:00 P.M., at the request of PLT and was duly recorded in Record of Plats in Book 12 at Page 170.

20117036  
Instrument number

Larry W. Shanley  
COUNTY RECORDER  
Sandra Hill

**RMES**  
Rocky Mountain Engineering & Surveying  
155 South 2nd Avenue  
Pocatello, ID 83201  
(208) 234-0110  
(208) 234-0111  
460 Lincoln Street, Suite C  
American Falls, ID 83211  
(208) 226-5764  
(208) 226-5767

WILD HORSE RIDGE SUBDIVISION PHASE 4  
GIBSON JACK JOINT VENTURE  
NW1/4 SEC. 19, T. 7 S., R. 35 EBM

DRAWING  
DATE  
March 2001  
PROJECT NO.  
21302  
DRAWN BY:  
DRL  
SHEET  
2 of 2

# EXHIBIT 5

## Ordinance Excerpts

**330 RESIDENTIAL SUBURBAN DISTRICT (RS)****331 PURPOSE:**

The Residential Suburban zoning district is established to provide small (one acre or less) residential estates on municipal sewage treatment facilities and/or water systems, or larger lot development where sewer effluent and water systems can be provided. The RS district is located on the boundaries of the County's cities where municipal services are expected to be extended, and usually within a city's area of impact.

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

The Residential Suburban designation is to be applied to existing smaller lot neighborhoods which are currently developed for residential use and are designated to remain so by the Comprehensive Plan, and for areas of undeveloped land which are deemed suitable and appropriate for development of residential uses according to criteria set forth in the comprehensive plan. Factors to be considered in designating land for Residential Suburban districts should include, but not be limited to, availability of county services and roads, surrounding land uses, the suitability of the land for extension of municipal services.

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

Uses permitted in the Residential Suburban district shall be as follows:

- A. Single-family dwellings.
- B. Duplexes.
- C. Livestock on one acre or more of land.
- D. Public service facilities
- E. Livestock pens or runs located a minimum distance of 50 feet from a neighboring house, or the minimum setback for a residence if no house yet exists.
- F. Accessory buildings, structures and uses which are customarily incidental to residential uses.
- G. Home occupations as defined in this Ordinance.
- H. Churches.
- I. State licensed day care for up to 6 client children at any one time in the day care

operator's primary residence or a day care center.

J. Golf courses.

K. Private, noncommercial recreational facilities.

### 334 USES CONDITIONALLY PERMITTED:

The following land uses may be permitted conditionally in the Residential Suburban district subject to conditions established elsewhere in this Ordinance.

A. Public utility installations, not including business offices, repair or storage facilities.

B. State licensed day care for more than six client children at any one time to a maximum of 20 children in the day care operator's primary residence; licensed day care for over 20 children may be conditionally permitted in a structure which was not initially constructed for residential purposes.

C. Cemeteries.

D. Institutional housing.

E. Multi-family dwellings.

### 335 PARKING STANDARDS:

Parking spaces for residential uses within the Residential Suburban district shall be required in accord with the standards established by this section.

335.1 Developers of residential structures shall provide parking spaces as required by the following table:

PARKING SPACES REQUIRED PER UNIT DWELLING UNITS/STRUCTURE (read across)				
Number of Bedrooms/Unit	1	2	3-6*	7 or more
1	2	2	1.6	1.5
2	2	2	1.8	1.6
3	2	2	2.0	1.8
4	3	3	2.2	2.0
5 or more	3	3	2.4	2.0

\*Applies to congregate parking for apartments in the Residential Suburban district. Attached single-family units on individual lots shall provide parking in accord with standards for single-family dwellings.



- 335.2 All congregate parking areas shall be separated from adjacent lands by a sight proof fence or hedge at least four feet in height. No paving for congregate parking areas shall be placed any closer than five feet from an adjacent residentially-zoned property line.
- 335.3 Landscaping for congregate parking lots in the Residential Suburban district shall contain at least one-and-one-half-inch caliper tree per fifty square feet for all required landscaping within the bounds of the parking lot.
- 335.4 Any trash collection or storage facilities for multi-family residential uses shall be located at least ten feet from adjacent residential property and at least ten feet from any windows in the walls of the buildings they serve.
- 335.5 Congregate parking lots shall be located behind the front setback line of the buildings they serve.
- 335.6 Congregate parking lots shall have direct driveway access to a public or private road.
- 335.7 Parking lots shall be maintained in a dust-free condition.
- 335.8 Parking lot landscaping equal to ten percent of the total parking lot area shall be provided in residential parking lots. Said landscaping shall be placed within the perimeter of the actual parking area.
- 335.9 Parking spaces shall have an effective width of nine feet and an effective length of eighteen feet. Maneuver space for parking spaces shall be provided on the site in question. Parking spaces shall be arranged in such fashion that circulation is convenient and well integrated with off-site traffic flow.
- 336 SUBDIVIDING IN THE RESIDENTIAL SUBURBAN DISTRICT: The following methods of subdividing are permitted in the RS zone:
- A. Open Space Designed Subdivision (Sec. 401 of Subdivision Ordinance) with density of one dwelling per acre.
1. OPEN SPACE designed subdivisions are required in the RS zone if 25% or more of the proposed development is 5000 feet elevation or more or if proposal includes lands designated important wildlife habitat.
- B. Conventional Subdivision: (**Amendment #4 Ordinance # 2000-2**)
1. Within a city's area of impact, a minimum lot size of five acres is required where septic tank and drainfield sewage disposal systems are proposed. Such lots may not be further subdivided, and the plat and deeds must so indicate. Lots of less than five acres must employ municipal treatment of sewage or private sewage treatment systems which treat sewage such that the effluent is equal to or less contaminated than that of the City of

Pocatello sewage treatment facility. Such treatment facilities shall be built to the design standards of the city whose impact area it is within.

2. Outside a city's area of impact, the usual lot size of one acre may be proposed for on-site sewage disposal where soil type, distance to ground water and other factors are adequate to prevent ground or surface water contamination.

C. Planned Unit Development provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI); density may be up to one dwelling per 1/3 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. Developments for uses other than residential and neighborhood commercial shall not be permitted in the RS district.

2. The increased density allowed in a PUD shall be offset by provision of common open space equal to at least ten percent of the net developed area of the project. The open space shall be usable ground.

3. Minimum size for a planned unit development in the RS district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. **(Amendment #19 Ordinance #2008-4)**

D. All subdivisions on a city boundary must be annexed into that city which has designated that land to be within its "Area of City Impact".

1. In the event the City declines, in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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

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

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

	MINIMUM LOT AREA	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	1 acre	30	50	20	10	35
Two-Family Residence	¾ / D.U.	30	50	20	10	35
Multi-Family Residence	½ / D.U.	30	50	30	20	35
Residential Accessory Structures (see section 401.C.4)	-	30	50	20	10	35
Farm Animal Structure		30	50	30	30	15
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.

Larger lot sizes may be required by the District Health Department.

Minimum Lot Size: Five acres where well and or septic tank/drainfield system is used within a city's area of impact.

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

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

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

### 302 CONCEPTUAL OR MASTER PLAN REVIEW:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# FINDINGS



# BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

## CONCEPT PLAN – PEPPERGRASS POINT SUBDIVISION PUBLIC HEARING: JANUARY 15, 2025

**FILE #:** SCP-24-7  
**LOCATION:** RPRRWH4000400, currently addressed as 9950 Pepper Grass Point, Pocatello, ID 83204, RPRRWH4000500, currently unaddressed, and RPRRWH4000600, currently addressed as 9877 Pepper Grass Point, Pocatello, ID 83204.

<b>APPLICANT:</b>	<b>OWNER:</b>	
GVE Drafting and Land Surveying	Lysle and Lisa Barthlome	Jeffrey and Amy Mansfield
Jose Nava	9950 Pepper Grass Point	9877 Pepper Grass Point
1290 Mountain West Drive	Pocatello, ID 83204	Pocatello, ID 83204
Pocatello, ID 83202		

**REQUEST & BACKGROUND:** Jose Nava proposes an amendment to Wild Horse Ridge Subdivision Phase 4 to combine 3 lots into 2 lots. The existing lots are approximately 3.32 acres, 2.77 acres, and 5.66 acres and will become approximately 4.71 acre and 7.05 acre lots. The development proposes individual septic systems and existing shared wells. This subdivision is located ~ 0.58 miles from the city of Pocatello boundary.

### FINDINGS:

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

##### SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Suburban

PROPERTY SIZE: ~11.75 acres

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

IMPACT AREA: City of Pocatello.

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes

EXISTING STRUCTURES: Residential dwellings and accessory structures.

OTHER: Located within Wild Horse Ridge Subdivision Phase 4.

**NOTICE AND TESTIMONY REQUIREMENTS:**

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

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

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

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

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

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

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

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

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

ORDER: CONCLUSION AND DECISION

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

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

ROLL CALL:

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

ACKNOWLEDGEMENT CERTIFICATE

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

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, 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\_\_\_\_

# MOTION

## EXAMPLE MOTION

Based on the record and the discussion this evening, I move to **[approve]** **[deny]** **[table]** the request for the Peppergrass Point Subdivision Concept Plan as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

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

AGENDA ITEM NO. 5

Future Land Use Map Amendment -

Jerry Johnson



# PLANNING AND DEVELOPMENT SERVICES

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

## FUTURE LAND USE MAP AMENDMENT PUBLIC HEARING: JANUARY 15, 2025 STAFF REPORT

**FILE #:** FLUM-24-1  
**LOCATION:** RPR4227005607, RPR4227021204, RPR4227021201, RPR4227021002, RPR4227005609, and RPR4227021208, currently unaddressed.

### APPLICANT/OWNER:

Jerry Johnson  
8890 E. Maughan Road  
Lava Hot Springs, ID 83246

**REQUEST & BACKGROUND:** Jerry Johnson is seeking to amend the Bannock County Comprehensive Plan for the purpose of changing six (6) parcels of land, approximately 62.08 acres from Agricultural to Recreational on the Comprehensive Plan's Future Land Use Map.

### SITE CHARACTERISTICS AND FUTURE LAND USE MAP DESIGNATION:

FUTURE LAND USE PLAN: Residential Rural

PROPERTY SIZE: ~ 62.08 acres

EXISTING STRUCTURES: Possible accessory structures located on parcel RPR4227021204

### SURROUNDING LAND USES AND FUTURE LAND USE MAP:

NORTH: Primarily agricultural and residential uses, and is designated as Residential Rural and Recreational on the Future Land Use Map.

EAST: Primarily agricultural use and bare ground, and is designated as Recreational on the Future Land Use Map.

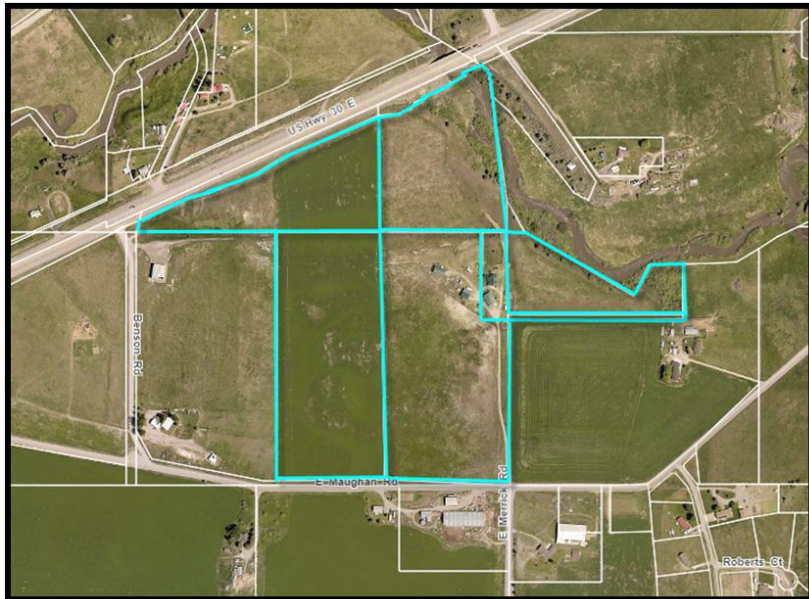
SOUTH: Primarily agricultural and residential uses, and is designated as Residential Rural and Recreational on the Future Land Use Map.

WEST: Primarily agricultural use and bare ground, and is designated as Residential Rural on the Future Land Use Map.

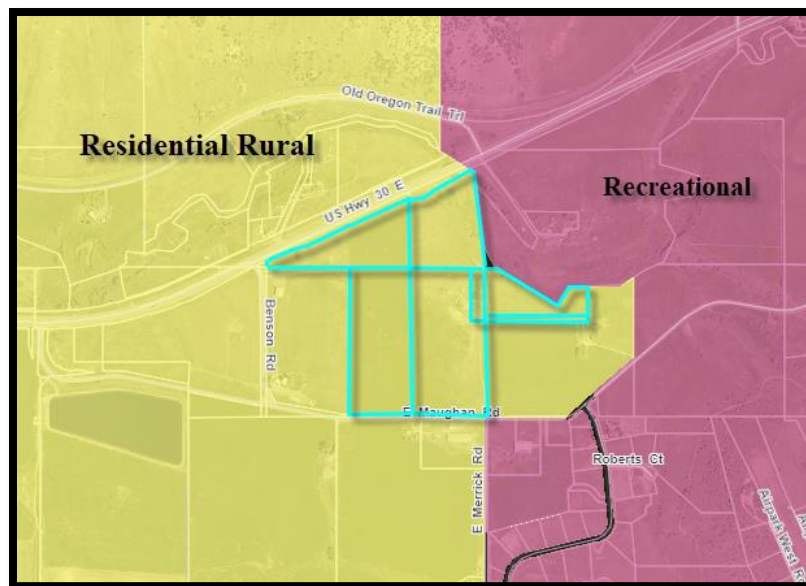
### APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-6509 Local Land Use Planning, Recommendation and Adoption, Amendment, and Repeal of the Plan.
2. 2021 Bannock County Comprehensive Plan.

STAFF REPORT  
FLUM - Johnson  
Page 1 of 5



**SITE MAP**



**FLUM MAP**



## **STANDARDS FOR GRANTING AN AMENDMENT TO THE COMPREHENSIVE PLAN**

All Plan Amendments shall be considered by the Planning and Development Council and Board of County Commissioners pursuant to their respective powers. Based on its consideration of the recommendations from staff, boards and commissions, and evidence from public hearings, the Planning and Development Council could then recommend in favor of the Plan Update (with or without further revisions) or recommend against it. Any review of a Plan Update by a Planning and Development Council would be followed by County Commissioners' action including, if applicable, its approval of the Plan Update. When considering a plan amendment, the county should consider whether:

***A. The existing Comprehensive Plan and/or any related element thereof is in need of the proposed amendment.***

Staff Findings

The Comprehensive Plan Future Land Use Map is a guiding document and the lines are not absolute. The map designates the land in question as Residential Rural. In table 1.2, the Comprehensive Plan states that areas designated as Recreational should have characteristics that promote tourist activities and conserve the County's outdoor recreational resources and environmental quality. Council should consider if the existing Comprehensive Plan is in need of this proposed amendment.

***B. The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Plan.***

Staff Findings

The parcels in this request are contiguous with parcels that are recreational on the Future Land Use Map. The surrounding properties are currently used for residential and agricultural purposes. The Council should consider whether the proposed amendment is compatible with the surrounding area as well as goals and policies of the Comprehensive Plan.

***C. The proposed amendment will have no major negative impacts on transportation, services, and facilities.***

Staff Findings

The parcels to be amended are currently accessed by US Hwy 30 E. and E. Maughan Road. These roads are currently maintained by the County and the State.

***D. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision.***

Staff Findings

Currently, there would be minimal effect of service provisions with the proposed map amendment.

- E. Strict adherence to the Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.***

Staff Findings

Strict adherence to the Comprehensive Plan is at the discretion of the Council. Adherence to the Plan would keep the proposed area Agricultural or allow a redesignation to Residential Rural. The parcels in question are currently zoned Agricultural and are bare ground. The proposed change would allow for continuity with the adjacent zoning of the parcels.

- F. The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.***

Staff Findings

The proposed Plan amendment should not have adverse effects on the public welfare; however, the effects should be determined and discussed by the Council.

Staff has identified the following applicable goals and policies (others may be identified by the Council):

*Objective 1.3: Plan collaboratively with surrounding governments for development that is beneficial and compatible with surrounding ACIs and rural, recreational and agricultural areas.*

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

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

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

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

### **AMENDMENT TO THE COMPREHENSIVE PLAN INFORMATION:**

The procedures for amending the Comprehensive Plan are found in Idaho Code section §67-6509. The recommended standards for considering an amendment to the Plan are found in Appendix C of the Comprehensive Plan and are as follows:

1. *The existing Comprehensive Plan and/or any related element thereof is in need of the proposed amendment;*
2. *The proposed amendment is compatible with the surrounding area, and the goals and policies of the Comprehensive Plan;*
3. *The proposed amendment will have no major negative impacts on transportation, services, and facilities;*
4. *The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;*
5. *Strict adherence to the Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan; and*
6. *The proposed Plan amendment will promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.*

### **AGENCY COMMENTS:**

- Department of Environmental Quality.

### **PUBLIC COMMENTS:**

- None received at the time of this report.

### **REPORT BY:**

Annie Hughes Williams, Zoning Planner  
[annieh@bannockcounty.gov](mailto:annieh@bannockcounty.gov)  
208.236.7230

### **REPORTED DATE: January 7, 2025**

*\*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.*




# EXHIBIT 1

## Application & Sketch Plan

FLUM-24-1

Submitted On: Dec 11, 2024

Applicant

 Jerry Johnson  
 208-241-7330  
 jerry@jpqh.net

Project Information

Current Use of Property

Agricultural

Surrounding Land Use

Recreational and Agricultural

Parcels Proposed for Map Change

<b>Parcel Number</b>	<b>Current Designation</b>
RPR4227005607	Residential Rural
<b>Proposed Designation</b>	<b>Section</b>
Recreation	29
<b>Property Owner</b>	<b>Township</b>
Jerry Johnson	9S
<b>Acres</b>	<b>Range</b>
14.2	38E
<b>I have authorization to include the parcel(s) above for the map change.</b>	
true	

<b>Parcel Number</b>	<b>Current Designation</b>
RPR4227021204	Residential Rural
<b>Proposed Designation</b>	<b>Section</b>
Recreation	29
<b>Property Owner</b>	<b>Township</b>
Jerry Johnson	9S
<b>Acres</b>	<b>Range</b>
18.6	38E
<b>I have authorization to include the parcel(s) above for the map change.</b>	
true	

<b>Parcel Number</b>	<b>Current Designation</b>
RPR4227021201	Residential Rural
<b>Proposed Designation</b>	<b>Section</b>

Recreation	29
<b>Property Owner</b>	<b>Township</b>
Jerry Johnson	9S
<b>Acres</b>	<b>Range</b>
1.36	38E

I have authorization to include the parcel(s) above for the map change.

true

<b>Parcel Number</b>	<b>Current Designation</b>
RPR4227021002	Residential Rural
<b>Proposed Designation</b>	<b>Section</b>
Recreation	29
<b>Property Owner</b>	<b>Township</b>
Jerry Johnson	9S
<b>Acres</b>	<b>Range</b>
5.73	38E

I have authorization to include the parcel(s) above for the map change.

true

<b>Parcel Number</b>	<b>Current Designation</b>
RPR4227005609	Residential Rural
<b>Proposed Designation</b>	<b>Section</b>
Recreation	19 & 30
<b>Property Owner</b>	<b>Township</b>
Jerry Johnson	9S
<b>Acres</b>	<b>Range</b>
7.23	38E

I have authorization to include the parcel(s) above for the map change.

true

<b>Parcel Number</b>	<b>Current Designation</b>
RPR4227021208	Residential Rural
<b>Proposed Designation</b>	<b>Section</b>
Agricultural	19 & 30
<b>Property Owner</b>	<b>Township</b>

Jerry Johnson

9S

**Acres**

**Range**

16.91

38E

**I have authorization to include the parcel(s) above for the map change.**

true

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## Narrative Standards

Please address how the proposed Future Land Use Map re-designation meets the following requirements:

**A. The existing Comprehensive Plan and/or any related element thereof is in need of the proposed amendment.**

Parcels were previously zoned Recreation. Adjacent parcels to the north and east area currently zoned Recreation.

**B. The proposed amendment is compatible with the surrounding are, and the goals and policies of the Comprehensive Plan.**

Yes. Adjacent parcels are zoned Recreation as is most of the Lava Hot Springs surrounding area.

**C. The proposed amendment will have no major impacts on transportation, services and facilities.**

Maughan Road fronts the property to the south and Highway 30 fronts it to the north. Power is available along Maughan Road. Sewer and water are private. No other impacts indicated.

**D. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services and is compatible with existing and planned service provision.**

Services in place. No changes needed.

**E. Strict adherence to the Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and policies of the Plan.**

Keeping the property as Rural Residential limits the future development of the property compared to surrounding properties. The Recreation zone is the future land use for properties to the north, east and south. Recreation zone allows for future development consistent with neighboring properties and the area surrounding Lava Hot Springs.

**F. The proposed Plan amendment will promote the public welfare and will be consistent with the goals and polices of the Comprehensive Plan and the elements thereof.**

Yes.

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## Acknowledgement

**Electronic Signature [Typed Name of Applicant]**

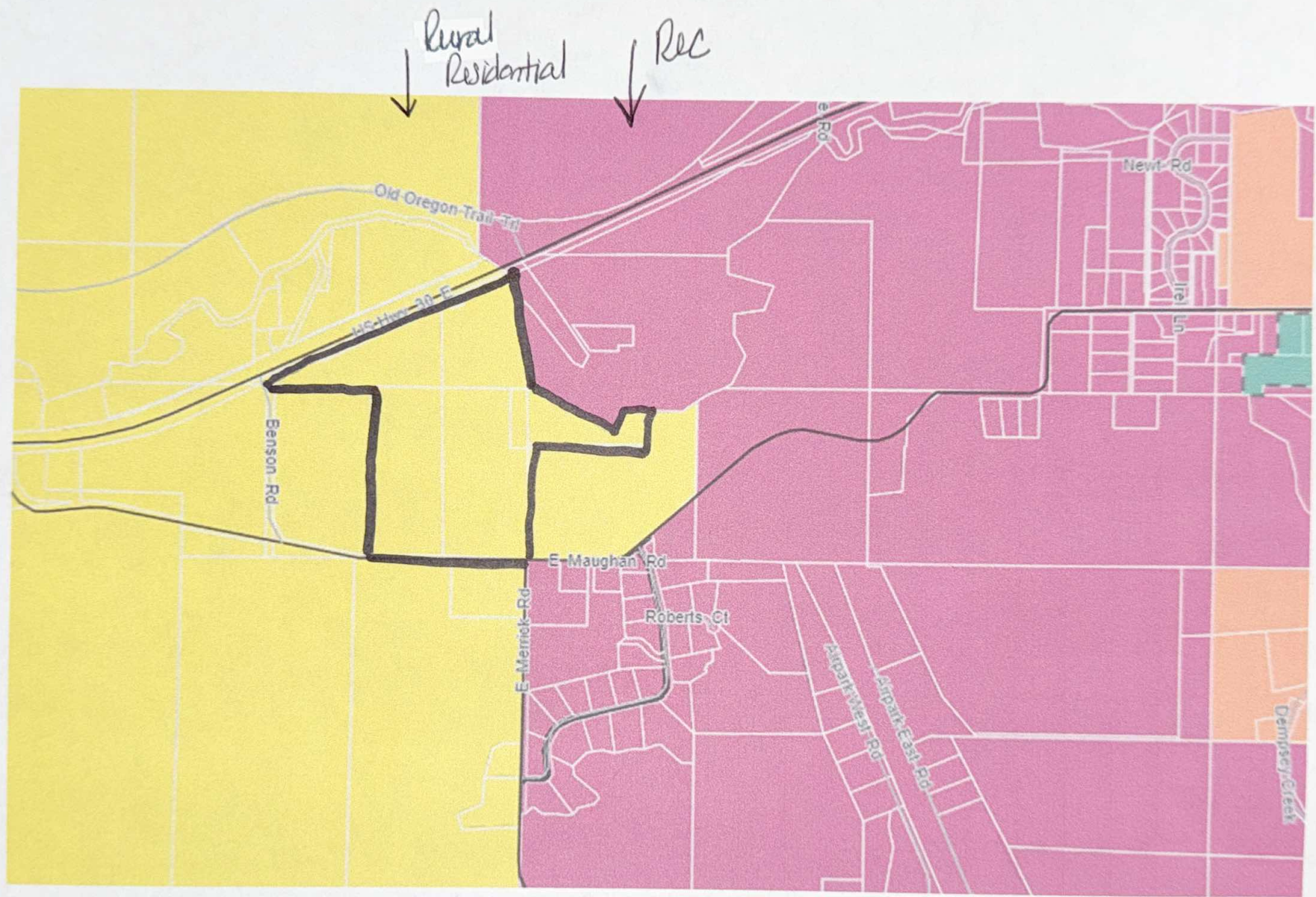
Jerry Johnson

**I agree that my electronic signature above is equivalent to a handwritten signature and is binding for all purposes related to this transaction**

true

**Date**

12/11/2024



— Parcels requesting zone change



# EXHIBIT 2

## Agency Comments



January 7, 2025

Mr. Hal Jensen, Planning Director  
Bannock County Office of Planning & Development Services  
5500 S. 5<sup>th</sup> Ave  
Pocatello, ID 83204  
[development@bannockcounty.gov](mailto:development@bannockcounty.gov)

Subject: Comprehensive Plan Future Land Use Map Amendment and Zoning Ordinance Map  
Amendment – Agricultural to Recreational – Johnson

Dear Mr. Jensen:

The Idaho Department of Environmental Quality (DEQ) has reviewed the subject document and would like to offer our general recommendations for land development projects (attached).

If you have questions or comments, please contact me at (208) 236-6160 or via email at [Allan.Johnson@deq.idaho.gov](mailto:Allan.Johnson@deq.idaho.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Allan Johnson".

Allan Johnson, P.E.  
Regional Engineering Manager  
DEQ Pocatello Regional Office

EDMS# 2025AGD62 and 2025AGD63

Attachments: DEQ General Recommendations for Land Development Projects.

C: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office

## **General Recommendations**

The following comments are generally applicable to land development projects or other land use activities with the potential to cause impacts to ground water, air quality or surface water. DEQ provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

### **Engineering**

DEQ recommends consolidation of drinking water and/or wastewater services wherever feasible especially in areas where ground water used for public drinking water supplies is potentially impacted. DEQ considers the following alternatives generally more protective of ground water resources than using individual well and septic systems for each lot, and we recommend that the county require the developer to investigate the following options:

- Provide either a centralized, community drinking water or centralized community wastewater system or both, or
- Connect each lot to an existing community drinking water system or to an existing community wastewater system or both.

In accordance with Idaho Code 39-118, construction plans & specifications prepared by a professional engineer are required for DEQ review and approval prior to construction if the proposed development is to be served by either a community drinking water or sewer system. DEQ requires that a water system serving 10 or more connections is constructed and operated in compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems."

### **Air Quality**

New emission sources are generally required to follow applicable regulations for permitting or exempting new sources. These are outlined in the Rules for the control of Air Pollution in Idaho.

Of particular concern is IDAPA 58.01.01.200-228 which establishes uniform procedures and requirements for the issuance of "Permits to Construct".

Sections 58.01.01.220-223 specifically may be used by owners or operators to exempt certain sources from the requirements to obtain a permit to construct.

Land development projects are generally required to follow applicable regulations outlined in the Rules for the control of Air Pollution in Idaho. Of particular concern is IDAPA 58.01.01.650 and 651 Rules for Control of Fugitive Dust.

Section 650 states, "The purpose of sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust."

Section 651 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.
02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.

03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.

04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.

05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.

06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

### **Surface Water Quality**

Land disturbance activities associated with development (i.e. - road building, stream crossings, land clearing) have the potential to impact water quality and riparian habitat.

If this project will ultimately disturb one or more acres and there is a possibility of discharging stormwater or site dewatering water to Surface Waters of the United States, the operator may need to submit a Notice of Intent (NOI) for coverage under the Idaho Pollutant Discharge Elimination System (IPDES) 2022 Construction General Permit (CGP). NOIs can be submitted via the IPDES E-Permitting System (<https://www2.deq.idaho.gov/water/IPDES/>). The 2022 IPDES CGP requires a Storm Water Pollution Prevention Plan (SWPPP), implementation of Best Management Practices (BMPs) to reduce the sediment and other pollutants discharged and requires regular site inspections by persons trained and knowledgeable about erosion, sediment control, and pollution prevention.

Site contractors should remove equipment and machinery from the vicinity of the waterway to an upland location prior to any refueling, repair, or maintenance. After construction is completed, disturbed riparian areas should be re-vegetated.

### **Waste Management - Hazardous Material - Petroleum Storage**

With the increasing population in southeast Idaho, to ensure sufficient solid waste capacity and service availability. It is recommended that subdivision developers be instructed to contact the appropriate solid waste collection provider and landfill for solid waste disposal coordination.

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most associated with the transportation and delivery to work sites or facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

- Hazardous and Deleterious Material Storage IDAPA 58.01.02.800
- Hazardous Material Spills, IDAPA 58.01.02.850
- Rules and Standards for Hazardous Waste IDAPA 58.01.05
- Petroleum Release Reporting, Investigation and Confirmation IDAPA 58.01.02 .851
- Petroleum Release Response and Corrective Action IDAPA 58.01.02.852

Please note, The Idaho Release, Reporting and Corrective Action Regulations, IDAPA 58.01.02.851; require notification within 24 hours of any spill of petroleum product greater than 25 gallons and notification for the release of lesser amounts if they cannot be cleaned up within twenty-four (24) hours. The cleanup requirements for petroleum are also contained in these regulations.

For reporting requirements of hazardous substances please see Idaho Statute Title 39 Chapter 7, Hazardous Substance Emergency Response Act including section 39-7108 Notification of Release is Required.

# FINDINGS

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER

**FUTURE LAND USE MAP AMENDMENT – JERRY JOHNSON**  
**MEETING DATE: JANUARY 15, 2025**

**FILE#:** FLUM-24-1  
**LOCATION:** RPR4227005607, RPR4227021204, RPR4227021201, RPR4227021002, RPR4227005609, and RPR4227021208, currently unaddressed.

**APPLICANT/OWNER:**  
Jerry Johnson  
8890 E. Maughan Road  
Lava Hot Springs, ID 83246

**REQUEST & BACKGROUND:** Jerry Johnson is seeking to amend the Bannock County Comprehensive Plan for the purpose of changing six (6) parcels of land, approximately 62.08 acres from Agricultural to Recreational on the Comprehensive Plan’s Future Land Use Map.

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

**SITE CHARACTERISTICS AND FUTURE LAND USE MAP DESIGNATION:**

FUTURE LAND USE PLAN: Residential Rural  
PROPERTY SIZE: ~ 62.08 acres  
EXISTING STRUCTURES: Possible accessory structures located on parcel RPR4227021204

**STANDARDS FOR GRANTING AN AMENDMENT TO THE COMPREHENSIVE PLAN:**

1. The existing Comprehensive Plan and/or any related element thereof **(is) (is not)** in need of the proposed amendment.

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2. The proposed amendment **(is) (is not)** compatible with the surrounding area, and the goals and policies of the Comprehensive Plan.

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BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
PERMIT: FLUM-24-1

Page 1 of 3

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3. The proposed amendment **(will) (will not)** have major negative impacts on transportation, services, and facilities.

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4. The proposed amendment **(will) (will not)** have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision.

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5. Strict adherence to the Comprehensive Plan **(would) (would not)** result in a situation neither intended nor in keeping with other key elements and policies of the Plan.

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6. The proposed Plan amendment **(will) (will not)** promote the public welfare and will be consistent with the goals and policies of the Comprehensive Plan and the elements thereof.

**ORDER: CONCLUSION AND DECISION**

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Jerry Johnson to amend the Future Land Use Map, the Council recommends **[approved]** **[denied]** **[tabled]** to the Board of County Commissioners.

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

**ROLL CALL:**

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

**ACKNOWLEDGEMENT CERTIFICATE**

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

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 2025, 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\_\_\_\_



# MOTION

## MOTION

Based on the record and the discussion this evening, the Council recommends **[approved]** **[denied]** **[tabled]** to the Board of County Commissioners, the request made by Jerry Johnson to amend the Future Land Use Map as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

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

# AGENDA ITEM NO. 6

Rezone –

Jerry Johnson



# PLANNING AND DEVELOPMENT SERVICES

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

## REZONE PUBLIC HEARING: JANUARY 15, 2025 STAFF REPORT

**FILE #:** RZO-24-1  
**LOCATION:** RPR4227005607, RPR4227021204, RPR4227021201, RPR4227021002, RPR4227005609, and RPR4227021208, currently unaddressed.

### APPLICANT/OWNER:

Jerry Johnson  
8890 E. Maughan Road  
Lava Hot Springs, ID 83246

**REQUEST & BACKGROUND:** The applicant, Jerry Johnson, requests to rezone approximately 62.08 acres from Agricultural to Recreational.

### SITE CHARACTERISTICS AND ZONING:

**ZONING:** Agricultural

**PROPERTY SIZE:** ~ 62.08 acres

**EXISTING STRUCTURES:** Possible accessory structures located on parcel RPR4227021204

### SURROUNDING LAND USES AND ZONING

**NORTH:** Primarily agricultural use and residential use within the Agricultural and Recreational zoning district.

**EAST:** Primarily agricultural use and bare ground within the Agricultural and Recreational zoning district.

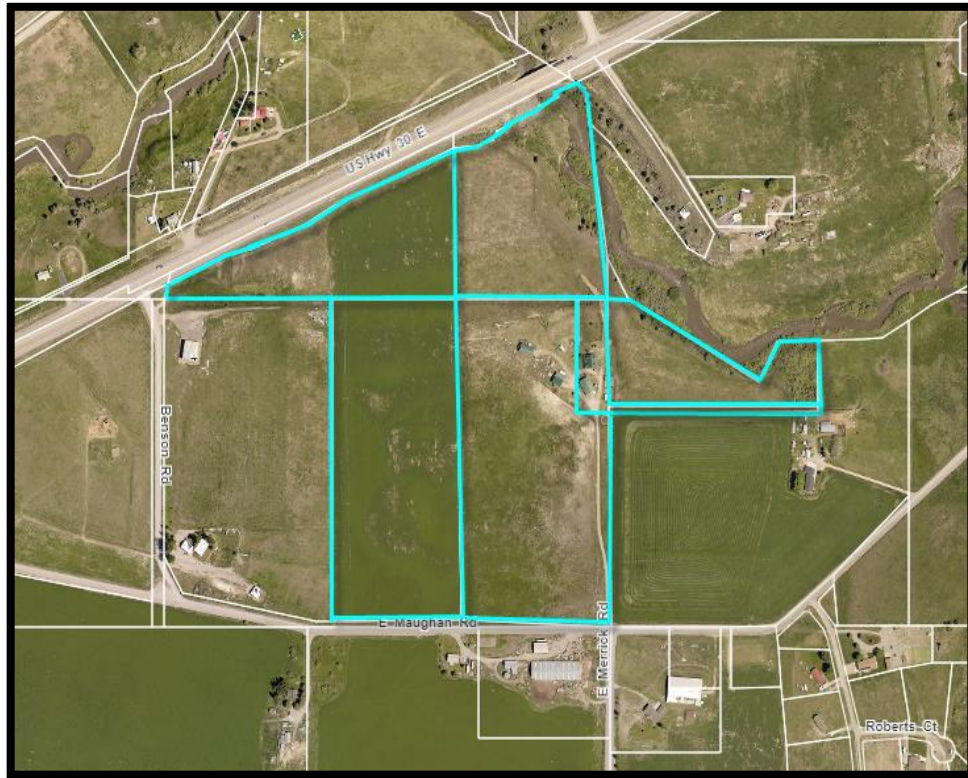
**SOUTH:** Primarily agricultural use and residential use within the Agricultural and Recreational zoning district.

**WEST:** Primarily agricultural use and bare ground within the Agricultural zoning district.

### APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-6509, Recommendation and Adoption, Amendment, and Repeal of the Plan.
2. Bannock County Zoning Ordinance, 1998-1, specifically:
  - a. §520 REZONING
  - b. §310 AGRICULTURAL
  - c. §340 RECREATION

STAFF REPORT  
REZONE - Johnson  
Page 1 of 7



**SITE MAP**



**ZONING MAP**

## **STANDARDS FOR GRANTING A REZONE (ZONING ORDINANCE §520.4)**

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

- A. The uses allowed in the proposed district would be compatible with surrounding uses.**

### Staff Findings

The proposed use allows for higher density residential development than the surrounding agricultural zoned area. The proposed use would have the same density as the residential development in the area and the manner in which growth and use in the area is occurring. The applicant recognizes that the rezone request is compatible with the surrounding uses.

- B. The proposed zoning district would not adversely affect the surrounding neighborhood's stability and property values.**

### Staff Findings

Recreation areas have higher property values than agricultural zones and the current demand for recreational use may increase property values. There could be an effect on property values with an increase of recreation instead of Residential Rural. Council should determine if these potentials would adversely affect surrounding properties and property values.

- C. The applicant has shown that there is a need for the proposed zoning district in the County or at the proposed location.**

### Staff Findings

The applicant states that the property is currently for sale and recreational zoning allows for future development of housing and recreational opportunities. Council should consider information provided by the applicant to determine if there is a need for the proposed change.

- D. The public cost resulting from the change in land use would not be excessive when compared with the public benefit derived from the change in land use.**

#### Staff Findings

Applicant states that there should be no public cost to the County as the property was previously zoned recreational and is already developed. The public cost of the change of the land use is likely minimal.

- E. Adequate public services, utilities, and facilities would be available to serve the changed land use.**

#### Staff Findings

Residential development can increase traffic and place demands on local infrastructure. If future development of these parcels occur, these items would need to be more fully addressed. Power is available at the road and is already provided to the property. Property already has two septic's and a well. City of Lave Hot Springs has a right-of-way through the property for their sewer pond, immediately to the south of this property.

- F. The proposed zoning district would not allow uses that would be detrimental to the environment of the immediate neighborhood.**

#### Staff Findings

Properties to the north, east, and south are already zoned recreational. Many permitted and conditionally permitted uses in the Recreational District are likewise permitted in the Agricultural District. Furthermore, recreational zoning exists nearby to the subject properties. Therefore, staff does not believe that recommending this rezone for approval would be detrimental to the environment of the immediate area.

- G. The requested change would be in accordance with the goals and policies of the County Comprehensive Plan.**

#### Staff Findings

Applicant states that as currently zoned (Agriculture), it does not allow for additional housing possibilities or recreational uses that are typical of the area surrounding the property. According to the county's report, Bannock County is expected to grow by 17% in population by 2040; the need and demand for housing is here.

Staff has identified the following applicable goals and policies (others may be identified by the Council).

The Bannock County Comprehensive Plan states:

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

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

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

*Policy 1.1.3: Evaluate and update County fee structures to ensure that service levels are maintained.*

*Objective 1.3: Plan collaboratively with surrounding governments for development that is beneficial and compatible with surrounding ACIs and rural, recreational and agricultural areas.*

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

*Policy 1.3.3: Continue to ensure that farms, ranches and agricultural areas be appropriately buffered from industrial and more intense uses, as needed.*

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

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

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

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

*Objective 4.4: Support promotion of tourism, outdoor recreation and responsible natural resource management as economic drivers in the County.*

*Policy 4.4.1: Promote Bannock County as a visitor destination.*

*Policy 4.4.2: Work to attract industry and business opportunities as well as outdoor recreation to help promote tourism and establish economic resiliency.*

*Policy 4.4.3: Monitor and regularly evaluate the impact of tourism and visitation to ensure sustainable practices and long-term economic benefits to the County.*

## **IDAHO CODE REGARDING REZONING**

IC 67-6511(a): Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.



(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section. Upon the granting of a

Conditional Use Permit, conditions may be attached to a permit including, but not limited to, those:

**AGENCY COMMENTS:**

Department of Environmental Quality.

**PUBLIC COMMENTS:**

None received at the time of this report.

