



# 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

FEBRUARY 19, 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. | ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST – EX-PARTE COMMUNICATION AND SITE VISIT<br>Disclose any communication, including who was there and the basic substance of conversation. Disclose if a site visit was made, location(s) of the site visit and what was seen. |
| AGENDA ITEM NO. | 2. | PRELIMINARY BUSINESS<br>a) Agenda Clarification and Approval ( <b>Action Item</b> )  |

\*Agenda is subject to change up to 48 hours before the meeting

Bannock County Planning & Development Council

February 19, 2025

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- AGENDA ITEM NO. 3. APPROVAL OF MINUTES (**ACTION ITEM**)  
a) November 20, 2024

**PUBLIC HEARING ITEMS**

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

- AGENDA ITEM NO. 4. **CONDITIONAL USE PERMIT – CAMPGROUND:**  
Christian Kobus petitions for a conditional use permit to create a 30-spot campground, on approximately 5 acres. The affected property is known as parcel RPRRIFL001300 and is currently unaddressed. Proposed hours of operation are 24 hours, seven days a week; a private well and septic are being proposed. At the hearing, the Council shall evaluate the proposed use against criteria established in §530 of the Zoning Ordinance. Type of action: Decision.  
**(ACTION ITEM)**

- AGENDA ITEM NO. 5. **CONDITIONAL USE PERMIT – CAMPGROUND:**  
Martin Sanders petitions for a conditional use permit to create a giftshop and a 25-spot campground, on approximately 6 acres. The affected property is known as parcel RPRRIFL001200 and is currently unaddressed. Proposed hours of operation for the campground are 24 hours, seven days a week; a private well and septic are being proposed. Proposed hours of operation for the gift shop to be 9AM to 5PM. At the hearing, the Council shall evaluate the proposed use against criteria established in §530 of the Zoning Ordinance. Type of action: Decision.  
**(ACTION ITEM)**

- AGENDA ITEM NO. 6. **COMPREHENSIVE PLAN ADOPTION:**  
Bannock County proposes to adopt a new Comprehensive Plan. In accordance with State Code 67-6509, the Planning and Development Council shall conduct at least one public hearing to recommend material change to the Plan. Type of action: Recommendation to County Commissioners.  
**(ACTION ITEM)**

- AGENDA ITEM NO. 7. **ORDINANCE CHANGE – SEDIMENT AND EROSION CONTROL ORDINANCE TEXT CHANGE:** Bannock County proposes textual changes to section 410 Erosion Control

Permits, in accordance with Idaho Code. Type of action:  
Recommendation to County Commissioners.  
**(ACTION ITEM)**

**BUSINESS ITEMS**

AGENDA ITEM NO. 8. PRELIMINARY PLAT APPROVAL – PEPPERGRASS POINT  
SUBDIVISION: Jose Nava requests preliminary plat  
approval for tax parcels RPRRWH4000600,  
RPRRWH4000500, and RPRRWH4000400 in accordance  
with procedures and standards established in the  
Subdivision and Zoning Ordinances. Type of action:  
Decision.  
**(ACTION ITEM)**

AGENDA ITEM NO. 9. CONDITIONAL USE PERMIT – GRAVEL PIT:  
Coleman Horrocks requests to open a new phase of an  
existing gravel pit, according to the original findings,  
conclusion and decision of the Conditional Use Permit.  
Type of action: Decision.  
**(ACTION ITEM)**

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AGENDA ITEM NO. 10. ITEMS OF INTEREST  
a) Update on recommendations to Commissioners  
b) Discussion of upcoming hearing items  
c) Announcements

AGENDA ITEM NO. 11. 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. 3

## Approval of Minutes

**BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL**

**DRAFT** MEETING MINUTES | November 20, 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 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, Chad Selleneit, Molly Dimick, and Krystal Madsen.

Steward Ward recused himself from Agenda Item #4.

Excused/Absent Council Members: Edward Ulrich.

**2. PRELIMINARY BUSINESS:**

AGENDA CLARIFICATION AND APPROVAL

Hal Jensen, Planning Director, you have an item that you need to act on, on the agenda, for your meeting schedule, for this year, outside of that there are no changes recommended to the agenda.

Madsen makes a motion to approve agenda. Selleneit seconds. All in favor.

Ward, 2025 Meeting Schedule, we need to approve unless there is anything we want to change.

Tristan Bourquin, Assistant Planning Director, this year was the first year that we did not have a December meeting. Every year we did not have enough applications to do a December meeting and it is hard to get a quorum in December with the holidays. It worked out for this year so we stuck with that same theme for this upcoming year.

Madsen makes a motion to accept the 2025 Meeting Schedule. Selleneit seconds. All in favor.

**3. APPROVAL OF MINUTES**

Madsen makes a motion to approve the June 5, 2024, and June 19, 2024, meeting minutes.

Selleniet seconds. All in favor.

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

Ward designated Selleniet as vice chair for Agenda Item #4.

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

Justin Tobias, 14469 Smith Canyon Road, Lava Hot Springs, ID. I am here to answer any questions, but it should be pretty straight forward. I am here to transfer one development right from parcel RPR4263014100 to parcel RPR4225003515. This transfer is within the County's regulations and guidelines. I bought the 79.93-acre parcel in June of this year and I completed a parcel determination on that piece of property. I was looking at another 4-acre piece that was for sale about a year ago and I remembered the guy saying if you can find an Ag property, you may be able to transfer the Ag building right to this property.

I bought the 4.32 acres about a week after I bought the 79.93-acre lot. I did a parcel determination on the 4.32 acres and it does not have a development right and that is why I am here tonight to transfer the development right. Both parcels are in the Ag zone of Bannock County. I own both parcels and hired Dioptra to do the survey for me. I am in this about \$7,000.00. Both properties are surveyed and the meets and bounds are going to be there.

The 79.93-acre piece is bordered by 3,400 acres of BLM ground and thousands of acres of other farm ground. Currently, around 25 percent of this piece is being dry farmed. It is a sloped property and building on it is doable, but would disturb a lot of vegetation. Property is vital to wild life and is home to elk, deer, cougar, bobcat, sage grouse, sharp-tail grouse, chucker's, and pheasants. It is also wintering ground for all of the above.

The receiving property is a 4.32 that already has homes adjacent to it and therefore should be considered a building lot. Justin also transferred seven (7) irrigation rights which have been paid for and transferred in his name. There is a pressurized irrigation at the top of the lot and it is good to go. The lot already has a perfectly leveled building area in the middle half of the lot. It also has a fully maintained county paved road. The electrical box is on site. It would meet all the setbacks required in the Ag zone.

The building right would preserve wildlife habitat and watering grounds on the 79.93-acre piece, soil erosion, and keep and protect the open space.

Selleniet, "just so I understand, the 4-acre parcel is also zoned agricultural."

Justin Tobias, "correct."

#### STAFF REPORT

Tristan Bourquin, Assistant Planning Director, you have had the staff report for a week now. Since this is a newer application for the three of you, I will do a more detailed staff report. There are five (5) criteria's for approval of a transfer of development rights and those are outlined in the

ordinance and Idaho Code. Standards for granting a transfer of development rights are as follows:

1. The transfer of development rights is wholly voluntary. Staff Findings: As stated by the owner, this transfer of development rights is voluntary.
2. The ‘sending’ and ‘receiving’ properties are within the Agricultural zone. Staff Findings: Both parcels are currently zoned Agricultural.
3. The ‘receiving’ property meets all the requirements for development as outlined in Bannock County Ordinance. Staff Findings: The receiving property has no development right since it does not meet the density requirement of the Agricultural zone; however, if the development right is transferred, all other development standards can be met.
4. The ‘sending’ property qualifies for a building permit. Staff Findings: The sending property meets the density requirements of the Agricultural zone and can be built on in its undivided state.
5. The transfer of the right from the ‘sending’ property would preserve prime farm ground, eliminate residential structures in undesirable locations including floodplains and steep slopes, would preserve open space, or preserve land that is critical to wildlife habitat. Staff Findings: The sending parcel is in an area of steep slopes with several natural drainage ways. Transferring a development right from this parcel would help to preserve open space, wildlife habitat areas, and steep slopes. The receiving parcel has access from a county-maintained road, allowing for development in a more desirable location. This parcel is also located in a clustered residential area where other transfers of development rights have occurred.

Tristan Bourquin, Assistant Planning Director, “do you have any questions for me?”

Selleniet, “I know where these 80 acres are and even though it has building rights, it will probably never be built on.

Tristan Bourquin, Assistant Planning Director, “it is pretty steep slopes, doesn’t have easy access, it would be pretty difficult to build there.”

Madsen, “I have a question about the density requirements and the 40-acre requirement. The one dwelling per 40 acres.

Tristan Bourquin, Assistant Planning Director, “when it comes to a transfer of development rights, you have to look at the whole picture. Several of those parcels that are up Smith Canyon are also

there because of a transfer of development rights. When you take 40 acres, you take that development right away and move it over here. Your overall density is still one (1) dwelling per 40 acres, but now you have a bunch of open ground to farm, timber, keep for wildlife habitat and all of your houses are clustered toward the road where there is easier access and you are not disturbing a bunch of farm ground or wildlife habitat.”