**REPORT BY:**

Annie Hughes Williams, Zoning Planner  
[annieh@bannockcounty.gov](mailto:annieh@bannockcounty.gov)  
208.236.7230

**REPORTED DATE: January 7, 2025**

*\*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.*

# EXHIBIT 1

## Application & Sketch Plan

Project Information

**Current Use of Property**  
Agriculture

**Surrounding Land Use**  
Recreation and Agriculture

Parcels Proposed for Rezone

<b>Parcel Number</b> RPR4227005607	<b>Current Zoning</b> Agricultural
<b>Proposed Zoning</b> Recreation	<b>Section</b> 29
<b>Property Owner</b> Jerry Johnson	<b>Township</b> 9S
<b>Acres</b> 14.2	<b>Range</b> 38E
<b>I have authorization to include this parcel for rezoning.</b> true	

<b>Parcel Number</b> RPR4227021204	<b>Current Zoning</b> Agricultural
<b>Proposed Zoning</b> Recreation	<b>Section</b> 29
<b>Property Owner</b> Jerry Johnson	<b>Township</b> 9S
<b>Acres</b> 18.6	<b>Range</b> 38E
<b>I have authorization to include this parcel for rezoning.</b> true	

<b>Parcel Number</b> RPR4227021201	<b>Current Zoning</b> Agricultural
<b>Proposed Zoning</b> Recreation	<b>Section</b> 29
<b>Property Owner</b> Jerry Johnson	<b>Township</b> 9S
<b>Acres</b> 1.36	<b>Range</b> 38E
<b>I have authorization to include this parcel for rezoning.</b> true	

<b>Parcel Number</b> RPR4227021002	<b>Current Zoning</b> Agricultural
<b>Proposed Zoning</b> Recreation	<b>Section</b> 29
<b>Property Owner</b> Jerry Johnson	<b>Township</b> 9S
<b>Acres</b> 5.73	<b>Range</b> 38E
<b>I have authorization to include this parcel for rezoning.</b> true	

<b>Parcel Number</b> RPR4227005609	<b>Current Zoning</b> Agricultural
---------------------------------------	---------------------------------------

<b>Proposed Zoning</b>	<b>Section</b>
Recreation	19 and 30
<b>Property Owner</b>	<b>Township</b>
Jerry Johnson	9S
<b>Acres</b>	<b>Range</b>
9.53	38E
<b>I have authorization to include this parcel for rezoning.</b>	
true	

<b>Parcel Number</b>	<b>Current Zoning</b>
RPR4227021208	Agricultural
<b>Proposed Zoning</b>	<b>Section</b>
Recreation	19 and 30
<b>Property Owner</b>	<b>Township</b>
Jerry Johnson	9S
<b>Acres</b>	<b>Range</b>
17	38E
<b>I have authorization to include this parcel for rezoning.</b>	
true	

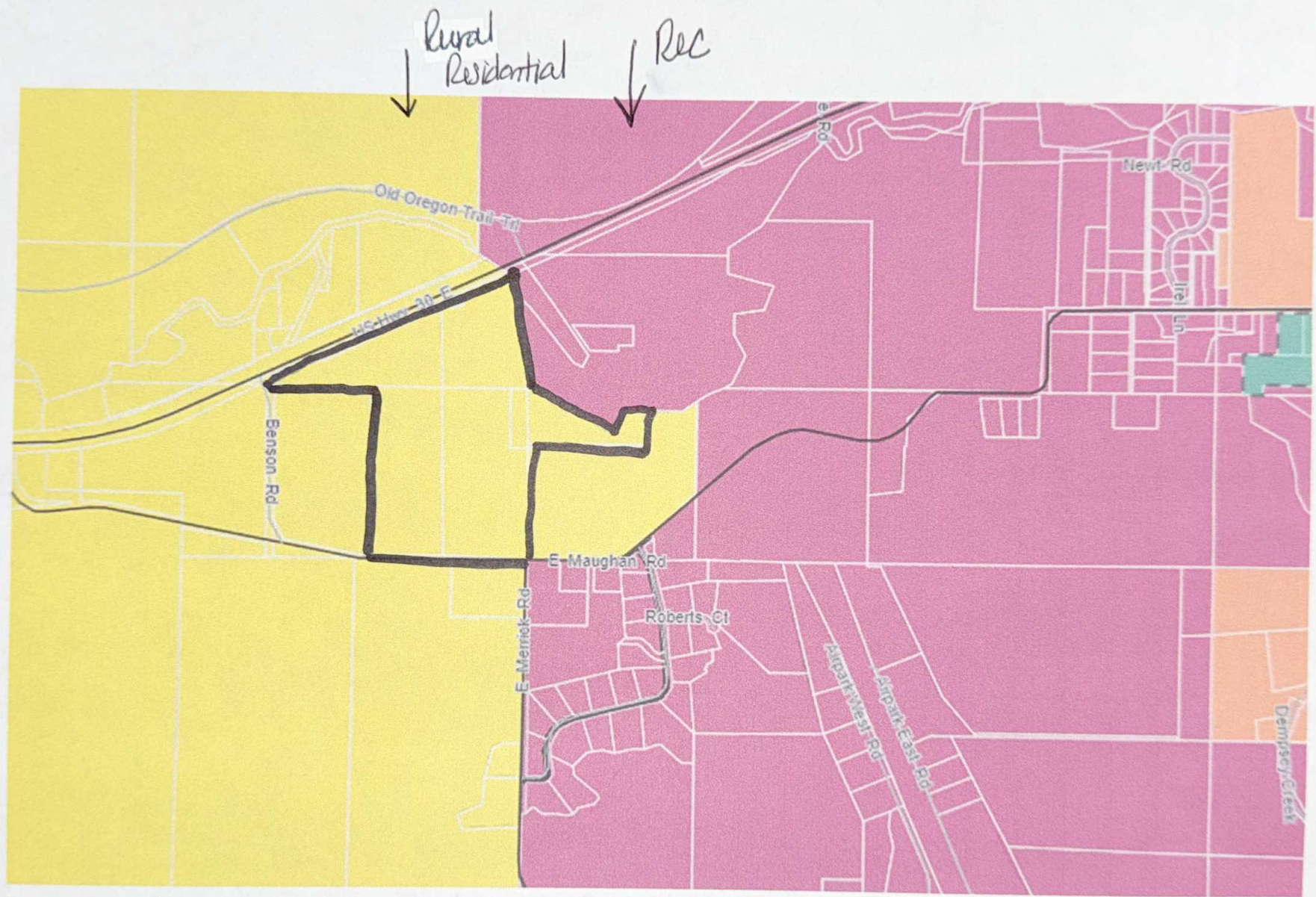
**Narrative Standards**

Please address how the proposed rezone meets the following requirements:

- A. The uses allowed in the proposed district would be compatible with surrounding uses.**  
Yes. Currently the adjoining parcels to the north and east are zoned recreational. To the north the property is also frontage to Highway 30.
- B. The proposed zoning district would not adversely affect the surrounding neighborhood's stability and property values.**  
No adverse effect. It would actually increase values as recreation zoned property is more valuable per acre than agriculture property.
- C. The applicant has shown that there is a need for the proposed zoning district in the County or at the proposed location.**  
Yes. The zoning allows for future development of housing and recreational opportunities. The property is currently for sale and Recreational zoning is more appealing to potential buyers than Agricultural zoning.
- D. The public cost resulting from the change in land use would not be excessive when compared with the public benefit derived from the change in land use.**  
There should be no public cost to the county as the property was previously zoned Recreation and is already developed.
- E. Adequate public services, utilities, and facilities would be available to serve the changed land use.**  
Power is available at the road and is already provided to the property. Property already has two septic tanks and a well. City of Lava Hot Springs has a ROW through the property for their sewer pond immediately to the south of this property. Property is fronted by Maughan Road on the south and Hwy 30 on the north.
- F. The proposed zoning district would not allow uses that would be detrimental to the environment of the immediate neighborhood.**  
Property to the north and east are already zoned recreational. Immediate neighborhood consists of a subdivision (Lava West) at the corner of Maughan and Merrick Roads with 1 acre lots. It also borders the Portneuf River which provides recreational opportunities..
- G. The requested change would be in accordance with the goals and policies of the County Comprehensive Plan.**  
The change is in line with the County Comprehensive plan. Specifically, Objective 1.4 by enhancing the county's rural environment and character by providing diverse rural housing options. As currently zoned (Agriculture), It does not allow for additional housing possibilities or recreational uses that are typical of the area surrounding the property. Policy 1.4.2 would allow the property to be developed in a variety of lot sizes to accommodate a rural life style. According to the county's report, Idaho is expected to grow by 33% in population by 2040; the need and demand for housing is here. The re-zone to Recreation also supports Policies 4.4.1 Promote Bannock County as a visitor destination, 4.4.2 Work to attract industry and business opportunities as well as outdoor recreation to help promote tourism and establish economic resiliency and 4.4.3 Monitor and regularly evaluate the impact of tourism and visitation to ensure sustainable practices and long-term economic benefits to the County.

**Acknowledgement**

<b>Electronic Signature [Typed Name of Applicant]</b>	<b>I agree that my electronic signature above is equivalent to a handwritten signature and is binding for all purposes related to this transaction</b>
Jerry Johnson	true
<b>Date</b>	
12/11/2024	



— Parcels requesting zone change

# EXHIBIT 2

## Agency Comments



January 7, 2025

Mr. Hal Jensen, Planning Director  
Bannock County Office of Planning & Development Services  
5500 S. 5<sup>th</sup> Ave  
Pocatello, ID 83204  
[development@bannockcounty.gov](mailto:development@bannockcounty.gov)

Subject: Comprehensive Plan Future Land Use Map Amendment and Zoning Ordinance Map  
Amendment – Agricultural to Recreational – Johnson

Dear Mr. Jensen:

The Idaho Department of Environmental Quality (DEQ) has reviewed the subject document and would like to offer our general recommendations for land development projects (attached).

If you have questions or comments, please contact me at (208) 236-6160 or via email at [Allan.Johnson@deq.idaho.gov](mailto:Allan.Johnson@deq.idaho.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Allan Johnson", is written over a light blue horizontal line.

Allan Johnson, P.E.  
Regional Engineering Manager  
DEQ Pocatello Regional Office

EDMS# 2025AGD62 and 2025AGD63

Attachments: DEQ General Recommendations for Land Development Projects.

C: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office



## **General Recommendations**

The following comments are generally applicable to land development projects or other land use activities with the potential to cause impacts to ground water, air quality or surface water. DEQ provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

### **Engineering**

DEQ recommends consolidation of drinking water and/or wastewater services wherever feasible especially in areas where ground water used for public drinking water supplies is potentially impacted. DEQ considers the following alternatives generally more protective of ground water resources than using individual well and septic systems for each lot, and we recommend that the county require the developer to investigate the following options:

- Provide either a centralized, community drinking water or centralized community wastewater system or both, or
- Connect each lot to an existing community drinking water system or to an existing community wastewater system or both.

In accordance with Idaho Code 39-118, construction plans & specifications prepared by a professional engineer are required for DEQ review and approval prior to construction if the proposed development is to be served by either a community drinking water or sewer system. DEQ requires that a water system serving 10 or more connections is constructed and operated in compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems."

### **Air Quality**

New emission sources are generally required to follow applicable regulations for permitting or exempting new sources. These are outlined in the Rules for the control of Air Pollution in Idaho.

Of particular concern is IDAPA 58.01.01.200-228 which establishes uniform procedures and requirements for the issuance of "Permits to Construct".

Sections 58.01.01.220-223 specifically may be used by owners or operators to exempt certain sources from the requirements to obtain a permit to construct.

Land development projects are generally required to follow applicable regulations outlined in the Rules for the control of Air Pollution in Idaho. Of particular concern is IDAPA 58.01.01.650 and 651 Rules for Control of Fugitive Dust.

Section 650 states, "The purpose of sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust."

Section 651 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.
02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.

03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.
05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.
06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

### **Surface Water Quality**

Land disturbance activities associated with development (i.e. - road building, stream crossings, land clearing) have the potential to impact water quality and riparian habitat.

If this project will ultimately disturb one or more acres and there is a possibility of discharging stormwater or site dewatering water to Surface Waters of the United States, the operator may need to submit a Notice of Intent (NOI) for coverage under the Idaho Pollutant Discharge Elimination System (IPDES) 2022 Construction General Permit (CGP). NOIs can be submitted via the IPDES E-Permitting System (<https://www2.deq.idaho.gov/water/IPDES/>). The 2022 IPDES CGP requires a Storm Water Pollution Prevention Plan (SWPPP), implementation of Best Management Practices (BMPs) to reduce the sediment and other pollutants discharged and requires regular site inspections by persons trained and knowledgeable about erosion, sediment control, and pollution prevention.

Site contractors should remove equipment and machinery from the vicinity of the waterway to an upland location prior to any refueling, repair, or maintenance. After construction is completed, disturbed riparian areas should be re-vegetated.

### **Waste Management - Hazardous Material - Petroleum Storage**

With the increasing population in southeast Idaho, to ensure sufficient solid waste capacity and service availability. It is recommended that subdivision developers be instructed to contact the appropriate solid waste collection provider and landfill for solid waste disposal coordination.

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most associated with the transportation and delivery to work sites or facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

- Hazardous and Deleterious Material Storage IDAPA 58.01.02.800
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- Rules and Standards for Hazardous Waste IDAPA 58.01.05
- Petroleum Release Reporting, Investigation and Confirmation IDAPA 58.01.02 .851
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Please note, The Idaho Release, Reporting and Corrective Action Regulations, IDAPA 58.01.02.851; require notification within 24 hours of any spill of petroleum product greater than 25 gallons and notification for the release of lesser amounts if they cannot be cleaned up within twenty-four (24) hours. The cleanup requirements for petroleum are also contained in these regulations.

For reporting requirements of hazardous substances please see Idaho Statute Title 39 Chapter 7, Hazardous Substance Emergency Response Act including section 39-7108 Notification of Release is Required.

# EXHIBIT 3

## Ordinance Excerpts

closely as possible to surface features such as roads, alleys, streams, and ridge lines or valley bottoms or to legal boundaries such as lot lines, subdivision boundaries, property lines, and government survey boundaries.

- B. Should disagreements arise concerning district boundary interpretations made by the planning staff, the question may be submitted in writing to the Board of County Commissioners for a final decision.

### **310 AGRICULTURAL DISTRICT (A)**

#### **311 PURPOSE:**

To preserve commercial agriculture as a viable permanent land use and a significant economic activity within the County.

#### **312 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

The agricultural designation is to be applied to land which includes prime farmland, and which has not been divided into small agriculturally unusable parcels. The Agricultural zone is not intended to accommodate non-agricultural development. Factors to be considered in designating land for Agricultural districts should include, but not be necessarily limited to the amount of prime farmland in the area, existing lot sizes and land uses in the area and the character of surrounding land uses.

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

- A. Detached single-family dwellings including mobile homes defined by this Ordinance, Section 420.
- B. Accessory uses which are customarily incidental to residential uses.
- C. Agricultural uses and buildings and structures customarily incidental to such uses.
- D. Home occupations as defined in this Ordinance; see Section 424.
- E. Outdoor for-pay recreation uses.
- F. Agricultural support.
- G. State licensed day care homes up to six client children.
- H. Public utility installations not including business offices.

I. Commercial Stables.

J. Kennels.

K. Public service facilities **(Amendment No. 30 Ordinance #2015-5)**

### 314 USES CONDITIONALLY PERMITTED:

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

A. All non-residential uses permitted as conditional uses in the Residential Suburban district.

B. Mining.

C. Rendering, butchering, slaughter, skinning or processing of animals.

D. Feed lot.

E. Zoo.

F. Wildlife preserves.

G. Shooting preserves.

H. State licensed day care homes or centers with seven or more client children.

### 315 DIVISIONS OF AGRICULTURALLY ZONED LAND FOR RESIDENTIAL USE:

Land in the Agricultural District may be divided for residential use in the following manner:

A. One (1) dwelling unit shall be permitted for each forty (40) acres of land in single ownership up to one hundred and sixty (160) acres. **(Amendment No. 39 Ordinance #2018-03)**

B. When more than one hundred and sixty (160) acres are held in a single ownership, then one (1) dwelling unit shall be permitted for each additional one hundred and sixty (160) acres. This amounts to one dwelling unit for approximately every additional 160 acres owned. **(Amendment No. 39 Ordinance #2018-03)**

C. After the first two residences, each dwelling unit shall be located on its own separate lot, the size of which shall be equal to or larger than the Minimum Lot Area specified in the Building Bulk and Placement Standards for the Agricultural District.

D. Building lots shall be created by following the requirements set out in the subdivision ordinance of Bannock County, as amended.

E. Subdivision, as defined in the Bannock County Subdivision Ordinance, shall be permitted in the Agricultural District, according to Section 315.E.1. **(Amendment #3 Ordinance #1999-3)**

1. SUBDIVIDING IN THE AGRICULTURAL ZONE. Open space subdivisions designed according to Section 401 of the Bannock County Subdivision Ordinance, No. 1997-4, shall be permitted with a density of one residence per 40 acres.

A. Requirements for sewage treatment and water systems shall not apply to lots over one acre.

B. Lots shall be clustered and may vary in size with a minimum of one acre.

C. Subdivision shall have a single access, built to county standards, to a county-maintained road.

D. The recorded plat must include all the land used to determine the number of lots, and all but the permitted lots be restricted from residential development.

E. All other requirements and standards of the Subdivision Ordinance shall apply.

Example: A 160-acre tract could result in a four-lot subdivision designed according to the criteria in Section 401.B of Subdivision Ordinance No. 1997-4. All but the individual lots would serve as the open space with no additional open space required.

F. These regulations are to be regarded as limitations on the overall density of development in the Agricultural District, not as minimum building site or minimum lot size requirements.

G. No more than four non-farm and/or farm dwellings or a combination thereof may be placed in the same quarter-quarter section.

\*For the purposes of these provisions, a quarter-quarter section or Government Lot shall be equivalent to a forty (40) acre parcel. **(Amendment No. 39 ordinance #2018-03)**

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

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

**AGRICULTURAL DISTRICT****MINIMUM SETBACKS (FT)**

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR ROAD R-O-W	REAR YARD	SIDE YARD
PERMITTED USES:				
Single-family Residence	30	50	30	20
Residential Accessory Structures	30	50	15	20
Accessory Structures for Commercial Agriculture	30	50	15	20
Accessory Structures for Commercial Agriculture Farm Animals	100	100	100	100

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

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

Minimum lot size is one acre; density is one dwelling per 40 acres. See Section 315 for subdividing in the AG District. Larger lot sizes may be required by the Health Department.

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

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

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

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

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

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

**344 USES CONDITIONALLY PERMITTED:**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

- C. Planned Unit Developments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**324 USES CONDITIONALLY PERMITTED:**

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

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

**325 PARKING STANDARDS:**

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

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

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

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

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

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

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

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

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

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

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

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

# FINDINGS



BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER

**REZONE – JERRY JOHNSON**  
**MEETING DATE: JANUARY 15, 2025**

**FILE#:** RZO-24-1  
**LOCATION:** RPR4227005607, RPR4227021204, RPR4227021201, RPR4227021002, RPR4227005609, and RPR4227021208, currently unaddressed.

**APPLICANT/OWNER:**  
Jerry Johnson  
8890 E. Maughan Road  
Lava Hot Springs, ID 83246

**REQUEST & BACKGROUND:** The applicant, Jerry Johnson, requests to rezone approximately 62.08 acres from Agricultural to Recreational.

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

**SITE CHARACTERISTICS AND ZONING:**  
ZONING: Agricultural  
PROPERTY SIZE: ~ 62.08 acres  
EXISTING STRUCTURES: Possible accessory structures located on parcel RPR4227021204

REQUIRED FINDINGS FOR GRANTING A REZONE, §520:

1. The uses allowed in the proposed district **(would) (would not)** be compatible with surrounding uses.

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2. The proposed zoning district **(would) (would not)** adversely affect the surrounding neighborhood's stability and property values.

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3. The applicant has shown that there **(is) (is not)** a need for the proposed zoning district in the County or at the proposed location.

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4. The public cost resulting from the change in land use **(would) (would not)** be excessive when compared with the public benefit derived from the change in land use.

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5. Adequate public services, utilities, and facilities **(would) (would not)** be available to serve the changed land use.

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6. The proposed zoning district **(would) (would not)** allow uses that would be detrimental to the environment of the immediate neighborhood.

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7. The requested change **(would) (would not)** be in accordance with the goals and policies of the County Comprehensive Plan.

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**ORDER: CONCLUSION AND DECISION**

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Jerry Johnson to rezone approximately 62.08 acres from Agricultural to Recreational, the Council recommends **[approved]** **[denied]** **[tabled]** to the Board of County Commissioners.

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

**ROLL CALL:**

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

**ACKNOWLEDGEMENT CERTIFICATE**

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

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 2025, 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\_\_\_\_

# MOTION

## MOTION

Based on the record and the discussion this evening, the Council recommends **[approved]** **[denied]** **[tabled]** to the Board of County Commissioners, the request made by Jerry Johnson to rezone as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

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

AGENDA ITEM NO. 7  
Subdivision Concept Plan –  
Westfield Estates Division 6



# PLANNING AND DEVELOPMENT SERVICES

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

## CONCEPT PLAN– WESTFIELD ESTATES DIVISION 6

PUBLIC HEARING: JANUARY 15, 2025

### STAFF REPORT

**FILE #:** SCP-24-8

**LOCATION:** RPR3853006605, currently unaddressed and RPRRWE4000500, currently addressed as 11824 Devonshire Drive, Chubbuck, ID 83202.

**APPLICANT:**

Sunrise Engineering  
David Assan  
600 E. Oak Street  
Pocatello, ID 83201

**OWNER:**

Rio Vista Land LLC     Colter and Shanel Sears  
158 S. Main Street     11824 Devonshire Drive  
Pocatello, ID 83204     Chubbuck, ID 83202

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

1. Provide written comments regarding the road design from the City of Chubbuck with Preliminary Plat submittal. In the absence of comment, provide evidence of attempt to contact them at least twice.
2. All existing structures shall meet setback requirements of instrument number 22127540. Setback measurements shall be depicted on Preliminary Plat.
3. 60' strip on the west side of subdivision to be labeled as right-of-way on all subsequent plats.
4. Provide location of central mail boxes on the preliminary plat and final plat.
5. Provide location of school bus stop on the preliminary plat and final plat.
6. All subsequent plats shall state "Lot 4 Block 4 and Lot 6 Block 3 shall be restricted to only have access from Yorkshire Lane. Lot 6 and Lot 7, Block 4 are restricted from access off of Rio Vista Road."
7. Include the proposed stormwater detention/retention methods and measures, adequate for controlling post development stormwater runoff, on the preliminary plat.
8. All subsequent plats shall state "This subdivision is in area of concern for Ethylene Dibromide (EDB) groundwater contamination."
9. All sidewalks within the right-of-way shall be the HOA's responsibility while located within the county. CC&Rs shall state so.
10. 10' public utility easement to be extended within lots 6 and 7 along Rio Vista Road.

Council may wish to add additional conditions as needed.

STAFF REPORT  
CONCEPT PLAN – Westfield Estates Division 6  
Page 1 of 9

**REQUEST & BACKGROUND:** David Assan proposes to subdivide approximately 7.15 acres of land into 13 lots. The proposal includes a replat of Lot 9, Block 3 of Westfield Estates Division 4. The development proposes City of Chubbuck water and sewer. There will be 13 buildable lots and will be between 0.45 and 0.58 acres in size. This subdivision is located ~ 0.47 miles from the city of Chubbuck boundary.

**CONCEPT PLAN PROPOSAL SUMMARY:**

TOTAL AREA: 7.15 +/- acres

BUILDING LOTS: 13 residential

DWELING UNIT DENSITY: 1 dwelling unit per 0.55 acres

BUILDING LOT SIZE: Approximately 0.45 acres to 0.58 acres

WATER & SEWER: City of Chubbuck

STORMWATER SYSTEM: Roadside swales.

UTILITIES: Gas, power, cable TV, etc. to be provided. Pressurized irrigation will also be provided by the HOA.

FIRE PROTECTION: North Bannock fire district; Fire hydrants will be placed every 500 feet.

ROADS/ACCESS: Devonshire Drive, a county-maintained road and Yorkshire Lane, a private road.

**SITE CHARACTERISTICS AND ZONING:**

ZONE: Residential Suburban

PROPERTY SIZE: ~7.15 acres

VIEWS: The property is visible from all directions.

IMPACT AREA: City of Chubbuck

FLOOD ZONE: X, minimal

TERRAIN: Relatively flat

EXISTING STRUCTURES: Residential dwelling and accessory structures.

OTHER: Proposed lot 9 located within Westfield Estates Division 4.

**SURROUNDING LAND USES AND ZONING**

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

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

SOUTH: The sites are within the Residential Suburban zoning district and consist of residential uses.

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



### COMMUNITY IMPACT ANALYSIS:

1. Total population at built out will be a total of 41.6. (13 lots x 3.2 persons per household.)
2. Population five to 17 years of age will be 9.984. (41.6 population x 24%)
3. Water usage will be 1,000 gal per day per household, total project at build out will be 1,200 gal. per day per lot.
4. Sewage produced per unit will be 208 gallons a day and total for project will be approximately 2,500 gallon per day.
5. Tax generated for average size lot is estimated to be approximately \$4,600 per lot assuming a dwelling and land value of \$400,000.
6. Cost to provide services is not known.

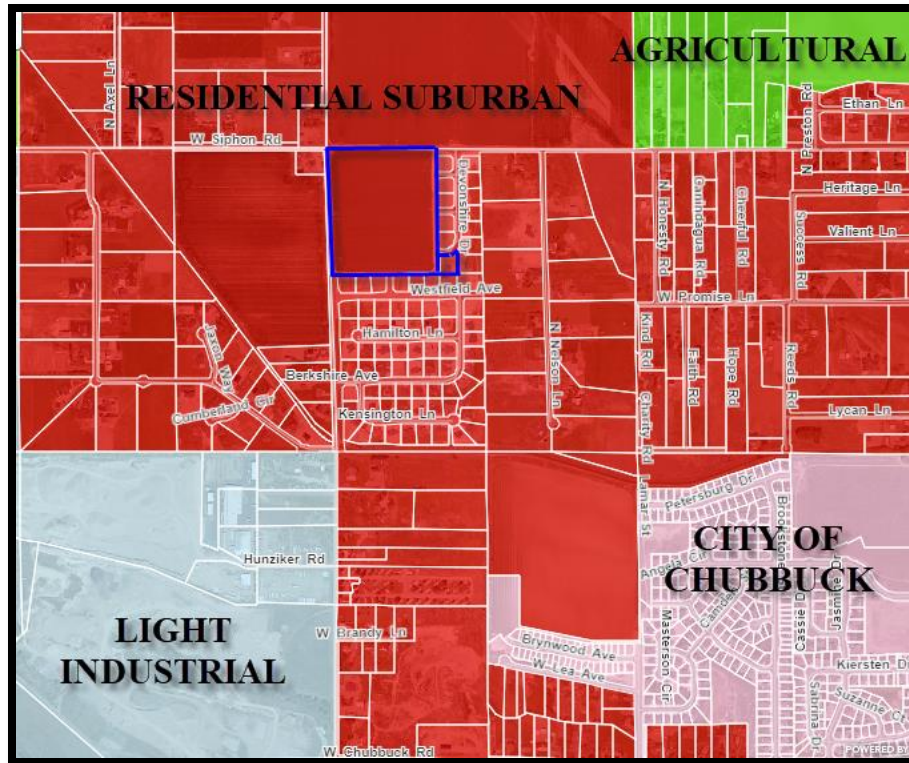
### APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2021 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
  - a. §330 RESIDENTIAL SUBURBAN DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
  - a. §302 CONCEPTUAL OR MASTER PLAN REVIEW



**SITE MAP**

STAFF REPORT  
CONCEPT PLAN – Westfield Estates Division 6  
Page 3 of 9



**ZONING MAP**



**US FISH & WILDLIFE WETLANDS MAP**





Policy 1.3.3: Continue to ensure that farms, ranches and agricultural areas be appropriately buffered from industrial and more intense uses, as needed.

Policy 1.3.4: Encourage beneficial agricultural activities (i.e. producing fresh produce/food, animal farms, and agricultural education) with rural areas.

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

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

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

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

Objective 2.1: Encourage development of a connected network of open spaces for recreation and functional uses aligned with natural sustainability.

Policy 2.5.1: Promote recreational open spaces in new developments with a focus on natural resources protection and habitat and wildlife preservation.

Objective 3.2: Encourage the preservation of natural ecosystems, wildlife habitats, and recreation connections to agricultural lands.

Policy 3.2.1: Work to create habitat connectivity, preservation of wildlife corridors and prevent ecosystem fragmentation.

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

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

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

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

#### Bannock County Zoning Ordinance:

The land is zoned Residential Suburban (RS), which allows lots less than 5 acres when connecting to city sewer. The proposed density of this subdivision will be 1 dwelling unit per 0.55 acres.

There is a dwelling and residential accessory structure located on proposed lot 9. A variance was granted by council to allow a setback for residential accessory structures to be no less than 5' from side yard. Due to marking pins not consistent with owner's lot lines, this lot is being re-platted in order to meet setback requirements.

#### Bannock County Subdivision Ordinance:

Per §404.G, REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street. If a road is proposed, road must meet the standards of §402.

Applicant has proposed interior roads. Council should consider restricting access on corner lots and from Rio Vista Road.

The proposed subdivision name "Westfield Estates Division 6" has been reviewed. All though Westfield Estates name has been used in the past, the same developer has created all subdivision phases, allowing the subdivision name to be used per Idaho Code.

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

Idaho Code:

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

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

Staff Findings

Applicant has requested a deviation from the standard 60' right-of-way to a 55' right-of-way. The road design is consistent with phases 1-4. Per Highway Standards and Roadway Development Procedures for Bannock County 2100.010: When construction of a new roadway or modification to an existing roadway occurs within the area of city impact, the Road and Bridge Department may apply the standards and specifications of the City at the Road and Bridge Department's discretion and shall afford the appropriate City an opportunity to provide comments on the Subdivision or Development and may incorporate any City comments into the Road and Bridge Department's Approval Requirements.

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

Staff Findings

Proposed phase 6 connects Brighton Lane to Yorkshire Lane to allow ingress and egress for the subdivision.

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

Staff Findings

Westfield Estates Phase 4 has a temporary turn around at the end of Brighton Lane that will be vacated with the recording of this phase. There is a 21' public utility easement that will extend along the proposed road way. A 60' strip of land has been depicted on the west side of the proposed subdivision. It is unclear the use of this land, but can be assumed it is set aside as right-of-way.

Westfield Estates Phase 5 has a 10' utility easement running north to south within the lots, along Rio Vista. Council should consider if this easement needs to be extended through this phase.

The developer should research to find all existing easements and depict them on the plat, according to Bannock County Subdivision Ordinance §302.A.2.b.

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

Staff Findings

The proposed building lots will connect with an existing subdivision, clustering the home sites. The design will allow connectivity of roadways and utility easements. The lot sizes are consistent with existing phased subdivisions.

Lots appear to be laid out in a manner that properly relate to the adjoining lots, parcel lines, utilities, streets, or other existing or planning facilities.

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

Staff Findings

The land is currently used for agricultural and residential. The land is relatively flat and is adjacent to other residential uses. Connecting to city services permits the development density.

Per Bannock County Zoning Ordinance §333, single-family dwellings, duplex, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, and noncommercial recreational facilities are permitted uses in this district.

**AGENCY COMMENTS:**

1. Bannock County Public Works – 1/7/2025

**PUBLIC COMMENTS:**

2. None received at the time of this report.

**REPORT BY:**

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

**REPORTED DATE:** January 7, 2025

*\*Staff comments in this report are based solely upon evidence available at the time of the report.*

*Additional information may be brought to light at or before the hearing.*

**EXHIBITS:**

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

# EXHIBIT 1

## Application & Site Plan





## SCP-24-8

### Subdivision Concept Plan Application

Status: Active

Submitted On: 12/12/2024





### Primary Location

11824 Devonshire Dr  
Pocatello, ID 83202

### Owner

No owner information

### Applicant

 David Assan  
 208-234-0110  
 david.assan@sunrise-  
eng.com  
 600 East Oak Street  
Pocatello, ID 83201

---

## Owner/Developer Information

Are the Owner and Developer the same?

☐

Owner Name\*

Rio Vista Development, LLC

Street Address\*

158 South Main Street

City\*

Pocatello

State\*

ID

Zip Code\*

83204

Email Address\*

tanner@buildidc.com

Phone Number\*

208-970-6696

Developer Name\*

Tanner Stenquist

**Street Address\***

158 South Main Street

**City\***

Pocatello

**State\***

ID

**Zip Code\***

83204

**Email Address\***

tanner@buildidc.com

**Phone Number\***

2089706696

---

## Site Information

**Proposed Subdivision Name\***

Westfield Estates - Division 6

**Parcel Number(s)\***

RPR3853006604

**Number of Lots \***

13

**Quarter**

NW

**Section**

5

**Township**

6S

**Range**

34E

---

## Subdivision Information

**Current zoning\***

Residential Suburban

**Proposed uses of the property\***

Single Family Residential

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

The proposed project will install roadways, utilities, and single-family residential development

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

None

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

Water and Sewer services to be provided by the City of Chubbuck, with stormwater directed into roadside swales

Proposed utilities and location/placement of utilities.\*

All utilities shall be installed under/along roadways and in utility easements

Proposed fire suppression and prevention measures.\*

The development will install fire hydrants for fire suppression

Proposed road name(s)\* ?

Devonshire Drive and Yorkshire Lane

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

No

Will this be a phased subdivision?\*

No

Comments from Reviewing Agencies\* ?

None

---

## Subdivision Pre-development Meeting

Pre-development Meeting Date

07/19/2021

Comments from Pre-development Meeting ?

See Attached

---

## Engineer/Planner/Surveyor Information

**Engineer/Planner/Surveyor Name**

Matt Baker

**Email**

matt.baker@sunrise-eng.com

**Phone Number**

2082340110

---

## 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]\***

David Assan

**Date of Signature\***

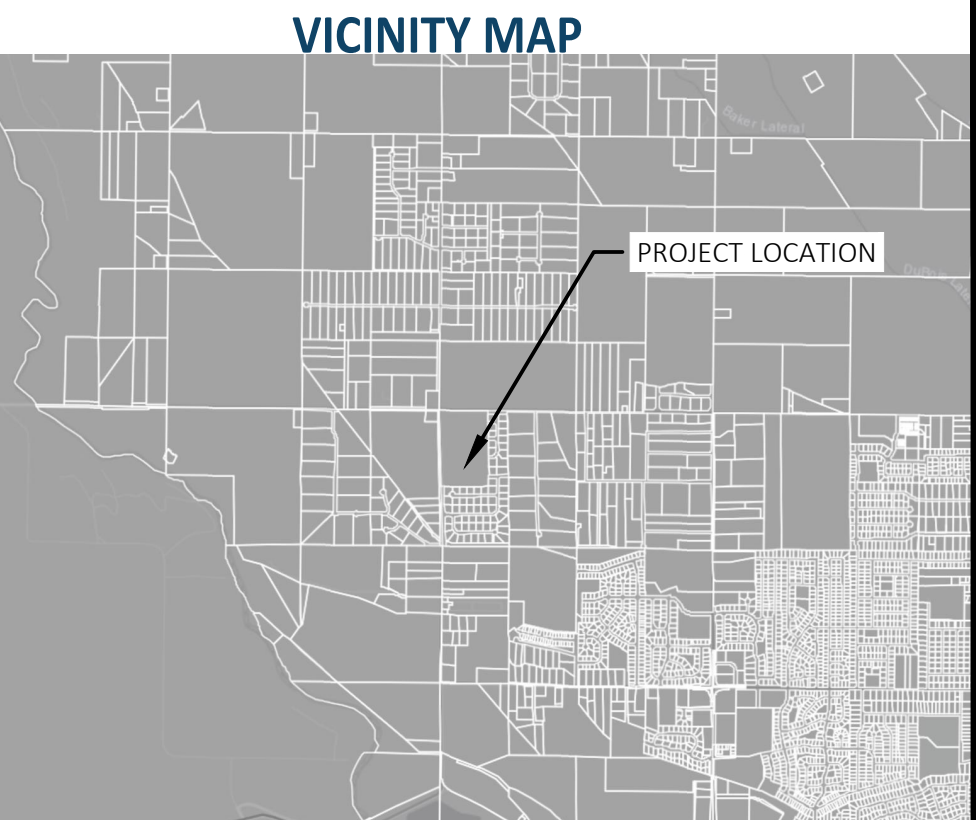
12/11/2024



PRELIMINARY PLAT FOR:  
WESTFIELD ESTATES - DIVISION 6

LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 6  
SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

CURVE TABLE						
NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	50°20'43"	S 65°21'15" E	9.87'	21.00'	18.45'	17.86'
C2	50°20'43"	S 64°18'01" W	9.87'	21.00'	18.45'	17.86'
C3	280°41'27"	S 0°31'37" E	45.59'	55.00'	269.44'	70.20'
C4	38°29'27"	N 70°13'40" E	53.24'	152.50'	102.45'	100.53'



LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	N 33°18'38" W	21.09'
L2	N 89°28'23" E	50.14'
L3	S 44°28'23" W	29.70'
L4	N 45°31'37" W	29.70'
L5	S 89°28'23" W	60.02'
L6	S 89°28'23" W	60.02'

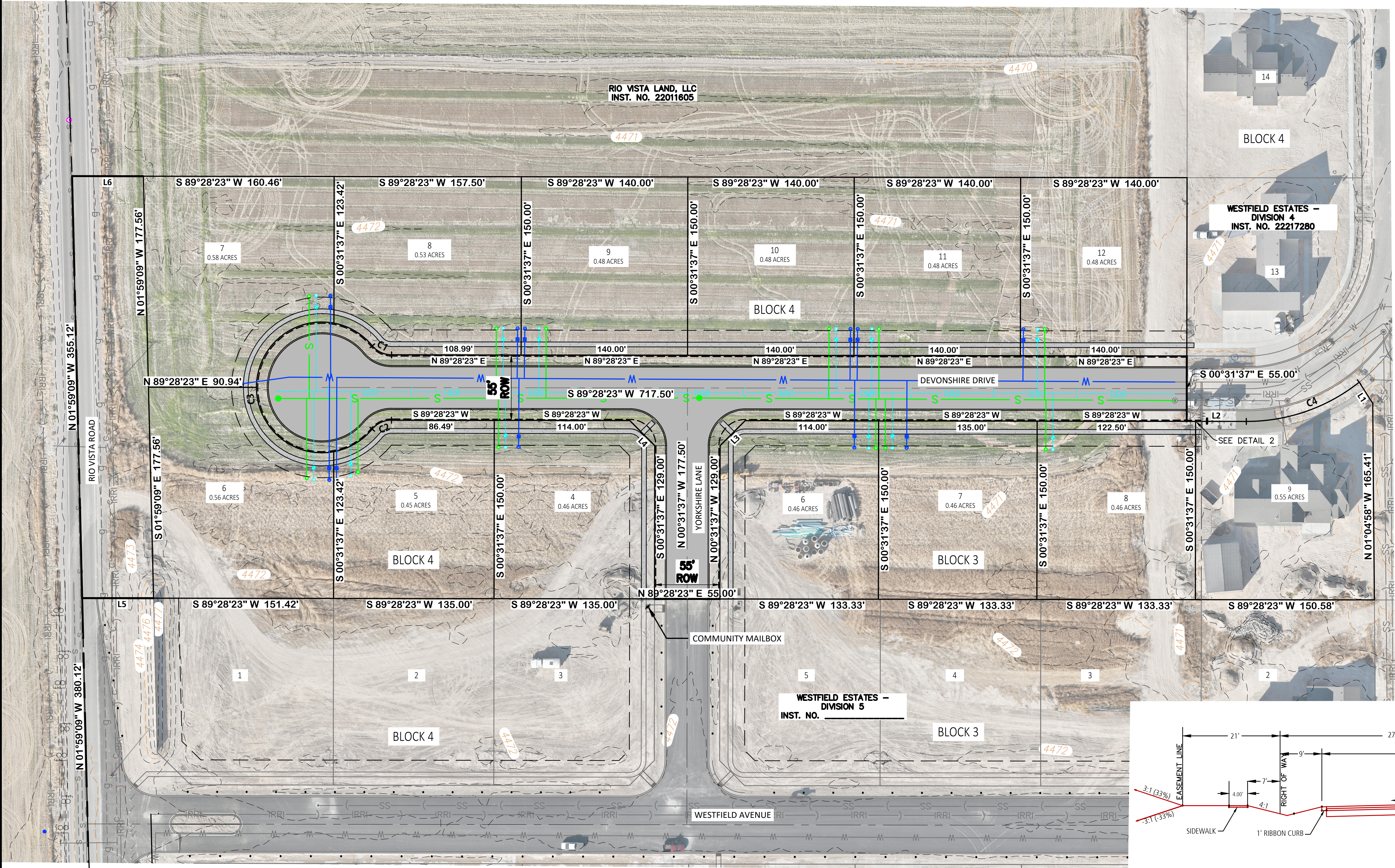
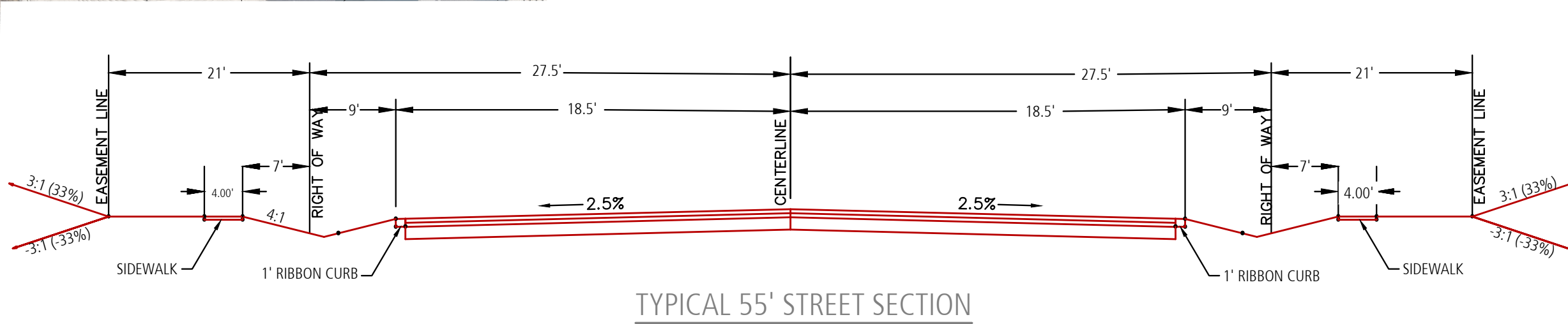
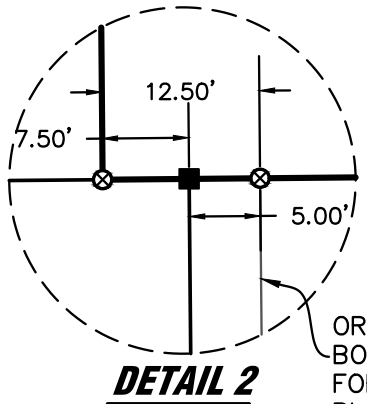
PRELIMINARY STORM WATER REQ.

DEVONSHIRE & YORKSHIRE ROW: 2,306 CU FT  
LOT 4 BLOCK 4: 835 CU FT  
LOT 5 BLOCK 4: 817 CU FT  
LOT 6 BLOCK 4: 1,016 CU FT  
LOT 7 BLOCK 4: 1,053 CU FT  
LOT 8 BLOCK 4: 961 CU FT  
LOT 9 BLOCK 4: 871 CU FT  
LOT 10 BLOCK 4: 871 CU FT  
LOT 11 BLOCK 4: 871 CU FT  
LOT 12 BLOCK 4: 871 CU FT  
LOT 6 BLOCK 3: 835 CU FT  
LOT 7 BLOCK 3: 835 CU FT  
LOT 8 BLOCK 3: 835 CU FT  
LOT 9 BLOCK 3: 998 CU FT

LEGEND	
---	PROPOSED BOUNDARY LINE
---	PROPOSED PROPERTY LINE
---	PROPOSED EASEMENT LINE
---	PROPOSED CENTER LINE
---	SECTION LINE
---	COUNTDOWN LINES
---	WATER LINE
---	IRRIGATION LINE
---	SEWER LINE
---	STORM LINE
---	UNDERGROUND / OVERHEAD POWER LINE
---	GAS LINE
---	TELEPHONE / FIBER LINE
---	CABLE TV LINE
---	CATV
---	STANDARD CURB / RIBBON CURB
---	FIRE HYDRANT / WATER VALVE
---	WATER METER / WATER SERVICE
---	IRRIGATION BOX / IRRIGATION SERVICE
---	SEWER MANHOLE
---	SEWER SERVICE
---	STORM MANHOLE / STORM CATCH BASIN
---	STORM INFILTRATION BED
---	POWER POLE / POWER BOX
---	GAS METER
---	TELEPHONE BOX / FIBER OPTIC BOX
---	CABLE TV BOX/STREET LIGHT

NOTES

- FUTURE DESIGNATION: MIXED USE
- TOTAL AREA OF SUBDIVISION: 7.15 ACRES
- LOT SIZE DATA  
PROPOSED MIN: 0.45 ACRES  
AVERAGE LOT SIZE: 0.49 ACRES
- SUBDIVISION STATS  
13 LOTS
- ALL STREETS TO BE DEDICATED TO THE CITY OF CHUBBUCK FOR PUBLIC USE.
- PUBLIC UTILITY EASEMENTS ALONG DEVONSHIRE & YORKSHIRE ARE 21.00' WIDE.
- SEWER AND WATER TO BE CONNECTED TO THE CITY OF CHUBBUCK COLLECTION AND DISTRIBUTION SYSTEMS RESPECTIVELY.
- ALL STORM WATER FOR DEVONSHIRE DRIVE AND YORKSHIRE LANE TO BE RETAINED IN ROAD SIDE SWELLS



**INTELLECTUAL PROPERTY NOTICE**

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HALF SIZE SCALE (B)  
1 INCH = 100 FEET

1 INCH = 50 FEET  
FULL SIZE SCALE (D)

**SHEET INFORMATION**

DRAWN BY: TJT	REVIEWER: RMH
CREATED: 10.23.2024	LAST REVISED: 12.11.2024
<b>DEVELOPER INFORMATION</b>	
NAME: RIO VISTA LAND LLC	
CONTACT: TANNER STENQUIST	
INFO: tannerjstenquist@gmail.com	

**SHEET NAME:**  
**PRELIMINARY PLAT**  
WESTFIELD ESTATES DIV. 6

**PROFESSIONAL ENGINEER**  
LICENSED  
BOISE, IDAHO  
J. HEUSVELDT

**SUNRISE ENGINEERING**

600 EAST OAK STREET, POCATELLO, ID 83201  
TELEPHONE 208.234.0110  
www.sunrise-eng.com

**SHEET NUMBER**  
**1 OF 1**



EXHIBIT 2

Pre-Development Letter &  
Agency Comments

**BANNOCK COUNTY**  
**OFFICE OF PLANNING & DEVELOPMENT SERVICES**  
5500 SOUTH FIFTH AVENUE • POCATELLO, ID 83204  
(208) 236-7230 • Fax: (208) 232-2185

July 19, 2021

Dannis Adamson  
Rio Vista Land, LL  
158 S Main Street  
Pocatello, Idaho 83204

RE: Westfield Estates Division 4 through 8  
Pre-Development Conference – County Comments

Mr. Adamson,

An application for the future divisions 4 through 8 of Westfield Estates was submitted on June 16, 2021. The application proposes to divide approximately 41 acres (+/-) of land into 65 residential lots and 1 future access lot south of Siphon Road and east of Rio Vista Road, The process for determining the suitability of land for subdividing can be found in Section 300 of the Bannock County Subdivision Ordinance (SO) No. 1997-4. The requirements for the Pre-Development Phase can be found in SO Section 301 of the referenced ordinance.

The proposed subdivision is located within the Residential Suburban (RS) zoning district. Using Section 336.B of the Bannock County Zoning Ordinance (ZO) No. 1998-1 the Owner / Applicant proposes with a density of 1.58 Dwelling Units per acre.

Some general information regarding the property in question is shown below:

---

**Bannock County Application Number:** SUPD-21-6

**Bannock County Tax Parcel Numbers:** RPR3853006602

**Zoning:** Residential Suburban

**Total Area:** Approximately 41 acres

**Subdivision Proposal: New Residential Lots, Ave Lot Size, and Dwelling Unit Density:**

- 65 Residential Lots
- 1 Future Access Lot
- Ave Residential Lot Size: Approximately 0.5 Acre
- Density – 1.58 Dwelling Unit per acre

**Access:** Rio Vista and Siphon

**Proposed Water & Sewer:** Provided by the City of Chubbuck Municipal Systems

**Other Utilities:** Located adjacent to the proposed site. Developer provided pressurized Irrigation system

---

We discussed the proposed subdivision on July 19, 2021 in the Planning and Development department's conference room. The following individuals were present at the meeting:

- Owner and Applicant Representative
  - Owner / Developer: Rio Vista Land, LLC – Dannis Adamson

- Engineering / Surveying Consultant: RMES – Brady Smith via Zoom.
- Bannock County:
  - Michael Jaglowski, County Engineer
  - Jim Bagley, County Planner
  - Tristan Bourquin, Assistant Planner
  - Alisse Foster, Assistant Planner
- Agencies
  - None

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

- General Zoning, Subdivision, and Open Space Ordinance Review:
  - It appears that the proposed development is within The City of Chubbuck's Area of City Impact. The County recognizes this is a part of a phased development. As such, the Developer and the City of Chubbuck has executed a Development Agreement which provides land uses, densities, and design features targets that are consistent with those found in the City Chubbuck in exchange for the use of the Municipal Water and Sewer Systems.
  - County Zoning Ordinance allows the overall maximum dwelling unit density requirements according to ZO Section 336.B.
- Individual Well, residential Septic Systems, and Pressurized Irrigation System.
  - The City of Chubbuck is providing Municipal Water and Sewer to this development.
  - County Staff recognizes the Developer will provide pressurized irrigation to each future lot. This system was required, designed, constructed and current provides irrigation water to the first 3 divisions of the development.
- Road, Block, and Lots.
  - Please add a note indicating that County Road standards will likely change before the construction plan review and will be reflected in the Road Prism shown in the preliminary plat.
  - Please indicate on the Concept Plan that all lots shall access from an interior road.
  - Please include a note indicating future access restrictions on the corner lots. Access should be gained through the minor of the two road of each corner lot.
  - Please provide an access point to the east on Westfield Avenue.
  - Please consider changing the following:
    - The name of the subdivision name, Westfield Estates Phases 4 through 8
- Easements.
  - As determined for the discussion and learned from the utility review letter, the following easements should be placed on the Concept Plan and future Plats:
    - Community Mailbox proposed / actual location
  - Please show all other future and existing easements on the concept plan and future plats; additionally, please provide descriptions of these easements.
- Agency Discussion Points
  - City of Chubbuck regarding the development agreement. Developer has demonstrated that the items which can be satisfied at this phase of development are shown on the sketch provided.

At the conclusion of the meeting, it is staff's understanding that the Owner / Developer plans to submit a Concept Plan application and revised concept plan to address the concerned items noted above.



This letter in no way relieves the applicant from meeting any of the requirements found in the Bannock County Subdivision or Zoning Ordinances, or any other applicable standard. If you do not agree with the findings in this decision or accept the conditions, you may request through writing, an appeal of the decision within fourteen (14) days of the receipt of this letter.

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

Respectfully,

Michael R Jaglowski, P.E., C.F.M.  
County Engineer  
[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)

cc: City of Chubbuck  
Brady Smith - RMES

June 4th, 2021

Dear Sir or Madam:

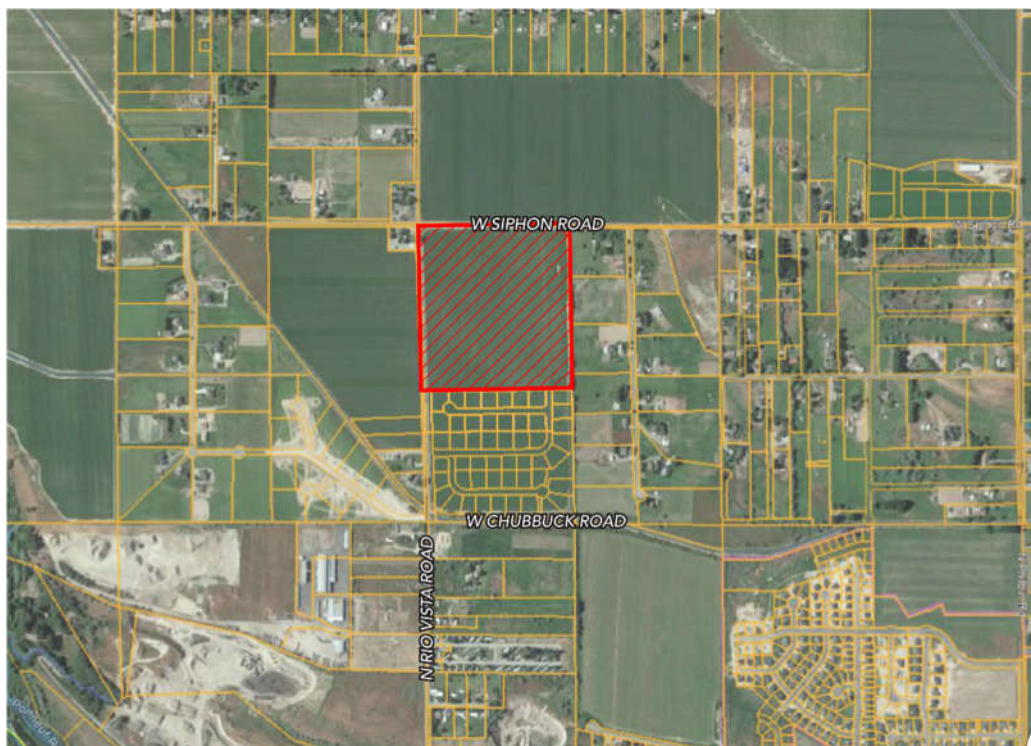
Your review and comments are requested for an application to subdivide approximately 41.01 acres of land.

This proposed development is anticipating 65 lots with an average lot size, not including the roads, of approx. 0.5 acres. It is generally located in Bannock County at the corner of Rio Vista and Siphon Roads.

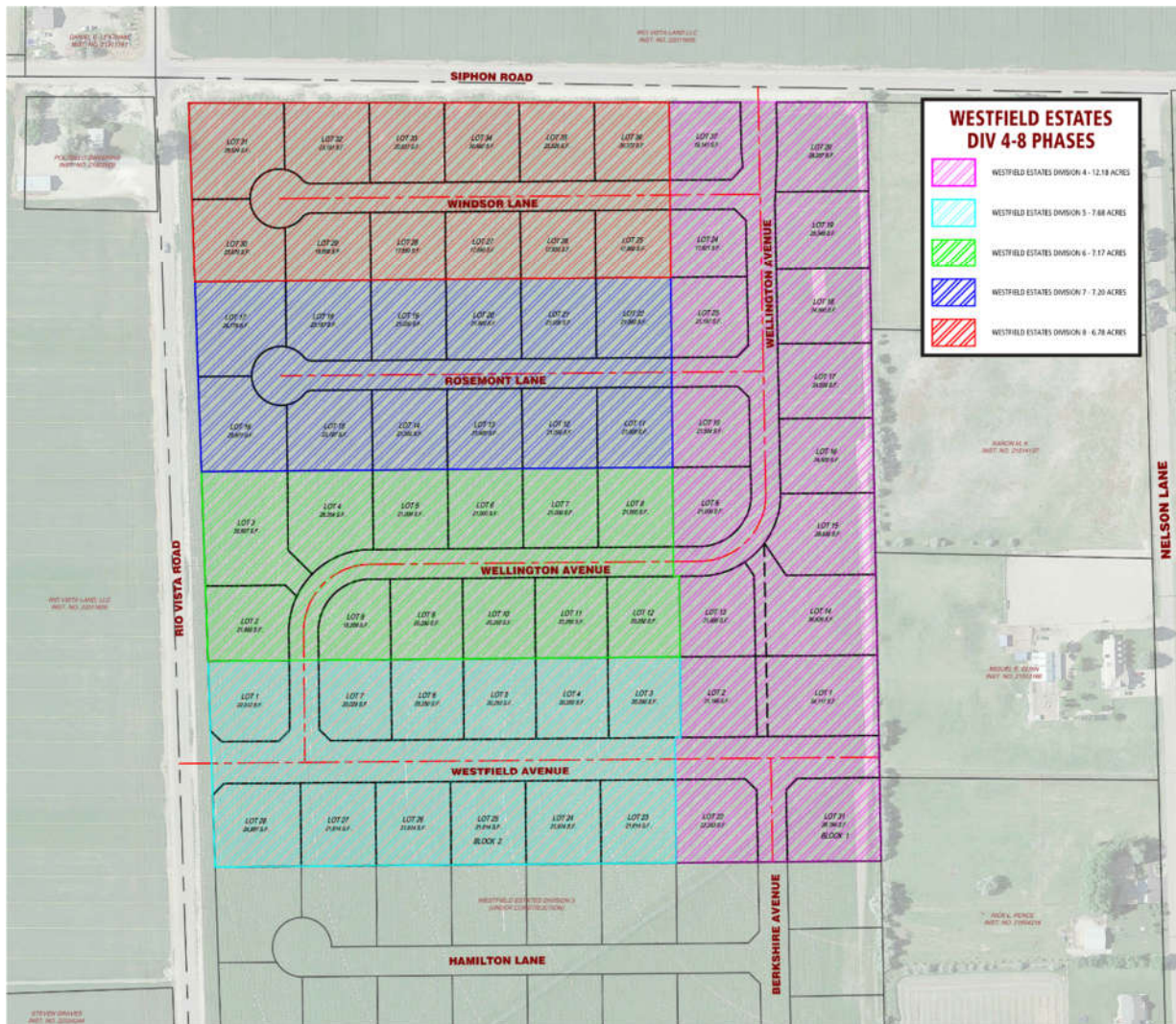
Specifically, there is 1 parcel that makes up the approximate 41.01 acres.

**R3853006602 41.01 acres;**  
S05-T6S-R34E TR NW4

**Figure 1. General Location Map**



**Figure 2. General Location Map of Westfield Estates Div 4-8**



The current proposal is to sub-divide and develop the property in five divisions. Division 4 will be accessed from Siphon Road in the North and Berkshire Avenue in the South, which will produce 17 lots. Division 5 will be accessed from Rio Vista Road, and will produce 12 lots. Division 6 will be accessed from Wellington Avenue, and will produce 12 lots. Division 7 will be accessed from Rosemont Lane, and will produce 12 lots. Division 8 will be accessed by Windsor Lane, and will produce 12 lots.

Division 4 is planned to commence in the spring/summer of 2021. Depending on the market, we anticipate developing Division 4 in the summer of 2022.

All utilities will be placed underground for the 65 single-family residential structures. The City of Chubbuck will be providing water and sanitary sewer services. A community pressurized irrigation system will be installed.

Pursuant to Bannock County's subdivision ordinance, we must have your comments to attach to the proposed application before it can be heard by the County Planning and Development Council.

*Focused on Solutions*

Civil ♦ Environmental ♦ Transportation ♦ Planning ♦ Land Development ♦ Municipal ♦ Surveying

Bannock County Planning & Development Council

January 15, 2025

Page 189 of 403

Your review and any comments you may have on the proposed subdivision are requested. This is our first attempt to request comment, so please provide us with any comments you may have by Tuesday June 8<sup>th</sup>, 2021 or we will consider our project as non-impactful to your agency. Please send and comments directly to:

Developer's Engineering Representative:

RMES – Brady Smith  
600 E. Oak Street  
Pocatello, ID 83201  
(208) 234-0110  
brady@rmes.biz

County Representative:

Michael Jaglowski, P.E.  
5500 S. 5th Avenue  
Pocatello, ID 83204  
(208) 236-7230  
mjaglowski@bannockcounty.us

If you have any questions or comments about the proposed subdivision, please call me at (208) 234-0110. I appreciate your assistance.

Sincerely,



Brady Smith  
RMES





Brady Smith &lt;brady@rmes.biz&gt;

---

**RE: [EXTERNAL] Westfield Estates Div 4 thru 8**

1 message

**Miller, Danny K** <dkmiller@blm.gov>

Tue, Jun 8, 2021 at 8:32 AM

To: Brady Smith &lt;brady@rmes.biz&gt;

Brady,

I see no adjacent Federal Land being managed by the BLM. So we have no issues.

\*\*\*\*\*

Danny K. Miller, J.D.

Realty Specialist

DOI/BLM Region 9

Pocatello Field Office

4350 Cliffs Drive

Pocatello, ID 83204

(208) 478-6357

[dkmiller@blm.gov](mailto:dkmiller@blm.gov)

\*\*\*\*\*

---

**From:** Brady Smith <brady@rmes.biz>**Sent:** Friday, June 4, 2021 8:32 PM

**To:** [sdavies@bannockcounty.us](mailto:sdavies@bannockcounty.us); Jeremy Messick <[jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us)>; Kiel Burmester <[kielb@bannockcounty.us](mailto:kielb@bannockcounty.us)>; Bollinger, David <[David.Bollinger@bia.gov](mailto:David.Bollinger@bia.gov)>; Miller, Danny K <[dkmiller@blm.gov](mailto:dkmiller@blm.gov)>; Warren, Melissa D <[mdwarren@blm.gov](mailto:mdwarren@blm.gov)>; [hsanger@pocatello.us](mailto:hsanger@pocatello.us); [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov); [McCauley.Margaret@epa.gov](mailto:McCauley.Margaret@epa.gov); [ahill@sbtribes.com](mailto:ahill@sbtribes.com); Gary Billman <[GBillman@idl.idaho.gov](mailto:GBillman@idl.idaho.gov)>; [IDL\\_jurisdictional@idl.idaho.gov](mailto:IDL_jurisdictional@idl.idaho.gov); [pbrown@idl.idaho.gov1](mailto:pbrown@idl.idaho.gov1) <[pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov)>; [bruce.olenick@deq.idaho.gov](mailto:bruce.olenick@deq.idaho.gov); [Wendy.Prather@deq.idaho.gov](mailto:Wendy.Prather@deq.idaho.gov); [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov); [becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov); [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov); Peck, Gary <[gpeck@idahopower.com](mailto:gpeck@idahopower.com)>; [Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov); Corey Krantz <[Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov)>; [james.murphy@intgas.com](mailto:james.murphy@intgas.com); Colborn, Phillip <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>; [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com); [ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net); Christ, Russ <[Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz)>; [kim.obele@usda.gov](mailto:kim.obele@usda.gov); Joyner, James M CIV USARMY CENWW (USA) <[james.m.joyner@usace.army.mil](mailto:james.m.joyner@usace.army.mil)>; [nate.matlack@usda.gov](mailto:nate.matlack@usda.gov); [michael.rieske@williams.com](mailto:michael.rieske@williams.com); [mrfb62@aol.com](mailto:mrfb62@aol.com); [downeyfirechief@gmail.com](mailto:downeyfirechief@gmail.com); [johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov); [mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us); [kirk398@gmail.com](mailto:kirk398@gmail.com); [mccammonchief@gmail.com](mailto:mccammonchief@gmail.com); [jrfarnsworth@yahoo.com](mailto:jrfarnsworth@yahoo.com); [spencer.k850@gmail.com](mailto:spencer.k850@gmail.com); [mori@bannockplanning.org](mailto:mori@bannockplanning.org); Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>; [rthompson@sbtribes.com](mailto:rthompson@sbtribes.com); Gardner, Timothy J <[Timothy.Gardner@bia.gov](mailto:Timothy.Gardner@bia.gov)>; Sorenson, Martin W <[Martin.Sorenson@bia.gov](mailto:Martin.Sorenson@bia.gov)>; [reedba@sd25.us](mailto:reedba@sd25.us); [howelldo@sd25.us](mailto:howelldo@sd25.us); Holly Jackson <[holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)>; [josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org); Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Michael Jaglowski <[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)>

**Subject:** [EXTERNAL] Westfield Estates Div 4 thru 8

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

To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

**Focused on Solutions**

*Acceptance and use of any and all electronically transmitted information and/or drawings indicates the Recipient's agreement to the following terms and conditions:* **Click for Full Electronic Document agreement**

Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)>

---

**RE: Westfield Estates Div 4 thru 8**

1 message

---

**Rodney Burch** <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>  
To: Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)>

Wed, Jun 9, 2021 at 7:57 AM

Brady,

The City of Chubbuck will have comments.

We will try to have them prepared and returned to you by the 14<sup>th</sup> as requested, however, our concerns / comment may raise to Council level and delay our response.

Thanks.....

**Rodney T. Burch, PLS**

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]**Sent:** Tuesday, June 8, 2021 4:53 PM**To:** [sdavies@bannockcounty.us](mailto:sdavies@bannockcounty.us); Jeremy Messick <[jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us)>; Kiel Burmester <[kielb@bannockcounty.us](mailto:kielb@bannockcounty.us)>; Bollinger, David <[david.bollinger@bia.gov](mailto:david.bollinger@bia.gov)>; [hsanger@pocatello.us](mailto:hsanger@pocatello.us);

kkeller@phd6.idaho.gov; McCauley.Margaret@epa.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; Pat Brown <pbrown@idl.idaho.gov>; bruce.olenick@deq.idaho.gov; allan.johnson@deq.idaho.gov; Johnson,Becky <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov; Peck, Gary <gpeck@idahopower.com>; Flo.Ghighina@itd.idaho.gov; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; Colborn, Phillip <phillip.colborn@intgas.com>; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Christ, Russ <Russell.Christ@sparklight.biz>; kim.obeale@usda.gov; nate.matlack@usda.gov; michael.rieske@williams.com; mrfb62@aol.com; downeyfirechief@gmail.com; johnny.ketner@tax.idaho.gov; Merlin Miller <mmiller@cityofchubbuck.us>; kirk398@gmail.com; mccammonchief@gmail.com; jrfarnsworth@yahoo.com; spencer.k850@gmail.com; mori@bannockplanning.org; Rodney Burch <rburch@cityofchubbuck.us>; rthompson@sbtribes.com; reedba@sd25.us; howelldo@sd25.us; Holly Jackson <holly.jackson@portneuflibrary.org>; josh.barnes@portneuflibrary.org; Dannis Adamson <dannisadamson@gmail.com>; Michael Jaglowski <mjaglowski@bannockcounty.us>

**Subject:** Re: Westfield Estates Div 4 thru 8

To Whom it may concern

Please see the attached agency request letter. This is our final attempt to request any feedback from you on our project. Please let us know by the end of the day Monday June 14th if you have any comments or concerns.

Thank you

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |

[rmes.biz](http://rmes.biz)

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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

Please see the attached agency request letter.





Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |

[rmes.biz](http://rmes.biz)

### Focused on Solutions

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## Public Works Department

PO Box 5604 – 5160 Yellowstone Avenue, Chubbuck, ID 83202  
208.237.2430 – Fax 208.237.2409  
[www.CityofChubbuck.us](http://www.CityofChubbuck.us)

---

June 14, 2021

Brady Smith  
RMES  
600 E. Oak Street  
Pocatello, Id 83201

RE: Westfield Estates Division 4-8

Dear Brady,

Please accept these comments on behalf of the City of Chubbuck.

The City is fully aware that this is a Bannock County development located inside the current Area of City Impact agreement. As such, Bannock County controls the development processes.

However, Bannock County officials should be aware that the agreement for Chubbuck to provide Water and Sewer, which was executed by the developer in February of 2020, contains conditions that appear to not be met by this current application. The areas of concern are listed below:

- Section 2.3 indicates “the subdivision infrastructure construction, future alterations modifications to the development, shall conform to any and all then applicable City subdivision infrastructure construction standards...”


The concept as proposed does not meet those standards in the following areas:

- Westfield Avenue must be dedicated and built as a collector roadway including ROW width and roadway infrastructure improvements.
- The intersection of Westfield and Wellington do not meet BTPO access control standards as adopted by City of Chubbuck.
- Pedestrian pathways would be from between the Windsor and Rosemont cul-d-sacs extending to Wellington Avenue. It appears the plan already accommodates pedestrian pathway between Wellington and Westfield near the east end.
- It appears the Siphon Road proposed ROW does not meet dedication requirements in accordance with the future road classification plan of the City. This section should be 120' of ROW (60' east side of the roadway)
- Corner lots should have access restricted to the lower classified roadway.
- City ordinance requires park infrastructure be built or an impact fee paid to create parks and recreation facilities in other nearby locations. This plan does not represent any public park improvements.

- The original approval for the City to provide municipal services was based on a master plan that included 315 dwelling units on the proposed parcel. The plan as now modified only provides 65 units. The effect of this change is infrastructure maintenance and operation cost are now carried by 250 less properties, thereby creating inefficient infrastructure systems.
- Our (County and City) residents are pleading for increased efficiency in operations, utility cost and property taxes. This proposal negatively impacts all those areas of concern. For example:
  - The same amount of roadway, water and sewer mainlines are required to serve 65 units and the 315 originally proposed. This is 250 fewer parcels to help fund their fair share of Water, Sewer, Streets, Fire, EMS, School District and Library operations.
  - The estimated assessed value of the 65 units is \$26m and for the previously proposed 315 units it would be \$79m.
    - Net effect is an annual loss of tax revenue to the County of \$238,000 annually.
    - School district 25 losses \$165,000 annually
    - With the same effects on all other taxing districts
  - Original proposed density of 4.8 units per acre has been replaced with the current application only being 1.5 units per acre. It may be true that there is a demand for lower density / larger lots, but we MUST realize the negative financial impact these development have on municipal infrastructure.
    - To provide water and sewer to this development opposed to the original proposed plan is a loss of \$300,000 annually to the utility systems
    - It is a loss of \$1,000,000 in Sewer Capacity fees
    - It is a loss of \$500,000 in water capacity fees
    - It is a loss of \$530,000 in treatment plant fees that help support the regional wastewater plant operated by the City of Pocatello
  - Development of this style is not cost effective for use of municipal services.

The City believes the plan as proposed represents a significant change in overall development densities which were originally represented by the developer. This change has a negative impact on our current residents and utility customers and therefore may change the City's desire to provide municipal services as requested.

Sincerely,



Rodney Burch, PLS  
Public Works Director

Cc: Mike Jaglowski, Bannock County Engineer

J:\Engineering\Development\COUNTY Subdivisions\Westfield Estates - Division 4\County Review\Westfiled 4-8 City Response.docx



PO Box 5604 – 5160 Yellowstone Avenue, Chubbuck, ID 83202  
208.237.2430 – Fax 208.237.2409  
[www.CityofChubbuck.us](http://www.CityofChubbuck.us)



Brady Smith &lt;brady@rmes.biz&gt;

## FW: [Non-DoD Source] Westfield Estates Div 4 thru 8

1 message

Joyner, James M CIV USARMY CENWW (USA) &lt;James.M.Joyner@usace.army.mil&gt;

Mon, Jun 7, 2021 at 7:58 AM

To: Brady Smith &lt;brady@rmes.biz&gt;

Cc: "Mike Jaglowski (mjaglowski@bannockcounty.us)" &lt;mjaglowski@bannockcounty.us&gt;

We have no comments

*James M. Joyner*

Sr. Regulatory Project Manager

US Army Corps of Engineers

Walla Walla District

Idaho Falls Regulatory Office

900 N Skyline Drive, Suite A

Idaho Falls, Idaho 83402

208-522-1645

james.m.joyner@usace.army.mil

---

**From:** Brady Smith <brady@rmes.biz>
**Sent:** Friday, June 4, 2021 8:32 PM

**To:** sdavies@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; Bollinger, David <david.bollinger@bia.gov>; Miller, Danny K <dkmiller@blm.gov>; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; McCauley.Margaret@epa.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; Pat Brown <pbrown@idl.idaho.gov>; bruce.olenick@deq.idaho.gov; Wendy.Prather@deq.idaho.gov; allan.johnson@deq.idaho.gov; Johnson,Becky <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov; Peck, Gary <gpeck@idahopower.com>; Flo.Ghighina@itd.idaho.gov; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; Colborn, Phillip <phillip.colborn@intgas.com>; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Christ, Russ <Russell.Christ@sparklight.biz>; kim.obeale@usda.gov; Joyner, James M CIV USARMY CENWW (USA) <James.M.Joyner@usace.army.mil>; nate.matlack@usda.gov; michael.rieske@williams.com; mrfb62@aol.com; downeyfirechief@gmail.com; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; kirk398@gmail.com; mccammonchief@gmail.com; jrfarnsworth@yahoo.com; spencer.k850@gmail.com; mori@bannockplanning.org; Rodney Burch <rburch@cityofchubbuck.us>; rthompson@sbtribes.com; Timothy Gardner <timothy.gardner@bia.gov>; Martin.Sorenson@bia.gov; reedba@sd25.us; howelldo@sd25.us; Holly Jackson <holly.jackson@portneuflibrary.org>; josh.barnes@portneuflibrary.org; Dannis Adamson <dannisadamson@gmail.com>; Michael Jaglowski <mjaglowski@bannockcounty.us>

**Subject:** [Non-DoD Source] Westfield Estates Div 4 thru 8

To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798   <input type="checkbox"/> <input type="checkbox"/> <a href="https://rmes.biz">rmes.biz</a>	
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**Agency Letter-Westfield 4-8\_6.4.21.pdf**  
417K



Brady Smith <brady@rmes.biz>

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## Automatic reply: Westfield Estates Div 4 thru 8

1 message

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**Gary Billman** <GBillman@idl.idaho.gov>

Tue, Jun 8, 2021 at 4:53 PM

To: Brady Smith <brady@rmes.biz>

I am out of the office until 6/14/21. I will check my emails and return calls when I am able. Should you need immediate assistance, please contact our main office at (208) 525-7167.



Brady Smith &lt;brady@rmes.biz&gt;

---

**RE: Westfield Estates Div 4 thru 8**

1 message

---

**Gary Billman** <GBillman@idl.idaho.gov>  
 To: Brady Smith <brady@rmes.biz>

Mon, Jun 14, 2021 at 7:34 AM

The Idaho Department of Lands has no comments

Gary Billman, PG

Senior Resource Specialist/Geologist

Minerals Management

Easter Supervisory Area

3563 Ririe Hwy

Idaho Falls, ID 83401

P: (208) 525-7167

F: (208) 525-7011

---

**From:** Brady Smith <brady@rmes.biz>

**Sent:** Tuesday, June 8, 2021 4:53 PM

**To:** sdavies@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; Bollinger, David <david.bollinger@bia.gov>; hsanger@pocatello.us; kkeller@phd6.idaho.gov; McCauley.Margaret@epa.gov; ahill@sbtribes.com; Gary Billman <GBillman@idl.idaho.gov>; IDL\_Jurisdictional <IDL\_Jurisdictional@idl.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; bruce.olenick@deq.idaho.gov; allan.johnson@deq.idaho.gov; Johnson,Becky <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov; Peck, Gary <gpeck@idahopower.com>; Flo.Ghighina@itd.idaho.gov; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; Colborn, Phillip <phillip.colborn@intgas.com>; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Christ, Russ <Russell.Christ@sparklight.biz>; kim.obele@usda.gov; nate.matlack@usda.gov; michael.rieske@williams.com; mrfb62@aol.com; downeyfirechief@gmail.com; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; kirk398@gmail.com; mccammonchief@gmail.com; jrfarnsworth@yahoo.com; spencer.k850@gmail.com; mori@bannockplanning.org; Rodney Burch <rburch@cityofchubbuck.us>; rthompson@sbtribes.com; reedba@sd25.us; howelldo@sd25.us; Holly Jackson <holly.jackson@portneuflibrary.org>; josh.barnes@portneuflibrary.org; Dannis Adamson <dannisadamson@gmail.com>; Michael Jaglowski <mjaglowski@bannockcounty.us>

**Subject:** Re: Westfield Estates Div 4 thru 8

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Thank you

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798	<a href="http://rmes.biz">rmes.biz</a>
<b>Focused on Solutions</b>	
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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

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Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798	<a href="http://rmes.biz">rmes.biz</a>
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1 message

**postmaster@deq.idaho.gov** <postmaster@deq.idaho.gov>  
To: brady@rmes.biz

Fri, Jun 4, 2021 at 8:32 PM

**Delivery has failed to these recipients or groups:**

Wendy.Prather@deg.idaho.gov

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your email admin.

**Diagnostic information for administrators:**

Generating server: EX16DB1.deq.idaho.gov

Wendy.Prather@deg.idaho.gov

Remote Server returned '550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient not found by SMTP address lookup'

Original message headers:

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Fri, 04 Jun 2021 19:32:02 -0700 (PDT)  
MIME-Version: 1.0  
From: Brady Smith <brady@rmes.biz>  
Date: Fri, 4 Jun 2021 20:31:51 -0600  
Message-ID: <CADbY7pZqZh3-XPeWbd7gLWvEZ5SA8TR=JGVXHg5fUQzLF9m8GA@mail.gmail.com>  
Subject: Westfield Estates Div 4 thru 8  
To: <sdavies@bannockcounty.us>, Jeremy Messick <jeremym@bannockcounty.us>,  
Kiel Burmester <kielb@bannockcounty.us>, "Bollinger, David"  
<david.bollinger@bia.gov>, "Miller, Danny K" <dkmiller@blm.gov>,  
<mdwarren@blm.gov>, <hsanger@pocatello.us>, <kkeller@phd6.idaho.gov>,  
<McCauley.Margaret@epa.gov>, <ahill@sbtribes.com>, <gbillman@idl.idaho.gov>,  
<IDL\_jurisdictional@idl.idaho.gov>, Pat Brown <pbrown@idl.idaho.gov>,  
<bruce.olenick@deq.idaho.gov>, <Wendy.Prather@deq.idaho.gov>,  
<allan.johnson@deq.idaho.gov>, "Johnson, Becky"  
<becky.johnson@idfg.idaho.gov>, <james.cefalo@idwr.idaho.gov>, "Peck, Gary"  
<gpeck@idahopower.com>, <Flo.Ghighina@itd.idaho.gov>, Corey Krantz  
<Corey.Krantz@itd.idaho.gov>, <james.murphy@intgas.com>, "Colborn, Phillip"  
<phillip.colborn@intgas.com>, <portneufswcd@gmail.com>,  
<ryan.cook@rockymountainpower.net>, "Christ, Russ"  
<Russell.Christ@sparklight.biz>, <kim.obeale@usda.gov>, "Joyner, James M CIV  
USARMY CENWW (USA)" <james.m.joyner@usace.army.mil>, <nate.matlack@usda.gov>,  
<michael.rieske@williams.com>, <mrfb62@aol.com>, <downeyfirechief@gmail.com>,  
<johnny.ketner@tax.idaho.gov>, <mmiller@cityofchubbuck.us>,  
<kirk398@gmail.com>, <mccammonchief@gmail.com>, <jrfarnsworth@yahoo.com>,  
<spencer.k850@gmail.com>, <mori@bannockplanning.org>, Rodney Burch  
<rburch@cityofchubbuck.us>, <rthompson@sbtribes.com>, Timothy Gardner  
<timothy.gardner@bia.gov>, <Martin.Sorenson@bia.gov>, <reedba@sd25.us>,  
<howelldo@sd25.us>, Holly Jackson <holly.jackson@portneuflibrary.org>,  
<josh.barnes@portneuflibrary.org>, Dannis Adamson <dannisadamson@gmail.com>,  
Michael Jaglowski <mjaglowski@bannockcounty.us>  
Content-Type: multipart/mixed; boundary="0000000000000c6a0205c3fb9df7"  
Return-Path: brady@rmes.biz

Final-Recipient: rfc822;Wendy.Prather@deq.idaho.gov

Action: failed

Status: 5.1.10

Diagnostic-Code: smtp;550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient not found by SMTP address lookup

----- Forwarded message -----

From: Brady Smith <brady@rmes.biz>

To: <sdavies@bannockcounty.us>, Jeremy Messick <jeremym@bannockcounty.us>, Kiel Burmester  
<kielb@bannockcounty.us>, "Bollinger, David" <david.bollinger@bia.gov>, "Miller, Danny K" <dkmiller@blm.gov>,  
<mdwarren@blm.gov>, <hsanger@pocatello.us>, <kkeller@phd6.idaho.gov>, <McCauley.Margaret@epa.gov>,  
<ahill@sbtribes.com>, <gbillman@idl.idaho.gov>, <IDL\_jurisdictional@idl.idaho.gov>, Pat Brown  
<pbrown@idl.idaho.gov>, <bruce.olenick@deq.idaho.gov>, <Wendy.Prather@deq.idaho.gov>,  
<allan.johnson@deq.idaho.gov>, "Johnson, Becky" <becky.johnson@idfg.idaho.gov>,

<james.cefalo@idwr.idaho.gov>, "Peck, Gary" <gpeck@idahopower.com>, <Flo.Ghighina@itd.idaho.gov>, Corey Krantz <Corey.Krantz@itd.idaho.gov>, <james.murphy@intgas.com>, "Colborn, Phillip" <phillip.colborn@intgas.com>, <portneufswcd@gmail.com>, <ryan.cook@rockymountainpower.net>, "Christ, Russ" <Russell.Christ@sparklight.biz>, <kim.obele@usda.gov>, "Joyner, James M CIV USARMY CENWW (USA)" <james.m.joyner@usace.army.mil>, <nate.matlack@usda.gov>, <michael.rieske@williams.com>, <mrfb62@aol.com>, <downeyfirechief@gmail.com>, <johnny.ketner@tax.idaho.gov>, <mmiller@cityofchubbuck.us>, <kirk398@gmail.com>, <mccammonchief@gmail.com>, <jrfarnsworth@yahoo.com>, <spencer.k850@gmail.com>, <mori@bannockplanning.org>, Rodney Burch <rburch@cityofchubbuck.us>, <rthompson@sbtribes.com>, Timothy Gardner <timothy.gardner@bia.gov>, <Martin.Sorenson@bia.gov>, <reedba@sd25.us>, <howelldo@sd25.us>, Holly Jackson <holly.jackson@portneuflibrary.org>, <josh.barnes@portneuflibrary.org>, Dannis Adamson <dannisadamson@gmail.com>, Michael Jaglowski <mjaglowski@bannockcounty.us>

Cc:

Bcc:

Date: Fri, 4 Jun 2021 20:31:51 -0600

Subject: Westfield Estates Div 4 thru 8

To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |

[rmes.biz](http://rmes.biz)

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**Agency Letter-Westfield 4-8\_6.4.21.pdf**  
417K



Brady Smith &lt;brady@rmes.biz&gt;

---

**Re: [EXTERNAL] Westfield Estates Div 4 thru 8**

1 message

**Sorenson, Martin W** <Martin.Sorenson@bia.gov>

Mon, Jun 7, 2021 at 8:57 AM

To: Brady Smith &lt;brady@rmes.biz&gt;

Cc: "Gardner, Timothy J" &lt;Timothy.Gardner@bia.gov&gt;, "Bollinger, David" &lt;David.Bollinger@bia.gov&gt;

Good morning,

I don't see any new impacts to us. The notes used on the prior Westfield Estates plats should be sufficient.