#### PUBLIC TESTIMONY

Anyone in Favor: None.

Anyone Neutral: None.

Anyone Against: Does anyone want to read their letter into the record?

Bryan Grant, 8987 S. Bob Smith Road, Lava Hot Springs, ID. Bryan read his letter to Bannock County opposing the transfer of development rights.

Maggie Stewart, 8574 S. Bob Smith Road, Lava Hot Springs, ID. Maggie read her letter to Bannock County opposing the transfer of development rights. Maggie indicated that all the acres around them were 10-acre parcels.

Justin Tobias, “they are not all 10-acre pieces.” There are houses on 4-acre pieces all around it.

Tristan Bourquin, Assistant Planning Director, “for the record, we are not bantering back and forth.”

Justin Tobias, 14469 Smith Canyon Road, Lava Hot Springs, ID. “Next door to me is Debra Gambrell, 4.99 acres, down on the corner Mark Madsen has a home on 4.99 acres, Bryan Fuell down on the corner, 6.00 acres. I wanted to clarify that they are not all 10-acre pieces. I am a planning commissioner and no one likes to see growth, but it is going to happen.”

#### DISCUSSION

Selleniet, “I get the transfer of the building to this other lot, but not everyone has 80 acres that they can transfer to a 4-acre parcel. This probably cannot happen that many times. If it meets its density requirements, then I am stuck there.”

#### FINDINGS

1. The transfer of development rights is wholly voluntary.

As stated by the owner, this is a voluntary transfer and he owns both parcels.

2. The 'sending' and 'receiving' properties **are** within the Agricultural zone.  
Both parcels are within the Agricultural zone, as stated by the applicant and confirmed through Bannock County zoning maps.
3. The 'receiving' property **does** meet all of the requirements for development as outlined in Bannock County Ordinance.  
This request meets the density requirements of the zoning ordinance because 40 acres will be preserved through this transfer. Since this parcel is 4.3 acres, it also meets the minimum lot size requirement.
4. The 'sending' property **does** qualify for a building permit.  
The parcel is 80 acres and qualifies for a building permit according to the parcel determination submitted on the sending property.
5. The transfer of the right from the 'sending' property **would** preserve prime farm ground, eliminate residential structures in undesirable locations including floodplains and steep slopes, would preserve open space, or preserve land that is critical to wildlife habitat.  
The sending property is located in a wildlife habitat area, is currently being farmed, and contains steep slopes, as shown on Bannock County zoning maps. The receiving property has access to a county road, allowing for building in a more desirable location.

Madsen, based upon these Findings of Fact and Conclusions of Law contained in this document, the Council recommends approval to the Board of County Commissioners the request by Justin Tobias, to transfer development rights. Selleniet seconds.

Roll call. Selleniet – yes. Dimick – yes. Madsen – yes.

Motion to approve passes 3-0.

Selleniet makes motion to close public hearing at 6:00 p.m. Madsen seconds. All in favor.

## 5. BUSINESS ITEM: PRELIMINARY PLAT APPROVAL

Jose Nava, 1290 Mountain West Drive, Pocatello, ID. Jose Nava proposes an amendment to Mink Creek Meadows Subdivision for the purpose of adjusting a lot line.

Jose Nava would like to strike staff report recommendation No. 1. Asphalt approach from Pheasant Drive to be installed by developer at Final Plat.

Jose Nava agrees with the following staff report recommendations:

2. Slope analysis shall be completed to determine slope grades and provided at final plat.
3. 20' utility easement along Patton Drive to be labeled as "Public Utility Easement."

4. CC&R's shall reference new subdivision name.

## 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 have been no changes from Concept to Preliminary. All ordinances and codes have been met through this process.
2. The street plan for the proposed subdivision **will** permit its development in accordance with the Bannock County Subdivision Ordinance. There are no new streets proposed and access to both parcels will approach currently dedicated road. Since this is a lot line adjustment, this criterion is not applicable.
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 are no new streets proposed and access to both parcels will approach currently dedicated road. Since this is a lot line adjustment, this criterion is not applicable.
4. Lot lines and roads **do** relate to land shapes and existing development. All roads and lot lines are existing and the adjustment is minor.

## CONDITIONS

1. 20' utility easement along Patton Drive to be labeled as "Public Utility Easement."
2. CC&Rs shall reference new subdivision name.

Selleniet, based on the record and the discussion this evening, I move to approve the request for the preliminary plat of Shadow Ridge Estates, as described in the application materials as supplemented with additional information attached in the staff report and to adopt the proposed findings and order for signature by the Chair or Vice-Chair with the following conditions:

1. 20' utility easement along Patton Drive to be labeled as "Public Utility Easement."
2. CC&Rs shall reference new subdivision name.

Dimick seconds.

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

Motion to approve passes 4-0.

## **6. ITEMS OF INTEREST**

Hal Jensen, Planning Director, we are going to be doing two (2) potential hearings in January if we can make your schedules work, specifically for the gravel pit that has been rescheduled.

Tristan Bourquin, Assistant Planning Director, “Molly are you available for hearings on January 15 and January 16, 2025?”

Dimick is available for both hearing dates.

## **7. CITIZEN COMMENTS**

None.

## **8. MEETING ADJOURNED**

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

# PUBLIC HEARING ITEMS

AGENDA ITEM NO. 4  
Conditional Use Permit:  
Campground – Christian Kobus



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

## CONDITIONAL USE PERMIT PUBLIC HEARING: February 19, 2025 STAFF REPORT

**FILE #:** CUP-25-1  
**LOCATION:** RPRRIFL001300, currently unaddressed

### APPLICANT/OWNER:

Christian Kobus  
9022 W Pocatello Creek Road  
Pocatello, ID 83201

**RECOMMENDATION:** Staff recommends one of the following:

- Denial, or;
- Approval with the following conditions:
  1. All fire pits will be installed in accordance with Lava Rural Fire District.
  2. Adequate trash collection and disposal for the campground will be provided by the owner.
  3. Prior to campground opening, N Grouse Circle must meet private road standards, according to the Bannock County Highway Standards & Roadway Development Procedures.
  4. All tiny homes must meet the standards of a recreational vehicle (RV), according to the Idaho Department of Motor Vehicles.
  5. Permanent or portable restrooms are required while campground is open.
  6. The number of restrooms required shall be reviewed and approved by Southeastern Idaho Public Health.
  7. Quiet hours will be from 9:00pm – 6:00am.

Council may wish to add additional conditions as needed.

**REQUEST & BACKGROUND:** Christian Kobus petitions for a conditional use permit to create a 30-spot campground, on approximately 5 acres. Proposed hours of operation are 24 hours, seven days a week; a private well and septic are being proposed.

### SITE CHARACTERISTICS AND ZONING:

ZONING: Recreation

PROPERTY SIZE: ~ 5 acres

VIEWS: The property is visible from N Grouse Circle

EXISTING STRUCTURES: None

STAFF REPORT  
CONDITIONAL USE PERMIT- Kobus  
Page 1 of 5

**SURROUNDING LAND USES AND ZONING**

NORTH: Recreational uses and bare ground and is designated as Recreation on the zoning map.

EAST: Primarily bare ground and is designated as Recreation on the zoning map.

SOUTH: Primarily bare ground and is designated as Recreation on the zoning map.

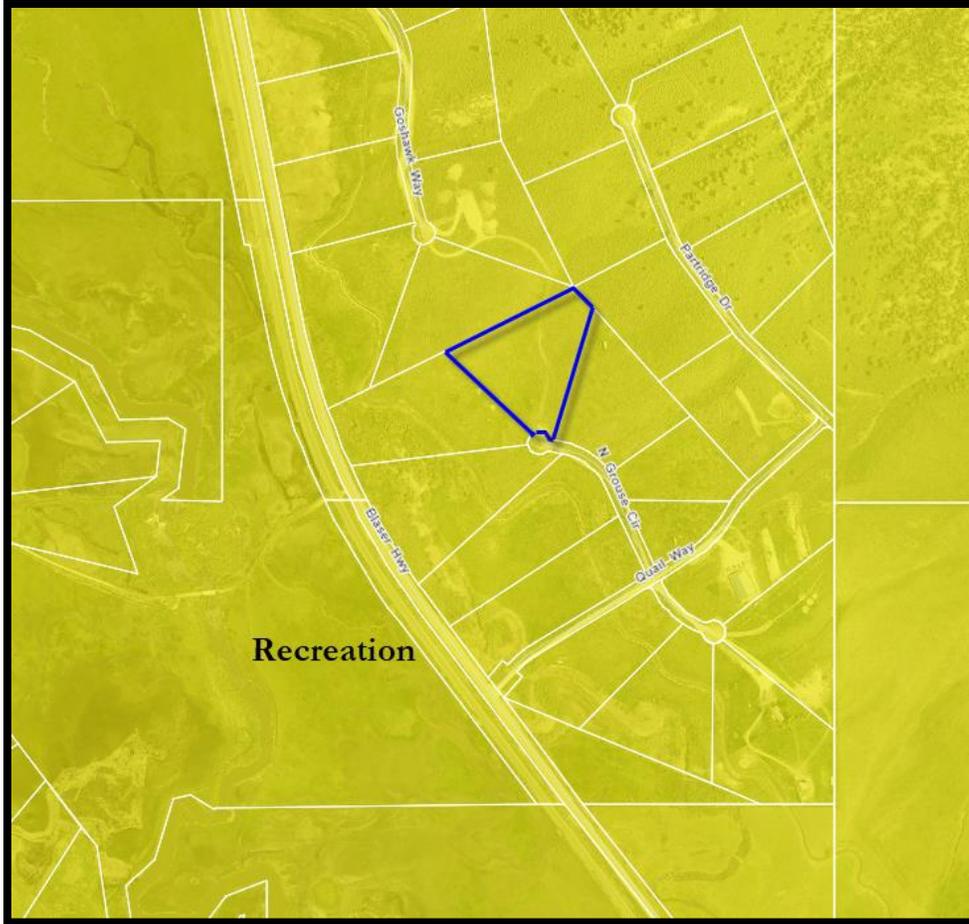
WEST: Primarily bare ground and is designated as Recreation on the zoning map.