Thanks,

Martin Sorenson M.S., P.E.

Civil Engineer

DOI: BIA - Fort Hall Irrigation Project

---

**From:** Brady Smith <brady@rmes.biz>
**Sent:** Friday, June 4, 2021 8:31 PM

**To:** sdavies@bannockcounty.us <sdavies@bannockcounty.us>; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; Bollinger, David <David.Bollinger@bia.gov>; Miller, Danny K <dkmiller@blm.gov>; Warren, Melissa D <mdwarren@blm.gov>; hsanger@pocatello.us <hsanger@pocatello.us>; kkeller@phd6.idaho.gov <kkeller@phd6.idaho.gov>; McCauley.Margaret@epa.gov <McCauley.Margaret@epa.gov>; ahill@sbtribes.com <ahill@sbtribes.com>; Gary Billman <GBillman@idl.idaho.gov>; IDL\_jurisdictional@idl.idaho.gov <IDL\_jurisdictional@idl.idaho.gov>; pbrown@idl.idaho.gov1 <pbrown@idl.idaho.gov>; bruce.olenick@deq.idaho.gov <bruce.olenick@deq.idaho.gov>; Wendy.Prather@deq.idaho.gov <Wendy.Prather@deq.idaho.gov>; allan.johnson@deq.idaho.gov <allan.johnson@deq.idaho.gov>; becky.johnson <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov <james.cefalo@idwr.idaho.gov>; Peck, Gary <gpeck@idahopower.com>; Flo.Ghighina@itd.idaho.gov <Flo.Ghighina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com <james.murphy@intgas.com>; Colborn, Phillip <phillip.colborn@intgas.com>; portneufswcd@gmail.com <portneufswcd@gmail.com>; ryan.cook@rockymountainpower.net <ryan.cook@rockymountainpower.net>; Christ, Russ <Russell.Christ@sparklight.biz>; kim.obeale@usda.gov <kim.obeale@usda.gov>; Joyner, James M CIV USARMY CENWW (USA) <james.m.joyner@usace.army.mil>; nate.matlack@usda.gov <nate.matlack@usda.gov>; michael.rieske@williams.com <michael.rieske@williams.com>; mrfb62@aol.com <mrfb62@aol.com>; downeyfirechief@gmail.com <downeyfirechief@gmail.com>; johnny.ketner@tax.idaho.gov <johnny.ketner@tax.idaho.gov>; mmiller@cityofchubbuck.us <mmiller@cityofchubbuck.us>; kirk398@gmail.com <kirk398@gmail.com>; mccammonchief@gmail.com <mccammonchief@gmail.com>; jrfarnsworth@yahoo.com <jrfarnsworth@yahoo.com>; spencer.k850@gmail.com <spencer.k850@gmail.com>; mori@bannockplanning.org <mori@bannockplanning.org>; Rodney Burch <rburch@cityofchubbuck.us>; rthompson@sbtribes.com <rthompson@sbtribes.com>; Gardner, Timothy J <Timothy.Gardner@bia.gov>; Sorenson, Martin W <Martin.Sorenson@bia.gov>; reedba@sd25.us <reedba@sd25.us>; howelldo@sd25.us <howelldo@sd25.us>; Holly Jackson <holly.jackson@portneuflibrary.org>; josh.barnes@portneuflibrary.org <josh.barnes@portneuflibrary.org>; Dannis Adamson <dannisadamson@gmail.com>; Michael Jaglowski

<[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)>

**Subject:** [EXTERNAL] Westfield Estates Div 4 thru 8

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To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith | Operations Manager |  
[brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798  
|

[rmes.biz](http://rmes.biz)

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Brady Smith &lt;brady@rmes.biz&gt;

---

**RE: [EXTERNAL]Re: Westfield Estates Div 4 thru 8**

1 message

---

**Peck, Gary** <GPeck@idahopower.com>

Tue, Jun 8, 2021 at 4:58 PM

To: Brady Smith &lt;brady@rmes.biz&gt;

To whom it may concern: there are no concerns with respect to providing power to the parcel of property.

Gary J. Peck

Distribution Designer

Off - 208-236-7734 Cell - 208-313-7734

[gpeck@idahopower.com](mailto:gpeck@idahopower.com)

**From:** Brady Smith <brady@rmes.biz>

**Sent:** Tuesday, June 8, 2021 4:53 PM

**To:** sdavies@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; Bollinger, David <david.bollinger@bia.gov>; hsanger@pocatello.us; kkeller@phd6.idaho.gov; McCauley,Margaret@epa.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; Pat Brown <pbrown@idl.idaho.gov>; bruce.olenick@deq.idaho.gov; allan.johnson@deq.idaho.gov; Johnson,Becky <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov; Peck, Gary <GPeck@idahopower.com>; Flo.Ghighina@itd.idaho.gov; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; Colborn, Phillip <phillip.colborn@intgas.com>; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Christ, Russ <Russell.Christ@sparklight.biz>; kim.obebe@usda.gov; nate.matlack@usda.gov; michael.rieske@williams.com; mrfb62@aol.com; downeyfirechief@gmail.com; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; kirk398@gmail.com; mccammonchief@gmail.com; jrfarnsworth@yahoo.com; spencer.k850@gmail.com; mori@bannockplanning.org; Rodney Burch <rburch@cityofchubbuck.us>; rthompson@sbtribes.com; reedba@sd25.us; howelldo@sd25.us; Holly Jackson <holly.jackson@portneuflibrary.org>; josh.barnes@portneuflibrary.org; Dannis Adamson <dannisadamson@gmail.com>; Michael Jaglowski <mjaglowski@bannockcounty.us>

**Subject:** [EXTERNAL]Re: Westfield Estates Div 4 thru 8

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To Whom it may concern



Bannock County Planning & Development Council

January 15, 2025

Page 209 of 403

Please see the attached agency request letter. This is our final attempt to request any feedback from you on our project. Please let us know by the end of the day Monday June 14th if you have any comments or concerns.

Thank you

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798     <a href="http://rmes.biz">rmes.biz</a>
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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798     <a href="http://rmes.biz">rmes.biz</a>
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**IDAHO TRANSPORTATION DEPARTMENT**

Division of Aeronautics  
3483 Rickenbacker Street • Boise ID 83705

(208) 334-8775  
[itd.idaho.gov/aero](http://itd.idaho.gov/aero)

---

June 8, 2021

FAA Study Nr: N/A

Brady Smith - RMES  
600 E Oak St.  
Pocatello, ID 83201

SUBJECT: Westfield Estates – 41.01 Acres Development

Dear Brady Smith,

I received your emails and the drawings for the Westfield Estates Project. Under the authority of the Idaho Code 21-513 through 21-520 and Idaho Transportation Rule No. 39.04.02, the Division of Aeronautics has performed an aeronautical study/obstruction evaluation for the proposed project identified above. It is our determination that this development, at the location given, will not be a hazard to air navigation or air traffic operations in the Pocatello Airport and the immediate surrounding areas.

The Idaho State Division of Aeronautics has no objection to the project.

Sincerely,

*Florian Ghighina*

FLO GHIGHINA  
Airport Inspector/Obstructions Evaluator  
208-334-8895

cc: Michael Jaglowski, P.E.  
Bannock County Representative



Brady Smith &lt;brady@rmes.biz&gt;

---

**RE: [EXTERNAL] Re: Westfield Estates Div 4 thru 8**

1 message

**Flo Ghighina** <Flo.Ghighina@itd.idaho.gov>

Tue, Jun 8, 2021 at 5:23 PM

To: Brady Smith &lt;brady@rmes.biz&gt;

Cc: "mjaglowski@bannockcounty.us" &lt;mjaglowski@bannockcounty.us&gt;

Dear Brady Smith,

as a one-time courtesy, here is the letter you requested in ref. to Westfield Estates. Be advised that in the future this office requires a min of 30 days notice in order to process this type of requests and conduct an obstruction evaluation/aeronautical study on new proposed developments. Thank you for your understanding and have a great day.

*Flo Ghighina***Flo Ghighina****Airport Inspector/Obstructions Evaluator****Division of Aeronautics**

1390 West Gowen Rd.

Boise, ID 83705

Office: 208-334-8895

Fax: 208-334-8789

---

**From:** Brady Smith <brady@rmes.biz>**Sent:** Tuesday, June 08, 2021 4:53 PM**To:** sdavies@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; Bollinger, David <david.bollinger@bia.gov>; hsanger@pocatello.us; kkeller@phd6.idaho.gov; McCauley.Margaret@epa.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; Pat Brown <pbrown@idl.idaho.gov>; bruce.olenick@deq.idaho.gov; allan.johnson@deq.idaho.gov; Johnson,Becky <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov; Peck, Gary <gpeck@idahopower.com>; Flo Ghighina

<[Flo.Ghigina@itd.idaho.gov](mailto:Flo.Ghigina@itd.idaho.gov)>; Corey Krantz <[Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov)>; [james.murphy@intgas.com](mailto:james.murphy@intgas.com);  
Colborn, Phillip <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>; [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com);  
[ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net); Christ, Russ <[Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz)>; [kim.obeale@usda.gov](mailto:kim.obeale@usda.gov);  
[nate.matlack@usda.gov](mailto:nate.matlack@usda.gov); [michael.rieske@williams.com](mailto:michael.rieske@williams.com); [mrfb62@aol.com](mailto:mrfb62@aol.com); [downeyfirechief@gmail.com](mailto:downeyfirechief@gmail.com);  
[johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov); [mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us); [kirk398@gmail.com](mailto:kirk398@gmail.com);  
[mccammonchief@gmail.com](mailto:mccammonchief@gmail.com); [jrfarnsworth@yahoo.com](mailto:jrfarnsworth@yahoo.com); [spencer.k850@gmail.com](mailto:spencer.k850@gmail.com); Mori Byington  
<[Mori@bannockplanning.org](mailto:Mori@bannockplanning.org)>; Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>; [rthompson@sbtribes.com](mailto:rthompson@sbtribes.com);  
[reedba@sd25.us](mailto:reedba@sd25.us); [howelldo@sd25.us](mailto:howelldo@sd25.us); Holly Jackson <[holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)>;  
[josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org); Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Michael Jaglowski  
<[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)>


**Subject:** [EXTERNAL] Re: Westfield Estates Div 4 thru 8

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To Whom it may concern

Please see the attached agency request letter. This is our final attempt to request any feedback from you on our project. Please let us know by the end of the day Monday June 14th if you have any comments or concerns.

Thank you

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798     <a href="http://rmes.biz">rmes.biz</a>
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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798     <a href="http://rmes.biz">rmes.biz</a>

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109K



Brady Smith &lt;brady@rmes.biz&gt;

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**RE: Westfield Estates Div 4 thru 8**

1 message

**Christ, Russ** <Russell.Christ@sparklight.biz>

Wed, Jun 9, 2021 at 7:10 AM

To: Brady Smith &lt;brady@rmes.biz&gt;

I have no comments or concerns for this project.

Thank you,

**Russell Christ**Construction Coordinator | **Sparklight**

T: 208-223-0648

204 W Alameda Rd

Pocatello, ID 83201

[russell.christ@sparklight.biz](mailto:russell.christ@sparklight.biz)


---

**From:** Brady Smith <brady@rmes.biz>
**Sent:** Tuesday, June 8, 2021 4:53 PM

**To:** [sdavies@bannockcounty.us](mailto:sdavies@bannockcounty.us); Jeremy Messick <[jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us)>; Kiel Burmester <[kielb@bannockcounty.us](mailto:kielb@bannockcounty.us)>; Bollinger, David <[david.bollinger@bia.gov](mailto:david.bollinger@bia.gov)>; [hsanger@pocatello.us](mailto:hsanger@pocatello.us); [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov); [McCauley.Margaret@epa.gov](mailto:McCauley.Margaret@epa.gov); [ahill@sbtribes.com](mailto:ahill@sbtribes.com); [gbillman@idl.idaho.gov](mailto:gbillman@idl.idaho.gov); [IDL\\_jurisdictional@idl.idaho.gov](mailto:IDL_jurisdictional@idl.idaho.gov); Pat Brown <[pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov)>; [bruce olenick@deq.idaho.gov](mailto:bruce olenick@deq.idaho.gov); [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov); Johnson,Becky <[becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov)>; [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov); Peck, Gary <[gpeck@idahopower.com](mailto:gpeck@idahopower.com)>; [Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov); Corey Krantz <[Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov)>; [james.murphy@intgas.com](mailto:james.murphy@intgas.com); Colborn, Phillip <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>; [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com); [ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net); Christ, Russ <[Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz)>; [kim.obeles@usda.gov](mailto:kim.obeles@usda.gov); [nate.matlack@usda.gov](mailto:nate.matlack@usda.gov); [michael.rieske@williams.com](mailto:michael.rieske@williams.com); [mrfb62@aol.com](mailto:mrfb62@aol.com); [downeyfirechief@gmail.com](mailto:downeyfirechief@gmail.com); [johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov); [mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us); [kirk398@gmail.com](mailto:kirk398@gmail.com); [mccammonchief@gmail.com](mailto:mccammonchief@gmail.com); [jfarnsworth@yahoo.com](mailto:jfarnsworth@yahoo.com); [spencer.k850@gmail.com](mailto:spencer.k850@gmail.com); [mori@bannockplanning.org](mailto:mori@bannockplanning.org); Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>; [rthompson@sbtribes.com](mailto:rthompson@sbtribes.com); [reedba@sd25.us](mailto:reedba@sd25.us); [howelldo@sd25.us](mailto:howelldo@sd25.us); Holly Jackson <[holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)>; [josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org); Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Michael Jaglowski <[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)>

**Subject:** Re: Westfield Estates Div 4 thru 8

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To Whom it may concern

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Thank you

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798   <a href="http://rmes.biz">rmes.biz</a>
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Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798   <a href="http://rmes.biz">rmes.biz</a>
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Brady Smith &lt;brady@rmes.biz&gt;

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**RE: [External Email]Re: Westfield Estates Div 4 thru 8**

1 message

**Obele, Kim -FS** <kim.obele@usda.gov>

Tue, Jun 8, 2021 at 4:58 PM

To: Brady Smith &lt;brady@rmes.biz&gt;

No comments

**Kim A. Obele**  
District Ranger**USDA Forest Service****Caribou-Targhee National Forest****Curlew National Grassland****Westside Ranger District****p: 208-236-7510****c: 208-220-9710****f: 208-236-7555**[kim.obele@usda.gov](mailto:kim.obele@usda.gov)

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**From:** Brady Smith <brady@rmes.biz>**Sent:** Tuesday, June 8, 2021 4:53 PM**To:** sdavies@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; Bollinger, David <david.bollinger@bia.gov>; hsanger@pocatello.us; kkeller@phd6.idaho.gov; McCauley.Margaret@epa.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; Pat Brown <pbrown@idl.idaho.gov>; bruce.olenick@deq.idaho.gov; allan.johnson@deq.idaho.gov; Johnson,Becky <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov; Peck, Gary <gpeck@idahopower.com>; Flo.Ghighina@itd.idaho.gov; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; Colborn, Phillip <phillip.colborn@intgas.com>; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Christ, Russ <Russell.Christ@sparklight.biz>; Obele, Kim -FS <kim.obele@usda.gov>; Matlack, Nate - NRCS, Riverton, WY <nate.matlack@usda.gov>;

Bannock County Planning &amp; Development Council

January 15, 2025

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michael.rieske@williams.com; mrfb62@aol.com; downeyfirechief@gmail.com; johnny.ketner@tax.idaho.gov; mmiller@cityofchubbuck.us; kirk398@gmail.com; mccammonchief@gmail.com; jrfarnsworth@yahoo.com; spencer.k850@gmail.com; mori@bannockplanning.org; Rodney Burch <rburch@cityofchubbuck.us>; rthompson@sbtibes.com; reedba@sd25.us; howelldo@sd25.us; Holly Jackson <holly.jackson@portneuflibrary.org>; josh.barnes@portneuflibrary.org; Dannis Adamson <dannisadamson@gmail.com>; Michael Jaglowski <mjaglowski@bannockcounty.us>

**Subject:** [External Email]Re: Westfield Estates Div 4 thru 8

**[External Email]**

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To Whom it may concern

Please see the attached agency request letter. This is our final attempt to request any feedback from you on our project. Please let us know by the end of the day Monday June 14th if you have any comments or concerns.

Thank you

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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Brady Smith &lt;brady@rmes.biz&gt;

---

**RE: [External Email]Westfield Estates Div 4 thru 8**

1 message

**Obele, Kim -FS** <kim.obele@usda.gov>

Sun, Jun 13, 2021 at 7:23 PM

To: Brady Smith &lt;brady@rmes.biz&gt;

No comments

**Kim A. Obele**  
District Ranger**USDA Forest Service****Caribou-Targhee National Forest****Curlew National Grassland****Westside Ranger District****p: 208-236-7510****c: 208-220-9710****f: 208-236-7555**[kim.obele@usda.gov](mailto:kim.obele@usda.gov)

4350 Cliffs Dr.

Pocatello, ID 83204

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---

**From:** Brady Smith <brady@rmes.biz>**Sent:** Friday, June 4, 2021 8:32 PM**To:** sdavies@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; Bollinger, David <david.bollinger@bia.gov>; Miller, Danny K <dkmiller@blm.gov>; mdwarren@blm.gov; hsanger@pocatello.us; kkeller@phd6.idaho.gov; McCauley.Margaret@epa.gov; ahill@sbtribes.com; gbillman@idl.idaho.gov; IDL\_jurisdictional@idl.idaho.gov; Pat Brown <pbrown@idl.idaho.gov>; bruce.olenick@deq.idaho.gov; Wendy.Prather@deq.idaho.gov; allan.johnson@deq.idaho.gov; Johnson,Becky <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov; Peck, Gary <gpeck@idahopower.com>; Flo.Ghighina@itd.idaho.gov; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; Colborn, Phillip <phillip.colborn@intgas.com>; portneufswcd@gmail.com; ryan.cook@rockymountainpower.net; Christ, Russ <Russell.Christ@sparklight.biz>; Obele, Kim -FS <kim.obele@usda.gov>; Joyner, James M CIV USARMY CENWWW

Bannock County Planning &amp; Development Council

January 15, 2025

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(USA) <[james.m.joyner@usace.army.mil](mailto:james.m.joyner@usace.army.mil)>; Matlack, Nate - NRCS, Riverton, WY <[nate.matlack@usda.gov](mailto:nate.matlack@usda.gov)>; [michael.rieske@williams.com](mailto:michael.rieske@williams.com); [mrfb62@aol.com](mailto:mrfb62@aol.com); [downeyfirechief@gmail.com](mailto:downeyfirechief@gmail.com); [johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov); [mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us); [kirk398@gmail.com](mailto:kirk398@gmail.com); [mccammonchief@gmail.com](mailto:mccammonchief@gmail.com); [jrfarnsworth@yahoo.com](mailto:jrfarnsworth@yahoo.com); [spencer.k850@gmail.com](mailto:spencer.k850@gmail.com); [mori@bannockplanning.org](mailto:mori@bannockplanning.org); Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>; [rthompson@sbtribes.com](mailto:rthompson@sbtribes.com); Timothy Gardner <[timothy.gardner@bia.gov](mailto:timothy.gardner@bia.gov)>; [Martin.Sorenson@bia.gov](mailto:Martin.Sorenson@bia.gov); [reedba@sd25.us](mailto:reedba@sd25.us); [howelldo@sd25.us](mailto:howelldo@sd25.us); Holly Jackson <[holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)>; [josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org); Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Michael Jaglowski <[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)>

**Subject:** [External Email]Westfield Estates Div 4 thru 8

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To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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Brady Smith &lt;brady@rmes.biz&gt;

---

**RE: [EXTERNAL] Re: Westfield Estates Div 4 thru 8**

1 message

**Rieske, Michael** <Michael.Rieske@williams.com>

Wed, Jun 9, 2021 at 2:47 PM

To: Brady Smith &lt;brady@rmes.biz&gt;

Mr. Smith,

Thank you for including Northwest Pipeline LLC (Northwest) in your request for review. Northwest has no comment or concerns with your proposed Westfield Estates Division 4-8 plat.

Regards,

**Michael Rieske**

Land Representative | Williams-Northwest Pipeline LLC | Land Representative | Tactical  
Projects and Technical Services | West | [295 Chipeta Way Salt Lake City, Utah 84108-1220](#)

Office: 801-584-6822 | Cell: 801-209-0353 | Fax: 801-584-6077

---

**From:** Brady Smith <brady@rmes.biz>
**Sent:** Tuesday, June 8, 2021 4:53 PM

**To:** [sdavies@bannockcounty.us](mailto:sdavies@bannockcounty.us); Jeremy Messick <[jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us)>; Kiel Burmester <[kielb@bannockcounty.us](mailto:kielb@bannockcounty.us)>; Bollinger, David <[david.bollinger@bia.gov](mailto:david.bollinger@bia.gov)>; [hsanger@pocatello.us](mailto:hsanger@pocatello.us); [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov); [McCauley.Margaret@epa.gov](mailto:McCauley.Margaret@epa.gov); [ahill@sbtribes.com](mailto:ahill@sbtribes.com); [gbillman@idl.idaho.gov](mailto:gbillman@idl.idaho.gov); [IDL\\_jurisdictional@idl.idaho.gov](mailto:IDL_jurisdictional@idl.idaho.gov); Pat Brown <[pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov)>; [bruce.olenick@deq.idaho.gov](mailto:bruce.olenick@deq.idaho.gov); [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov); Johnson,Becky <[becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov)>; [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov); Peck, Gary <[gpeck@idahopower.com](mailto:gpeck@idahopower.com)>; [Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov); Corey Krantz <[Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov)>; [james.murphy@intgas.com](mailto:james.murphy@intgas.com); Colborn, Phillip <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>; [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com); [ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net); Christ, Russ <[Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz)>; [kim.obeles@usda.gov](mailto:kim.obeles@usda.gov); [nate.matlack@usda.gov](mailto:nate.matlack@usda.gov); Rieske, Michael <[Michael.Rieske@Williams.com](mailto:Michael.Rieske@Williams.com)>; [mrfb62@aol.com](mailto:mrfb62@aol.com); [downeyfirechief@gmail.com](mailto:downeyfirechief@gmail.com); [johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov); [mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us); [kirk398@gmail.com](mailto:kirk398@gmail.com); [mccammonchief@gmail.com](mailto:mccammonchief@gmail.com); [jfarnsworth@yahoo.com](mailto:jfarnsworth@yahoo.com); [spencer.k850@gmail.com](mailto:spencer.k850@gmail.com); [mori@bannockplanning.org](mailto:mori@bannockplanning.org); Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>; [rthompson@sbtribes.com](mailto:rthompson@sbtribes.com); [reedba@sd25.us](mailto:reedba@sd25.us); [howelldo@sd25.us](mailto:howelldo@sd25.us); Holly Jackson <[holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)>; [josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org); Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Michael Jaglowski <[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)>

**Subject:** [EXTERNAL] Re: Westfield Estates Div 4 thru 8

To Whom it may concern

Please see the attached agency request letter. This is our final attempt to request any feedback from you on our project. Please let us know by the end of the day Monday June 14th if you have any comments or concerns.

Thank you

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798	<a href="http://rmes.biz">rmes.biz</a>
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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

Please see the attached agency request letter.

Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798	<a href="http://rmes.biz">rmes.biz</a>
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### **HEALTH DEPARTMENT NARRATIVE 6.15.21**

Six District Health Department assessment and subsequent report will be forthcoming. Their decision to provide an assessment and report may not be necessary since we are connecting to city water and sewer as part of this project.



Brady Smith &lt;brady@rmes.biz&gt;

---

**Re: Westfield Estates Div 4 thru 8**

1 message

**Brady Smith** <brady@rmes.biz>

Tue, Jun 8, 2021 at 4:52 PM

To: sdavies@bannockcounty.us, Jeremy Messick <jeremym@bannockcounty.us>, Kiel Burmester <kielb@bannockcounty.us>, "Bollinger, David" <david.bollinger@bia.gov>, hsanger@pocatello.us, kkeller@phd6.idaho.gov, McCauley.Margaret@epa.gov, ahill@sbtribes.com, gbillman@idl.idaho.gov, IDL\_jurisdictional@idl.idaho.gov, Pat Brown <pbrown@idl.idaho.gov>, bruce.olenick@deq.idaho.gov, allan.johnson@deq.idaho.gov, "Johnson,Becky" <becky.johnson@idfg.idaho.gov>, james.cefalo@idwr.idaho.gov, "Peck, Gary" <gpeck@idahopower.com>, Flo.Ghighina@itd.idaho.gov, Corey Krantz <Corey.Krantz@itd.idaho.gov>, james.murphy@intgas.com, "Colborn, Phillip" <phillip.colborn@intgas.com>, portneufswcd@gmail.com, ryan.cook@rockymountainpower.net, "Christ, Russ" <Russell.Christ@sparklight.biz>, kim.obeale@usda.gov, nate.matlack@usda.gov, michael.rieske@williams.com, mrfb62@aol.com, downeyfirechief@gmail.com, johnny.ketner@tax.idaho.gov, mmiller@cityofchubbuck.us, kirk398@gmail.com, mccammonchief@gmail.com, jrfarnsworth@yahoo.com, spencer.k850@gmail.com, mori@bannockplanning.org, Rodney Burch <rburch@cityofchubbuck.us>, rthompson@sbtribes.com, reedba@sd25.us, howelldo@sd25.us, Holly Jackson <holly.jackson@portneuflibrary.org>, josh.barnes@portneuflibrary.org, Dannis Adamson <dannisadamson@gmail.com>, Michael Jaglowski <mjaglowski@bannockcounty.us>

To Whom it may concern

Please see the attached agency request letter. This is our final attempt to request any feedback from you on our project. Please let us know by the end of the day Monday June 14th if you have any comments or concerns.

Thank you

---

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |[rmes.biz](http://rmes.biz)

---

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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

Please see the attached agency request letter.

---

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |[rmes.biz](http://rmes.biz)

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**Agency Letter-Westfield 4-8\_6.8.21.pdf**  
417K





Brady Smith &lt;brady@rmes.biz&gt;

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**RE: Westfield Estates Div 4 thru 8**

1 message

---

**Rodney Burch** <rburch@cityofchubbuck.us>

Thu, Jul 15, 2021 at 8:10 AM

To: Brady Smith &lt;brady@rmes.biz&gt;

Cc: Dannis Adamson &lt;dannisadamson@gmail.com&gt;, "Christensen, Jay" &lt;jay@jayshomes.com&gt;

The revised concept layout appears to meet the City of Chubbuck, BTPO access management policy expectations. Minor changes may be required during the platting stage when specific dimensions are provided.

Thanks.....

**Rodney T. Burch, PLS**

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]**Sent:** Wednesday, July 14, 2021 4:52 PM**To:** Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>**Cc:** Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Christensen, Jay <[jay@jayshomes.com](mailto:jay@jayshomes.com)>**Subject:** Re: Westfield Estates Div 4 thru 8

Rodney

Thank you for the revised letter. We have since revised the concept map to address the second bullet point item related to the access control standards. The remaining bullet point items will be addressed on forthcoming preliminary plat maps as we move through the upcoming divisions. Could you please take a look at the revised map and let us know if you agree that we have met the city's expectations with regards to the access control standards.

Thanks



Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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On Thu, Jul 8, 2021 at 11:39 AM Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)> wrote:

Brady,

Please see the attached letter with revisions as directed by City Council.

Thanks.....



**Rodney T. Burch, PLS**

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]

**Sent:** Monday, June 21, 2021 11:11 AM

**To:** Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>

**Cc:** Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Christensen, Jay <[jay@jayshomes.com](mailto:jay@jayshomes.com)>

**Subject:** Re: Westfield Estates Div 4 thru 8

Rodney

We would like to propose meeting with you at 9am on Wednesday June 23rd, if that works for you?

Thanks



Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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On Mon, Jun 21, 2021 at 8:41 AM Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)> wrote:

Brady,

I am currently available Tuesday after 3 or anytime Wednesday.

Thanks.....



Rodney T. Burch, PLS

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]  
**Sent:** Wednesday, June 16, 2021 4:51 PM  
**To:** Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>  
**Cc:** Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>  
**Subject:** Re: Westfield Estates Div 4 thru 8

Thanks for letting me know. I think we would still like to meet next week if possible. It will just be me and Jay instead. If you could let me know when a good time for you is, we will make it work.



Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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On Wed, Jun 16, 2021 at 1:04 PM Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)> wrote:

Our team is at AIC conference in Boise for the next 3 days so are unavailable until next week.

Is it possible to represent the concerns via email?

Sent from my iPhone

On Jun 16, 2021, at 12:50 PM, Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

Bannock County Planning & Development Council

January 15, 2025

Page 230 of 403

Rodney

Just following up with you to see if there was a time this week that Dannis and I could come meet with you? Dannis will be out of town next week, so we were hoping to meet together before he leaves.

Thanks


Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798     <a href="http://rmes.biz">rmes.biz</a>
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On Tue, Jun 15, 2021 at 12:17 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

Rodney

I have spoken with my client about the letter you sent us and we were wondering if there was a time either tomorrow, Thursday or Friday that you could meet with us to discuss. We are definitely wanting to get ahead of this before the concept review meeting comes up in case any questions arise pertaining to the letters we received through this process.

Anyway if you have time for us this week to come out to the city we will try our best to accommodate your schedule.

Thanks


Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798     <a href="http://rmes.biz">rmes.biz</a>
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On Mon, Jun 14, 2021 at 3:16 PM Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)> wrote:

Brady,

I have attached the City's comments.

Would you like me to distribute to the other agencies?

Thanks.....

<image001.jpg>

**Rodney T. Burch, PLS**

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]

**Sent:** Tuesday, June 8, 2021 4:53 PM

**To:** [sdavies@bannockcounty.us](mailto:sdavies@bannockcounty.us); Jeremy Messick <[jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us)>; Kiel Burmester <[kielb@bannockcounty.us](mailto:kielb@bannockcounty.us)>; Bollinger, David <[david.bollinger@bia.gov](mailto:david.bollinger@bia.gov)>; [hsanger@pocatello.us](mailto:hsanger@pocatello.us); [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov); [McCauley.Margaret@epa.gov](mailto:McCauley.Margaret@epa.gov); [ahill@sbtribes.com](mailto:ahill@sbtribes.com); [gbillman@idl.idaho.gov](mailto:gbillman@idl.idaho.gov); [IDL\\_jurisdictional@idl.idaho.gov](mailto:IDL_jurisdictional@idl.idaho.gov); Pat Brown <[pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov)>; [bruce.olenick@deq.idaho.gov](mailto:bruce.olenick@deq.idaho.gov); [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov); Johnson, Becky <[becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov)>; [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov); Peck, Gary <[gpeck@idahopower.com](mailto:gpeck@idahopower.com)>; [Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov); Corey Krantz <[Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov)>; [james.murphy@intgas.com](mailto:james.murphy@intgas.com); Colborn, Phillip <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>; [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com); [ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net); Christ, Russ <[Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz)>

> [kim.obebe@usda.gov](mailto:kim.obebe@usda.gov); [nate.matlack@usda.gov](mailto:nate.matlack@usda.gov); [michael.rieske@williams.com](mailto:michael.rieske@williams.com); [mrfb62@aol.com](mailto:mrfb62@aol.com); [downeyfirechief@gmail.com](mailto:downeyfirechief@gmail.com); [johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov); Merlin Miller <[mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us)>; [kirk398@gmail.com](mailto:kirk398@gmail.com); [mccammonchief@gmail.com](mailto:mccammonchief@gmail.com); [jrfarnsworth@yahoo.com](mailto:jrfarnsworth@yahoo.com); [spencer.k850@gmail.com](mailto:spencer.k850@gmail.com); [mori@bannockplanning.org](mailto:mori@bannockplanning.org); Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>; [rthompson@sbtribes.com](mailto:rthompson@sbtribes.com); [reedba@sd25.us](mailto:reedba@sd25.us); [howelldo@sd25.us](mailto:howelldo@sd25.us); Holly Jackson <[holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)>; [josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org); Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Michael Jaglowski <[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)>

**Subject:** Re: Westfield Estates Div 4 thru 8

To Whom it may concern

Please see the attached agency request letter. This is our final attempt to request any feedback from you on our project. Please let us know by the end of the day Monday June 14th if you have any comments or concerns.

Thank you

**RMES**  
Engineers ♦ Surveyors ♦ Planners

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 | 

 [rmes.biz](http://rmes.biz)

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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

Please see the attached agency request letter.



Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 | 



rmes.biz

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Brady Smith &lt;brady@rmes.biz&gt;

---

**RE: Westfield Estates Div 4 thru 8**

1 message

---

**Rodney Burch** <rburch@cityofchubbuck.us>

Thu, Jul 15, 2021 at 8:10 AM

To: Brady Smith &lt;brady@rmes.biz&gt;

Cc: Dannis Adamson &lt;dannisadamson@gmail.com&gt;, "Christensen, Jay" &lt;jay@jayshomes.com&gt;

The revised concept layout appears to meet the City of Chubbuck, BTPO access management policy expectations. Minor changes may be required during the platting stage when specific dimensions are provided.

Thanks.....

**Rodney T. Burch, PLS**

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]**Sent:** Wednesday, July 14, 2021 4:52 PM**To:** Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>**Cc:** Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Christensen, Jay <[jay@jayshomes.com](mailto:jay@jayshomes.com)>**Subject:** Re: Westfield Estates Div 4 thru 8

Rodney

Thank you for the revised letter. We have since revised the concept map to address the second bullet point item related to the access control standards. The remaining bullet point items will be addressed on forthcoming preliminary plat maps as we move through the upcoming divisions. Could you please take a look at the revised map and let us know if you agree that we have met the city's expectations with regards to the access control standards.

Thanks



Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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On Thu, Jul 8, 2021 at 11:39 AM Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)> wrote:

Brady,

Please see the attached letter with revisions as directed by City Council.

Thanks.....



Rodney T. Burch, PLS

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]

**Sent:** Monday, June 21, 2021 11:11 AM

**To:** Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>

**Cc:** Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Christensen, Jay <[jay@jayshomes.com](mailto:jay@jayshomes.com)>

**Subject:** Re: Westfield Estates Div 4 thru 8

Rodney

We would like to propose meeting with you at 9am on Wednesday June 23rd, if that works for you?

Thanks



Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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On Mon, Jun 21, 2021 at 8:41 AM Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)> wrote:

Brady,

I am currently available Tuesday after 3 or anytime Wednesday.

Thanks.....



Rodney T. Burch, PLS

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]  
**Sent:** Wednesday, June 16, 2021 4:51 PM  
**To:** Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>  
**Cc:** Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>  
**Subject:** Re: Westfield Estates Div 4 thru 8

Thanks for letting me know. I think we would still like to meet next week if possible. It will just be me and Jay instead. If you could let me know when a good time for you is, we will make it work.



Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 |   [rmes.biz](http://rmes.biz)

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On Wed, Jun 16, 2021 at 1:04 PM Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)> wrote:

Our team is at AIC conference in Boise for the next 3 days so are unavailable until next week.

Is it possible to represent the concerns via email?

Sent from my iPhone

On Jun 16, 2021, at 12:50 PM, Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

Bannock County Planning & Development Council

January 15, 2025

Page 238 of 403

Rodney

Just following up with you to see if there was a time this week that Dannis and I could come meet with you? Dannis will be out of town next week, so we were hoping to meet together before he leaves.

Thanks


Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798     <a href="http://rmes.biz">rmes.biz</a>
<b>Focused on Solutions</b>
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On Tue, Jun 15, 2021 at 12:17 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

Rodney

I have spoken with my client about the letter you sent us and we were wondering if there was a time either tomorrow, Thursday or Friday that you could meet with us to discuss. We are definitely wanting to get ahead of this before the concept review meeting comes up in case any questions arise pertaining to the letters we received through this process.

Anyway if you have time for us this week to come out to the city we will try our best to accommodate your schedule.

Thanks


Brady M. Smith   Operations Manager   <a href="mailto:brady@rmes.biz">brady@rmes.biz</a>   o 208.234.0110   c 208.705.0798     <a href="http://rmes.biz">rmes.biz</a>
<b>Focused on Solutions</b>

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On Mon, Jun 14, 2021 at 3:16 PM Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)> wrote:

Brady,

I have attached the City's comments.

Would you like me to distribute to the other agencies?

Thanks.....

<image001.jpg>

**Rodney T. Burch, PLS**

Public Works Director

[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)

5160 Yellowstone Avenue

PO Box 5604

Chubbuck, Idaho 83202

Office: 208-237-2430 ext 132

Direct: 208-239-3232

---

**From:** Brady Smith [mailto:[brady@rmes.biz](mailto:brady@rmes.biz)]

**Sent:** Tuesday, June 8, 2021 4:53 PM

**To:** [sdavies@bannockcounty.us](mailto:sdavies@bannockcounty.us); Jeremy Messick <[jeremym@bannockcounty.us](mailto:jeremym@bannockcounty.us)>; Kiel Burmester <[kielb@bannockcounty.us](mailto:kielb@bannockcounty.us)>; Bollinger, David <[david.bollinger@bia.gov](mailto:david.bollinger@bia.gov)>; [hsanger@pocatello.us](mailto:hsanger@pocatello.us); [kkeller@phd6.idaho.gov](mailto:kkeller@phd6.idaho.gov); [McCauley.Margaret@epa.gov](mailto:McCauley.Margaret@epa.gov); [ahill@sbtribes.com](mailto:ahill@sbtribes.com); [gbillman@idl.idaho.gov](mailto:gbillman@idl.idaho.gov); [IDL\\_jurisdictional@idl.idaho.gov](mailto:IDL_jurisdictional@idl.idaho.gov); Pat Brown <[pbrown@idl.idaho.gov](mailto:pbrown@idl.idaho.gov)>; [bruce.olenick@deq.idaho.gov](mailto:bruce.olenick@deq.idaho.gov); [allan.johnson@deq.idaho.gov](mailto:allan.johnson@deq.idaho.gov); Johnson, Becky <[becky.johnson@idfg.idaho.gov](mailto:becky.johnson@idfg.idaho.gov)>; [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov); Peck, Gary <[gpeck@idahopower.com](mailto:gpeck@idahopower.com)>; [Flo.Ghighina@itd.idaho.gov](mailto:Flo.Ghighina@itd.idaho.gov); Corey Krantz <[Corey.Krantz@itd.idaho.gov](mailto:Corey.Krantz@itd.idaho.gov)>; [james.murphy@intgas.com](mailto:james.murphy@intgas.com); Colborn, Phillip <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>; [portneufswcd@gmail.com](mailto:portneufswcd@gmail.com); [ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net); Christ, Russ <[Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz)>

> [kim.obebe@usda.gov](mailto:kim.obebe@usda.gov); [nate.matlack@usda.gov](mailto:nate.matlack@usda.gov); [michael.rieske@williams.com](mailto:michael.rieske@williams.com); [mrfb62@aol.com](mailto:mrfb62@aol.com); [downeyfirechief@gmail.com](mailto:downeyfirechief@gmail.com); [johnny.ketner@tax.idaho.gov](mailto:johnny.ketner@tax.idaho.gov); Merlin Miller <[mmiller@cityofchubbuck.us](mailto:mmiller@cityofchubbuck.us)>; [kirk398@gmail.com](mailto:kirk398@gmail.com); [mccammonchief@gmail.com](mailto:mccammonchief@gmail.com); [jrfarnsworth@yahoo.com](mailto:jrfarnsworth@yahoo.com); [spencer.k850@gmail.com](mailto:spencer.k850@gmail.com); [mori@bannockplanning.org](mailto:mori@bannockplanning.org); Rodney Burch <[rburch@cityofchubbuck.us](mailto:rburch@cityofchubbuck.us)>; [rthompson@sbtribes.com](mailto:rthompson@sbtribes.com); [reedba@sd25.us](mailto:reedba@sd25.us); [howelldo@sd25.us](mailto:howelldo@sd25.us); Holly Jackson <[holly.jackson@portneuflibrary.org](mailto:holly.jackson@portneuflibrary.org)>; [josh.barnes@portneuflibrary.org](mailto:josh.barnes@portneuflibrary.org); Dannis Adamson <[dannisadamson@gmail.com](mailto:dannisadamson@gmail.com)>; Michael Jaglowski <[mjaglowski@bannockcounty.us](mailto:mjaglowski@bannockcounty.us)>

**Subject:** Re: Westfield Estates Div 4 thru 8

To Whom it may concern

Please see the attached agency request letter. This is our final attempt to request any feedback from you on our project. Please let us know by the end of the day Monday June 14th if you have any comments or concerns.

Thank you

**RMES**  
Engineers ♦ Surveyors ♦ Planners

Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 | 

 [rmes.biz](http://rmes.biz)

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On Fri, Jun 4, 2021 at 8:31 PM Brady Smith <[brady@rmes.biz](mailto:brady@rmes.biz)> wrote:

To Whom it may concern

Please see the attached agency request letter.



Brady M. Smith | Operations Manager | [brady@rmes.biz](mailto:brady@rmes.biz) | o 208.234.0110 | c 208.705.0798 | 



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# EXHIBIT 3

## Road & Bridge Staff Report



# PUBLIC WORKS

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.233-9591 | [www.bannockcounty.us](http://www.bannockcounty.us)

## **DEVIATION FROM HIGHWAY STANDARDS AND DEVELOPMENT PROCEDURES PUBLIC HEARING: JANUARY 15, 2025 STAFF REPORT**

**FILE #:** SCP-24-8

**LOCATION:** *Westfield Estates - Division 6* 11824 Devonshire Dr  
Pocatello, ID 83202 RPR3853006604

**REQUEST & BACKGROUND:** Applicant David Assan seeks a deviation according to §2100 – Highway Standards and Roadway Development Procedures for Bannock County. Applicant requests the following Road Design Deviations:

**ROAD DESIGN DEVIATION REQUEST #1:** Roads in the proposed subdivision are to be built according to the City of Chubbuck Standards.

### **APPLICABLE LAWS AND POLICIES:**

**Highway Standards and Development Procedures for the Bannock County  
Road and Bridge Department  
2100. Area of City Impact**

**2100.010.** When construction of a new roadway or modification to an existing roadway occurs within the area of city impact, the RBD may apply the standards and specifications of the City at the RBD's discretion and shall afford the appropriate City an opportunity to provide comments on the Subdivision or Development and may incorporate any City comments into the RBD's Approval Requirements.

**Staff Findings:** Westfield Estates—Division 6 meets the criteria and is located in the City of Chubbuck's area of impact. During construction, all work within the right-of-way will need to be built to approved city road and utility standards. The city and county will need to approve and review all testing and inspections.

**REPORT BY:**  
Kiel Burmester, Public Works Director  
[kielb@bannockcounty.us](mailto:kielb@bannockcounty.us)  
208.233.9591

**REPORTED DATE:** January 06, 2025  
*\*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.*

STAFF REPORT  
CONCEPT PLAN VARIANCE- Westfield Estates – Division 6  
Page 1 of 1

# EXHIBIT 4

## Agency Comments



January 7, 2025

Mr. Hal Jensen, Planning Director  
Bannock County Office of Planning & Development Services  
5500 S. 5<sup>th</sup> Ave  
Pocatello, ID 83204

Subject: Subdivision Concept Plan – Westfield Estates Division 6 – Assan

Dear Mr. Jensen:

The Idaho Department of Environmental Quality (DEQ) has reviewed the subject document and would like to offer our general recommendations for land development projects (attached).

If you have questions or comments, please contact me at (208) 236-6160 or via email at [Allan.Johnson@deq.idaho.gov](mailto:Allan.Johnson@deq.idaho.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Allan Johnson", is written over a light blue circular background.

Allan Johnson, P.E.  
Regional Engineering Manager  
DEQ Pocatello Regional Office

EDMS# 2025AGD59

Attachments: DEQ General Recommendations for Land Development Projects.

c: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office

## **General Recommendations**

The following comments are generally applicable to land development projects or other land use activities with the potential to cause impacts to ground water, air quality or surface water. DEQ provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

### **Engineering**

DEQ recommends consolidation of drinking water and/or wastewater services wherever feasible especially in areas where ground water used for public drinking water supplies is potentially impacted. DEQ considers the following alternatives generally more protective of ground water resources than using individual well and septic systems for each lot, and we recommend that the county require the developer to investigate the following options:

- Provide either a centralized, community drinking water or centralized community wastewater system or both, or
- Connect each lot to an existing community drinking water system or to an existing community wastewater system or both.

In accordance with Idaho Code 39-118, construction plans & specifications prepared by a professional engineer are required for DEQ review and approval prior to construction if the proposed development is to be served by either a community drinking water or sewer system. DEQ requires that a water system serving 10 or more connections is constructed and operated in compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems."

### **Air Quality**

New emission sources are generally required to follow applicable regulations for permitting or exempting new sources. These are outlined in the Rules for the control of Air Pollution in Idaho.

Of particular concern is IDAPA 58.01.01.200-228 which establishes uniform procedures and requirements for the issuance of "Permits to Construct".

Sections 58.01.01.220-223 specifically may be used by owners or operators to exempt certain sources from the requirements to obtain a permit to construct.

Land development projects are generally required to follow applicable regulations outlined in the Rules for the control of Air Pollution in Idaho. Of particular concern is IDAPA 58.01.01.650 and 651 Rules for Control of Fugitive Dust.

Section 650 states, "The purpose of sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust."

Section 651 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.
02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.

03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.
05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.
06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

### **Surface Water Quality**

Land disturbance activities associated with development (i.e. - road building, stream crossings, land clearing) have the potential to impact water quality and riparian habitat.

If this project will ultimately disturb one or more acres and there is a possibility of discharging stormwater or site dewatering water to Surface Waters of the United States, the operator may need to submit a Notice of Intent (NOI) for coverage under the Idaho Pollutant Discharge Elimination System (IPDES) 2022 Construction General Permit (CGP). NOIs can be submitted via the IPDES E-Permitting System (<https://www2.deq.idaho.gov/water/IPDES/>). The 2022 IPDES CGP requires a Storm Water Pollution Prevention Plan (SWPPP), implementation of Best Management Practices (BMPs) to reduce the sediment and other pollutants discharged and requires regular site inspections by persons trained and knowledgeable about erosion, sediment control, and pollution prevention.

Site contractors should remove equipment and machinery from the vicinity of the waterway to an upland location prior to any refueling, repair, or maintenance. After construction is completed, disturbed riparian areas should be re-vegetated.

### **Waste Management - Hazardous Material - Petroleum Storage**

With the increasing population in southeast Idaho, to ensure sufficient solid waste capacity and service availability. It is recommended that subdivision developers be instructed to contact the appropriate solid waste collection provider and landfill for solid waste disposal coordination.

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e. fuel, oil and other chemicals) are most associated with the transportation and delivery to work sites or facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

- Hazardous and Deleterious Material Storage IDAPA 58.01.02.800
- Hazardous Material Spills, IDAPA 58.01.02.850
- Rules and Standards for Hazardous Waste IDAPA 58.01.05
- Petroleum Release Reporting, Investigation and Confirmation IDAPA 58.01.02 .851
- Petroleum Release Response and Corrective Action IDAPA 58.01.02.852

Please note, The Idaho Release, Reporting and Corrective Action Regulations, IDAPA 58.01.02.851; require notification within 24 hours of any spill of petroleum product greater than 25 gallons and notification for the release of lesser amounts if they cannot be cleaned up within twenty-four (24) hours. The cleanup requirements for petroleum are also contained in these regulations.

For reporting requirements of hazardous substances please see Idaho Statute Title 39 Chapter 7, Hazardous Substance Emergency Response Act including section 39-7108 Notification of Release is Required.

# EXHIBIT 5

## Ordinance Excerpts

**330 RESIDENTIAL SUBURBAN DISTRICT (RS)****331 PURPOSE:**

The Residential Suburban zoning district is established to provide small (one acre or less) residential estates on municipal sewage treatment facilities and/or water systems, or larger lot development where sewer effluent and water systems can be provided. The RS district is located on the boundaries of the County's cities where municipal services are expected to be extended, and usually within a city's area of impact.

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

The Residential Suburban designation is to be applied to existing smaller lot neighborhoods which are currently developed for residential use and are designated to remain so by the Comprehensive Plan, and for areas of undeveloped land which are deemed suitable and appropriate for development of residential uses according to criteria set forth in the comprehensive plan. Factors to be considered in designating land for Residential Suburban districts should include, but not be limited to, availability of county services and roads, surrounding land uses, the suitability of the land for extension of municipal services.

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

Uses permitted in the Residential Suburban district shall be as follows:

- A. Single-family dwellings.
- B. Duplexes.
- C. Livestock on one acre or more of land.
- D. Public service facilities
- E. Livestock pens or runs located a minimum distance of 50 feet from a neighboring house, or the minimum setback for a residence if no house yet exists.
- F. Accessory buildings, structures and uses which are customarily incidental to residential uses.
- G. Home occupations as defined in this Ordinance.
- H. Churches.
- I. State licensed day care for up to 6 client children at any one time in the day care



operator's primary residence or a day care center.

J. Golf courses.

K. Private, noncommercial recreational facilities.

### 334 USES CONDITIONALLY PERMITTED:

The following land uses may be permitted conditionally in the Residential Suburban district subject to conditions established elsewhere in this Ordinance.

A. Public utility installations, not including business offices, repair or storage facilities.

B. State licensed day care for more than six client children at any one time to a maximum of 20 children in the day care operator's primary residence; licensed day care for over 20 children may be conditionally permitted in a structure which was not initially constructed for residential purposes.

C. Cemeteries.

D. Institutional housing.

E. Multi-family dwellings.

### 335 PARKING STANDARDS:

Parking spaces for residential uses within the Residential Suburban district shall be required in accord with the standards established by this section.

335.1 Developers of residential structures shall provide parking spaces as required by the following table:

PARKING SPACES REQUIRED PER UNIT DWELLING UNITS/STRUCTURE (read across)				
Number of Bedrooms/Unit	1	2	3-6*	7 or more
1	2	2	1.6	1.5
2	2	2	1.8	1.6
3	2	2	2.0	1.8
4	3	3	2.2	2.0
5 or more	3	3	2.4	2.0

\*Applies to congregate parking for apartments in the Residential Suburban district. Attached single-family units on individual lots shall provide parking in accord with standards for single-family dwellings.

- 335.2 All congregate parking areas shall be separated from adjacent lands by a sight proof fence or hedge at least four feet in height. No paving for congregate parking areas shall be placed any closer than five feet from an adjacent residentially-zoned property line.
- 335.3 Landscaping for congregate parking lots in the Residential Suburban district shall contain at least one-and-one-half-inch caliper tree per fifty square feet for all required landscaping within the bounds of the parking lot.
- 335.4 Any trash collection or storage facilities for multi-family residential uses shall be located at least ten feet from adjacent residential property and at least ten feet from any windows in the walls of the buildings they serve.
- 335.5 Congregate parking lots shall be located behind the front setback line of the buildings they serve.
- 335.6 Congregate parking lots shall have direct driveway access to a public or private road.
- 335.7 Parking lots shall be maintained in a dust-free condition.
- 335.8 Parking lot landscaping equal to ten percent of the total parking lot area shall be provided in residential parking lots. Said landscaping shall be placed within the perimeter of the actual parking area.
- 335.9 Parking spaces shall have an effective width of nine feet and an effective length of eighteen feet. Maneuver space for parking spaces shall be provided on the site in question. Parking spaces shall be arranged in such fashion that circulation is convenient and well integrated with off-site traffic flow.
- 336 SUBDIVIDING IN THE RESIDENTIAL SUBURBAN DISTRICT: The following methods of subdividing are permitted in the RS zone:
- A. Open Space Designed Subdivision (Sec. 401 of Subdivision Ordinance) with density of one dwelling per acre.
1. OPEN SPACE designed subdivisions are required in the RS zone if 25% or more of the proposed development is 5000 feet elevation or more or if proposal includes lands designated important wildlife habitat.
- B. Conventional Subdivision: (**Amendment #4 Ordinance # 2000-2**)
1. Within a city's area of impact, a minimum lot size of five acres is required where septic tank and drainfield sewage disposal systems are proposed. Such lots may not be further subdivided, and the plat and deeds must so indicate. Lots of less than five acres must employ municipal treatment of sewage or private sewage treatment systems which treat sewage such that the effluent is equal to or less contaminated than that of the City of

Pocatello sewage treatment facility. Such treatment facilities shall be built to the design standards of the city whose impact area it is within.

2. Outside a city's area of impact, the usual lot size of one acre may be proposed for on-site sewage disposal where soil type, distance to ground water and other factors are adequate to prevent ground or surface water contamination.

C. Planned Unit Development provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI); density may be up to one dwelling per 1/3 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. Developments for uses other than residential and neighborhood commercial shall not be permitted in the RS district.

2. The increased density allowed in a PUD shall be offset by provision of common open space equal to at least ten percent of the net developed area of the project. The open space shall be usable ground.

3. Minimum size for a planned unit development in the RS district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. **(Amendment #19 Ordinance #2008-4)**

D. All subdivisions on a city boundary must be annexed into that city which has designated that land to be within its "Area of City Impact".

1. In the event the City declines, in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

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

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

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

	MINIMUM LOT AREA	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	1 acre	30	50	20	10	35
Two-Family Residence	¾ / D.U.	30	50	20	10	35
Multi-Family Residence	½ / D.U.	30	50	30	20	35
Residential Accessory Structures (see section 401.C.4)	-	30	50	20	10	35
Farm Animal Structure		30	50	30	30	15
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.

Larger lot sizes may be required by the District Health Department.

Minimum Lot Size: Five acres where well and or septic tank/drainfield system is used within a city's area of impact.

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

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

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

### 302 CONCEPTUAL OR MASTER PLAN REVIEW:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



# FINDINGS

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

**CONCEPT PLAN – WESTFIELD ESTATES DIVISION 6  
PUBLIC HEARING: JANUARY 15, 2025**

**FILE #:** SCP-24-8  
**LOCATION:** RPR3853006605, currently unaddressed and RPRRWE4000500, currently addressed as 11824 Devonshire Drive, Chubbuck, ID 83202.

<b>APPLICANT:</b>	<b>OWNER:</b>	
Sunrise Engineering	Rio Vista Land LLC	Colter and Shanel Sears
David Assan	158 S. Main Street	11824 Devonshire Drive
600 E. Oak Street	Pocatello, ID 83204	Chubbuck, ID 83202
Pocatello, ID 83201		

**REQUEST & BACKGROUND:** David Assan proposes to subdivide approximately 7.15 acres of land into 13 lots. The proposal includes a replat of Lot 9, Block 3 of Westfield Estates Division 4. The development proposes City of Chubbuck water and sewer. There will be 13 buildable lots and will be between 0.45 and 0.58 acres in size. This subdivision is located ~ 0.47 miles from the city of Chubbuck boundary.

**FINDINGS:**

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

**SITE CHARACTERISTICS AND ZONING:**

ZONE: Residential Suburban

PROPERTY SIZE: ~ 7.15 acres

VIEWS: The property is visible from all directions.

IMPACT AREA: City of Chubbuck

FLOOD ZONE: X, minimal

TERRAIN: Relatively flat

EXISTING STRUCTURES: Residential dwelling and accessory structures.

OTHER: Proposed lot 9 located within Westfield Estates Division 4.

**NOTICE AND TESTIMONY REQUIREMENTS:**

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

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

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

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

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**REQUIRED FINDINGS FOR DESIGN DEVIATION/VARIANCE:**

- i. That literal interpretation and enforcement of the regulation **[would] [would not]** result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of these standards.

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- ii. That there **[are] [are not]** extraordinary site characteristics applicable to the property involved or to the intended use of the property, which does not generally apply to other properties.

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- iii. That literal interpretation and enforcement of the regulation **[would] [would not]** deprive the applicant of privileges enjoyed by the owners of other properties.

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- iv. That the granting of the variance **[will] [will not]** constitute a grant of special privilege inconsistent with the limitations on other properties.

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- v. That the granting of the variance **[will]** **[will not]** be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvements in the vicinity.

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

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

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

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

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

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### **ORDER: CONCLUSION AND DECISION**

The Planning and Development Council, pursuant to the aforementioned, finds that the request for Westfield Estates Division 6 Concept Plan, as described in the application, shall be **[approved]** **[denied]** **[tabled]**.

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

ROLL CALL:

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

**ACKNOWLEDGEMENT CERTIFICATE**

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

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, 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\_\_\_\_

# MOTION

## EXAMPLE MOTION

Based on the record and the discussion this evening, I move to **[approve]** **[deny]** **[table]** the request for the Westfield Estates Division 6 Concept Plan as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

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

AGENDA ITEM NO. 8

Ordinance Change –

Zoning Ordinance Text Amendment



471.1 STANDARD LOTS/PARCELS: Standard lots/parcels are defined as those created with review and approval through the Bannock County Planning and Development Office, utilizing Bannock County ordinances and standards. Any lot/parcel that was created before April 1, 2015, and is not a standard lot, may still be eligible for development provided the property owner can obtain a sewer permit from the District Health Department and meets at least one of the following criteria:

1. That all other development standards in Bannock County ordinances are met,
2. That the lot/parcel maintained the same legal description since July 9, 1984' or;
3. That the lot/parcel had a Record of Survey recorded between ~~April 1, 2015~~ July 9, 1984 and June 14, 2022.

**(Amendment No. 61 Ordinance No. #2022-04)**

AGENDA ITEM NO. 9  
Ordinance Adoption –  
Agricultural Protection Area Ordinance

## 200 DEFINITIONS

Add:

**Agriculture Production:** means activities or conditions conducted on land actively devoted to agriculture as defined in section 63-604, Idaho Code, or on forest land as defined in section 63-1701, Idaho Code.

**Agriculture Protection Area (APA):** means specific parcels of land in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.

**Agriculture Protection Area Commission:** means the advisory board to the governing body created pursuant to section 67-9705, Idaho Code.

**Area of City Impact (AOI):** area designated by county ordinance where city growth and development are expected to occur.

**Hardship:** means a situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

## 461 AGRICULTURAL PROTECTION AREA

An Agricultural Protection Area (APA) designation is a voluntary process by which a property owner may commit lands actively devoted to agriculture for future agricultural use. An APA designation aims to protect productive farmland, rangeland, and forest land; promote farm viability; support the local agricultural economy; and provide for long-term planning stability. This section outlines the process for creation of APAs.

- A. An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural lands from future nonagricultural development. To qualify for an APA designation, the land must be:
  1. More than five contiguous acres,
  2. Actively devoted to an agricultural or forest purpose,
  3. Assessed as agriculture or forest land, according to the Bannock County Assessor's office, and
  4. Located within a zone that allows for agricultural or forest use.

- B. Landowners wishing to establish an APA must submit an application to the Planning and Development office. At a minimum, the application shall include the following:
1. Payment of application fee, as listed in the adopted fee schedule;
  2. Proof of land ownership;
  3. A legal description of the parcels, structures, and facilities proposed to be included in the APA;
  4. A record of survey, completed by an Idaho Licensed Surveyor, showing the boundaries of the proposed APA;
  5. A statement outlining the current contiguous acreages of land, land use, agricultural productivity, and other relevant characteristics of the land to be included in the APA;
  6. The number of years the land has been in agricultural or forest production, the types of agricultural or forest commodities produced, and the applicant's plan to continue using the land for agricultural or forest purposes;
  7. The reasons for seeking an APA designation;
  8. Soil surveys, water rights, and any other relevant environmental assessments.
- C. Upon receipt of a completed application, the APA Commission shall review the proposal as a business item and make a recommendation to the board of county commissioners within sixty (60) days of receiving the application. The application shall be evaluated on the following criteria:
1. The total contiguous acreage of the land is at least five (5) acres in size and is actively devoted to agricultural or forest production,
  2. There is no conflict with existing city annexation or development plans or agreements, and
  3. The applicant has shown the agricultural production capability of the land within the proposed APA.
- D. Notwithstanding the criteria and review process outlined in this section, the Board of County Commissioners (Board) may place additional conditions on lands designated as an APA, including, but not limited to, setbacks from existing public rights-of-way and a review of the land's APA designation after twenty (20) years.
- E. Once the APA Commission makes its recommendation to the Board, the Board shall hold a public hearing and issue its decision within 60 days. Failure to make a decision shall render the APA Commission's recommendation final. The Board shall include findings and facts

supporting its decision.

F. Upon making its decision, the Board shall:

1. Record the designation of an APA, a legal description of the area, and any findings and facts with the county recorder within ten (10) days; and
2. Amend county land use planning maps to reflect the boundaries of the APA.

G. An expansion, modification, or removal of an existing APA shall follow the same application, review, and hearing procedures outlined in this code. Any expansion of an APA shall be contiguous to the APA.

H. A landowner wishing to terminate an APA must request, in writing, a meeting with the Board. The meeting request shall include a proof of hardship, as defined in Section 200 of this ordinance. The landowner seeking to terminate an APA bears the burden of proof in demonstrating the hardship. Early termination of an APA is not taken lightly and will be carefully considered.

I. Lands designated as an APA will remain so designated for a period of twenty (20) years. A landowner wishing to end an approved APA designation after twenty (20) years must notify the Board, in writing, of their desire not to renew the land's APA designation. Failure of the landowner to notify the county, will result in the APA designation continuing for another twenty (20) years.

J. Unless otherwise approved by the Board, the following land uses are not allowed within an APA:

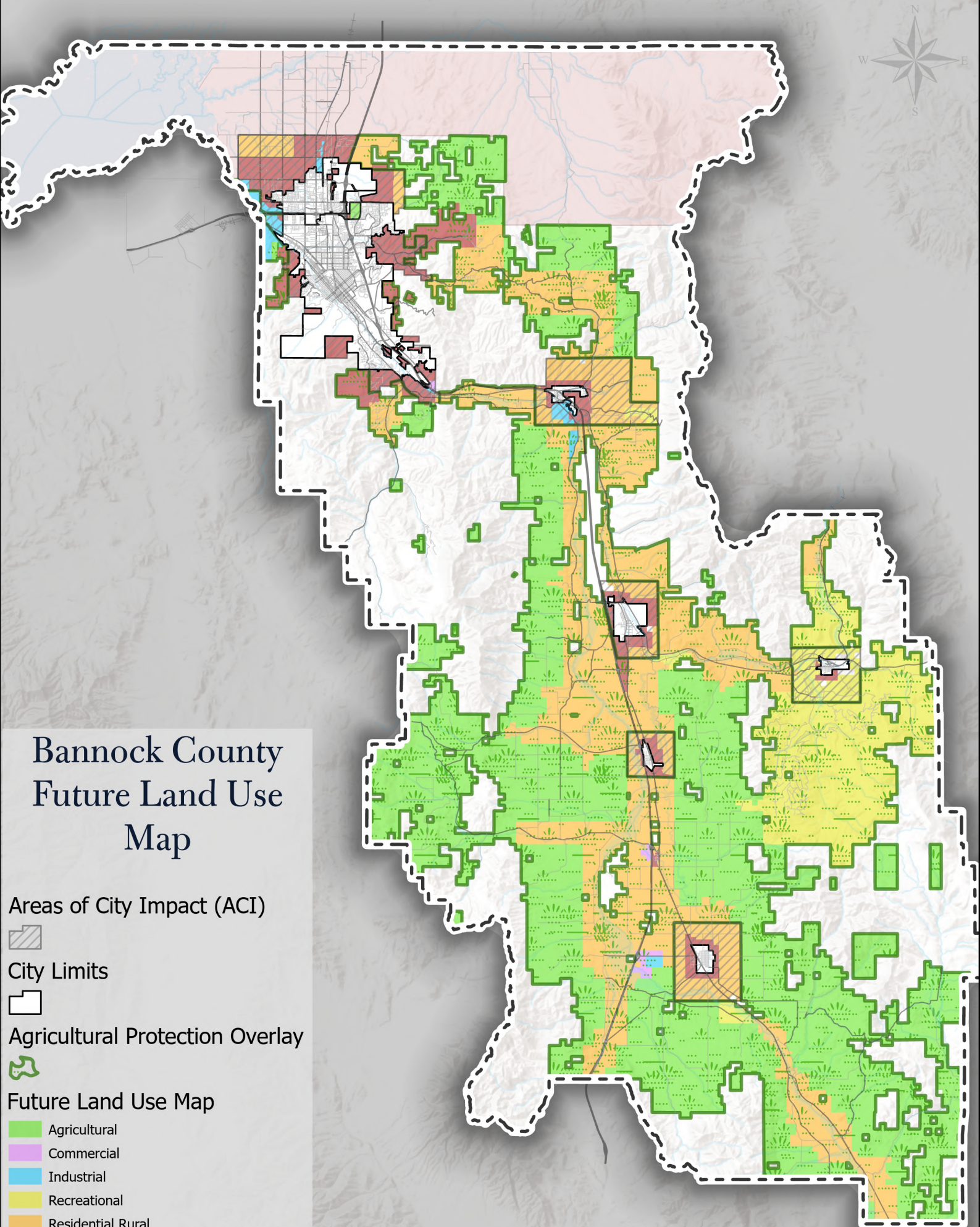
1. The siting of large, confined animal feeding operations (CAFO);
2. The siting of residential, commercial, manufacturing, industrial, solar energy, wind energy, or battery storage structures; or
3. Any other nonagricultural land uses.

K. The APA Commission will be established according to Idaho Code §67-9705.

# AGENDA ITEM NO. 10

## Future Land Use Map





## Areas of City Impact (ACI)



## City Limits



## Agricultural Protection Overlay



## Future Land Use Map

- Agricultural
- Commercial
- Industrial
- Recreational
- Residential Rural
- Residential Suburban

# BUSINESS ITEMS



AGENDA ITEM NO. 11  
Preliminary Plat Approval –  
Reynolds Acres



# PLANNING AND DEVELOPMENT SERVICES

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

## PRELIMINARY PLAT– REYNOLDS ACRES

MEETING DATE: JANUARY 15, 2025

### STAFF REPORT

**FILE #:** SPP-24-8  
**LOCATION:** RPRRLIS000200, currently addressed as 1806 Touch Drive, Inkom, ID 83245

**APPLICANT:**  
Dioptra  
Stewart Ward  
4880 Clover Dell Road  
Pocatello, ID 83202

**OWNER:**  
Paul Reynolds  
1806 Touch Drive  
Inkom, ID 83245

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

1. CC&Rs shall reference new subdivision name.
2. Update note 9 by listing out all easements and restrictions for this subdivision, separately.

Council may wish to add addition conditions as needed.

**REQUEST & BACKGROUND:** Stewart Ward proposes to replat Lot 2, Block 1 of Lilly Sioux Subdivision. 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 lot. The buildable lots will be between 1.02 and 1.05 acres in size. This subdivision is located ~ 1.5 miles from the city of Inkom boundary.

### PRELIMINARY PLAT PROPOSAL SUMMARY:

TOTAL AREA: 2.07 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENTISY: 1 dwelling unit per 1.035 acres

BUILDING LOT SIZE: Approximately 1.02 acres to 1.05 acres

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

STORMWATER SYSTEM: Retained on individual lots.

UTILITIES: Power existing on the parcel.

FIRE PROTECTION: Pocatello Valley Fire District.

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

STAFF REPORT  
PRELIMINARY PLAT – Reynolds Acres  
Page 1 of 8

**SITE CHARACTERISTICS AND ZONING:**

ZONE: Residential Rural

PROPERTY SIZE: ~2.07 acres

VIEWS: The property is visible from all directions.

IMPACT AREA: None

FLOOD ZONE: X, minimal

TERRAIN: Relatively flat

EXISTING STRUCTURES: Residential dwelling and accessory structures.

OTHER: Located within Lilly Sioux Subdivision.

**SURROUNDING LAND USES AND ZONING BEFORE ANNEXATION**

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

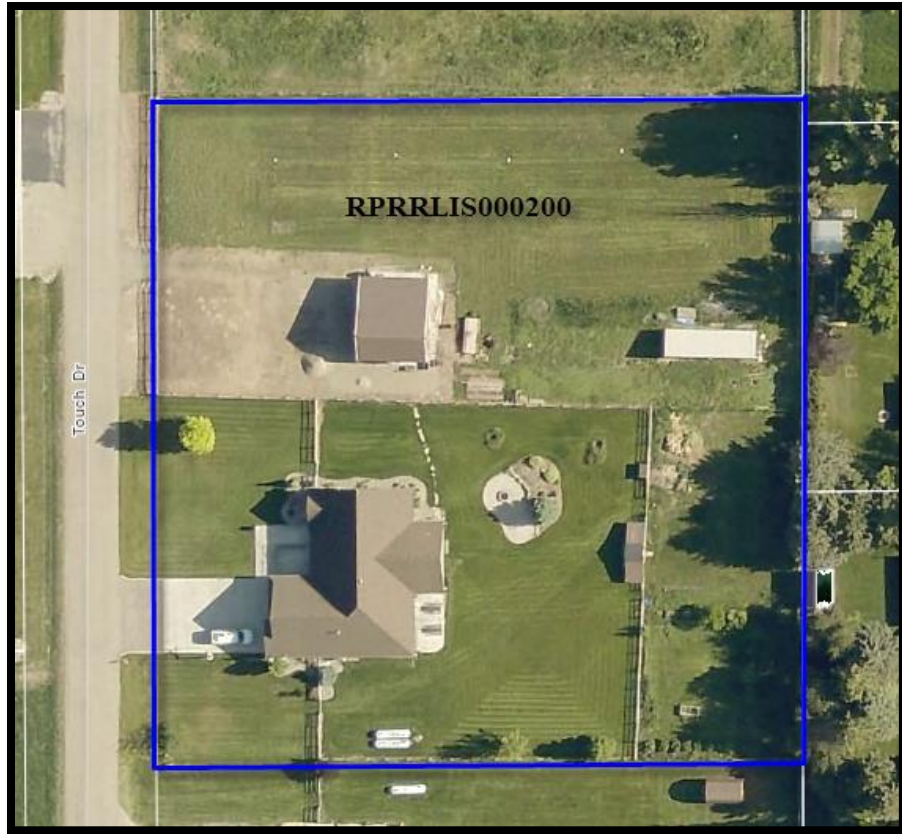
EAST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

SOUTH: The sites are within the Residential Rural zoning district and consist of residential uses and 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**

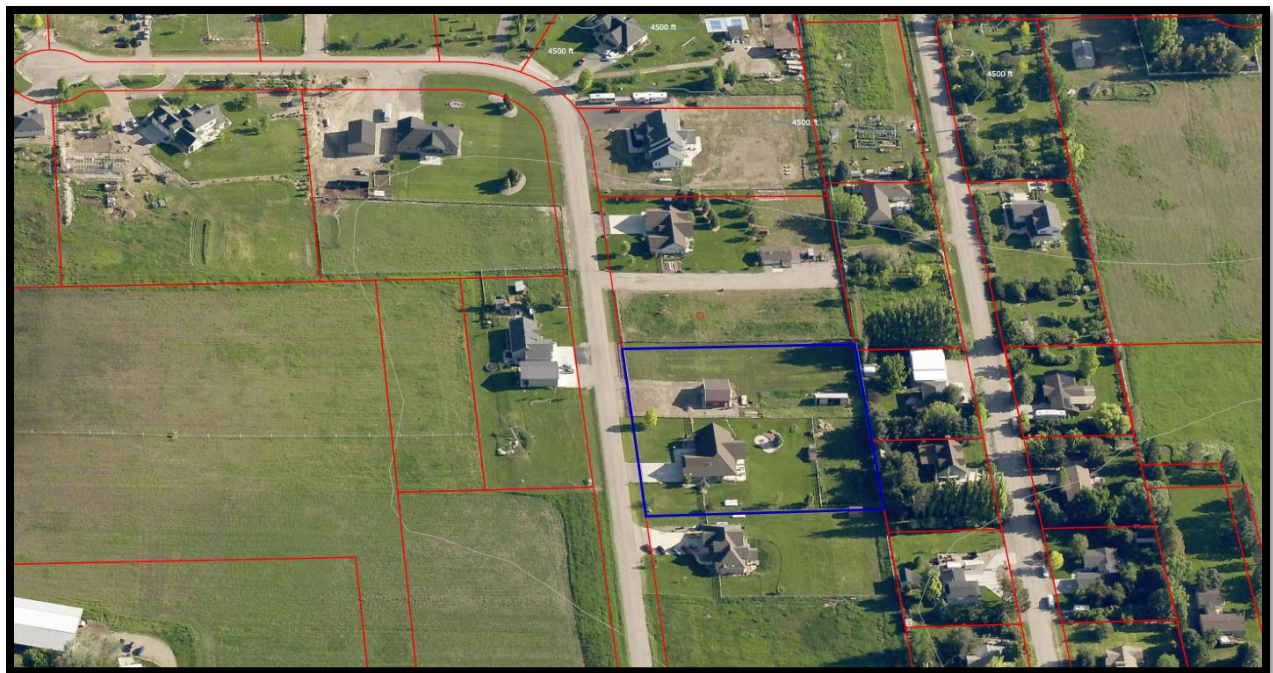


**ZONING MAP**





US FISH &amp; WILDLIFE WETLANDS MAP



## CONTOUR MAP

STAFF REPORT  
PRELIMINARY PLAT – Reynolds Acres  
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**

Public utility easements are shown on the preliminary plat submittal. Council may consider having the applicant remove note 9 and state all easement notes clearly on final plat for clarity.

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 original subdivision, Lilly Sioux Subdivision was 67.91 acres /50% totaling 33.96 acres of required open space. The open space was dedicated in the original subdivision for a total of 34.37 acres. No additional open space is required for the proposed subdivision.

- 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&Rs from the original subdivision, Lilly Sioux Subdivision. Council may consider requiring the CC&Rs to reflect the new subdivision name.

There were no conditions placed by Council regarding CC&Rs.

The Comprehensive Plan does not require goals for the CC&Rs.

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 new streets have been proposed.

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

Staff Findings

Applicant has proposed individual wells. Lilly Sioux Subdivision CC&Rs page 15-8 states there is an irrigation system with maintenance fees and water rights issued to the subdivision of approximately 30 acres.

As the applicant has proposed to use the CC&Rs from Lilly Sioux Subdivision, it can be assumed that irrigation will be to both lots. A condition was placed at concept that the developer shall install shared irrigation system if water rights are being delivered to both lots.

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

Staff Findings

There are no commonly-owned improvements proposed.

**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 all subsequent plats shall state "15' wide easements are for the public utilities, roadway slopes, snow removal and drainage." This note does not appear to be addressed on preliminary plat.

Written comments were provided by Southeast Idaho Health Department and Pocatello Valley Fire Protection.

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

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

Bannock County Zoning Ordinance:

The land is zoned Residential Rural (RR), which allows one dwelling per 2.5 acres with an open space subdivision. The proposed density of this subdivision will be 1 dwelling unit per 1.035 acres. As this lot is located within an existing

subdivision the proposed density of Lilly Sioux Subdivision would become a density is 1 dwelling per 4.24 acres. The original subdivision was 67.91 acres /50% totaling 33.96 acres of required open space. The open space was dedicated in the original subdivision for a total of 34.37 acres. There is a dwelling and residential accessory structures located on the existing parcel. 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:

The proposed subdivision name "Reynolds Acres" has been reviewed for duplicity by staff.

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

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). 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.**

There is no new street being proposed.

Applicant has proposed to create a 2-lot subdivision.

Per Bannock County Subdivision Ordinance §404.G, all lots in subdivisions of more than four lots shall access to an interior subdivision road or street.

**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 new street being proposed.

**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 Touch Drive, a county-maintained road.



**REPORT BY:**

Alisse Foster, Subdivision Planner  
alissef@bannockcounty.gov

**REPORT DATE:** January 6, 2025

*\*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. CC&R's
4. Agency Comments (if any)
5. Referenced Ordinances – On file

# EXHIBIT 1

## Application & Preliminary Plat



## SPP-24-8

Subdivision Preliminary  
Plat Application

Status: Active

Submitted On: 10/22/2024





## Primary Location

1806 TOUCH  
Rural Subs , ID 832450000

## Owner

Paul Reynolds  
1806 TOUCH DR INKOM, ID  
832450000

## Applicant

 Tyler Scheibenpflug  
 208-237-7373  
 tyler@dioptrageomatics.com  
 4880 Clover Dell Rd  
Chubbuck, Idaho 83202

---

## Owner/Developer Information

Are the Owner and Developer the same?



Owner Name\*

Paul Reynolds

Street Address\*

1806 Touch Dr

City\*

Inkom

State\*

Idaho

Zip Code\*

83245

Phone Number\*

208-220-2702

Email\*

paulr7701@yahoo.com

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## Site Information

**Proposed Subdivision Name\***

Reynolds Acres

**Parcel Number(s) \***

RPRRLIS000200

**Proposed Number of Lots\***

2

**Concept Plan Approval Date\***

08/21/2024

**Quarter\***

Southeast

**Section\***

30

**Township\***

7 South

**Range\***

36 East

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

2.07

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

Residential Rural District

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

Flat, no features

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

15' Utility Easement Parallel the west line, 10' irrigation easement parallel the East line

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

yes

## Engineer/Planner/Surveyor Information

**Engineer/Planner/Surveyor Name\***

Dioptra

**Phone Number\***

2082202702

**Email \***

Stewart@dioptrageomatics.com

---

## Preliminary Plat Criteria for Approval

**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

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

Yes

**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.\***

Yes

**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]\***

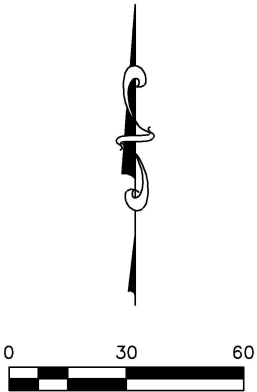
Tyler Scheibenpflug

**Date of Signature\***

10/22/2024

REYNOLDS ACRES

A RE-PLAT OF LOT 2 BLOCK 1 OF LILLY SIOUX SUBDIVISION  
LOCATED IN NW 1/4 OF THE NE 1/4 SECTION 30,  
TOWNSHIP 7 SOUTH, RANGE 36 EAST, OF THE BOISE  
MERIDIAN, IN THE COUNTY OF BANNOCK.



LEGEND

- Overall Parcel Boundary
- Lot Line
- Existing Fence Lines
- Adjoining Parcels
- Existing Easements
- Existing Restriction Line (See Note 5)
- Road Centerline
- Existing Contours
- Set 1/2" Rebar with Plastic Cap PLS 15295
- Found 1/2" Rebar with Plastic Cap PLS 2341
- (SUB-) Record Bearing and Distance per Lily Sioux Subdivision #20711116



SURVEYORS CERTIFICATE

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



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

Reynolds Acres

Drawn By: TJS  
Date: 7-2-24  
Scale: 1"=30'  
Project: 24059

Sheet: 1 OF 1

BASIS OF BEARING

Basis of bearing per Idaho State Plane Coordinate System – East Zone. GPS observation combination factor: 1.0002961636  
Origin:Lat: N 42°48'19.00000"  
Long: W 112°14'33.00000"  
Height: 5104.292'  
All distances are US Survey Feet.

Touch Drive

Lot 13

Block 1

Lot 14

Lily Sioux Subdivision  
Instr. #20711116  
Lot 3  
Block 1

S 89°54'07" E 297.51'  
(SUB-S 90°00'00" E 297.55')

Lot 2A  
1.02 Acres

Shop

Block 1

Shed

Lot 3

Evergreen Acres  
Instr. #690377

Block 1

Lot 2B  
1.05 Acres

House

Lot 2

Lot 1

Lot 1

Block 1

Lily Sioux Subdivision  
Instr. #20711116

NOTES

- Proposed Lots: 2 Single Family Lots
- Zoning: Residential Rural
- Total Area: 2.07 Acres, Minimum Lot size: 1.01 Acre
- Water and Sewer: Individual well and septic systems per each lot.
- Construction of any well is restricted within 100 feet of the easterly boundary of Lot 2A and 2B.
- All lot access will be via Touch Drive. All driveways shall be designed according to the requirement found in Section 475.13 of the Bannock County Zoning Ordinance. Such requirements will be determined at the time of development. For more information, please contact the Bannock County Office of Planning & Development Services.
- No additional open space required as open space has been addressed on Lily Sioux Subdivision.
- All adjoining lots are residential.
- All easements and restrictions are shown as per Lily Sioux Subdivision.
- All stormwater will be retained onsite.