**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-6512, SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES
2. Bannock County Zoning Ordinance, 1998-1, specifically:
  - a. §340 RECREATION DISTRICT
  - b. §395 USE REGULATIONS SUMMARY
  - c. §530 CONDITIONAL USE



**SITE MAP**



**ZONING MAP**

**CONDITIONAL USES (ZONING ORDINANCE §530)**

A conditional use may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the comprehensive plan.

**STANDARDS FOR APPROVING A CONDITIONAL USE PERMIT (ZONING ORDINANCE §530.6)**

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

- A. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.**

Staff Findings of Fact

All surrounding parcels are currently zoned recreation and the majority are bare ground. Permitted uses in the Recreation Zoning District include, but are not limited to, outdoor recreational uses, such as skiing, tennis, stables, and golf courses, single family dwellings, home occupations, churches, and day cares up to six children. The Council should review these uses to determine whether this proposed use would adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.

- B. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.**

Staff Findings of Fact

The campground will be placed at the end of the cul-de-sac on a private drive. There would be a minor increase in traffic along this route, specifically during the camping season.

- C. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.**

Staff Findings of Fact

All surrounding parcels are currently zoned recreation and the majority are bare ground. All sites will be maintained by the applicant and adequate facilities will be provided at no cost to the public.

- D. The proposed use would be consistent with the goals and policies of the Comprehensive Plan.**

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 1.5: 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 2.2: Support efforts to increase economic benefits from recreation.*

*Policy 2.2.3: Actively promote recreation and tourism to ensure long-term*

*growth of the industry for the benefit of County residents, visitors, and taxpayers.*

Objective 4.1: *Ensure County functions, policies and services support economic development efforts.*

- E. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.**

Staff Findings of Fact

The application proposes a future restroom facility which will be required to meet all setbacks and building code requirements. All setbacks and landscaping requirements will be met and addressed at the time development of the use occurs.

**IDAHO CODE REGARDING CONDITIONAL USE PERMITS**

IC 67-6512(a): Denial of a special use permit or approval of a special use permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with requirements established thereby.

IC 67-6512(e): Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section 21-501(2), Idaho Code, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.

**AGENCY COMMENTS:**

- Southeast Idaho Public Health
- Department of Environmental Quality

**PUBLIC COMMENTS:**

- Candy and Lynden Symons

**REPORT BY:**

Tristan Bourquin, Assistant Director  
[tristanb@bannockcounty.gov](mailto:tristanb@bannockcounty.gov)  
208-236-7230

**REPORTED DATE:** February 12, 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 site plan
2. Applicable Laws (on file with Staff)
3. Evidence of Notices (on file with Staff)
4. Agency/Public Comments (if any)

STAFF REPORT  
CONDITIONAL USE PERMIT - Kobus  
Page 5 of 5

# EXHIBIT 1

## Application & Site Plan



### CUP-25-1

Conditional Use Permit

Status: Active

Submitted On: 1/16/2025

### Primary Location

0 0  
Rural Subs , ID 832012112

### Owner

Christian D Kobus  
W Pocatello Cr Rd 9022 W  
Pocatello Cr Rd POCATELLO,  
ID 83201

### Applicant

Christian Kobus  
 [Redacted]  
 [Redacted]  
 9022 W Pocatello Cr Rd  
Pocatello, Idaho 83201

## Conditional Use Permit

Parcel #\*

RPRRIFL001300

Zoning\*

Recreational

Please describe your project.\*

Small campground with RV parking for 15 units, 5 tent sights and 10 Tiny homes on wheels (for vacation rentals)

What product or service are you providing?\*

Camping area: for vacationing travelers with RVs and travelers that need overnight accomodations. Tiny homes (on wheels) will be designed to reflect a western theme and look.

Proposed hours of operation

24 hrs: with check out time at 11am;  
check in time 2pm; QUIET HOURS are  
9pm-6am

Proposed days of the week operation will be in use

7 days a week

**Method for Handling Waste**

trash receptacles to contain waste any waste

**Proposed number of employees**

2

**Equipment and Machinery Use**

some heavy equipment for initial development of road access, parking pads and additional parking area

**Water Supply**

Private

**Sewage Disposal**

Private

**Will New Buildings be Required?**

Yes

**If yes, describe:**

\*future\* restroom facility (minimal) with showers

**Will Existing Buildings be Utilized?**

No

**Vehicles Used in Operation:**

1-2 vehicles may be needed

**Will there be any emissions, such as smoke, dust, etc.?**

limited dust from graveled roadway and parking areas, pad sites: small campfire in designated round metal containment rings

**Daily One-Way Vehicle Trips, Including Employees, Deliveries, etc.**

not determined as of yet

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## Standards for Approval

Please address how your request meets each of the following standards for approval:

**Narrative addressing how your application meets criterion 1: The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.\***

Correct: Yurt camping on adjacent lot (north) of my property. RV parked on lot (east) of my property

**Narrative addressing how your application meets criterion 2: The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.\***

Correct: Low intermittent disruption, if any, due to recreators set-up/take-down of RVs/tents at arrival and departure

**Narrative addressing how your application meets criterion 3: The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.\***

Correct: Simple camping in provided tiny homes(on wheels) and/or RV/tent

**Narrative addressing how your application meets criterion 4: The proposed use would be consistent with the goals and policies of the comprehensive plan of the county.\***

Correct: Will provide an area, slightly more rural than the clusters of camp sights in and around the town site of Lava Hot Springs, and to accomodate overnight and overflow visitors from the Lava and Soda Springs area

**Narrative addressing how your application meets criterion 5: The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces and landscaping with adjacent uses as is practical.\***

Correct: There will still be ample open space and any setbacks will be well within the property boundries and will not be an issue with the proposed plan. Trees for beautification and shade will be added over time, as well as, minor landscaping with rocks, boulders for erosion control

# Acknowledgement

Electronic Signature [Typed Name of Applicant]\*

Date\*

Christian D Kobus

01/06/2025

FOR REFERENCE PURPOSE ONLY  
THE COUNTY BEARS NO  
LIABILITY FOR INACCURACIES



# EXHIBIT 2

## Agency Comments



February 10, 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: Conditional Use Permit – 30-Spot Campground – Kobus

Dear Mr. Jensen:

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

The information provided to DEQ was unclear regarding the nature of the drinking water system and wastewater system for the proposed development.

Regarding drinking water, the applicant should be made aware that a drinking water system serving 15 or more connections or serving an average of at least 25 individuals for at least 60 days out of the year, regardless of configuration, qualifies as a public drinking water system as defined in the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). The drinking water system for a 30-spot campground would very likely qualify as a public drinking water system based on potential campground population. Public drinking water system requirements include DEQ review and approval for the source and distribution system, construction requirements for the source and distribution system, and regular water sampling. The applicant must contact DEQ to discuss the requirements for owning and operating a public drinking water system.

For wastewater disposal, if the project is proposing subsurface (septic) disposal, the applicant must work with Southeast Idaho Public Health District (SIPH) for septic system permitting.

Additionally, public drinking water systems, central septic systems, and septic systems that exceed 2,500 gallons per day all require that construction plans and specifications must be

prepared by a professional engineer and be submitted to DEQ for review and approval prior to construction in accordance with Idaho Code 39-118.

General recommendations for land development projects are 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', written in a cursive style.

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

EDMS# 2025AGD638

Attachments: DEQ General Recommendations for Land Development Projects.

c: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office  
Ken Keller, Environmental Health Director, Southeast Idaho Public Health

## 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.

## CUP Campground Kobus

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**From** Kathleen Price <KPrice@siph.id.gov>

**Date** Wed 2/5/2025 12:38 PM

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

Please have developer contact SIPH concerning this proposed Campground. There are many unknown features not addressed in the Notice to Public Hearing that will affect the type and size of subsurface wastewater disposal required to meet the flow rate of this project. The potable/domestic water indicated by the notice meets the conditions of a Public Water System. Developer will need to work with the Idaho Dept. of Environmental Quality on water services. Thank you,

**Kathleen Price**  
SIPH Environmental Health  
Cell: 208-221-3421

## CUP Campground Kobus

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**From** Kathleen Price <KPrice@siph.id.gov>

**Date** Mon 2/10/2025 12:00 PM

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

**Cc** Hal Jensen <halj@bannockcounty.gov>; chrisbuildsitchannel@gmail.com <chrisbuildsitchannel@gmail.com>

I have spoken with Mr. Kobus concerning his petition to Bannock County for a CUP to create a 30-spot campground. He has no plans for a well or subsurface wastewater disposal system at this time. Future plans may include waste disposal, but this is not the case at this time. Mr. Kobus stated to me that all RV spaces will be dry at this time. If this changes than a permit to install a septic system will need to be pursued. I explained possible options should that happen to Mr. Kobus.

SIPH has no further comment or concern of this project currently. No permit from SIPH is required for the conditions stated by Mr. Kobus at this time.

Please contact me if Bannock County has any questions concerning this decision

Thank you,

**Kathleen Price**

SIPH Environmental Health

Cell: 208-221-3421

# EXHIBIT 3

## Public Comments

\* Concerning the conditional use permit - Campground of 30-spots on approx. 5 acres with an operation of 24/7 and 365? ; private well and septic.

\* We, Candy and Lynden Symons as neighbors go on record as Opposing this action.

\* Water is a crucial matter within this area and the lack thereof on the east side where the camp sites are proposed. It will greatly diminish the amount of groundwater and effect the quality of the groundwater for existing farms and domiciles within the neighboring area.

\* Septic issues are another crucial matter for this area. Over saturating the area with septic contamination effects all groundwater and existing wells

\* Only one ingress and egress

\* The canal

\* Fire and Ambulance

\* Within the area there are abundant campsites that already exist therefore there is no necessity

\*\*\* The first procedure to follow is an Environmental Impact Statement --- in this matter it is prudent and imperative for all concerned.

\* For over 45 years these parcels have experienced stagnant development for many issue water, etc., Because the east side is Bone Dry!

It is also, plagued with Rattlesnakes! Those of us who have been around for awhile, only a 136 years, know that area as Rattlesnake Ridge. Be advised you will be putting the masses into harms-way.

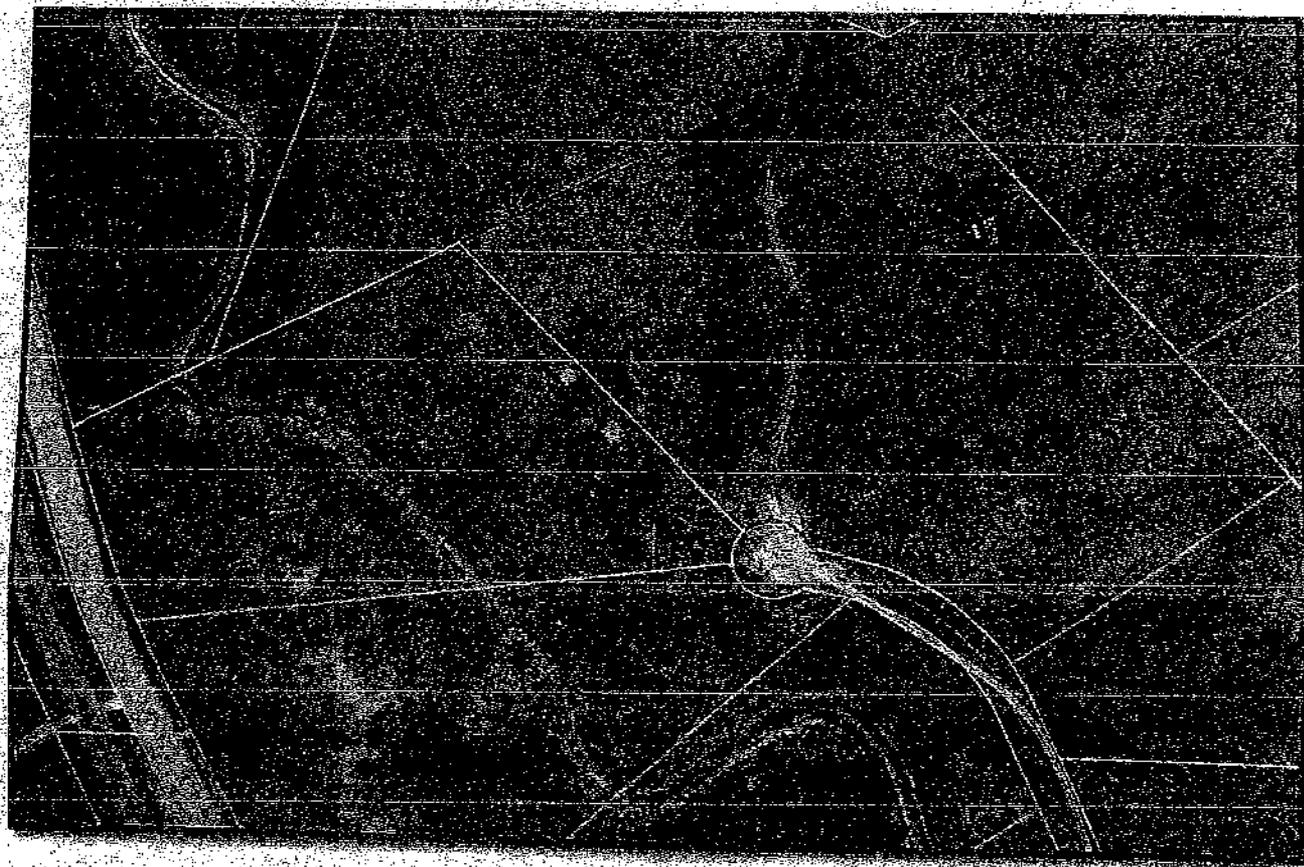
Note: This conditional use permit only severs the applicant !!!

January 29, 2025

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN:** The Bannock County Planning and Development Council will conduct a public hearing and deliberation on February 19, 2025, at 5:15 P.M. The public meeting will be held in Conference Room 1, Office of Planning and Development Services, 5500 S. 5th Ave, Pocatello, ID 83204. Please see our website, [www.bannockcounty.us/planning](http://www.bannockcounty.us/planning), for additional information. Pursuant to Idaho Code and County Ordinance, the following items are hereby noticed for publication and will be considered for public hearing:

1. **CONDITIONAL USE PERMIT - ACTION ITEM - CAMPGROUND:** Christian Kobus petitions for a conditional use permit to create a 30-spot campground, on approximately 5 acres. The affected property is known as parcel RPRR|E|L001300 and is currently unaddressed. Proposed hours of operation are 24 hours, seven days a week; a private well and septic are being proposed. At the hearing, the Council shall evaluate the proposed use against criteria established in §530 of the Zoning Ordinance. Type of action: Decision.



Page 1 of 2

EXHIBIT 4  
Ordinance Excerpts

**340 RECREATION DISTRICT (REC)**

## 341 PURPOSE:

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

## 342 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

## 344 USES CONDITIONALLY PERMITTED:

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

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

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-STANDING SIGN HEIGHT (FT)	MINIMUM % LAND-SCAPED	MAXIMUM STRUCTURE HT.
PERMITTED USES:							
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.

# FINDINGS

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

**CONDITIONAL USE PERMIT – Christian Kobus  
MEETING DATE: February 19, 2025**

**FILE #:** CUP-25-1  
**LOCATION:** RPRRIFL001300, currently unaddressed

**APPLICANT/OWNER:**  
Christian Kobus  
9022 W Pocatello Creek Road  
Pocatello, ID 83201

**REQUEST & BACKGROUND:** Christian Kobus petitions for a conditional use permit to create a 30-spot campground, on approximately 5 acres. Proposed hours of operation are 24 hours, seven days a week; a private well and septic are being proposed.

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

**SITE CHARACTERISTICS AND ZONING:**

ZONING: Recreation  
PROPERTY SIZE: ~ 5 acres  
VIEWS: The property is visible from N Grouse Circle  
EXISTING STRUCTURES: None

**REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT, §530:**

- A. The proposed use **[would]** **[would not]** adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.

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- B. The proposed use **[would]** **[would not]** cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.

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C. The proposed use **[would]** **[would not]** damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.

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D. The proposed use **[would]** **[would not]** be consistent with the goals and policies of the Comprehensive Plan of the county.

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E. The proposed use **[would]** **[would not]** be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

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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 by Christian Kobus for a Conditional Use Permit for a 30-spot campground 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

## MOTION

Based on the record and the discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Christian Kobus, for a Conditional Use Permit, 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  
Conditional Use Permit:  
Campground – Martin Sanders



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

## CONDITIONAL USE PERMIT PUBLIC HEARING: February 19, 2025 STAFF REPORT

**FILE #:** CUP-25-2  
**LOCATION:** RPRRIFL001200, currently unaddressed

### APPLICANT/OWNER:

Martin Sanders  
8883 N Maple Grove Lane  
Pocatello, ID 83201

**RECOMMENDATION:** Staff recommends one of the following:

- Denial, or;
- Approval with the following conditions:
  1. All fire pits will be installed in accordance with Lava Rural Fire District.
  2. Adequate trash collection and disposal for the campground will be provided by the owner.
  3. Prior to campground opening, N Grouse Circle must meet private road standards, according to the Bannock County Highway Standards & Roadway Development Procedures.
  4. Permanent or portable restrooms are required while campground is open.
  5. The number of restrooms required shall be reviewed and approved by Southeastern Idaho Public Health.
  6. The owner shall provide potential risk of flooding to overnight campers.
  7. Quiet hours will be from 9:00pm – 6:00am.