Bannock County Planning & Development Council



# EXHIBIT 2

## Declaration of Covenants, Conditions and Restrictions & HOA

**DECLARATION OF COVENANTS  
CONDITIONS AND RESTRICTIONS  
OF THE  
LILLY SIOUX ESTATES PROPERTY  
OWNER'S ASSOCIATION**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made as of the 23<sup>rd</sup> day of July by Larry M. Bull, the Declarant, address being 5787 West Portneuf Road, Inkom, Idaho, 83245, with reference to the following facts:

A. **LEGAL DESCRIPTON.** Declarant is the owner of certain real propert in Bannock County, State of Idaho, known as Lilly Sioux estates, described as follows:

A tract of land in the north half of the northeast quarter of section 25, township 7 south, range 35 east, Boise meridian, more particulary described as follows:

**Parcel 1**

A parcel of land located in the southwest quarter of the southeast quarter (sw  $\frac{1}{4}$  of se  $\frac{1}{4}$ ) of section 19, and the northwest quarter of the northeast quarter (nw  $\frac{1}{4}$  of ne  $\frac{1}{4}$ ) of section 30, township 7 south, range 36 east, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

**Beginning** at the south quarter corner of section 19, township 7 south, range 36 east, Boise Meridian, (see corner perpetuation instrument no.813264); Thence north 00 18'17" west, along the meridional center line of section 19 also being the east line of deed instrument no. 596310, a distance of 673.35 feet to a point on the south right of way line of Oregon short line Railraod recorded under instrument no. 15234;  
Thence south 87 51'13" east, along said south right of way line, a distance of 1329.42 feet to the northwest corner of evergreen acres no. 2 recorded under instrument no. 735495;

Thence south 00 16"41" west, along the westerly boundary line of said subdivision as well as evergreen acres no. 1 recorded under instrument No. 690377, a distance of 1928.13 feet to the northeast 1/16 corner of section 30 also being the southwest corner of an Indian allotment No. 11 1912, patent no. 958546 and a point on the north right of way of Portneuf Road;

Thence south 86 53'52" west, along the north right of way of Portneuf Road, a distance of 657.27 feet to the southeast corner of deed instrument No. 20219770;

Thence following said deed in a northerly and westerly direction for the next 2 courses;

1. North 99 03"56" east a distance of 346. 13 feet;
2. South 89 51'19" west a distance of 657.89 feet to a point on the meridional center line of section 30.

Thence north 00 06'05" west, along said center line of section 30, also being the east line of deed instrument No.'s 96010007 and 403459, a distance of 995.66 feet to the **Point of Beginning**.

Containing 54.78 acres more or less.

#### Parcel 2

A parcel of land located in the southwest quarter of the southeast quarter (sw ¼ of se ¼) of section 19, township 7 south, range 36 east, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the south quarter corner of section 19, township 7 south, range 36 east, Boise Meridian, (see corner perpetuation instrument No. 813264);

Thence north 00 18'17" west, along the meridional center line of section 19 also being the east line of deed instrument no. 596310, a distance of 823.49 feet to a point on the north right of way line of Oregon short line Railroad recorded under instrument No. 15321., also being the Point of Beginning:

Thence continuing north 00 18'17" west, along the meridional center line of section 19 also being the east line of deed instrument No. 596310, a distance of 501.70 feet to the south 1/16 corner of section 19 (see corner perpetuation No. 207072160:

Thence south 89 59'50" east, along the south 1/16 line of section 19 also being the south line of deed instrument No. 306984, a distance of 1328.67 feet to the southeast 1/16 of section 19 (see corner perpetuation No. 20707215);

Thence south 00 00'16" west, along the east 1/16 line of section 19 also being the west line of deed instrument No. 94014480, a distance of 551.32 feet to a point on said north right of way line of Oregon short line Railroad; Thence north 87 51'13" west, along said north right of way line, a distance of 1326.89 feet to the **Point of Beginning**

Declarant/predecessor of interest, has subdivided the above-described property, in accordance with Subdivision plats, to be approved by the Bannock County Office of Planning and Development Services and which are filed concurrently herewith, in the Office of the County Recorder of Bannock County and the State of Idaho.

Declarant desires, by filing of this Declaration and the aforesaid Subdivision Plan, to submit the above-described property, and all Lots within the above-described property and as shown on the Lilly Sioux Estates Plat, to the provisions of this Declaration of Covenants, Conditions and Restrictions, and hereby specifies that this declaration shall constitute Covenants, Conditions and Restrictions to apply on all of the lands within the subdivision, as provided by law, and shall be binding, on all parties and all persons claiming ownership on the subdivision upon all future owners in said subdivision.

This declaration of Covenants, Conditions and Restrictions ("Declaration" herein) is provided by Declarant for the express purpose of protecting the value of and enhancing the desirability of ownership of all the above-described Lots ("Lots" herein) within the Lilly Sioux Estates.

Where the requirements of the County of Bannock ordinances, or the laws of the State of Idaho, relating to subdivisions are more restrictive than those contained herein, the more restrictive

requirements shall be deemed to be a part hereof as if set forth as part of this Declaration.

**Legal Descriptions.** Each lot in the Lilly Sioux Estates may be described in every contract, deed, lease, mortgage or other instrument as follows:

“Lot \_\_\_\_\_, Block \_\_\_\_\_, Lilly Sioux Estates, Idaho, as the same appears on the official plat thereof recorded with the County Recorder of Bannock County, Idaho.”

NOW THEREFORE, as part of the general plan for improvement of the above-described real property, the undersigned hereby declares said property subject to the Covenants, Conditions and Restrictions herein recited.

#### DEFINITIONS.

**Association and Property Owners Association.** Associations and Property Owner's Association (or Association) shall mean and refer to the Lilly Sioux Estates Property Owners Association.

**Property.** A Lot or property shall mean all the real property described in Paragraph A. above, and consisting of all acreage and any annexations, if any, to the Lilly Sioux Estates.

**Lot.** A Lot shall mean any plot of land or parcel shown upon any recorded subdivision plat of the property, with the exception of common areas.

**Owner.** An owner shall mean the record owner of a fee simple title of any Lot which is a part of the Property, but excludes any person or entity which holds an interest merely as security for the performance of an obligation.

**Mortgage- Mortgagee- Mortgagor.** As referenced in this Declaration, a mortgage shall be deemed to include a deed of trust; reference to a mortgagee shall be deemed to include the beneficiary of a deed of trust; referenced to a mortgagor shall be deemed to include the trustor of a deed of trust

**Member.** Member shall mean and refer to every person or entity that holds membership in the Association.

**Family.** A family shall mean a group of persons related to each other by blood, or legally related to each other by marriage or adoption.

**Board of Directors or Directors** shall mean the Declarant herein, or its successors and assigns, as the same are appointed pursuant to the provisions of Article IV, herein.

**Account, Escrow Accounts.** There may be one or more accounts or escrow accounts for holdings funds of the Property Owner's Association.

**MANAGEMENT.** Performance of the duties and obligations of the Association shall be done by the Board of Directors. The Board of Directors shall have the duties, power and authority to levy assessments for items pertaining to Health and Well Being of property owners.

**VOTING RIGHTS.** Members of the Association, as defined, above, shall have voting rights in the management of the Association, in the formation of its Board of Directors, and elections of Members to the Board of Directors. Each person or entity that is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including the Declarant, shall have

one vote for each Lot owned by that person or entity. In the event that one Lot has more than one record owner, it is understood that there will only be one recognized vote for that lot.

#### BOARD OF DIRECTORS.

**Initial Board of Directors.** Until such time as the Declarant has sold 8 Lots in the project, the Declarant shall be the Association Board of Directors, and shall exercise the rights and duties thereof. The Declarant reserves the right to approve an election for a Successor Board of Directors prior to selling 8 Lots.

**Successor Board of Directors.** At such time as 8 Lots are sold, the Members of the Associations, as above, shall hold an election for a Successor Board of Directors, to consist of no less than three (3) Members, one of whom may be the Declarant. If the Declarant so desires, the Members of the Association may, with the Declarant's approval, hold an election for a Successor Board of Directors prior to such time as when the Declarant has sold 8 Lots. the Association may at that time adopt such by-laws, rules or regulations as it may deem reasonable or necessary, addressing the terms of office of Board of Directors Members, resignations, terminations and the like.

#### IMPROVEMENTS, OPERATIONS AND MAINTENANCE

The Declarant is obligated to, and has or will, provide a street or streets to each Lot in the Project, in accordance with the standards set by the Count of Bannock, State of Idaho. Upon acceptance by the County of Bannock, Idaho, said street or streets will become a part of the Bannock County road system. Touch Lane, a 2000-foot road, more or less, will be deeded to Bannock County, Idaho, in perpetuity for all future maintenance, repair and snow removal.

**Individual Culinary Water System.**- Each Lot owner is responsible for providing and obtaining his home's culinary water

source and is obligated to pay for installation of said water system. All water system development shall be in accordance with applicable Idaho State rules and regulations.

**Individual Septic and Routine Pumping of Septic Tanks.** Each Lot owner is responsible for purchase and installation of his own home's septic system, tank(s) and drain fields. To insure proper septic system functioning, routine septic tank pumping maintenance, under the direction of the Lilly Sioux Estates, Property Owner's Association is required of each and every home owner in the Lilly Sioux Estates. Declarant may enter into a maintenance contract with a professional septic service company, operating under the State of Idaho rules and regulations (rules governing the cleaning of septic tanks, IDAPA 16, Chapter 15). After eight (8) Lots have been sold, said septic maintenance contract will be assigned to the Lilly Sioux Estates Property Owner's Association, and said Association shall be responsible for payment of the septic tank pumping fees. Funds for such fees shall be contributed by the Members of the Association, as defined above, and funds may be assessed and collected in the same manner as provided herein for other maintenance, and shall be subject to the same lien and collection. Septic system maintenance, above and beyond conventional septic tank pumping is and will continue to be the home owner's responsibility.

**Future hook-up to City water and/or City sewer service.** Each and every Member of the Lilly Sioux Estates, Owner's Association is require, at their own expense, to promptly hook-up to Upon availability of City water and/or City sewer service when and if said services become available at a future time.

**Other Utilities.** Declarant will pay for the installation of the Lilly Sioux Estates, electric and telephone trunk service lines. Connections by Lot Owners to said trunk electric and telephone lines will involve payment of connections fees by the Lot owner to refund any installation costs advances by Declarant. Under some circumstances, upon connections with the electric or telephone



company of other such utility, the Lot owner may receive a refund of the Declarant's advanced payment of a connection fee. If the advance payment was made by the Declarant, then any such refund(s) shall be the right and property of Declarant hereunder. Lot owners are required to have there meter base erected within 125 feet of transformer, deviation will be at lot owners expense. Idaho Power and Light and/or the telephone company may require that Declarant enter into a maintenance contract, which will require and annual maintenance fee. Said contract will be assigned to the Lilly Sioux Estates, Property Owner's Association, and the Association shall be responsible for payment of annual maintenance fees. Funds for such fee shall be contributed by the Members of the Association, as defined above, and funds may be assessed and collected in the same manner as provided herein for other maintenance, and shall be subject to the same lien and collection procedures as set forth above.

Irrigation system for Lilly Sioux Estates, has been established. Pump and main line will remain property of Grantor. Subdivision members will be assessed a fee for maintenance and services of irrigation system. Water rights will be issued to the subdivision approximately 30 acres.

#### GENERAL RESTRICTIONS AND REQUIREMENTS

**Land Use and Building Type.** All Lots shall be used exclusively for single family residential purposes. Except as may be specifically approved. No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single family dwelling, one attached or detached building for a garage and one barn, unless otherwise recommended by the Architectural Control Committee and approved by the Board of Directors. No Lot may be divided, subdivided or separated into smaller parcels. Any building, being constructed, must be complete on the exterior, within eighteen (18) months from the starting, date of construction of the building.

**Dwelling Size and Materials.** No single story dwelling shall be constructed, altered, placed or permitted to remain on any Lot unless

the main floor area, exclusive of basement, open porches and garages is 1400 square feet or greater.

All yards shall be landscaped in a professional manner. Landscaping shall start no later than external completion of residence and shall be completed within the 18 months from the beginning of construction.

**Building Location, Setbacks.** No building walls or foundation shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building set-back described under prevailing Bannock County Zoning. Notwithstanding, any zoning requirements to the contrary, except where special written approval is first given, no building shall be located on any Lot nearer than 30 feet to the front (street-side) line, or nearer than 10 feet to any side Lot line, or nearer than 30 feet to the rear Lot line.

**Nuisances, Unreasonable Annoyance and Noxious Activities**  
No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an unreasonable annoyance, nuisance or danger to the neighborhood. (Dogs that continually bark or music loud enough to annoy adjoining landowners would be examples of unreasonable annoyances). Except for legitimate constructions and maintenance purposes, no excessively loud noises shall be permitted in the project. Recreation vehicles (i.e. ATV's) will be operated with the consideration of residents of the project in mind and not be allowed to use the streets of Lilly Sioux Estates, as a "racetrack". Use of firearms is highly discouraged inside the project.

**Signs.** Not signs, poster, displays or other advertising devices of any character shall be erected or maintained or shown or displayed to the public view on any Lot without written approval having been first obtained from the Committee; provided however, that the restrictions of this paragraph shall not apply to any sign or notice seven square feet or smaller in size which states that the premises are for rent or sale, or which identifies that residents

owners. The Association may cause all unauthorized signs to be removed. This shall not apply to any signs used by Declarant or his agents in connection with the original construction and sale of said residence and/or Lot.

**Animals.** Except for the open space lot (Block 2, Lot 1) animals kept on the residential property lots shall be for recreational use only. On residential lots, no commercial use may be made of any animal, including renting, leasing, or sale. No animals, livestock or poultry or any kind shall be bred or kept on any residential lot except horses, dogs, and domestic cats or other household pets, provided they are not kept, bred or maintained for commercial purposes. Nor, shall any such domesticated animals be kept which unreasonably bother or constitute a nuisance to residents of other Lots. Each owner of occupant shall confine their individual animals to their individual's lot.

Lot owners shall at reasonable intervals remove animal excretions from the Lot to a location outside the project. Each owner shall, in so doing, be responsible for observance of any law, ordinance or regulation that may be applicable to such disposal.

**Insurance Rates.** Nothing shall be done or kept on any Lot which will increase that rate of insurance on any Lot, nor shall anything be done or kept on a Lot which result in the cancellation of insurance on that Lot or any other Lot.

**Garbage, Waste Disposal, Weed Control and Storage of Junk**  
Each owner is required to store waste material in sanitary containers and dispose of such waste in accordance with Bannock County regulations. Each owner is required to maintain weed and trash control commencing with the date of purchase, before, during and after construction of residence and landscaping. Storage of junk, old inoperative vehicles, and other unsightly objects on any Lot is prohibited. Every residence or other improvement shall at all times be kept in good condition and repair and maintained by the owner.

**Off-Site Constructed Homes Prohibited.** Any manufactured home, mobile home, modular home or other building manufactured or constructed off-site is prohibited from being placed upon or affixed to any Lot in the subdivision for occupancy as a residence.

**Temporary Structures, Etc.** No structure of a temporary character, or trailer, camper, tent, shack , garage or other outbuilding shall be used on any Lot at any time as residence, either temporarily or permanently, unless approved in writing, by the Committee; provided however, that this shall not be applicable to temporary structures utilized during construction of a dwelling on the Lot, not to exceed 18 months in duration.

**Non-Residential uses Prohibited.** No part of the property shall be used for any commercial, manufacturing, mercantile, vending, or other such non-residential purposes; provided however that professional and administrative occupations may be carried on within the residence so long as there exists no meaningful external evidence thereof. However, nothing in this Declaration shall prevent the rental of a residence by the owner for residential purposes, on either a short or long-term basis, subject to all the provisions of the Declaration, provided that no residence shall be used for living purposes by more persons than it was designed to accommodate comfortably. The Declarant, its successors or assigns, may use any of his properties for a model property site, open house display, and sales office during the construction and sales period.

**Water wells, Drilling and Mineral Development Operations.** One water well per lot, designed to produce culinary water for indoor consumption, and in accordance with applicable State rules and regulations, shall be allowed. Other than for water, no drilling, mineral exploration, quarrying, mining or any commercial mineral extraction or development operations of any kind shall be permitted on any Lot.

**Environmental Concerns and Living with Wildlife- It is**

understood by the residents of Lilly Sioux Estates, that they are living in a wildlife winter range area. Lot owners must expect wildlife in the area and upon the their Lots, and neither the Declarant, the Lilly Sioux Estates, Property Owner's Association, the Board of Directors, their successors, delegates, assigns, or the Architectural Control Committee, nor any Member thereof, shall have any responsibility for any control of or damage caused by wildlife.

Improvements, i.e. planting, fencing, etc., should be designed and located so as to maintain, improve and/or preserve the environmental quality of the area. Lot owners are provided with, and are encouraged to incorporate, principles and recommendations found in the Idaho Fish and Game's Living with Wildlife, A Home Builders and Owners Guide.

The winter months (i.e. December-March) require special consideration. Lots, where possible, shall provide a means for wildlife to traverse. Wildlife, especially in the winter, are likely to forage within and around residences. All dogs with a habit of chasing wildlife must be restrained, penned, or on a leash, etc. during that time.

#### **EASEMENTS HILLSIDE DISTURBANCE AND FLOOD CONTROL**

**Utility Easements.** Easements for installation and maintenance of drainage facilities, public utilities and snow storage are reserved over the front, rear, and side 20 feet of each lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may interfere with or damage utilities or drainage facilities. However, the Board of directors may approve a structure such as a fence or landscaping where constructed at the Lot owner's risk of having it dismantles, removed or destroyed when, where and if necessary because of drainage or utility servicing, installation, alterations or maintenance. The easement area of each Lot and all improvement in it shall be maintained continuously by the owner of the lot, except for those

improvements for which a public authority or utility company is responsible to maintain. All roads and common areas shall have a general blanket easement for utility installation.

**Fire Control Easement & Responsibility.** Each property owner will provide for wildfire defense, i.e. fire breaks and fire-resistant landscaping, around their Lot to retard or stop a brush fire.

Also, the Property Owner's Association acknowledges that there is an existing easement across all Lots for fire fighting equipment to operate upon any Lot or Lots upon demand by the fire department to stop a brush fire from spreading.

## **VIOLATIONS**

**Rights of Entry.** The Board of Directors shall have a limited right of entry in and upon all Lots and the exterior of all residences for the purpose of inspecting the property and/or taking corrective action that it may deem necessary and proper. Nothing, in this Article shall in any manner limit the right of the owner to exclusive control over the interior of his residence.

## **DURATION AND AMENDMENT**

**Duration.** This Declaration shall continue in full force and effect for a term of fifty (50) years from the date hereof, after which time the same shall be automatically extended for successive periods of ten (10) years, unless a Declaration of Termination is recorded with the Bannock County Recorder, which declaration must meet the requirements of an Amendment, as set forth herein below. There shall be no severance by sale, conveyance, encumbrance or hypothecation of an interest in any Lot from Membership in the Association so long as this Declaration shall continue in full force and effect.

## **MISCELLANEOUSE AND GENERAL PROVISIONS**

Severability. Invalidity of any one of these covenants, or any portion thereof by judgment or court order shall no way effect any of the other provisions of this Declaration.


Singular Includes the Plural, Masculine Includes the Feminine. Whenever the context of the Declaration requires the same, the singular shall include the plural, and the plural shall include the singular; and the masculine shall include the feminine and the feminine shall include the masculine.

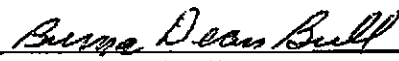
Liability. Neither the Declarant, the Lilly Sioux Estates, Property Owner's Association, the Board of Directors, their assignees, delegates, nor the Architectural Control Committee shall be liable to any other person for any action or failure to act hereunder where such action or failure was in good faith.

Annexation of Additional Property. Any real property may be annexed to the project in the discretion of the Declarant. Such real property shall be made subject to this Declaration at the time that is annexed.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 27 day of APRIL, 2007.

IN WITNESS WHEREOF, the Declarant has executed this instrument the day and year first above written.

  
Larry M. Bull  
Declarant, Lilly Sioux Estates

  
Burna Dean Bull  
Declarant, Lilly Sioux Estates

15-15

20711117

NOTARIZATION

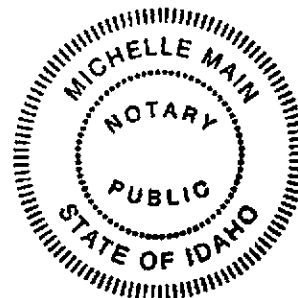
STATE OF IDAHO, COUNTY OF Bannock

On this 27 Day of April, 2007, LARRY M. BULL and  
BURNA DEAN BULL, husband and wife, appeared before me, a notary  
public in and for said State, personally appeared know to be the persons  
whose names subscribed to the within instrument, and acknowledged to me  
that they executed the same.

Michelle Main  
Notary Public

Residing at Blackfoot, Idaho.

My commission expires 3/1/13



OFFICIAL RECORD BK# 895  
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF  
FEE 45 DEPUTY me

RME

20711117

2007 MAY 11 A 9:10



MEMORANDUM FOR BANNOCK COUNTY

FROM: PRESIDENT, LILLY SIOUX HOMEOWNERS ASSOCIATION (HOA)

SUBJECT: Parcel: RPRRLIS000200 Reynold's Subdivision Proposal

1. A proposal for Paul and Laurie Reynold owned property at 1806 Touch Dr Inkom ID, 83245, parcel RPRRLIS000200 be split into its own subdivision. It was stated by Mr. Reynolds that if the lot split did occur, there would need to be a vote to keep both 1806 Touch Dr and parcel XXXXX in the Lilly Sioux HOA.
2. Mr. Reynolds announced to the HOA that there would be a meeting to discuss the proposal. This meeting was communicated both electronically and visually with a sign depicting the time and place. Subsequently there was an electronic notice put out for a vote with the Lilly Sioux HOA. The vote concluded with the following results:
  - 9 Voting in Favor
  - 3 non-responsive
  - 1 vote excluded (Mr. & Mrs. Reynolds)
3. The vote is in favor of keeping Parcel: RPRRLIS000200 and any future splits of this parcel will be included in the Lilly Sioux HOA and will be subjected to the same rights, privileges and Covenants, conditions, and restrictions (CC&R)s.
4. If there are any questions, please contact me via email [morris.derrik@yahoo.com](mailto:morris.derrik@yahoo.com).



v/i,  
DERRIK A. MORRIS  
President, Lilly Sioux HOA

# EXHIBIT 3

## Recorded Findings – SCP-24-4

## BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

### CONCEPT PLAN – REYNOLDS ACRES PUBLIC HEARING: AUGUST 21, 2024

**FILE #:** SCP-24-4  
**LOCATION:** RPRRLIS000200, currently addressed as 1806 Touch Drive, Inkom, ID 83245.

<b>APPLICANT:</b>	<b>OWNER:</b>
Dioptra LLC	Paul Reynolds
Stewart Ward	1806 Touch Drive
4880 Clover Dell Road	Inkom, ID 83245
Pocatello, ID 83202	

**REQUEST & BACKGROUND:** Stewart Ward proposes to replat Lot 2, Block 1 of Lilly Sioux Subdivision. 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. The buildable lots will be between 1.05 and 1.08 acres in size. This subdivision is located ~ 1.5 miles from the city of Inkom boundary.

### FINDINGS:

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

##### SITE CHARACTERISTICS AND ZONING:

**ZONE:** Residential Rural  
**PROPERTY SIZE:** ~2.07 acres  
**VIEWS:** The property is visible from all directions.  
**IMPACT AREA:** None  
**FLOOD ZONE:** X, minimal  
**TERRAIN:** Relatively flat  
**EXISTING STRUCTURES:** Residential dwelling and accessory structures.  
**OTHER:** Located within Lilly Sioux Subdivision.

##### NOTICE AND TESTIMONY REQUIREMENTS:

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

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT SCP-24-4

Page 1

## 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. 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 **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. There will be no changes to roads and bridges within the subdivision.
3. The proposed partitioning of land **does not** prohibit the extension of dedicated streets or roads. The 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. There are no changes with easements or access through this proposal. Both lots will access 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 existing utilities and roads.
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 minimum lot size and density for this zone.

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

1. Depict all current and proposed easements and rights-of-way located within the subdivision, on all subsequent plats, 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.

## ORDER: CONCLUSION AND DECISION

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

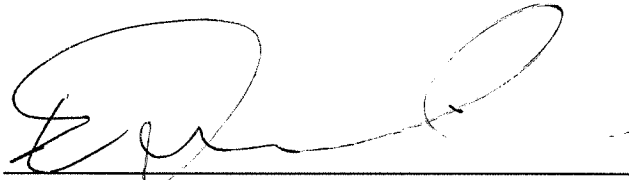
Motion by Chad Selleneit, seconded by Barbara Hill to adopt the foregoing Findings and Order.

### ROLL CALL:

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

Motion carried by a 3 to 0 vote.

Dated this 21st day of August, 2024.

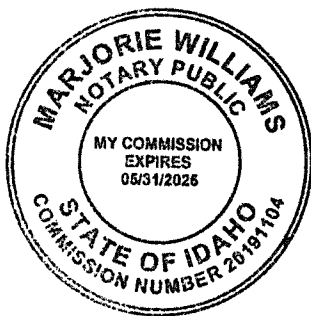
  
\_\_\_\_\_  
Signed by (Chairperson) (Vice Chair)

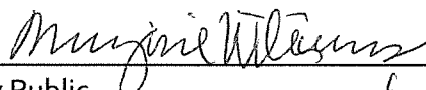
## ACKNOWLEDGEMENT CERTIFICATE

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

On this 21st day of August, in the year of 2024, before me Marjorie Williams, a notary public, personally appeared Edward Ulrich 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 5/31 2025

# EXHIBIT 4

## Agency Comments



## Re: Proposed Lot Divide

From: Pocatello Valley Fire Protection District (pocvalleyfpd@gmail.com)

To: paulr97701@yahoo.com

Date: Friday, August 23, 2024 at 07:01 AM MDT

Thanks Paul.

All new subdivisions are required by section 402 of the International Wildland-Urban Interface Code to have fire apparatus access roads and a water supply. The fire apparatus access road is Touch Dr. You will be required to have a water supply. You can meet the water supply requirement by installing a fire water cistern, providing a letter from the Lilly Sioux subdivision allowing shared access to the Lilly Sioux fire water cistern or a connection to a water source that provides a minimum of 150 gallons per minute at 60 psi.

On Thu, Aug 22, 2024 at 6:39 PM Paul R <paulr97701@yahoo.com> wrote:

Good afternoon Ken,

This is Paul Reynolds and we met last night at the county meeting.

I was hoping you could advise me as to what our next step would be.

Would you like to meet at the property to look at what we are proposing?

Can I provide and additional information for you?

Please let me know what we need and we will provide it.

Thank you again for talking to us last night.

Best regards,

Paul Reynolds

208-220-2702

1806 Touch Drive

Inkom, ID





# Southeastern Idaho Public Health

December 17, 2024

Bannock County Planning and Zoning  
5500 S. 5<sup>th</sup> Avenue  
Pocatello, ID 83204

Paul Reynolds  
1806 Touch Dr.  
Inkom, ID 83245

## RE: Proposal to split Parcel RPRRLIS000200

Southeastern Idaho Public Health (SIPH) received application to assess the suitability of splitting Parcel RPRRLIS000200, Lot 2 of the Lilly Sioux Subdivision. This proposal will create two (2) lots approximately 1-acre in size each.

There is an existing home on the east side of the parcel served by a septic system (Permit 171748) approved in August of 2007. I have included the permit and inspection of this system in this short report. The location of the septic system and the existing culinary well are depicted on the site plan provided by the owner of the property.

Soil evaluation of the Lily Sioux Subdivision at the time it was developed is also included. All septic systems in the development are to be sized using C1 application rates of 0.3 gpd/sq ft. Septic systems in Idaho are sized according to the number of structures, bedrooms and soil type as required by IDAPA 58.01.03 Sub-surface wastewater rules and regulations.

All notes on the original final plat for the Lily Sioux Estates are in force for the proposed parcel. I have attached this information.

The proposed lots will be 1.00 acre each in size. Care must be taken in the development of the new lot to meet all setback requirements for individual subsurface sewage disposal systems (IDAPA 58.01.03.). Wells are of special concern as all drainfields must be a minimum of 100 feet from any well. This includes a well on the lot itself and neighboring property wells.

***The proposed lot shows conditions suitable for sub-surface wastewater disposal and will be further evaluated when application for septic permits is submitted to SIPH.*** Further evaluation of the lot may be required when application for an individual septic system is received SIPH.



If you have any questions or comments, please feel free to contact me at [kprice@siph.idaho.gov](mailto:kprice@siph.idaho.gov) or (208) 221-3421

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Price". The signature is fluid and cursive, with a large loop at the end.

Kathleen Price  
Environmental Health Specialist  
On-site Coordinator  
Southeastern Idaho Public Health

Cc: Ken Keller, Environmental Health Director





Bannock County Office  
1901 Alvin Ricken Dr.  
Pocatello, ID 83201

Phone: 233-9080  
Fax : 234-7169

Butte County Office  
P.O. Box 806  
Arco, ID 83213

Phone: 527-3463  
Fax: 527-3972

Oneida County Office  
175 South 300 East  
Malad, ID 83252

Phone: 766-4764  
Fax: 766-2528

Bear Lake County Office  
455 Washington, Suite 2  
Montpelier, ID 83254

Phone: 847-3000  
Fax: 847-2538

Caribou County Office  
55 East 1<sup>st</sup> South  
Soda Springs, ID 83276

Phone: 547-4375  
Fax: 547-4398

Power County Office  
590 ½ Gifford  
American Falls, ID 83211

Phone: 226-5096  
Fax: 226-7145

Bingham County Office  
412 West Pacific  
Blackfoot, ID 83221

Phone: 785-2160  
Fax: 785-6372

Franklin County Office  
42 West 1<sup>st</sup> South  
Preston, ID 83263

Phone: 852-0478  
Fax: 852-2346

[www2.state.id.up/phd6](http://www2.state.id.up/phd6)





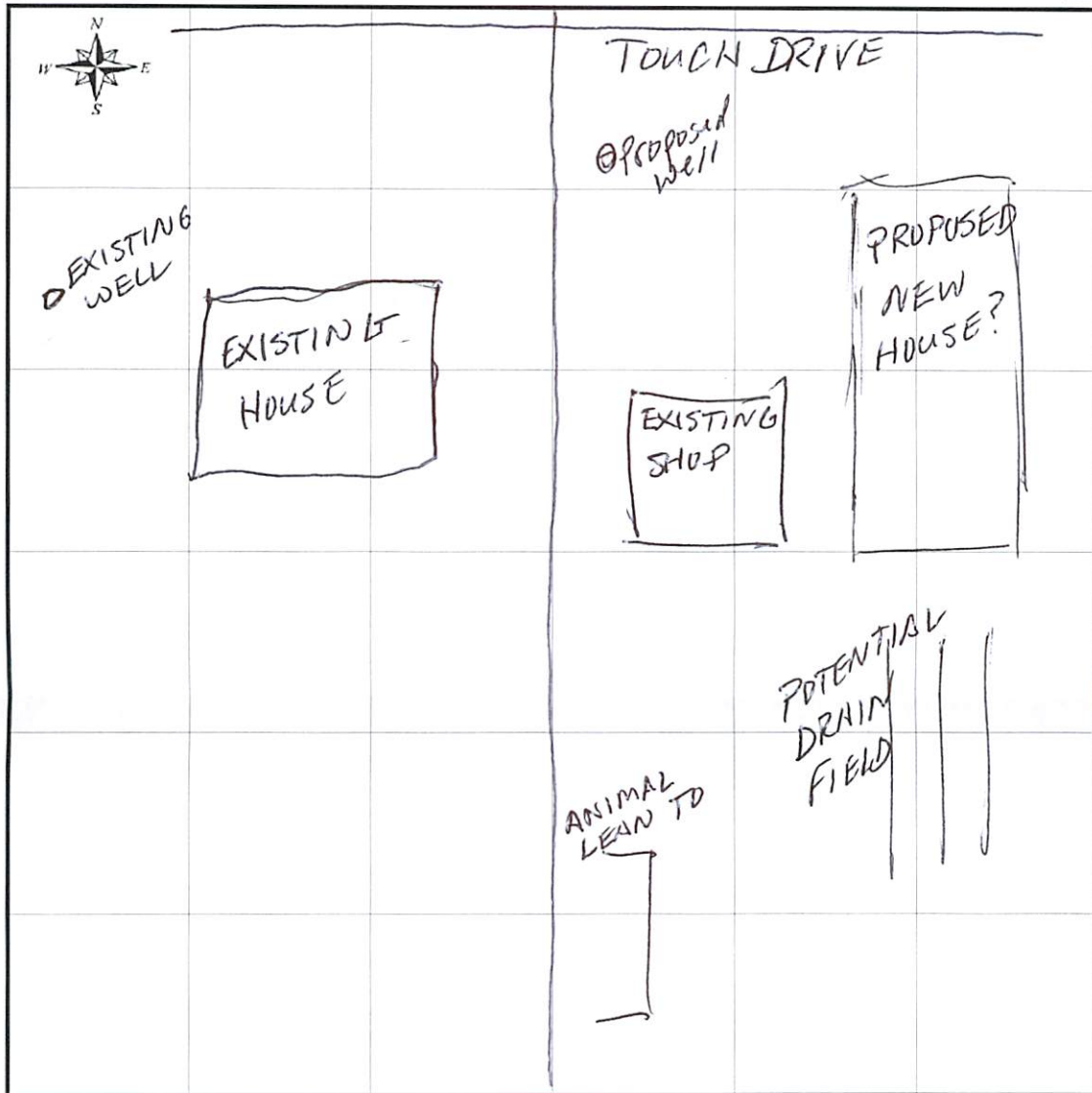
**Public Health**  
Prevent. Promote. Protect.

## Idaho Public Health Districts

Please draw an aerial view of the property showing the outline of buildings, property lines, well location(s), water lines, location of septic tank and drainfields, location of drainfield replacement area, ditches and streams, easements and right of ways, driveway and parking area, cut banks, and location of street or road. Indicate dimensions and separation distances of each from septic tank and drainfield.

### PLOT PLAN

SCALE: 1" = \_\_\_\_\_'



SIGNATURE: \_\_\_\_\_

DATE: 12-13-24

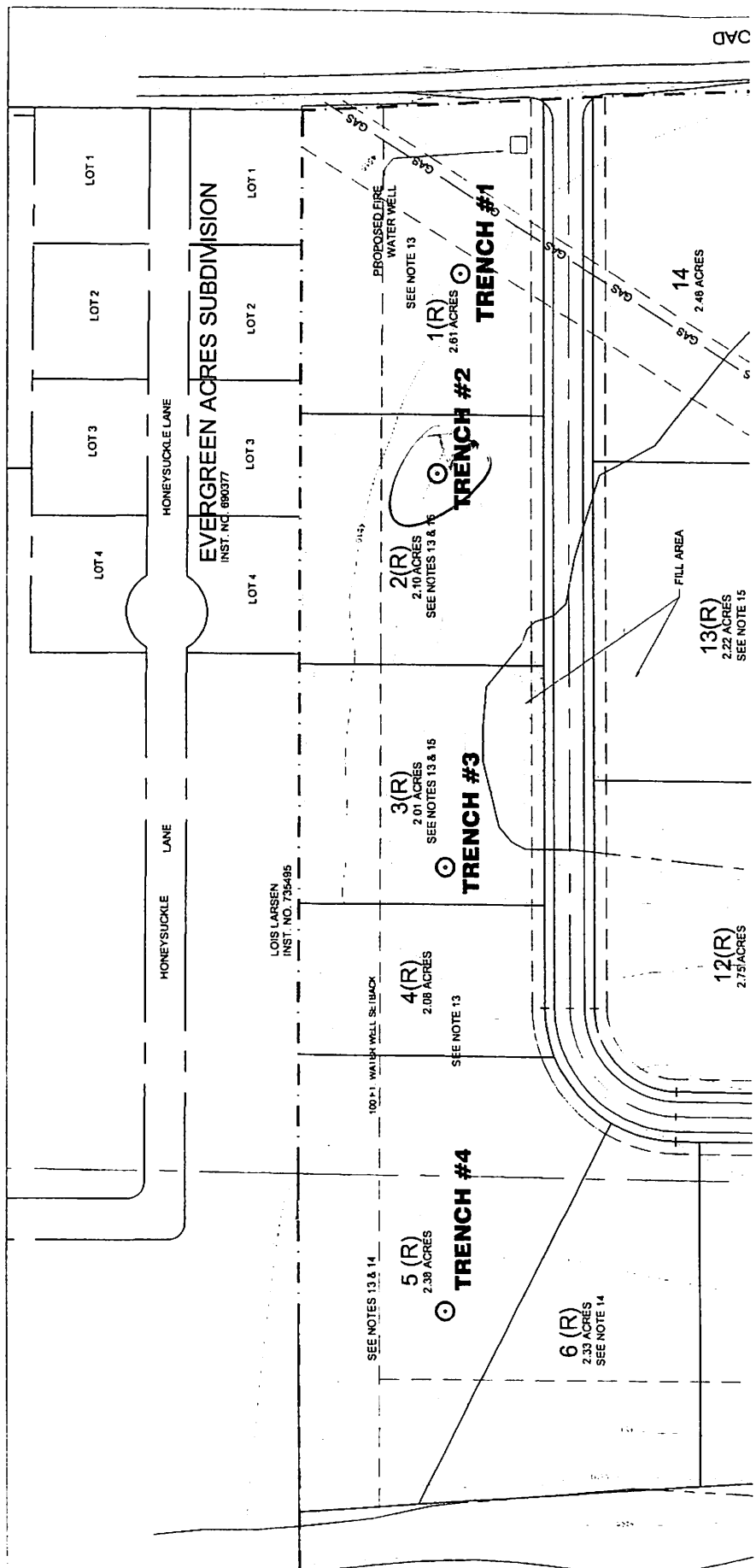
By my signature above, I certify that all answers and statements on this application are true and complete to the best of my knowledge. I understand that should evaluation disclose untruthful or misleading answers, my application may be rejected or my permit canceled. I understand that any deviation from the plans, conditions, and specifications, is prohibited unless it is approved in advance by the Director or his designee. I hereby authorize the Health District to have access to this property for the purpose of conducting a site-evaluation.

#### (OFFICIAL USE ONLY)

Plot Plan Approval Date: \_\_\_\_\_ EHS Name: \_\_\_\_\_ EHS #: \_\_\_\_\_



3/2/2025  
 7/2/2025  
 12/2/2025



**SHEET 1 OF 2**

Page 322 of 403



# EXHIBIT 5

## Ordinance Excerpts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The Preliminary Plat is in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of this Ordinance, other County Codes and Ordinances, and Idaho Code.
2. The street plan for the proposed subdivision will permit its development in accordance with this Code.
3. The street plan for the proposed subdivision will permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary.
4. Lot lines and roads relate to land shapes and existing development.

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

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

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

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

### **304 FINAL PLAT:**

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

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

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

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

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

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

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

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

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

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

**324 USES CONDITIONALLY PERMITTED:**

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

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

**325 PARKING STANDARDS:**

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

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

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

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

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

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

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

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

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

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

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

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

# FINDINGS

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

**PRELIMINARY PLAT–REYNOLDS ACRES**

**MEETING DATE: JANUARY 15, 2025**

**FILE #:** SPP-24-8

**LOCATION:** RPRRLIS000200, currently addressed as 1806 Touch Drive, Inkom, ID 83245.

**APPLICANT:**

Dioptra  
Stewart Ward  
4880 Clover Dell Road  
Pocatello, ID 83202

**OWNER:**

Paul Reynolds  
1806 Touch Drive  
Inkom, ID 83245

**REQUEST & BACKGROUND:** Stewart Ward proposes to replat Lot 2, Block 1 of Lilly Sioux Subdivision. 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 lot. The buildable lots will be between 1.02 and 1.05 acres in size. This subdivision is located ~ 1.5 miles from the city of Inkom boundary.

**FINDINGS:**

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

**SITE CHARACTERISTICS AND ZONING:**

ZONE: Residential Rural

PROPERTY SIZE: ~2.07 acres

VIEWS: The property is visible from all directions.