Council may wish to add additional conditions as needed.

**REQUEST & BACKGROUND:** Martin Sanders petitions for a conditional use permit to create a giftshop and a 25-spot campground, on approximately 6 acres. Proposed hours of operation for the campground are 24 hours, seven days a week and proposed hours of operation for the gift shop are 9AM to 5PM. A private well and septic are being proposed.

### SITE CHARACTERISTICS AND ZONING:

ZONING: Recreation

PROPERTY SIZE: ~ 6 acres

VIEWS: The property is visible from N Grouse Circle

EXISTING STRUCTURES: None

STAFF REPORT  
CONDITIONAL USE PERMIT- Sanders  
Page 1 of 5

**SURROUNDING LAND USES AND ZONING**

NORTH: Recreational uses and bare ground and is designated as Recreation on the zoning map.

EAST: Primarily bare ground and is designated as Recreation on the zoning map.

SOUTH: Primarily bare ground and is designated as Recreation on the zoning map.

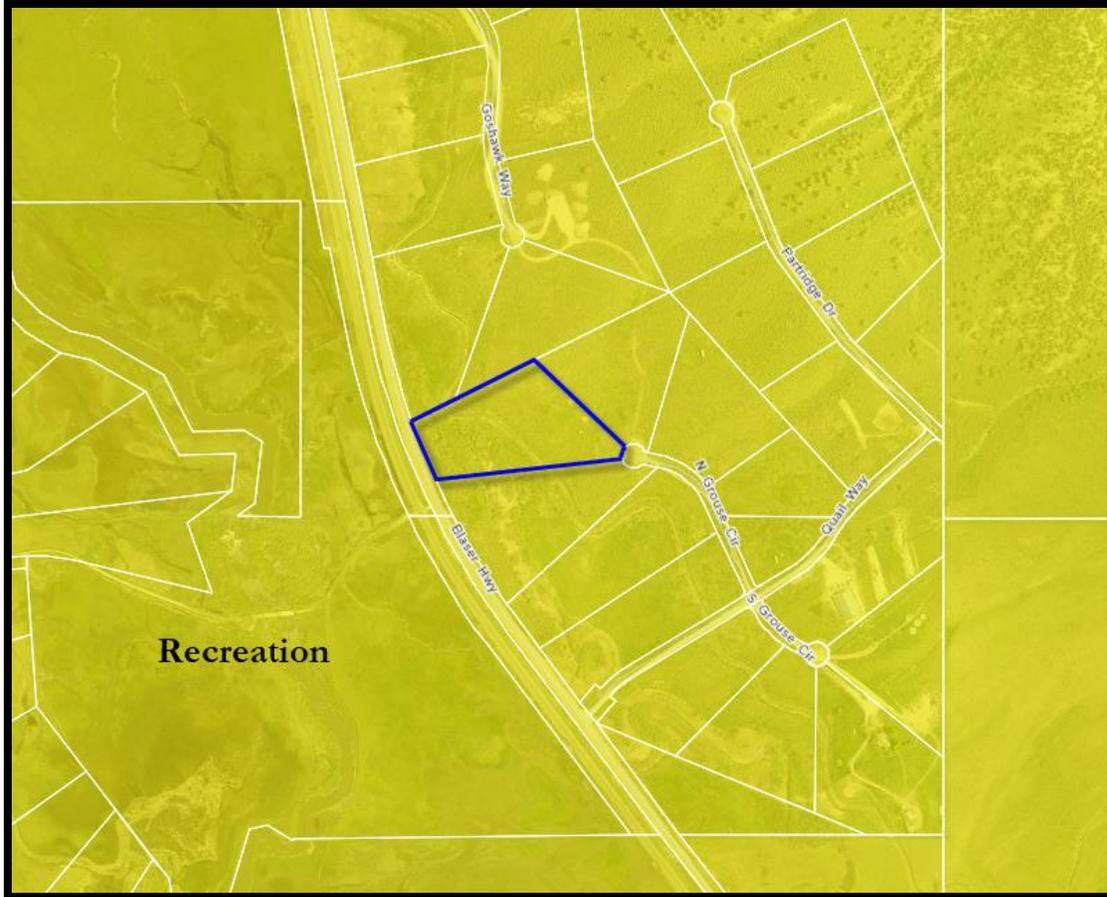
WEST: Primarily bare ground and is designated as Recreation on the zoning map.

**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-6512, SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES
2. Bannock County Zoning Ordinance, 1998-1, specifically:
  - a. §340 RECREATION DISTRICT
  - b. §395 USE REGULATIONS SUMMARY
  - c. §530 CONDITIONAL USE



**SITE MAP**



**ZONING MAP**

**CONDITIONAL USES (ZONING ORDINANCE §530)**

A conditional use may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the comprehensive plan.

**STANDARDS FOR APPROVING A CONDITIONAL USE PERMIT (ZONING ORDINANCE §530.6)**

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

- A. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.**

Staff Findings of Fact

All surrounding parcels are currently zoned recreation and the majority are bare ground. Permitted uses in the Recreation Zoning District include, but are not limited to, outdoor

recreational uses, such as skiing, tennis, stables, and golf courses, single family dwellings, home occupations, churches, and day cares up to six children. The Council should review these uses to determine whether this proposed use would adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.

- B. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.**

Staff Findings of Fact

The campground will be placed at the end of the cul-de-sac on a private drive. There would be a minor increase in traffic along this route, specifically during the camping season.

- C. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.**

Staff Findings of Fact

All surrounding parcels are currently zoned recreation and the majority are bare ground. All sites will be maintained by the applicant and adequate facilities will be provided at no cost to the public.

- D. The proposed use would be consistent with the goals and policies of the Comprehensive Plan.**

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 1.5: 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 2.2: Support efforts to increase economic benefits from recreation.*

*Policy 2.2.3: Actively promote recreation and tourism to ensure long-term growth of the industry for the benefit of County residents, visitors, and taxpayers.*

*Objective 4.1: Ensure County functions, policies and services support economic development efforts.*

- E. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

Staff Findings of Fact

The application proposes a gift shop which will be required to meet all setbacks and building code requirements. All setbacks and landscaping requirements will be met and addressed at the time development of the use occurs.

**IDAHO CODE REGARDING CONDITIONAL USE PERMITS**

IC 67-6512(a): Denial of a special use permit or approval of a special use permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with requirements established thereby.

IC 67-6512(e): Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section 21-501(2), Idaho Code, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.

**AGENCY COMMENTS:**

- Southeast Idaho Public Health
- Department of Environmental Quality

**PUBLIC COMMENTS:**

- None at the time of report.

**REPORT BY:**

Tristan Bourquin, Assistant Director  
[tristanb@bannockcounty.gov](mailto:tristanb@bannockcounty.gov)  
208-236-7230

**REPORTED DATE:** February 12, 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 site plan
2. Applicable Laws (on file with Staff)
3. Evidence of Notices (on file with Staff)
4. Agency/Public Comments (if any)

# EXHIBIT 1

## Application & Site Plan



### CUP-25-2

Conditional Use Permit

Status: Active

Submitted On: 1/16/2025

### Primary Location

0 0

Rural Subs , ID 832010000

### Applicant

Martin Sanders

### Owner

Martin Sanders

W Pocatello Cr Rd 9022

POCATELLO, ID 832010000

## Conditional Use Permit

Parcel #\*

Zoning\*

RPRRIFL001200

Recreational

Please describe your project.\*

AMERICAN GEM TOURS-TENT CAMPING

What product or service are you providing?\*

We want to provide core memories for families with an educational activity where guests can participate in hands-on gem digging experience where they sift, screen, clean, and uncover treasures from ore bags filled with raw material sourced from local and regional mines. \*\* No on site digging will occur \*\* 2 teepees, 10-20 small tent sites, and 3 RV pad sites for personal use available for overnight camping.

Proposed hours of operation

Proposed days of the week operation will be in use

9 a.m. - 5 p.m. {24 hrs. for tent camping}

7 days a week

Method for Handling Waste

Proposed number of employees

secured metal trash cans

2

**Equipment and Machinery Use**

small equipment for site prep

**Water Supply**

Private

**Sewage Disposal**

Private

**Will New Buildings be Required?**

Yes

**If yes, describe:**

Giftshop building will be constructed to replicate an old west store front

**Will Existing Buildings be Utilized?**

No

**Vehicles Used in Operation:**

1-3

**Will there be any emissions, such as smoke, dust, etc.?**

1 main fire pit will be utilized in compliance with county fire standards

**Daily One-Way Vehicle Trips, Including Employees, Deliveries, etc.**

1-3

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## Standards for Approval

Please address how your request meets each of the following standards for approval:

**Narrative addressing how your application meets criterion 1: The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.\***

Correct: None The surrounding properties are all currently vacant land areas.

**Narrative addressing how your application meets criterion 2: The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.\***

Correct: Slight increase in traffic necessary to access the site.

**Narrative addressing how your application meets criterion 3: The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.\***

Correct: Simple tent camping sites and light family activities are planned.

**Narrative addressing how your application meets criterion 4: The proposed use would be consistent with the goals and policies of the comprehensive plan of the county.\***

Correct This will be a clean family oriented activity site.

**Narrative addressing how your application meets criterion 5: The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces and landscaping with adjacent uses as is practical.\***

Correct: All county codes will be followed to create a beautiful, safe, and family friendly activity.

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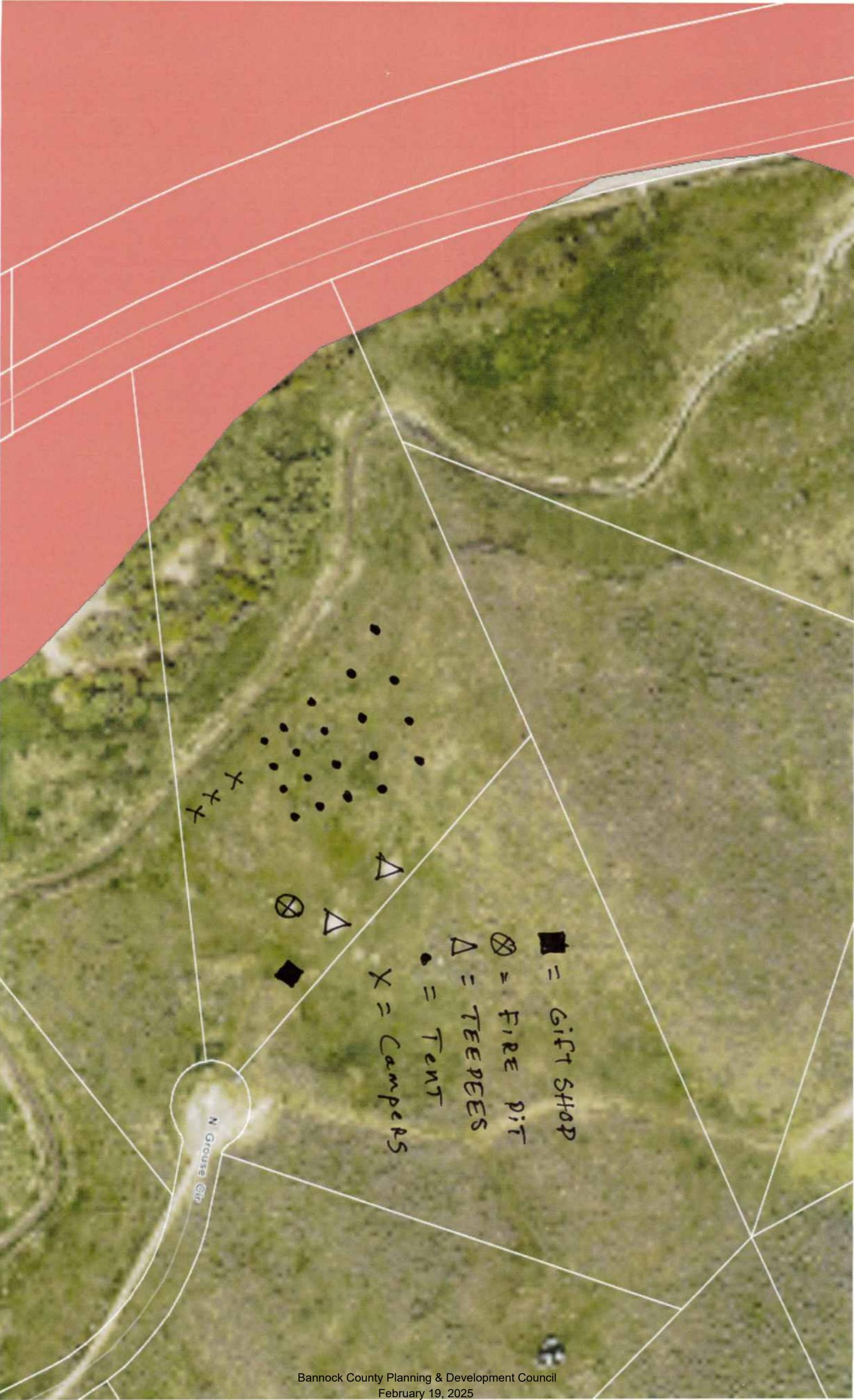
## Acknowledgement

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

**Date\***

Martin C Sanders

01/07/2025



X X X X

■ = GIFT SHOP  
⊗ = FIRE PIT  
△ = TEEPERS  
● = TENT  
X = CAMPER'S

N Grouse Cir

# EXHIBIT 2

## Agency Comments



February 10, 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: Conditional Use Permit – Giftshop and 25-Spot Campground – Sanders

Dear Mr. Jensen:

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

The information provided to DEQ was unclear regarding the nature of the drinking water system and wastewater system for the proposed development.

Regarding drinking water, the applicant should be made aware that a drinking water system serving 15 or more connections or serving an average of at least 25 individuals for at least 60 days out of the year, regardless of configuration, qualifies as a public drinking water system as defined in the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). The drinking water system for a 25-spot campground would very likely qualify as a public drinking water system based on potential campground population. Public drinking water system requirements include DEQ review and approval for the source and distribution system, construction requirements for the source and distribution system, and regular water sampling. The applicant must contact DEQ to discuss the requirements for owning and operating a public drinking water system.

For wastewater disposal, if the project is proposing subsurface (septic) disposal, the applicant must work with Southeast Idaho Public Health District (SIPH) for septic system permitting.

Additionally, public drinking water systems, central septic systems, and septic systems that exceed 2,500 gallons per day all require that construction plans and specifications must be prepared by a professional engineer and be submitted to DEQ for review and approval prior to construction in accordance with Idaho Code 39-118.

General recommendations for land development projects are 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', is positioned below the word 'Sincerely,'.

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

EDMS# 2025AGD637

Attachments: DEQ General Recommendations for Land Development Projects.

c: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office  
Ken Keller, Environmental Health Director, Southeast Idaho Public Health

## 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.

## CUP Campground Sanders

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**From** Kathleen Price <KPrice@siph.id.gov>

**Date** Wed 2/5/2025 12:28 PM

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

Please have developer contact SIPH concerning this proposed Campground. There are many unknown features not addressed in the Notice to Public Hearing that will affect the type and size of subsurface wastewater disposal required to meet the flow rate of this project. The potable/domestic water indicated by the notice meets the conditions of a Public Water System. Developer will need to work with the Idaho Dept. of Environmental Quality on water services. Thank you,

**Kathleen Price**  
SIPH Environmental Health  
Cell: 208-221-3421

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## CUP Campground Sanders

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**From** Kathleen Price <KPrice@siph.id.gov>  
**Date** Mon 2/10/2025 11:51 AM  
**To** Bannock County Planning and Development <development@bannockcounty.gov>  
**Cc** Hal Jensen <halj@bannockcounty.gov>; Martin Sanders <mjhsanders12@gmail.com>

 1 attachment (38 KB)

I have spoken to Mr. Sanders concerning this project. He has also sent me an email clarifying the waste disposal plan for his project. I have included a copy to the email as an attachment. SIPH has no further comment or concern on this project at this time. No permit is required for the conditions stated by Mr. Sanders.

Please contact me if Bannock County Development has any questions concerning this decision.

Thank you,

**Kathleen Price**  
SIPH Environmental Health  
Cell: 208-221-3421

## Marjorie Williams

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**From:** Martin Sanders <mjhsanders12@gmail.com>  
**Sent:** Thursday, February 6, 2025 3:12 PM  
**To:** Kathleen Price

You don't often get email from mjhsanders12@gmail.com. [Learn why this is important](#)

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

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Hi Kathleen it's Martin. Thank you for speaking with me earlier today. Just wanted to clarify some things on my CUP. We do not intend to have a septic system or a well but instead plan to have two porta potties on site. Including a handicap friendly one near a handicap parking slot. These will be rented from a local established company and will be serviced/cleaned weekly with the waste hauled off via the P.P. rental company. Non drinking water will be held in a holding tank with a gravity fed hose to clean pay dirt material. No chemicals will be utilized. We would like a circular parking lot with 10 individual parking slots. Each will have a picnic table numbered to match the parking slot. In addition, we'd like 10 tent sites for overnight camping available for long distance travelers. 2 teepees will be on site for camping and to honor the native american history of the area. 3 RV sites are requested for family and friends. They will be self contained and periodically hauled to an offsite waste disposal facility to dispose of waste. Lastly, our gift shop will most likely be a metal storage container or box car powered by solar panels or an eco friendly quiet running generator. The small old west storefront building described in our CUP will most likely be in the future. Thank you for your time and consideration. Martin Sanders. IE. Americangemtours.com

EXHIBIT 3  
Ordinance Excerpts

**340 RECREATION DISTRICT (REC)**

## 341 PURPOSE:

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

## 342 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

## 344 USES CONDITIONALLY PERMITTED:

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

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

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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

**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-STANDING SIGN HEIGHT (FT)	MINIMUM % LAND-SCAPED	MAXIMUM STRUCTURE HT.
PERMITTED USES:							
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.