IMPACT AREA: None

FLOOD ZONE: X, minimal

TERRAIN: Relatively flat

EXISTING STRUCTURES: Residential dwelling and accessory structures.

OTHER: Located within Lilly Sioux 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.

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

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- 3. The street plan for the proposed subdivision **[will] [will not]** permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary.

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

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**CONDITIONS** (If any)

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**ORDER: CONCLUSION AND DECISION**

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

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

**ROLL CALL:**

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

**ACKNOWLEDGEMENT CERTIFICATE**

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

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, 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\_\_\_\_

# 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 Reynolds Acres, 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. 12  
Preliminary Plat Approval –  
Turkey Hollow Subdivision





# PLANNING AND DEVELOPMENT SERVICES

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

## PRELIMINARY PLAT– TURKEY HOLLOW SUBDIVISION

MEETING DATE: JANUARY 15, 2025

### STAFF REPORT

**FILE #:** SPP-24-9

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

**APPLICANT:**

Dioptra  
Stewart Ward  
4880 Clover Dell Road  
Pocatello, ID 83202

**OWNER:**

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

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

1. Depict 20' buffer area as indicated on instrument #21903300.
2. Plat shall state "All lots are subject to a 5-foot public utility easement along all lot lines."
3. CC&Rs shall reference new subdivision name.

Council may wish to add addition conditions as needed.

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

### PRELIMINARY PLAT PROPOSAL SUMMARY:

TOTAL AREA: 10.0 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENSITY: 1 dwelling unit per 5.0 acres

BUILDING LOT SIZE: Approximately 3.58 acres to 6.42 acres

WATER & SEWER: Individual well and septic systems.

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

UTILITIES: Power existing to the corner of parcels.

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

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

STAFF REPORT

PRELIMINARY PLAT – Turkey Hollow Subdivision

Page 1 of 8

**SITE CHARACTERISTICS AND ZONING:**

ZONE: Residential Rural

PROPERTY SIZE: ~3.58 acres and 6.42 acres

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

IMPACT AREA: City of Inkom

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes with flat area and natural drainage

EXISTING STRUCTURES: Residential dwelling and cottage dwelling.

OPEN SPACE: 5.97 acres within lots

OTHER: Located within Coyote Hollow Subdivision.

**SURROUNDING LAND USES AND ZONING:**

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

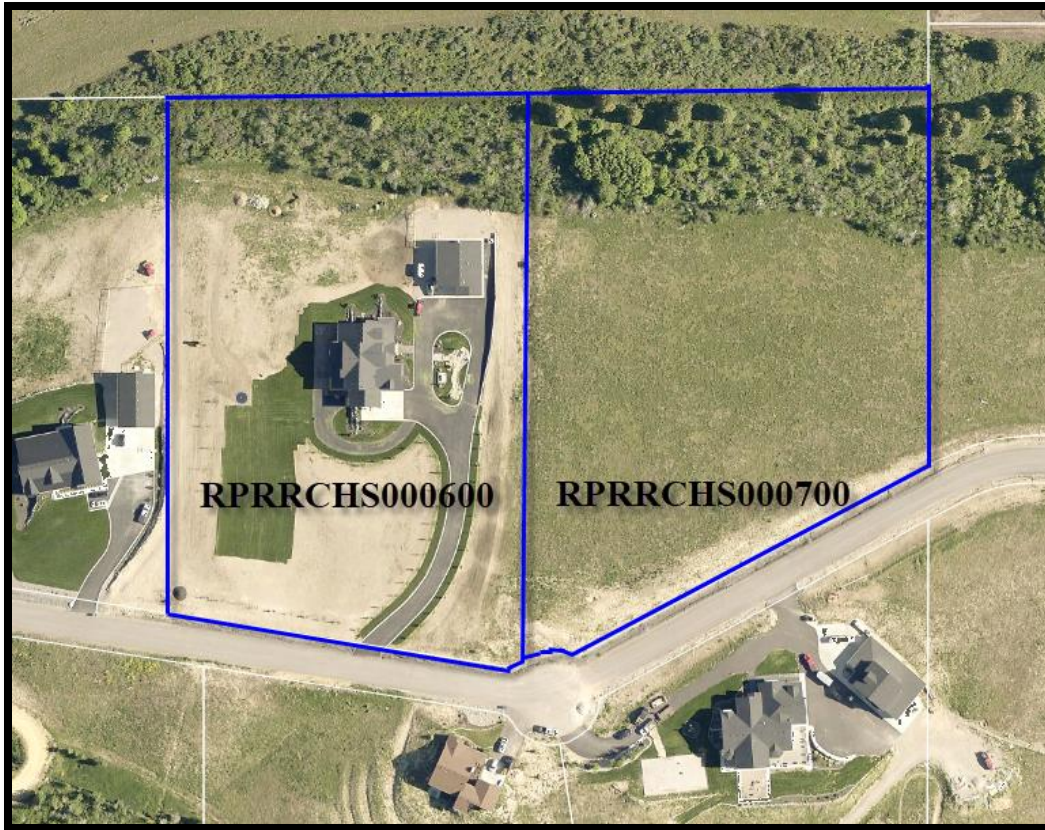
EAST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

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

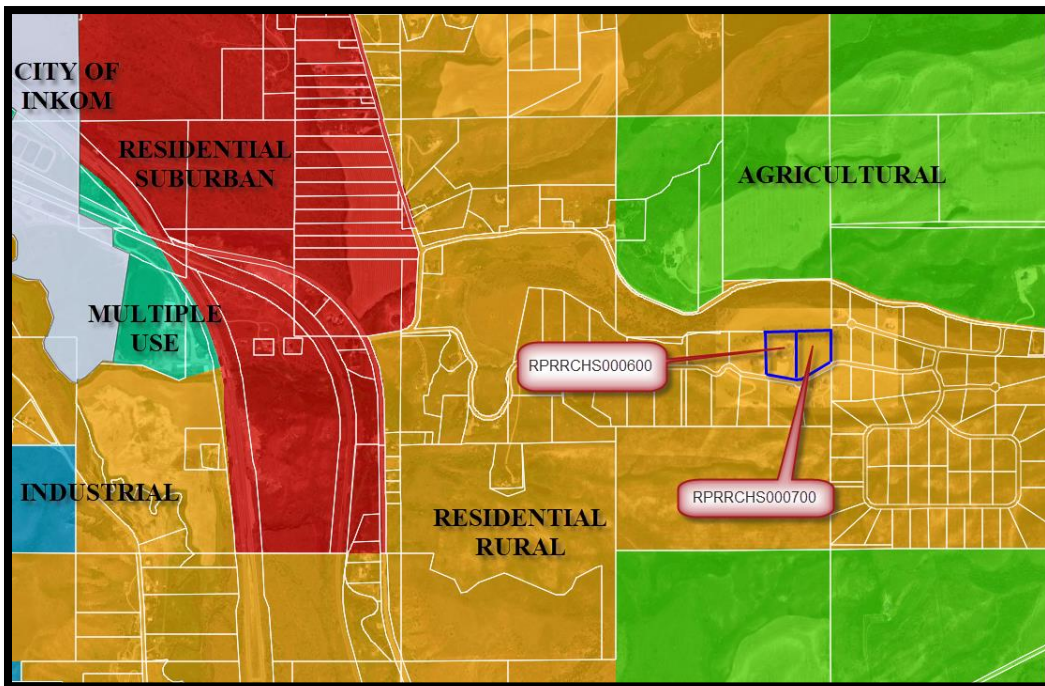
WEST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

**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**





**CONTOUR MAP**



**US FISH & WILDLIFE WETLANDS MAP**

## **REVIEW – SECTION 303.B.**

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

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

### **Staff Findings**

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

- 2. Utility easements and facilities**

### **Staff Findings**

Utility easements are shown on the preliminary plat submittal as 15' feet wide, located outside of E. Pidcock Road right-of-way. Coyote Hollow Subdivision has a note that states "All lots are subject to a 5-foot public utility easement long all lot lines." Council should review if the easement should be required. 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, Coyote Hollow Subdivision. At the time Coyote Hollow Subdivision started the subdivision process, open space was allowed within the lots. Applicant has proposed to keep open space acreage, use, and location as depicted on the previous plat. These lots were created under a previous ordinance interpretation and no new lots are being created, ordinance standards have been met. Applicant has proposed to proceed with Coyote Hollow Subdivision CC&Rs. A management plan is only required when open space is a community open space.

- 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&Rs from the original subdivision, Coyote Hollow Subdivision. Council may consider requiring the CC&Rs to reflect the new subdivision name.

STAFF REPORT  
PRELIMINARY PLAT – Turkey Hollow Subdivision  
Page 5 of 8

There were no conditions placed by Council regarding CC&Rs.  
The Comprehensive Plan does not require goals for the CC&Rs.

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 new street has been proposed.

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

Staff Findings

The developer proposes individual well and septic. There is no shared irrigation to each lot.

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**

All conditions appear to have been met.

- 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, Coyote Hollow Subdivision.

The proposal is to adjust the lot line to the east of proposed lot 6A.

Since these lots were created under a previous ordinance interpretation and no new lots are being created, ordinance standards have been met.

The proposed density is 1 dwelling per 5.0 acres.

There is an existing dwelling and accessory structures on proposed lot 6A.

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 "Turkey Hollow Subdivision" has been reviewed for duplicity by staff.

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

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 E. Pidcock Road, 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, E. Pidcock Road is the only street that the proposed subdivision has access to.

**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 E. Pidcock Road and public utility easement.

**REPORT BY:**

Alisse Foster, Subdivision Planner  
alissef@bannockcounty.gov

**REPORT DATE:** January 7, 2025

*\*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 (if any)
5. Referenced Ordinances – On file



# EXHIBIT 1

## Application & Preliminary Plat



## SPP-24-9

Subdivision Preliminary  
Plat Application

Status: Active

Submitted On: 10/31/2024

## Primary Location

906 E Pidcock Rd  
Inkom, ID 83245

## Owner

Brett Robison  
South 5th Ave 275 Pocatello,  
ID 83201

## Applicant

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

---

## Owner/Developer Information

Are the Owner and Developer the same?



Owner Name\*

Brett Robinson Management LLC

Street Address\*

906 E Pidcock Road

City\*

Inkom

State\*

ID

Zip Code\*

83245

Phone Number\*

208-705-4060

Email\*

bretthimself@yahoo.com

## Site Information

**Proposed Subdivision Name\***

Turkey Hollow

**Parcel Number(s) \***

RPRRCHS000600, RPRRCHS000700

**Proposed Number of Lots\***

2

**Concept Plan Approval Date\***

10/16/2024

**Quarter\***

SE Quarter

**Section\***

26

**Township\***

7 South

**Range\***

36 East

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

10.0

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

Residential Rural District

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

gradual slopes, no streams or creeks

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

existing Open Space as defined on Coyote Hollow Subdivision plat and revised per Affidavit Instr. #21913057

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

Lot 6 has an existing well, septic, drianfield, home, and out buildings

## Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name\*

Dioptra LLC - Stewart Ward

Phone Number\*

208-237-7373

Email \*

stewart@dioptrageomatics.com

---

## Preliminary Plat Criteria for Approval

**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, no changes were made to the layout from the approved Concept Plan. Open Space is in accordance with Bannock County Ordinance and has not changed.

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

The existing road, Pidcock Rd, will remain and no new roads are proposed as part of this subdivision.

**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.\***

The existing road, Pidcock Rd, will remain and no new roads are proposed as part of this subdivision.

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

Proposed lot lines are similar to the original lot lines and relate to the lots surrounding this development.

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## Acknowledgement

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



Electronic Signature [Typed Name of Applicant]\*

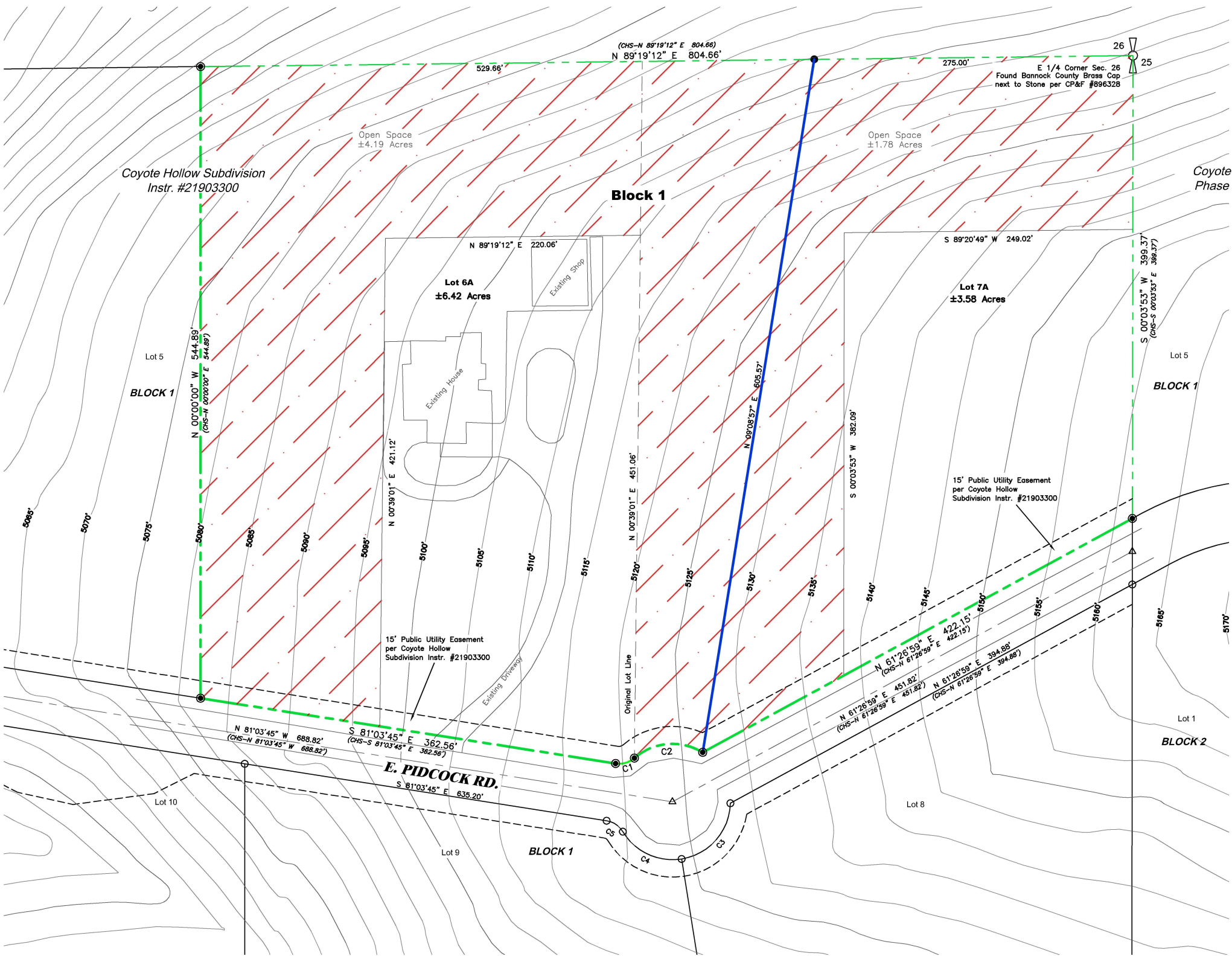
Stewart Ward

Date of Signature\*

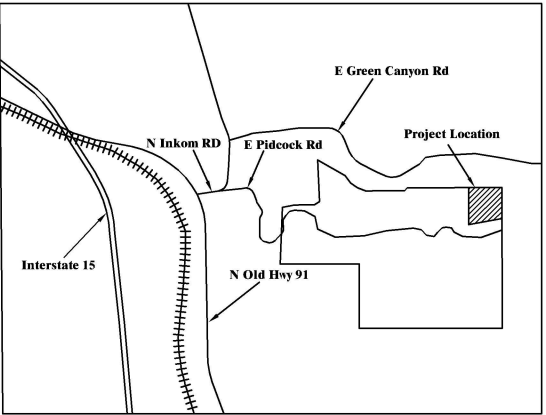
10/31/2024

TURKEY HOLLOW SUBDIVISION

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



VICINITY MAP



LEGEND

- Subdivision Boundary
- Lot Lines
- Adjoining Parcels
- Existing Easements
- Road Centerline
- Existing Buffer Area
- Section Line
- Original Lot Line
- Original Contours
- Open Space

- Set 1/2" Rebar with Plastic Cap PLS 15295
- Found 1/2" Rebar with Plastic Cap PLS 15295; Replaced with 5/8" Rebar with Aluminum Cap PLS 15295
- Found 1/2" Rebar per Coyote Hollow Sub. Instr. #21903300
- Found 5/8" Rebar per Coyote Hollow Sub. Instr. #21903300
- (CHS-) Record Bearing and Distance per Coyote Hollow Subdivision Instr. #20524217

NOTES

- Development contains 2 lots and is a Lot Line Adjustment between Lots 6 and 7 of Coyote Hollow Subdivision Instr. #21903300.
- Development will be serviced by individual wells and septic systems.
- No new roads are proposed as part of this subdivision.
- Stormwater will be detained in roadside swales and within individual lots.
- Public utilities are located in existing utility easements along Paddock Rd.
- No changes to existing Open Space are proposed. Open Space was defined on Coyote Hollow Subdivision Instr. #21903300 and revised per Affidavit Instr. #21913057
- Current Zoning - Residential Rural
- Total Area - 10.00 Acres  
Open Space Area - 5.97 Acres
- All subsequent plats shall state "Development on individual lots is restricted by Bannock County Ordinance 1997-4, 405 and 409.
- All subsequent plats shall state "Open Space is within individual lots as separate lots and is deed restricted from further development per Bannock County Subdivision Ordinance 1997-4, 401.C3.b."
- All subsequent plats shall state "All stormwater generated on individual lots shall be retained per Bannock County Zoning Ordinance 1998-1, 495 and Bannock County Subdivision Ordinance 1997-4, 410."
- All subsequent plats shall state "Driveways shall be built to meet standards of Bannock County Zoning Ordinance 1998-1, 475.13 and Bannock County Subdivision Ordinance 1997-4, 402.B."

SURVEYORS CERTIFICATE

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




CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00'	17.45'	16.90'	N 73°58'24" E	49°59'41"
C2	50.00'	63.27'	59.14'	S 85°11'46" W	72°30'25"
C3	50.00'	69.36'	63.93'	N 41°11'25" E	79°28'53"
C4	50.00'	59.34'	55.92'	S 65°04'06" E	68°00'04"
C5	20.00'	17.45'	16.90'	N 56°03'55" W	49°59'41"

BASIS OF BEARING

Basis of Bearing per Idaho State Plane  
Coordinate System - East Zone, GPS  
observation combination factor: 1.0002930163.  
Origin: Lat: N 42°46'45.82000"  
Long: W 112°12'20.67000"  
Elevation: 5040.293'  
All distances are US Survey Feet.



DIOPTRA

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

Turkey Hollow Subdivision

Drawn By: TJS	Scale: 1"=50'
Date: 10-28-24	Project: 24091



EXHIBIT 2

Declaration of Covenants, Conditions  
and Restrictions

**DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS  
OF  
COYOTE HOLLOW HOMEOWNERS' ASSOCIATION, LLC**

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ORIGINAL RECORD BY #  
BANNOCK COUNTY IDAHO

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# DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF COYOTE HOLLOW HOMEOWNERS' ASSOCIATION, LLC

THIS DECLARATION, made on the date hereinafter set forth by Net Prophet, LLC, owner of all the real Property hereinafter described, referred to as "Declarant".

## PREAMBLE

Declarant is the owner of real Property in the County of Bannock, State of Idaho, hereinafter referred to as "the Property", which is more particularly described as:

The Property described above is a land area which is to be and is being developed into a private residential area. This Property is the subject of this Declaration and will be known as and referred to hereinafter as the Coyote Hollow Subdivision. Through the use of a planned development, there will be created an appealing residential area designed in a manner to enhance its occupants use and enjoyment of the Property.

It is the purpose of this Declaration to provide a means for maintaining, controlling and preserving the area as a residential community in a manner desirable for residential living. Purchasers of Property in Coyote Hollow Subdivision will be motivated to preserve these qualities through cooperation and by enforcing this Declaration. The intention of the undersigned is that the covenants, conditions and restrictions contained herein shall be understood and construed to protect the value of the lots within, and enhance the desirability of ownership of the lots within, the Coyote Hollow Subdivision for all present and future owners.

Declarant will convey lots in Coyote Hollow Subdivision to all subsequent purchasers, subject to the protective covenants, conditions, restrictions, reservations, liens and charges as hereinafter set forth.

Declarant declares that all of the Property shall be held, sold and conveyed subject to the following restrictions, covenants and conditions, all of which are for the purpose of enhancing the value, desirability and attractiveness of the real Property, and all of which are hereby declared to be for the benefit of all the Property and the owners thereof, their heirs, successors, grantees and assigns.

Declarant declares that where the requirements of the State of Idaho and/or Bannock County, through statutes, ordinances or otherwise, are more restrictive than the restrictions contained herein, the requirements of the State of Idaho and/or Bannock County shall be deemed a part hereof and enforceable as herein provided.

These covenants, restrictions and conditions shall run with the Property and shall be binding on all parties having or acquiring any right, title or interest therein.

This Declaration is intended to establish a plan for the individual ownership of lots in Coyote Hollow Subdivision and the improvements contained thereon, and the organization of a

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non-profit membership association comprised of all owners of lots and improvements located within said subdivision.

These restrictions establish and impose a general plan for the improvement, development and maintenance of the Property and upon any and all improvements constructed or to be constructed thereon, and upon its use, occupancy and enjoyment. Every conveyance of the Property or any portion thereof shall be and is subject to these easements, covenants, conditions and restrictions as follows:

## **ARTICLE I DEFINITIONS**

Unless the context otherwise specifies or requires, the terms defined in this Article I shall, for all purposes of this Declaration, have the meanings herein specified.

### **SECTION 1.1 ARTICLES**

The term "Articles" shall mean the Articles of Organization of the Coyote Hollow Homeowners' Association, LLC which are or shall be filed in the Office of the Secretary of State of the State of Idaho, which said Articles are incorporated herein by this reference, as said Articles may from time to time be amended.

### **SECTION 1.2 ASSOCIATION**

The term "Association" shall mean the Coyote Hollow Homeowners' Association, LLC, an Idaho limited liability company, including its successors and assigns.

### **SECTION 1.3 BOARD OF DIRECTORS OR DIRECTOR - MANAGEMENT**

The term "Board" shall mean the Board of Directors of the Association, and the term "Director" shall mean a member of the Board of Directors. The management of the Association shall be conducted by the Board.

### **SECTION 1.4 DECLARATION**

The term "Declaration" shall mean the covenants, conditions and restrictions herein set forth in this entire document, as same may from time to time be amended.

### **SECTION 1.5 FAMILY**

The term "Family" shall mean one or more persons each related to the other by blood, marriage or legal adoption, together with any domestic servants, who maintain a common household in a Residence or Dwelling.

### **SECTION 1.6 IMPROVEMENTS**

The term "Improvements" shall include residence, dwelling, permitted structures, roads, driveways, parking areas, fences, screening walls, stairs, decks, hedges, windbreaks, plants,

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 planted trees and shrubs, poles, signs and all other structures or landscaping improvements of every type and kind.

#### SECTION 1.7 LOT

The term "Lot" shall mean each parcel of real Property designated for residential use on the subdivision plat pertaining to the Property subject to this Declaration, any subsequent annexation of, or additions to the Coyote Hollow Subdivision, and excluding Common Areas.

#### SECTION 1.8 MEMBER

The term "Member" shall mean and refer to every person or entity who is a member in the Association.

#### SECTION 1.9 MORTGAGE - MORTGAGOR - MORTGAGEE

The term "Mortgage" shall be deemed to include a deed of trust; any reference to a mortgagor shall be deemed to include the beneficiary of any deed of trust; and reference to a mortgagor shall be deemed to include the grantor of a deed of trust.

#### SECTION 1.10 OPERATING AGREEMENT

The term "Operating Agreement" shall mean the Operating Agreement of the Association which is or shall be adopted by the Board and which is on file at the office of the Association and which is incorporated herein by this reference, as such Operating Agreement may from time to time be amended.

#### SECTION 1.11 OWNER

The term "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of equitable or beneficial title (or legal title if same has merged) of any Lot and without any limitation of the foregoing the term shall include the purchaser or buyer of a Lot under an executory contract for the sale of real Property. The foregoing definition is not intended to include persons or entities who hold an interest in any Lot merely as security for the performance of an obligation.

#### SECTION 1.12 RESIDENCE - DWELLING

The terms "Residence" or "Dwelling" shall mean any building, including any garage, carport or similar outbuilding used for family, household, and residential purposes.

#### SECTION 1.13 RULES

The term "rules" shall mean any rules established by the Board.

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**ARTICLE II**  
**PROPERTY SUBJECT TO THESE COVENANTS, CONDITIONS & RESTRICTIONS**

**SECTION 2.1 GENERAL DECLARATION CREATING COVENANTS, CONDITIONS & RESTRICTIONS.**

The Association and the undersigned hereby declare that all of the real Property located in the County of Bannock, State of Idaho, described above in the Preamble, which is hereby incorporated herein by this reference, is and shall be held, conveyed, hypothecated, encumbered, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to the covenants, conditions and restrictions set forth in this Declaration. All of said restrictions are declared and agreed to be in furtherance of a general plan for the subdivision, improvement and sale of said real Property and are established for the purpose of enhancing and protecting the value, desirability and attractiveness of said real Property and every part thereof. All of the covenants, conditions and restrictions as set forth in this Declaration shall run with all of said real Property for the purposes and shall be binding upon and inure to the benefit of the undersigned, the Association, all lots all Owners and their assigns, transferees and successors in interest.

**ARTICLE III**  
**LAND CLASSIFICATION, PERMITTED USES AND RESTRICTIONS**

**SECTION 3.1 LAND USE CLASSIFICATIONS**

All land within Coyote Hollow Subdivision is to be used for residential purposes and is designated the Residential Area. Declarant may designate additional lands in the future to be subject to this Declaration; such designation may be by reference to this Recorded Declaration upon the Plat of such additional lands that may become subject to this Declaration.

**SECTION 3.2 RESIDENTIAL AREA: PERMITTED USES AND RESTRICTION**

The residential area shall consist of

- A. **RESIDENTIAL USE.** Each Lot within the residential area shall be used exclusively for single family residential purposes. No structure whatever, other than one private, single-family dwelling and permitted structures shall be erected, placed or permitted to remain on any of the lots. Gainful occupation, profession, trade, business or other non-residential use may be conducted in, on, or from any Lot or building so long as there is no visible external evidence thereof.
- B. **NO BUSINESS USE OR CONSTRUCTION.** No place of business of any kind, and no hospital, sanatorium or other place for the care or treatment of the sick or disabled, physically or mentally, nor any theater, saloon or other place of entertainment, nor any church shall ever be erected or permitted or used upon any Lot, or any part thereof.
- C. **MAINTENANCE AND REPAIR OF BUILDINGS.** No residence or permitted structure located upon any Lot shall be permitted to fall into disrepair, and, subject



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to the requirements of Paragraph (E) below, each such residence and permitted structure shall at all times be kept in good condition and adequately painted or otherwise finished. Owners shall maintain in good repair the exterior surfaces, including but not limited to, walls, roofs, porches, patios and appurtenances of every residence or permitted structure. Nothing shall be done in or to any such residence or permitted structure which will impair its structural integrity, except in connection with alteration or repairs specifically permitted or required under paragraph (E) below. Garages must be kept in a neat and tidy manner at all times, the determination of which shall be solely vested in the Board. The Association shall have no obligation or responsibility to keep any residence, improvement or permitted structure maintained or repaired, and the owner shall always have that responsibility.

- D. MAINTENANCE ON LAWNS AND PLANTINGS. The Owner shall keep all shrubs, trees, grass and plantings on each Owner's Lot, including set back and easement areas, neatly trimmed, properly cultivated and free of trash, weeds and other unsightly material.
- E. IMPROVEMENTS AND ALTERATIONS, APPLICATIONS, AND FEES. No improvement, alteration, repair, excavation, landscaping or other work which in any way alters the surface or exterior appearance of any Lot or the improvements located thereon from its natural or improved state as existing on the date of this Declaration, and no building, fence, wall, or other structure shall be commenced, erected, maintained, improved, altered, made or done to any Lot without the Owner's application for prior written approval of the Board ("Application"). Pursuant to its rule making power, the Board shall establish the procedures for the preparation, submission and determination of Applications for any such alteration or improvement, including the landscaping design for each lot. The Board shall have the right to refuse to approve any improvement or alteration plans which are not suitable or desirable, in its opinion, for aesthetic or other reasons. In so passing upon such plans, specifications and grading plans, and without any limitation on the foregoing, the Board shall have the right to take into consideration the suitability of the proposed residence or other structure and the materials of which it is to be built, any grading plans, and landscaping designs for the lot upon which the improvements are proposed to be made. The goal of the Board is to insure and maintain the harmony of improvements upon any lot with its surroundings and the Board may consider the effect of the building or other structure as planned, on the outlook from the adjacent or neighboring Lots. All subsequent additions to or changes or alterations in any residence, fence, wall, landscaping, or other permitted structure, including exterior color scheme, shall not be made without the prior written approval of the Board. All decisions of the Board shall be final and no Lot owner or other party shall have recourse against the Board for its refusal to approve any such plans and specifications or plot plan, including lawn area and landscaping.

The Board may establish and charge reasonable fees for review of Applications hereunder and will require such fees to be paid in full prior to review of any

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Applications. The Board may establish a refundable "Compliance Fee" to assure that all construction activities are in compliance with approved Applications.

The Board may delegate its duties hereunder to an Architectural Control Committee. Until the Developer has sold eight (8) Lots, it shall be the sole member of the Architectural Control Committee.

- F. ANIMALS. One large animal per acre size of any lot, such as a horse, cow, or llama, are permitted on a lot. No pigs, hogs, swine or any type of goat are permitted on any lot. All domestic pets shall be kept on a leash when outside of the dwelling and no animal shall be allowed to run at large and all feces picked up and discarded in a trash receptacle. No structure for the care, housing or confinement of any such large animal or domestic pet shall be constructed without the prior written approval of the Board. Any decision rendered by the Board shall be enforceable as other restrictions contained herein.
- G. ANTENNAS AND SATELLITE DISHES. No antenna or satellite dish larger than twenty (24) inches in diameter for transmission or tower used for the reception of television or radio (including shortwave) signals or any other form of electromagnetic radiation, shall be erected, used or maintained on any Lot, whether attached to a building or structure or otherwise, unless approved by the Board.
- H. UTILITY SERVICE. Lines, wires or other devices for the communication or transmission of electric current or power, including telephone, television and radio signals shall be constructed underground. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of an approved building.
- I. TEMPORARY OCCUPANCY. No trailer, basement of any incomplete building, tent, shack, garage or barn, and no temporary or incomplete building or structure shall be lived in or occupied in any manner.
- J. TRAILERS, BOATS AND MOTOR VEHICLES. No mobile home, trailer of any kind, tent, or similar structure, and no motor vehicle, car, truck, camper, recreational vehicle, motorcycle, go-cart, dune-buggy, boat, or boat trailer shall be kept, stored, placed, maintained, constructed, reconstructed or repaired, upon any Lot or street within the Residential Area for longer than forty-eight (48) hours unless the activity is attractively and adequately screened from view and such location and screening is first approved by the Board; provided, however, that the provisions of this paragraph shall not apply to emergency vehicle repairs or temporary construction shelters or facilities maintained during and used exclusively in connection with, the construction of, or any alteration or improvement approved by the Board.
- K. NUISANCES AND HAZARDOUS MATERIALS. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, and no odors shall be permitted to arise therefrom, so as to render any Lot or portion

10-26 thereof unsanitary, unsightly, offensive or detrimental to any of the Property in the vicinity thereof or to the occupants thereof. No nuisance shall be permitted to exist or operate upon any Lot so as to be offensive or detrimental to any Property in the vicinity thereof or to its occupants. External speakers may be installed near any deck or patio as long as their use does not constitute a noise nuisance. The Board in its sole discretion shall have the right to determine the existence of and prohibit the continuation of any such nuisance.

No hazardous materials, defined as any substance which is toxic, ignitable, reactive, or corrosive and which is regulated by any local government, the State of Idaho, or the United States government, and includes any and all material or substances which are defined as "hazardous waste," "extremely hazardous waste," or a "hazardous substance" pursuant to state, federal or local governmental law) shall not be permitted upon any Lot. Excessive storage of flammable or explosive substances is prohibited.

- L. **TRASH CONTAINERS AND COLLECTION.** All garbage and trash shall be placed and kept in covered containers of a type and style which shall be approved by the Board. In no event shall such containers be maintained so as to be visible from neighboring Property except to make the same available for collection and then only for the shortest time reasonably necessary to effect such collection. The Board shall have the right, in its sole discretion, to require all Owners to use a particular means of storing trash, pending collection by a trash service. All rubbish, trash or garbage shall be removed from the lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot.
- M. **MACHINERY AND EQUIPMENT.** No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any Lot within the Residential Area except such machinery or equipment as is usual and customary in connection with the use or maintenance of a Lot and its landscaping, or the construction of a residence in the Residential Area.
- N. **CONSTRUCTION.** Notwithstanding any provision herein contained to the contrary, it shall be expressly permissible for the builder of a major portion of home in the Residential Area to maintain during the period of construction and sale of said homes, upon such portion of the premises as such builder may choose, such facilities as in the sole opinion of said builder may be reasonably required, convenient or incidental to the construction and sale of said homes, including but without limitation, a business office, storage area, construction yard, signs, model units and sales office.
- O. **SIGNS.** No signs whatsoever (including but without limitation, commercial, political, and similar signs) which are visible from neighboring Property shall be erected or maintained on any Lot within the Residential Area except:
  - 1. Such signs as may be required by legal proceedings;
  - 2. Not more than two (2) address identification for each Lot;

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3. "For Sale" or "Open House", signs may be placed upon a Lot by an Owner or the Owner's agent for such period of time, and no longer, as such Owner's Property is being offered for sale.

- P. DWELLING CONSTRUCTED ON LOTS. Any Dwelling constructed on any Lot subject to this Declaration, and its associated landscaping, shall have designs approved by Declarant and, after the triggering date in 4.3 (b), the Board. Any improvement shall comply with any governmental regulations, such as set-back requirements and building locations. Any single story dwellings shall contain a minimum of 1500 square feet of useable living space, excluding the attached garage; any two story dwellings shall contain a minimum of 1200 square feet of useable living space on the main level, and 800 square feet of useable living space on the upper level; any two story dwellings with a basement shall have 2300 square feet of useable living space; and any four or more level dwelling shall have a minimum of 1500 square feet of livable space on the upper two levels. Any dwelling must include an attached two (2) car garage having a minimum width of twenty-four (24) feet and served by a driveway having not less than four hundred (400) square feet of concrete or paved area sufficient for the off street parking of two automobiles. The exterior of every dwelling and permitted structure shall follow complementary design themes approved by the Board. The Board, in the exercise of its discretion, may grant variances from these square foot requirements upon good cause shown by the Owner.

Any detached structure must comply with any governmental set back requirements, and shall conform to the exterior appearance of any dwelling unit located upon the Lot.

- Q. MAILBOX LOCATION. Mailbox location shall be as determined by the United States Postal Service and Declarant. Declarant may choose to use a neighborhood box unit system and may choose not to allow individual mailboxes throughout the subdivision. Any individual mailboxes must be finished with the same materials and colors utilized in the exterior finish of the Dwelling to which it applies.
- R. UTILITIES. All lots shall be served by underground utilities. All electrical, telephone and cable television lines shall be buried underground. No above ground distribution lines shall be installed. Overhead wires of any kind shall not be allowed and are expressly prohibited. The Owner of any Lot shall be responsible for all costs associated with connecting to electrical, telephone and cable utilities, locating and drilling a domestic well and installing a septic system upon their lot. The Owner shall be responsible for all permits and/or licenses fees related thereto, and shall obtain all necessary governmental approvals for the same, and maintain the same in accordance with all governmental rules and regulations. The Owner of any Lot are required to locate their electric meters within 125 feet of their applicable transformer.
- S. LANDSCAPING. Landscaping must begin upon the occupancy of any dwelling, and shall be completed no later than nine (9) months following occupancy of any

# **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

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12-26 dwelling. All landscaping must be completed in accordance with the approval of the Board in a professional manner and include a minimum of eight (8) trees having a minimum beginning height of eight (8) feet. In no event, however, shall any trees, landscaping, or fencing be installed in a manner which restricts a thirty (30) foot sight triangle at any intersection of roadways or driveways, as that term is defined in the applicable Bannock County zoning ordinance; or interferes with or damage existing utilities or drainage facilities.

The Owner is responsible for maintaining a wild fire defense around the perimeter of their Lot, such as fire breaks, fire-resistant landscaping, etc.

- T. COMMENCEMENT OF CONSTRUCTION. An Owner must commence construction of a residence, by completing the residence's foundation, within \_\_\_\_\_ months of the date the Owner has purchased the Lot. Once commenced, construction of the residence must be diligently pursued and completed within \_\_\_\_\_ months of the date the foundation construction was commenced. Completion of construction is defined as the date of issuance of a certificate of occupancy by the appropriate governmental agency.
- U. HOLD HARMLESS. Any Owner receiving approval for the construction of any improvement upon any Lot, shall indemnify and hold harmless the Declarant, Association and any other Owner from any damages they may suffer as a result of the Owner's construction of such improvement and fix or repair any such damage immediately.
- V. APPLICATIONS AND RECORD. Any Owner seeking approval for the construction of any improvement upon any Lot, shall provide the Board or its designee with the following records: (1) A complete set of construction plans, including exterior material specifications; (2) the elevations of improvements in relation to existing and finished ground elevations; (3) a map showing the location of all structures to be placed upon the Lot; (4) a site grading plan depicting storm water drainage (which must be capable of containing one inch of runoff water created by any hard surface such as roofs, driveways, sidewalks, etc.).

#### ARTICLE IV COYOTE HOLLOW HOMEOWNERS' ASSOCIATION, LLC

##### SECTION 4.1 ORGANIZATION AND MEMBERSHIP

- A. THE ASSOCIATION. The Association is a limited liability company charged with the duties and invested with the powers set forth herein. It was created by the Articles, and its affairs shall be governed by the Articles and Operating Agreement which shall not for any reason be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration. The Articles and Operating Agreement may be otherwise amended by affirmative vote of two-thirds of the voting members pursuant to such Notice of Meeting and Meeting as is consistent with Idaho law and the Operating Agreement.

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- B. **SUCCESSOR ASSOCIATION.** In the event that the Association is dissolved, a non-profit, unincorporated association shall forthwith and without further action or notice be formed and succeed to all the rights and duties of the Association hereunder. The affairs of said unincorporated association shall be governed by the laws of the State of Idaho and, to the extent not inconsistent therewith, by the Articles and Operating Agreement as if they were created for the purpose of governing the affairs of an unincorporated association.
  - C. **BOARD OF DIRECTORS AND OFFICERS.** The affairs of the Association shall be conducted by a Board of Directors. Until such time as the Declarant has sold eight (8) Lots, the Declarant, alone, shall act as the Board. Once eight (8) Lots have been sold by the Declarant, the Board shall consist of three (3) members be duly elected by the Class A and Class B Members pursuant to the provisions of the Operating Agreement of the Association. The Directors may, from time to time, elect or appoint in accordance with the Operating Agreement of the Association, such officers as it deems necessary.

#### SECTION 4.2 MEMBERSHIP

- A. **OWNER MEMBERS.** Membership in the Association, except for membership of the Declarant, or any of its successors or assigns thereto, shall be limited to Owners, as that term is defined herein. Each Owner shall be a member of the Association, or, in the event of its dissolution, a member of the unincorporated association succeeding to the Association, as provided for in Paragraph (B) of Section 4.1. The rights and obligations of an Owner and membership in the Association shall not be assigned, transferred, pledged, conveyed, or alienated in any way except upon transfer of ownership to the Owner's Lot and then only to the transferee of ownership to such Lot, or by intestate succession, testamentary disposition, foreclosure of mortgage of record, or other legal process as now in effect or as may hereafter be established. Any attempt to make a prohibited transfer is void and shall not be recognized by the Association. In the event an Owner of any Lot should fail or refuse to transfer the membership registered in that Owner's name to the transferee of such Lot, the Association shall have the right to record the transfer upon the books of the Association and issue a new membership to the transferee and the old membership outstanding in the name of the Seller shall be null and void as though the same had been surrendered.
- B. **MEMBER'S RIGHTS AND DUTIES.** The rights, duties, privileges and obligations of an Owner as a member of the Association or its succeeding unincorporated association, shall be those set forth in, and shall be exercised and imposed in accordance with, the provisions of this Declaration, the Articles and the Operating Agreement. If any Owner fails to perform its obligations under this Declaration, the same may be performed, in the sole discretion of the Board, by the Association and the cost thereof assessed against the Owner.
- C. **RIGHTS UPON DISSOLUTION.** In the event of the dissolution of the Association and the formation of an unincorporated association, as provided for in paragraph (B) of Section 4.1, each member of the unincorporated association shall

#### DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

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 have an underlying beneficial interest in all of the Association's Property transferred to or for the account or benefit of the unincorporated association, such interest being in direct proportion to the number of lots owned by such member; provided, however, that there shall be no judicial partition of such Property, or any part thereof, nor shall any such member or other person acquiring any interest in said Property, or any part thereof, seek judicial partition, the right to do so being expressly waived.