# FINDINGS

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

**CONDITIONAL USE PERMIT – Martin Sanders  
MEETING DATE: February 19, 2025**

**FILE #:** CUP-25-2  
**LOCATION:** RPRRIFL001200, currently unaddressed

**APPLICANT/OWNER:**  
Martin Sanders  
8883 N Maple Grove Lane  
Pocatello, ID 83201

**REQUEST & BACKGROUND:** Martin Sanders petitions for a conditional use permit to create a giftshop and a 25-spot campground, on approximately 6 acres. Proposed hours of operation for the campground are 24 hours, seven days a week and proposed hours of operation for the gift shop are 9AM to 5PM. A private well and septic are being proposed.

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

**SITE CHARACTERISTICS AND ZONING:**

ZONING: Recreation  
PROPERTY SIZE: ~ 6 acres  
VIEWS: The property is visible from N Grouse Circle  
EXISTING STRUCTURES: None

**REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT, §530:**

- A. The proposed use **[would]** **[would not]** adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.

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B. The proposed use **[would]** **[would not]** cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.

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C. The proposed use **[would]** **[would not]** damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.

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D. The proposed use **[would]** **[would not]** be consistent with the goals and policies of the Comprehensive Plan of the county.

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E. The proposed use **[would]** **[would not]** be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

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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 by Martin Sanders for a Conditional Use Permit for a gift shop and 25-spot campground 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	Notary Public
A	My Commission Expires on _____ 20____
L	

# MOTION

## MOTION

Based on the record and the discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Martin Sanders, for a Conditional Use Permit, 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  
Comprehensive Plan Adoption

# EXHIBIT 1

## Staff Memo



# PLANNING AND DEVELOPMENT SERVICES

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

## COMPREHENSIVE PLAN PUBLIC HEARING: February 19, 2025 STAFF MEMO

### GENERAL INFORMATION:

- The current Comprehensive Plan was adopted March 16, 2021.
- Community outreach took many forms: public open houses, map-based input, an online survey, written comments, and conversing with residents at community events and meetings.
- There were two work sessions with Council: September 18, 2024 and January 15, 2025.

### APPLICABLE LAWS:

1. Public notice was given in accordance with Idaho Code §67-6525.

### AGENCY COMMENTS:

- City of Pocatello
- Portneuf Greenway
- Portneuf Health Trust

### PUBLIC COMMENTS:

None at the time of report.

### REPORT BY:

Tristan Bourquin, Assistant Director  
[tristanb@bannockcounty.gov](mailto:tristanb@bannockcounty.gov)  
208-236-7230

### REPORTED DATE: February 12, 2025

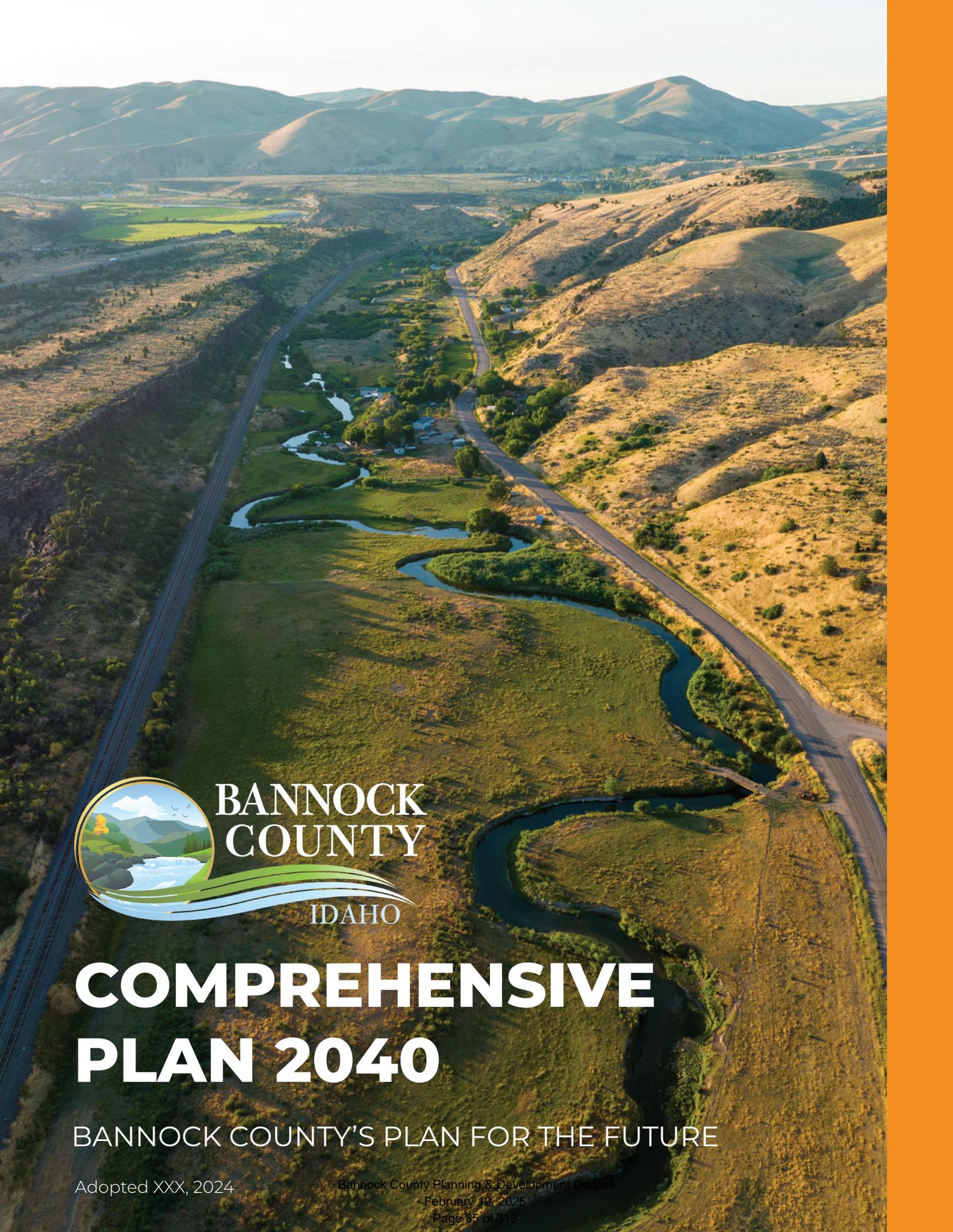
*\*Staff comments in this report are based solely upon evidence available at the time of the report. Additional information may be brought to light at or before the hearing.*

### EXHIBITS:

1. Proposed Comprehensive Plan

STAFF MEMO  
Comprehensive Plan  
Page 1 of 1

EXHIBIT 2  
2040 Comprehensive Plan Draft (Proposal)



# COMPREHENSIVE PLAN 2040

BANNOCK COUNTY'S PLAN FOR THE FUTURE

Many of the photographs featured in this document were generously contributed by community members, reflecting the vibrant culture and quality of life in Bannock County in 2024.

# BANNOCK COUNTY



### CITIES & TOWNS OF BANNOCK:

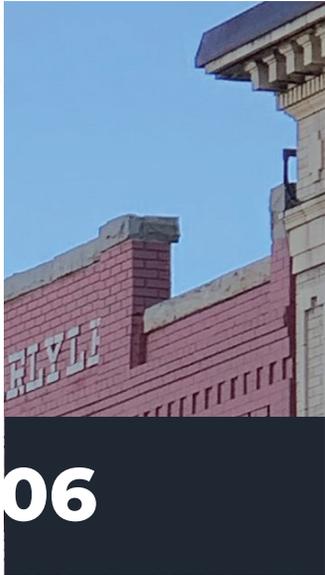
- |                  |           |
|------------------|-----------|
| ARIMO            | CHUBBUCK  |
| DOWNEY           | INKOM     |
| LAVA HOT SPRINGS | MCCAMMON  |
| POCATELLO        | BLACKROCK |
| PORTNEUF         | ROBIN     |
| SWAN LAKE        | VIRGINIA  |

### BANNOCK COUNTY IS HOME TO:

- IDAHO STATE UNIVERSITY
- FORT HALL REPLICA & MUSEUM
- ZOO IDAHO
- CARIBOU NATIONAL FOREST
- SCOUT MOUNTAIN
- MUSEUM OF CLEAN
- IDAHO MUSEUM OF NATURAL HISTORY
- BANNOCK COUNTY HISTORY MUSEUM
- BANNOCK COUNTY HISTORICAL COMPLEX