#### SECTION 4.3 VOTING CLASS

The Association shall have two (2) classes of voting membership.

- A. CLASS A. Class A Members shall be all those Owners as defined in Section 4.2. A Class A member shall be entitled to one vote for each Lot owned by said Owner.
- B. CLASS B. The Class B Member is the Declarant, its successors or assigns. The Class B member shall have \_\_\_\_\_ ( ) votes, provided that the Class B membership shall cease and be terminated upon the happening of either of the following events, whichever occurs earlier:
  - 1. When the Declarant or its successors and assigns shall have sold the last of Lots in the Residential Area, or
  - 2. October 1, 2028.
- C. JOINT OWNER. Class A Members shall have only one vote for each Lot owned, regardless of the number of Owners having an interest therein. The vote for each Lot must be cast as a unit, and fractional votes shall not be allowed. In the event that joint owners are unable to agree among themselves as to how their vote or votes shall be cast, they shall lose their right to vote on the matter in question. In the event more than one vote is cast for a particular Lot, none of said votes shall be counted as said votes shall be deemed void. If any owner or owners casts a vote representing a certain Lot, it will thereafter be conclusively presumed for all purposes that the owner or group were acting with the authority and consent of any other owners of the same Lot.
- D. TRANSFER OF VOTING RIGHT. The right to vote may not be served or separated from the Lot ownership to which it is appurtenant, and any sale, transfer or conveyance of such Lot to a new owner or owners shall operate to transfer the appurtenant vote without the requirement of any express reference thereto.

#### SECTION 4.4 DUTIES OF THE ASSOCIATION.

The Association shall have the duty, subject to and in accordance with this Declaration, to do and perform the following for the benefit of the owners and for the maintenance and improvement of the Residential Areas.

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- A. **TITLE TO PROPERTY UPON DISSOLUTION.** Immediately prior to any dissolution of the Association as a corporate entity, to convey all Property in it to any independent corporate trustee, to hold such Property in trust for the benefit of the unincorporated association formed pursuant to paragraph (B) of Section 4.1 and for the benefit of the owners pursuant to the terms hereof and the Articles and Operating Agreement.
  - B. **INSURANCE.** To obtain and maintain in force such policies of insurance as may be deemed necessary by the Board. The insurance referred to above, where applicable, shall name as separately protected insureds, the Association, the Board, any committees appointed by the Board, all Officers of the Association, and their representatives, agents, members and employees, and the owners (as a class) with respect to any liability arising out of the activities of the Association.
  - C. **RULE MAKING.** To make, establish, promulgate, amend and repeal Homeowners' Association Rules ("Rules").
  - D. **ENFORCEMENT OF RESTRICTIONS AND RULES.** To take such action as may be reasonably necessary to enforce the covenants, conditions and restrictions of this Declaration and the Rules.
  - E. **MAINTENANCE OF EASEMENTS.** To take such action as may be reasonably necessary to maintain, repair, and construct improvements upon any public easement upon or within Coyote Hollow Subdivision.
  - F. **DIRECTORY.** To compile, have printed, and distribute a Directory containing the names and addresses of all owners and such other information as the Board desires to insert therein.
  - G. **NOTIFICATION.** To notify any owner of any violation or breach of any of the matters contained in this Declaration or the Rules.
  - H. **OTHER.** To do and carry out the duties of the Association set forth in other sections of this Declaration, the Articles and the Operating Agreement, and such other duties as may reasonably be inferred from this Declaration, the Articles and the Operating Agreement.

#### SECTION 4.5 POWERS AND AUTHORITY OF THE ASSOCIATION.

The Association shall have all of the powers of a limited liability company organized under the laws of the State of Idaho in operating for the benefit of its members, subject only to such limitations upon the exercise of such powers as are expressly set forth in the Articles, the Operating Agreement and this Declaration. It shall have the power to do any and all lawful things which may be authorized, required or permitted to be done by the Association under and by virtue of this Declaration and the Rules, including all things which may be reasonably inferred therefrom, and to do and perform any and all acts which may be necessary or proper for or incidental to the exercise of any of the express powers of the Association or for the peace, health,

#### DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

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comfort, safety or general welfare of the owners. Without in any way limiting the generality of the foregoing, the Association shall have the power and authority at any time:

- A. FEES. The Association may assess any Lot, and also charge an Owner or any other person reasonable dues, use or other fees as the Board may deem necessary or desirable to carry out its duties and responsibilities under this Declaration, the intent and purposes of this Declaration, the Articles, and the Operating Agreement. Any unpaid assessment, dues, use fee or other fee shall be subject to a lien and charge upon a Lot as provided by, and enforceable pursuant to, the provisions of *Idaho Code § 45-810*.
- B. ENFORCEMENT. The Association shall have the power and authority, from time to time, in its own name on its own behalf, or on the behalf of any owner or owners who consent thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of this Declaration and to enforce, by mandatory injunction, collection, foreclosure, or otherwise, all of the provisions of this Declaration. When in the discretion of the Board it is determined that an owner or other person has failed, refused or neglected to comply with any provision contained herein, the Board or any Officer of the Association or other authorized person shall give such owner ten (10) days' notice in writing of the failure to comply with said provision, setting forth the nature of the failure to comply and the change required. If upon the expiration of said ten (10) days from the date of such notification, the owner fails to remedy such non-compliance, the Association may thereupon cause same to be performed or remedy the non-compliance and in such event the owner shall reimburse the Association for all expenses incurred in connection therewith upon demand, including, as such expenses, and without limitation costs, investigation and collection fees. If such expenses are not promptly paid by the owner to the Association, the Association acting through the Board shall levy in reimbursement a special individual assessment against such owner pursuant to Section 5.4 hereof.
- C. EASEMENTS AND RIGHTS OF WAY. The Association may grant and convey to any third party or governmental entity such easements or rights of way to parcels or strips of land, in, on, over or under the Property under its jurisdiction, for the purpose of constructing, erecting, operating or maintaining thereon, therein and thereunder (1) roads, streets, walks, driveways, parkways and park areas, (2) underground wires and conduits or other devices for the transmission of electricity for lighting, heating, cable television, power, telephone and other purposes, (3) public sewers, storm water drains and pipes, water systems, sprinkling systems, water, heating and gas lines or pipes and (4) any similar public or quasi-public improvements or facilities, including walking or bike paths and an entrance landscape feature.
- D. EMPLOYMENT OR CONTRACT WITH AGENTS. The Association may employ or contract for the services of a secretary, manager, architect, engineer, consultant, other employee or employees, and attorneys and accountants, to manage and carry out the affairs of the Association, and, to the extent not inconsistent with the laws of the State of Idaho and upon such conditions as are

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otherwise deemed advisable by the Board, to delegate to any of said persons any of its rights, powers and duties.

- E. **PUBLIC SERVICE.** The Association may contract for or provide (to the extent adequate services are not provided by a public authority) police and fire protection, refuse disposal, street light maintenance, security patrol and such other services, facilities and maintenance of a public or quasi-public nature as may be deemed necessary or desirable by the Board for the effectuation of the purposes of this Declaration. In connection with providing such facilities and services, the Association may contract with or assign its duties to any public authority, governmental body or special district, or other private entity deemed appropriate by the Board.
- F. **WITHDRAWAL OF RIGHTS AND PRIVILEGES OF OWNERS.** In the event any owner fails to perform or breaches or violates any provision, restriction, or requirement contained in this Declaration or incorporated herein by reference, the Board may, without in any way limiting any of its other rights, and in its sole discretion, withdraw from the owner any of the rights and privileges of the owner or take any other action deemed appropriate by the Board including, but not limited to, the following:
1. Exclude said owner from any rights or benefits from any security or emergency service or other service then operating pursuant to any contract with the Association.
  2. Deprive said owner of all voting rights and privileges, and exclude said owner from all meetings of the Association.
  3. Limit or exclude said owner from all service performed by the Association on behalf of its members.
  4. Identify said owner as delinquent and as not in good standing in the Directory.
- G. **ESTABLISHMENT OF BANK ACCOUNTS AND USE OF FUNDS.** The Association may establish bank accounts and borrow money and lend or invest its funds upon such terms and conditions as shall be determined by the Board in accordance with the intent and purposes of this Declaration.
- H. **PROPERTY.** The Association may own and hold the title to real and personal Property.
- I. **ADDITIONAL TERRITORY.** The Association may accept and include within Coyote Hollow Subdivision, and the operation of the Association, by deed, contract, or otherwise, additional residential or common areas as and when approved by the Board, subject to ratification by a majority vote of the votes entitled to be cast by the owners present at any regular meeting of the owners of the Association or any special meeting called therefor, upon such terms and

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conditions as the Board may determine, including, by way of example and not by way of limitation, the roads and roadways presently located adjacent to lots in the Residential Area and other properties adjoining the Residential Area and its entry way.

- J. COMMITTEES. The Board may, in its sole discretion, establish whatever committees it deems necessary, either temporary or permanent, to carry out the intent and purposes of this Declaration, the Articles and the Operating Agreement. Any Committee member may be a member of the Board, an owner, or such other person as the Board may appoint, for whatever term or terms the Board deems appropriate. To the extent not inconsistent with the laws of the State of Idaho, and upon such conditions as are otherwise deemed advisable by the Board, the Board may delegate to any such Committee or Committees any of its rights, powers and duties.
- K. VARIANCES. The Association may grant to any owner a right of variance or modification of and from any of the provisions of this Declaration, the Articles or Operating Agreement, upon the unanimous approval of the Board, whenever it is determined by the Board that same would be in the best interests of the Association.
- L. ESTOPPEL CERTIFICATE. Upon such terms and conditions as the Board may determine, the Association may issue an Estoppel Certificate binding the Association to the position or determination stated therein, and anyone interested therein shall be entitled to rely on the matters stated therein. Said Certificate to be valid and binding on the Association shall be executed by at least one member of the Board, or the President of the Association, or such other person or persons as the Board in its discretion may determine and designate.
- M. APPEAL. Any owner aggrieved by any action taken by the Board or any Committee shall have a right of appeal to the Association to consider same, the Association having the final right to approve, rescind or modify any action taken by the Board or by any Committee, by a majority vote of the votes entitled to be cast by the owners present at any regular meeting or special meeting called therefor. Votes shall include both Class A and Class B votes as defined in Section 4.3. Any aggrieved owner desiring a special meeting of the Association to consider same may call for same in the manner set forth in the Operating Agreement of the Association.
- N. EQUAL TREATMENT OF OWNERS. No action shall at any time be taken by the Association or its Board which in any manner would unreasonably discriminate against any owner or owners in favor of any other owner or owners.

#### SECTION 4.6 LIABILITY OF MEMBERS OF THE BOARD, THE COMMITTEE AND OFFICERS.

No member of the Board or any Committee or any officer of the Association shall be personally liable to any Owner or to any other person, including the Association, for negligence

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or for any error or omission of the Board, the Association, its representatives, agents, and/or employees or any Committee, except for the willful and intentional misconduct of any such person.

## ARTICLE V FUNDS AND ASSESSMENTS

### SECTION 5.1 DECLARATION OF ASSESSMENT AND AGREEMENT OF PAYMENT.

The Declarant, for each Lot owned within the properties, hereby covenants, and each owner of any Lot by the acceptance of a deed therefore or acceptance of an agreement to purchase, whether or not it shall be so expressed in any such deed or otherwise conveyance, is deemed to covenant and agree to pay to the Association the assessments made as hereafter provided in Section 5.3.

### SECTION 5.2 PURPOSE OF ASSESSMENTS.

The annual and special assessments levied by the Association shall be used exclusively for the purpose of promoting the health, safety, and welfare of the residents of Coyote Hollow Subdivision, and in particular for the improvement and maintenance of the services and facilities devoted to these purposes. No owner of a residence may be exempt from liability for contribution toward the Association's expenses.

### SECTION 5.3 ASSESSMENTS.

- A. At least thirty (30) days prior to the commencement of each fiscal year, the Board shall estimate the costs and expenses to be incurred by the Association during such fiscal year in performing its functions under this Declaration (including a reasonable provision for contingencies and replacements), and shall subtract from such estimate an amount equal to the anticipated balance (exclusive of any reserves) in the operating fund at the start of such fiscal year which is attributable to fees and assessments received for the prior fiscal year. The foregoing computations shall constitute the budget, which shall be presented to the owners at the Annual Meeting of the Association. The Directors shall determine the amount of an annual assessment necessary to meet the Budget. The amount so determined shall be levied as an assessment against each improved Lot in the Coyote Hollow Subdivision and against each owner individually. The amount of each assessment may vary from year to year, and may vary in any one year as between improved and unimproved lots. A Lot shall be deemed to be improved upon the completion of construction of the residence's foundation or 30 days from the date construction of the foundation commenced, whether or not construction of the foundation is completed within that time.
- B. PAYMENT OF ANNUAL ASSESSMENT. The time of the first conveyance or occupancy (whichever occurs first) of each unit and from time to time thereafter, the Board shall notify the owner or owners of each Lot as to the amount of the annual assessment and shall each month collect for each Lot one-twelfth (1/12) of said Lot's proportional share of said annual assessment.

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- C. **SPECIAL ASSESSMENTS.** In addition to other assessments authorized by this Declaration, the Board shall have the right and power to levy a special assessment applicable for the purpose of providing for the construction of additional recreational and other common facilities, unexpected repairs, or the alteration, replacement, demolition or removal of existing recreational and other common facilities, from time to time, as in its discretion appears to be in the best interests of the Association. Any such alternation, demolition, removal, construction, improvements or additions increasing the owner's assessment for that year over the then maximum limitation shall be authorized by an affirmative vote of a majority of the Board at a duly called meeting at which a quorum is present, and ratified and approved by a majority vote of the members who shall vote in person or by proxy at a meeting called for that purpose.
- D. **UNIFORM RATE OF ASSESSMENT.** Both annual and special assessments must be fixed at a uniform rate for all improved Lots, and may be collected on a lump sum or on a monthly installment basis. Each owner's prorata share of any assessment shall be determined by a fraction, the numerator of which shall be the number of lots owned by that owner and the denominator shall be the total number of lots subject to the assessment.

#### SECTION 5.4 SPECIAL INDIVIDUAL ASSESSMENT.

The Board may levy a special assessment against any owner and owner's Lot as a result of whose failure to comply with this Declaration, or the Rules, for an amount of money expended by the Association from the operating fund in performing its functions under the Declaration, the Articles and Operating Agreement. Such assessments shall include, but not be limited to, reimbursement to the Association for any amount so expended or to be expended, and shall be due and payable to the Association when levied. Special individual assessments shall be enforced in the same manner as annual or other special assessments.

#### SECTION 5.5 OPERATING FUND.

There shall be an operating fund from which the Association shall make disbursements in performing the functions of the Association, and into which the Association shall deposit all monies paid to it as:

- A. Annual Assessments;
- B. Special Assessments;
- C. Miscellaneous fees; and
- D. Income and profits attributable to the operating fund.

Each assessment levied hereunder shall be a separate, distinct and personal debt and obligation of the owner or owners against whom same is assessed, and shall constitute a lien and charge upon the Lot to which the assessment relates or is owned by said owner. Each owner of any Lot, becoming an owner of any Lot, or by acceptance of a deed relating thereto or by acceptance of any other document or instrument conveying an ownership interest herein, whether or not it shall be so expressed in any such deed or other document or instrument, is and shall be deemed to covenant and agree to pay the Association the assessments provided for herein, and agrees to the enforcement of the assessments in the manner herein specified. In the event the Association employs an attorney or attorneys for collection of any assessment, whether by suit or otherwise, or to enforce compliance with or specific performance of the terms and conditions of this Declaration, or for any other purpose in breach of this Declaration, each owner agrees to pay reasonable attorney's fees and costs thereby incurred in additions to any other amounts due from the owner or any other relief or remedy obtained against said owner. In the event of a default in payment of any such assessment when due, in which case and assessment shall be deemed delinquent, and in addition to any other remedies herein or by law provided, the Association may enforce each such obligation in the manner provided by law or in equity, or without any limitation of the foregoing, by either or both of the following procedures:

- A. **ENFORCEMENT BY SUIT.** The Association may bring a suit at law against each owner or owners to enforce each such assessment obligation. Each owner agrees that any judgment rendered in any such action shall include a sum for reasonable attorney's fees in such amount as the court may adjudge against the defaulting owner, plus all Court costs and necessary expenses and accounting fees incurred by the Association, plus interest on the amount of said assessment at the maximum legal rate allowed by law from the date the assessment becomes delinquent until paid in full.
- B. **ENFORCEMENT BY LIEN AND NOTICE.** Any unpaid assessment shall be a lien and charge upon a Lot as provided by, and enforceable pursuant to, the provisions of *Idaho Code §45-810*. The Association shall give notice to each Lot owner whose assessment is due and unpaid by mailing to said owner a copy of the notice and claim of lien which shall state the following:
1. The last known name of the delinquent owner or reputed owner, if known, and the name of the Association;
  2. The legal description and street address of the Lot against which the claim of lien is made;
  3. A true statement of the amount claimed to be due and owing after deducting all just credits or offsets;
  4. That the claim of lien is made by the Association pursuant to the terms of the Declaration; and

5. That a lien is claim against the Lot in an amount equal to the amount of the stated delinquency, and so long as the original or any subsequent unpaid assessment remains unpaid, such claim shall automatically accumulate the subsequent unpaid assessments without the necessity of further filings by the Association.

- C. **ASSESSMENT, FEES, COSTS AND FORECLOSURE.** The Association shall immediately record a duly executed original or copy of such notice and claim of lien and the lien claimed therein shall immediately attach and become effective as a lien upon the Lot against which such assessment was levied. Each default in payment of an assessment shall constitute a separate basis for a claim of lien or a lien, but any number of defaults may be included within a single notice and claim of lien. The amount of the lien shall include the amount of all unpaid assessments, plus interest at the legal rate of 12% per annum on the amount of the assessment from the date the assessment becomes delinquent until paid in full, plus a lien charge to cover recording, legal and accounting expenses incident thereto. The amount of said lien charge may be increased or decreased by the Board in its sole discretion. Any such lien may be foreclosed by appropriate action in court or in the manner provided by *Idaho Code §45-810*, as the same may be changed or amended. The lien provided for herein shall be in favor of the Association and shall be for the benefit of all other Lot owners. The Association shall have the power to bid in its interest at any foreclosure sale and to purchase, acquire, hold, mortgage and convey any Lot. In the event such foreclosure is by action in court, reasonable attorney's fees, court costs, title search fees, interest and all other costs and expenses shall be allowed to the extent permitted by law. Each owner, by becoming an owner of a Lot in Coyote Hollow Subdivision, hereby expressly waives any objection to the enforcement and foreclosure of this lien in this manner and also hereby expressly waives the defense of the Statute of Limitations applicable to the bringing of any suit or action thereon.
- D. **ESTOPPEL CERTIFICATE.** Any owner shall be entitled to an Estoppel Certificate from the Board setting forth the amount of any due and unpaid assessments with respect to said owner's Lot (or the fact that all assessments due or paid if such is the case) within a reasonable time after demand therefor and upon payment of a reasonable fee to be determined by the Board.
- E. **NOTIFICATION.** The Association may notify all owners of the names of all person who have defaulted in the payment of any assessment when due and the amount thereof in the discretion of the Board.

## SECTION 5.7 SUBORDINATION TO MORTGAGES AND DEEDS OF TRUST

- A. **SUBORDINATION.** The lien or liens created hereby upon any Lot shall be subject to and shall not affect the rights of the holder of an indebtedness made in good faith, for value, and secured by a duly executed mortgage or deed of trust upon such Lot and recorded prior in time to the recording of the notice and claim of lien provided for above, in favor of or for the benefit of an institutional lender (such as a bank, insurance company, mortgage loan company, or savings and loan

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or building and loan association). However, after the foreclosure of any such mortgage by any such institutional lender, there may be a lien created pursuant to Section 5.6 on the interest of the purchaser at such foreclosure sale to secure all assessments hereunder assessed to such purchaser as an owner after the date of such foreclosure sale, which lien shall have the same effect and be enforced in the same manner as provided herein.

- B. AMENDMENT. No amendment to Paragraph (a) above shall affect the rights of the holder of any such mortgage recorded prior to the recordation of such amendment who does not join in the execution thereof.
- C. RIGHT UPON FORECLOSURE. In the event of a foreclosure of its lien by a bank, insurance company, mortgage loan company, savings and loan or building and loan association (or similar bona fide lender), the foreclosing party shall not have the right nor the power to exercise any of the rights or privileges of an Owner, including voting rights, until such party has acquired or become record Owner of the Lot and the Owner be subject to all of the terms and conditions of this Declaration, including but not limited to the obligation to pay for all assessments and charges accruing thereafter, in the same manner as any other Owner.

## ARTICLE VI MISCELLANEOUS PROVISIONS

### SECTION 6.1 AMENDMENT AND DURATION.

- A. AMENDMENT OR REPEAL. Except as otherwise provided in this Declaration, this Declaration may be amended, modified, repealed, added to, or changed, either increasing or decreasing burdens or benefits with respect to Property or as to the owners, at any time, by the vote of a majority of the votes (Class A and Class B) entitled to be cast by the owners of Lots at any annual meeting of the Association or any special meeting called therefor, and any such amendment or modification shall be recorded by the Association and shall have the same force and effect as though set forth in full herein.
- B. DURATION AND RESTRICTIONS. This Declaration shall continue and remain in full force and effect at all times with respect to all Property included within Coyote Hollow Subdivision, the owners and the Association (subject, however, to the right to amend and repeal as provided in Paragraph (A) above), until January 1, 2035. However, unless within one year prior to October 1, 2028, an instrument directing the termination of this Declaration is signed by owners of not less than two-thirds (2/3) of the residential lots and is recorded, this Declaration, as in effect immediately prior to the expiration date, shall, subject to the provisions of paragraph (A) above, continue in effect automatically for an additional period of ten (10) years and thereafter for successive periods of ten (10) years unless within one year prior to the expiration of any period of this Declaration is terminated as set forth above in this paragraph (B).



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SECTION 6.2 ENFORCEMENT AND NON-WAIVER

- A. **RIGHT OF ENFORCEMENT.** Except as otherwise provided herein, the Association, in the discretion of the Board, shall have the right to enforce any and all of the covenants, conditions and restrictions now or hereafter imposed by this Declaration as to the owners of any Property within the Residential Area.
- B. **VIOLATIONS AND NUISANCE.** Every act or omission whereby a covenant, condition or restriction of this Declaration is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action, by the Association, in the discretion of the Board.
- C. **VIOLATION OF LAW.** Any violation of any state, municipal or local law, ordinance or regulation pertaining to the ownership, occupation or use of any Property within the Residential Area is hereby declared to be in violation of this Declaration and subject to any or all of the enforcement procedures herein set forth.
- D. **REMEDIES CUMULATIVE.** Each remedy provided by this Declaration is cumulative and not exclusive.
- E. **NON-WAIVER.** The delay, failure or omission to enforce the provisions of any covenant, condition or restriction contained in this Declaration is the event of a breach thereof shall not constitute a waiver of any right to enforce any such provision or any other provisions of this Declaration, or acquiescence therein, and no right of action shall accrue nor shall any action be brought or maintained by anyone whatsoever against the Board, the Association, or any owner for or on account of the failure to bring any action or take any steps as to any breach hereof.

## SECTION 6.3 DELIVER OF NOTICES AND DOCUMENTS

Any notice required by this Declaration to be given shall be in writing and may be delivered either personally or by mail. If sent by mail, it shall be deemed to have been delivered forty-eight (48) hours after same has been deposited in the United States mail, postage prepaid, addressed to the last known address of the parties to whom notice is sent.

## SECTION 6.4 CONSTRUCTION AND SEVERABILITY, SINGULAR AND PLURAL TITLES

- A. **RESTRICTIONS CONSTRUED TOGETHER.** All of the covenants, conditions and restrictions of this Declaration shall be liberally construed together to promote and effectuate the fundamental concepts set forth in the Preamble of this Declaration.
- B. **RESTRICTIONS SEVERABLE.** Notwithstanding the provisions of Paragraph (a) above, the covenants, conditions and restrictions of this Declaration shall have been deemed independent and severable, and the invalidity or partial invalidity of

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any provision or portion thereof shall not affect the validity or enforce ability of any other provisions.

- C. SINGULAR INCLUDES PLURAL. The singular shall include the plural and the plural the singular unless the context requires the contrary, and the masculine, feminine or neuter shall each include the masculine, feminine and neuter as the context requires.
- D. CAPTIONS. All captions or titles used in this Declaration are intended solely for convenience of reference and shall not affect that which is set forth in any of the terms or provisions of said Declaration.

## SECTION 6.5 ACQUIRING OWNERSHIP

By acceptance of a deed or by acquiring any ownership interest in any of the real Property included within this Declaration, each person or entity, for that person or entity and for that person or entity and heirs, personal representatives, successors, transferees and assigns, to all of the provisions, restrictions covenants, conditions, rules and regulations now or hereafter imposed by this Declaration and any amendments thereof. In addition, each such person or entity by so doing thereby acknowledges that this Declaration sets forth a general scheme for the improvement and development of the real Property covered thereby and hereby evidences interest that all the restrictions, conditions, covenants, rules and regulations contained herein shall run with the land and be binding on all subsequent and future owners, grantees, purchasers, assignees and transferees thereof. Furthermore, each such person fully understands and acknowledges that this Declaration shall be mutually beneficial, prohibitive and enforceable by the various subsequent and future owners.

## SECTION 6.6 MERGER AND INTEGRATION

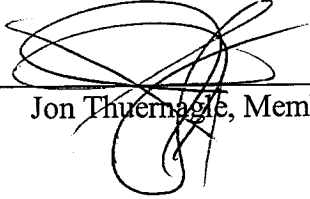
This Declaration, along with any exhibits, appendices, addendums, schedules, and amendments hereto, encompasses the entire agreement of the parties, and supersedes all understandings and agreements or representations of the Declarant, whether oral or written. By acceptance of a deed or by acquiring any ownership interest in any of the real Property included within this Declaration, each person or entity, for that person or entity and for that person or entity and heirs, personal representatives, successors, transferees and assigns acknowledges and represents, that said parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance by the Declarant, except those set out in this Declaration, and waive all rights and remedies, at law or in equity, arising or which may arise as the result of a party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance.

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IN WITNESS WHEREOF, the undersigned have executed this DECLARATION the

8<sup>th</sup> day of March, ~~2018~~ <sup>2019</sup> ~~16~~

**"DECLARANT"**  
**COYETE HOLLOW, LLC**

By

  
Jon Thuernagle, Member

STATE OF IDAHO    )  
                              :SS  
County of Bannock    )

On this 8<sup>th</sup> day of March, ~~2018~~ <sup>2019</sup> ~~16~~, before me, the undersigned Notary Public, in and for said State, personally appeared Jon Thuernagle, known or identified to me to be a one of the members of Net Prophet, LLC, the limited liability company who executed foregoing instrument, and acknowledged to me that he executed the same on behalf of Net Prophet, LLC.

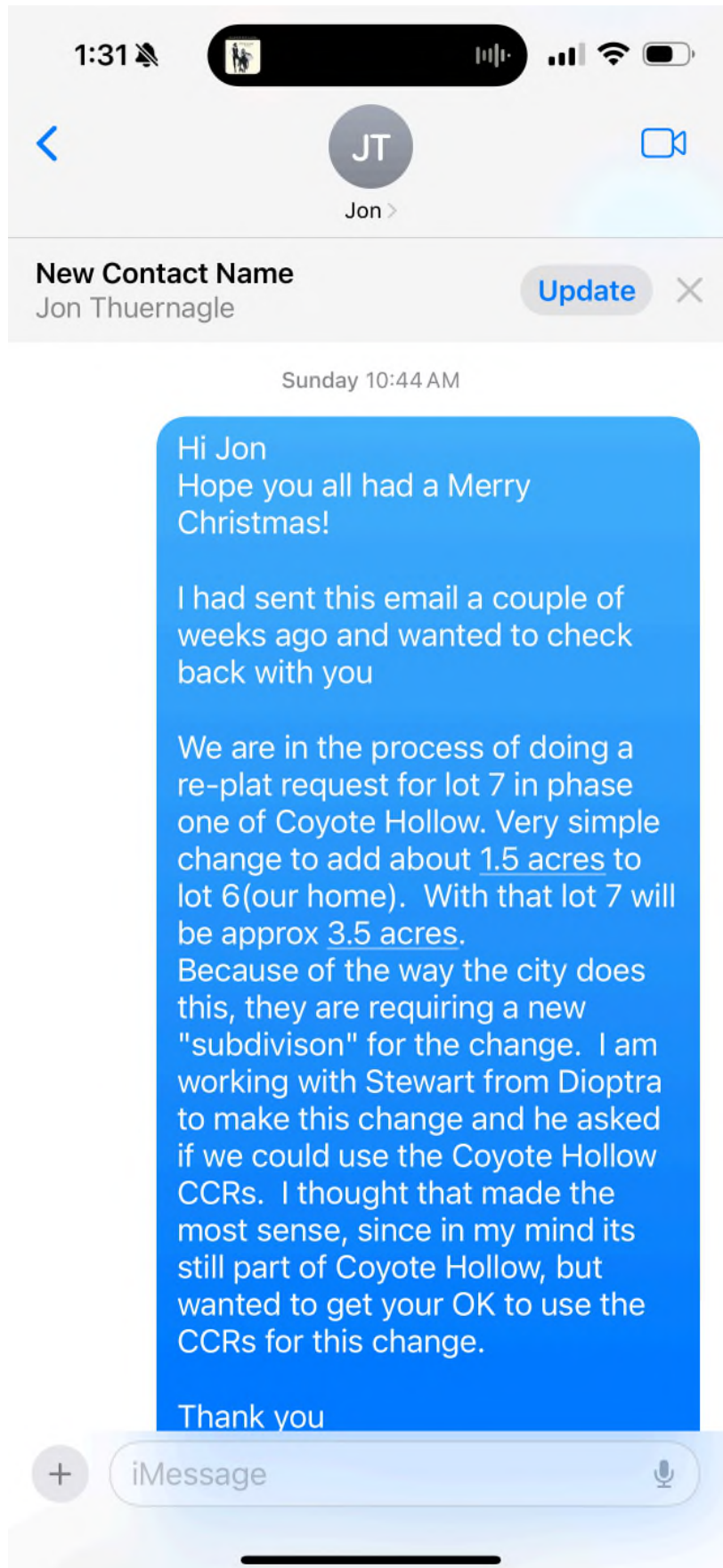
IN WITNESS WHEREOF, I have hereunto set my hand and affixed official seal the day and year first written above.

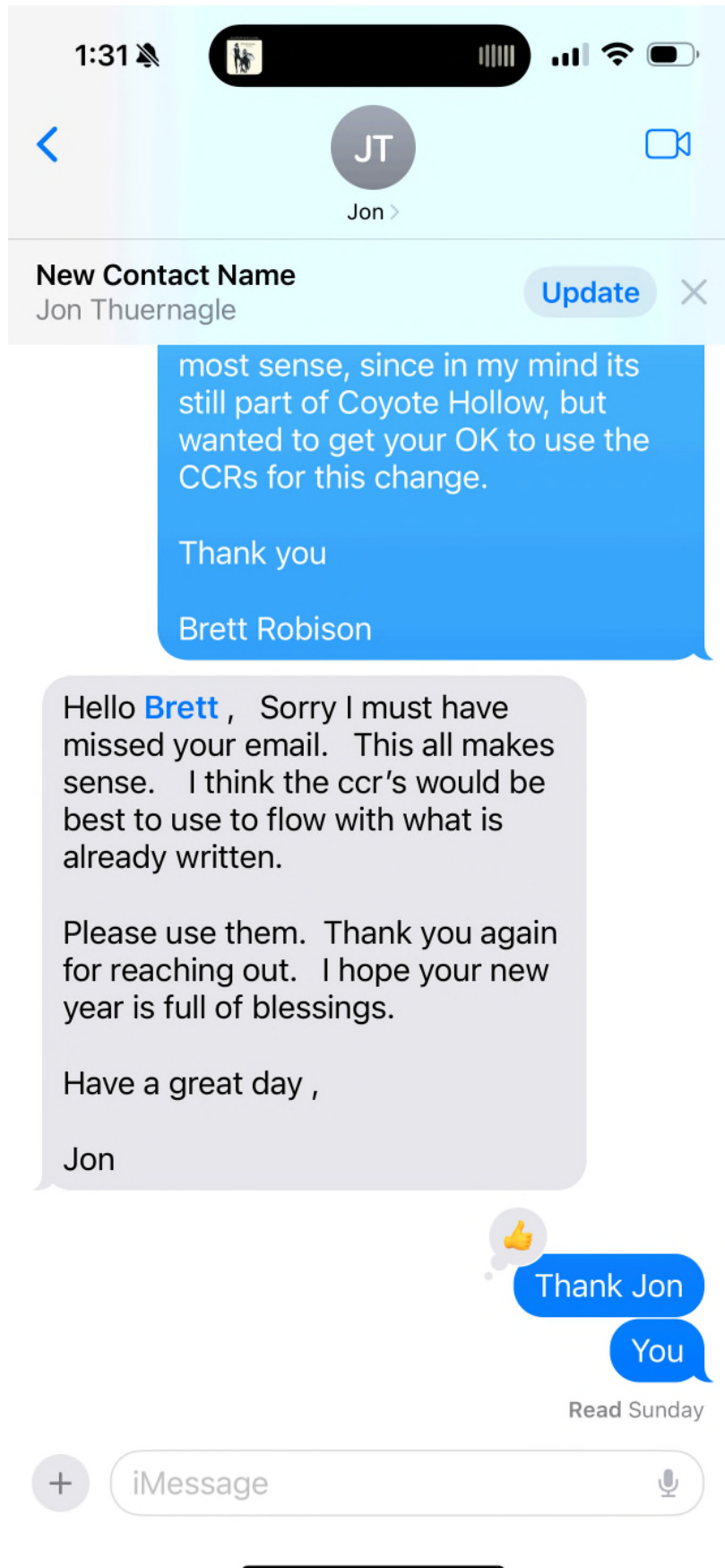
(SEAL)



  
NOTARY PUBLIC-STATE OF IDAHO

My commission Expires: June 21, 2022





# EXHIBIT 3

## SCP-24-6 – Recorded Findings

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

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

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

<b>APPLICANT:</b>	<b>OWNER:</b>
Dioptra LLC	Brett Robison Management LLC
Stewart Ward	906 E. Pidcock Road
4880 Clover Dell Road	Inkom, ID 83245
Pocatello, ID 83202	

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

**FINDINGS:**

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

**SITE CHARACTERISTICS AND ZONING:**

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

## NOTICE AND TESTIMONY REQUIREMENTS:

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

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

1. The proposed tentative **is** in conformance with the Bannock County Comprehensive Plan; **is** in conformance with applicable provisions of this Ordinance, other County Ordinances, and Idaho Code. Since this is in an existing subdivision and all densities and open spaces will still be met for this proposal, this meets all applicable ordinances. Objective 1.1, 1.4 and 1.5 of the Comprehensive Plan are also met.
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. There are no new roads being constructed as part of this development since this is in an existing subdivision and all roads have already been constructed according to Section 402 of the Subdivision Ordinance.
3. The proposed partitioning of land **does not** prohibit the extension of dedicated streets or roads. This is an existing subdivision and the lots are already facing a public road.
4. The proposed partitioning **will not** conflict with legally established easements or access within or adjacent to the proposed land partition. There are no established easements that are conflicting with this proposal.
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. Due to no change of the lots facing an existing road, these lots are located and laid out properly.
6. The proposed property **is** physically suitable for the type and proposed density of development and **does** conform to existing zone standards. There are no deviations from the open space ordinance and there is no deviation to the original density of the development.

(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. 15' utility easement shall be labeled as 15' Public Utility Easement.
3. All subsequent plats shall state "Development on individual lots is restricted by Bannock County Subdivision Ordinance 1997-4, §405 and §409."
4. All subsequent plats shall state "Open Space is within individual lots as separate lots and is deed restricted from further development per Bannock County Subdivision Ordinance 1997-4, §401.C.3.b."

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT SCP-24-6

Page 2



5. All subsequent plats shall state "All stormwater generated on individual lots shall be retained on site per Bannock County Zoning Ordinance 1998-1, §495 and Bannock County Subdivision Ordinance 1997-4, §410."
6. All subsequent plats shall state "Driveways shall be built to meet standards of Bannock County Zoning Ordinance 1998-1, §475.13 and Bannock County Subdivision Ordinance 1997-4, §402.B."

#### ORDER: CONCLUSION AND DECISION

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

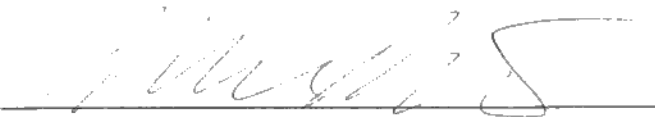
Motion by Krytal Madsen, seconded by Molly Dimick to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Dimick	Voted <b>Yes</b>
Councilperson Madsen	Voted <b>Yes</b>
Councilperson Selleneit	Voted <b>Absent</b>
Councilperson Ulrich	Voted <b>Absent</b>
Councilperson Ward	Voted <b>Recused</b>

Motion carried by a 2 to 0 vote.

Dated this 16<sup>th</sup> day of October, 2024.

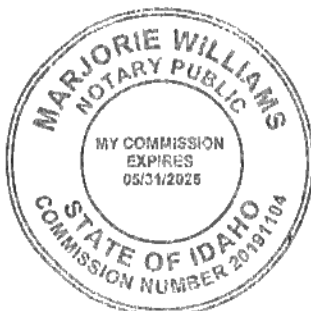
  
Signed by (Chairperson) (Vice Chair)


#### ACKNOWLEDGEMENT CERTIFICATE

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

On this 16<sup>th</sup> day of October, in the year of 2024, before me Marjorie Williams, a notary public, personally appeared Molly Dimick, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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Notary Public  
My Commission Expires on 5/31 20 25

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT SCP-24-6

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# EXHIBIT 4

## Ordinance Excerpts

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

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

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

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

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

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

**324 USES CONDITIONALLY PERMITTED:**

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

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

**325 PARKING STANDARDS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

1. The Preliminary Plat is in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of this Ordinance, other County Codes and Ordinances, and Idaho Code.
2. The street plan for the proposed subdivision will permit its development in accordance with this Code.
3. The street plan for the proposed subdivision will permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary.
4. Lot lines and roads relate to land shapes and existing development.

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

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

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

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

### **304 FINAL PLAT:**

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

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

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

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

# FINDINGS

# BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

## PRELIMINARY PLAT–TURKEY HOLLOW SUBDIVISION MEETING DATE: JANUARY 15, 2025

**FILE #:** SPP-24-9  
**LOCATION:** RPRRCHS000600, currently addressed as 906 E. Pidcock Road, Inkom, ID 83245 and  
RPRRCHS000700, currently unaddressed.

**APPLICANT:**  
Dioptra  
Stewart Ward  
4880 Clover Dell Road  
Pocatello, ID 83202

**OWNER:**  
Brett Robinson Management LLC  
906 E. Pidcock Road  
Inkom, ID 83245

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

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

#### SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural

PROPERTY SIZE: ~3.58 acres and 6.42 acres

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

IMPACT AREA: City of Inkom

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes with flat area and natural drainage

EXISTING STRUCTURES: Residential dwelling and cottage dwelling.

OPEN SPACE: 5.97 acres within lots

OTHER: Located within Coyote Hollow Subdivision.

**CRITERIA FOR APPROVAL:**

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

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

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- 3. The street plan for the proposed subdivision **[will] [will not]** permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary.

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

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CONDITIONS (If any)

ORDER: CONCLUSION AND DECISION

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

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

ROLL CALL:

Councilperson Dimick	Voted [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 \_\_\_\_\_, 2025.

Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, 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.

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

# 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 Turkey Hollow Subdivision, as described in the application materials as supplemented with additional information attached in the staff report and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

1. ....

2. ....



# AGENDA ITEM NO. 13

## Items of Interest

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