# TABLE OF CONTENTS

## INTRODUCTION



## CHAPTER 1: COMMUNITY DEVELOPMENT



## CHAPTER 2: RURAL LIFESTYLE



## CHAPTER 3: ECONOMIC GROWTH

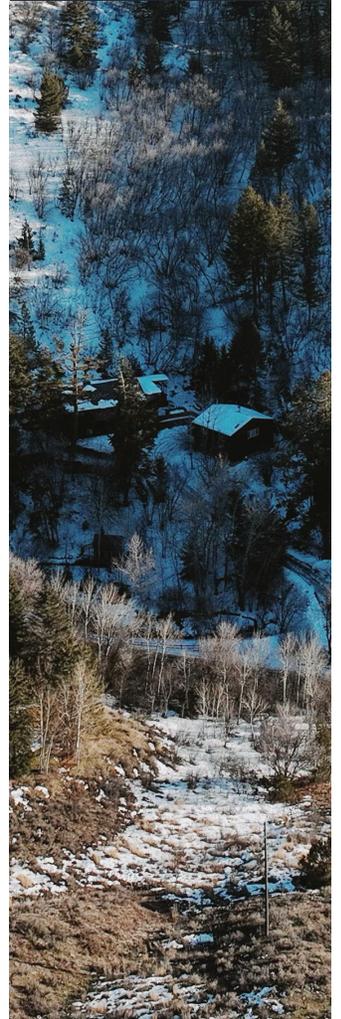
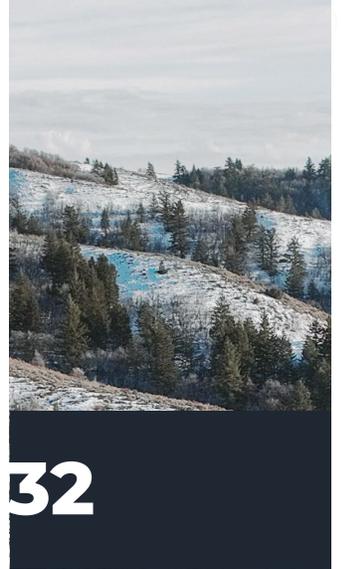
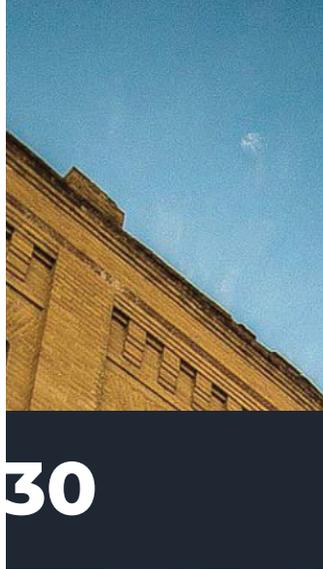


**CHAPTER 4:  
OUTDOOR  
ADVENTURE**

**CHAPTER 5:  
IMPLEMENTATION  
STRATEGIES**

**FUTURE LAND  
USE MAP**

**GLOSSARY &  
APPENDICES**



# VISION STATEMENT

In 2040, Bannock County will be a vibrant, family-friendly community that embraces its rural lifestyle while promoting sustainable economic growth and outdoor adventure.

# MISSION STATEMENT

The Comprehensive Plan is our guide to...

Promote economic development through the creation and application of ordinances, which allow managed growth, conserve natural resources, and maintain the character of our communities.



# INTRODUCTION

## WHAT IS THIS PLAN?

Idaho Counties must prepare and maintain a current comprehensive plan in accordance with Idaho Code § 67-6508. The plan must consider “previous and existing conditions, trends, desirable goals and objectives, or desirable future situations” within 17 separate Planning Components required by Idaho Code § 67-6508 (see *Appendix 4 - Idaho Code § 67-6508*).

Bannock County’s heritage is what defines its greatness. Made from rich history, unique natural setting, and diverse population, *Bannock County 2040* is the continued vision that will build upon that heritage. The Plan is a dynamic document that will evolve with growth, knowledge, and technology advancements (see *Appendix 1 - Plan Amendment Procedures*), to assist future growth and development with respect to its heritage.

The vision statement, composed of four Vision Elements, is the backbone of this plan. It knits together a set of long-term goals and provides a common language to span multiple county departments.

### VISION STATEMENT

In 2040, Bannock County will be a vibrant, family-friendly community that embraces its rural lifestyle while promoting sustainable economic growth and outdoor adventure.

### VISION ELEMENTS

Community Development (*Ch. 1*)

Rural Lifestyle (*Ch. 2*)

Economic Growth (*Ch. 3*)

Outdoor Adventure (*Ch. 4*)

### PLANNING COMPONENTS

Agriculture, Community Design, Economic Design, Facilities & Utilities, Hazardous Areas, Housing, Land Use, National Interest Electric Transmission Corridor, Natural Resources, Population, Property Rights, Public Airport Facilities, Public Services, Recreation, School Facilities & Transportation, Special Areas or Sites, Transportation

Figure 1 - Vision Elements and associated Planning Components



## HOW TO USE THIS PLAN

*Bannock County 2040* is organized into six chapters and concludes with a glossary and appendices. Each chapter is titled after the Vision Element it supports and the Planning Components it represents.

The chapters include

- a description of Bannock County's condition in 2024 ("*Where We Are Today*"),
- a desired future ("*Where We Want To Be*"),
- an explanation of the county's role in creating the desired future ("*Our Role*"), and
- goals and strategies to guide how Bannock County will accomplish our desired future, and
- links to supporting resources, including County and community plans, documents, and other elements with information relevant to the Vision Element ("*See Also*").

Elected officials, staff, and the community should look to *Bannock County 2040* to guide important policies and decisions.

Many strategies in this plan will be implemented through day-to-day decisions made by planning staff, the Planning and Development Council, and the Board of County Commissioners. Progress on any goal or strategy is dependent on available county resources, including funding and personnel.





## WHERE WE ARE TODAY

Bannock County is nestled in the Portneuf Valley, which is located in southeastern Idaho. The County is the gateway to numerous regional destinations including: Salt Lake City, UT; Jackson, WY; Sun Valley ID; as well as Yellowstone and Grand Teton National Parks and the Sawtooth National Recreation Area. The County contains seven incorporated cities: Arimo, Chubbuck, Downey, Inkom, Lava Hot Springs, McCammon, and Pocatello.

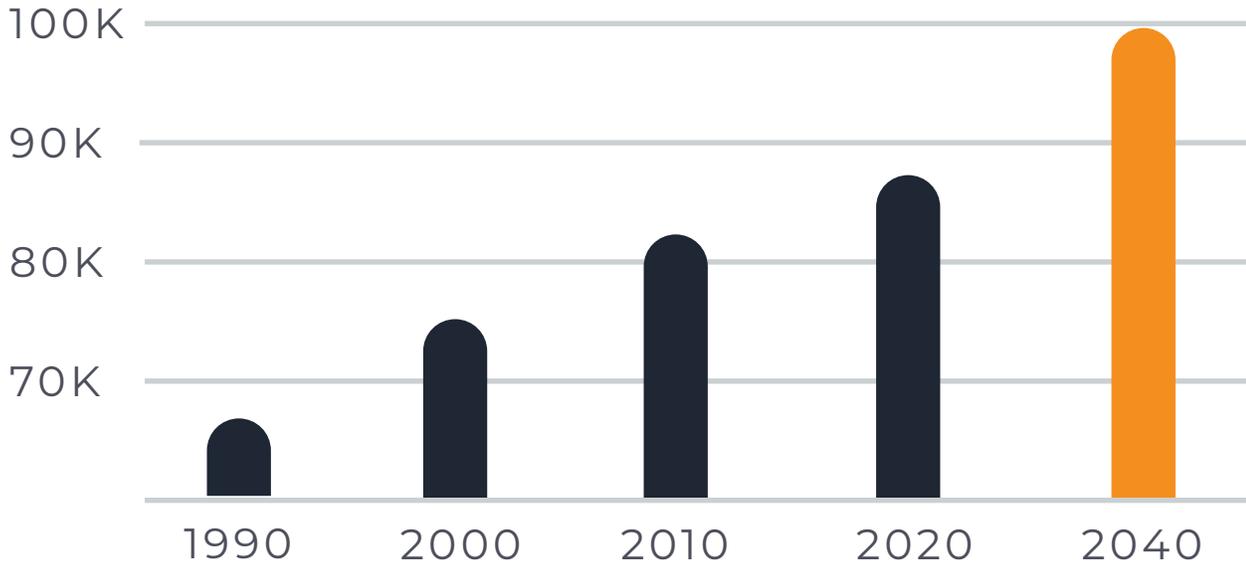
Bannock County is home to many major employers, including but not limited to, Amy's Kitchen, Bannock County, Farmers Insurance Group, Idaho Central Credit Union, Idaho State University, J.R. Simplot Company, LA Semiconductor, City of Pocatello, Pocatello-Chubbuck School District 25, Portneuf Medical Center, and Union Pacific Railroad.

Bannock County is known for the world-famous Lava Hot Springs, our network of world-class hiking and mountain biking trails, Pebble Creek Ski Area, Idaho State University, and the Portneuf River. Additionally, we have the Portneuf Health Trust Amphitheatre, the Bannock County Fairgrounds in Downey, and the Bannock County Event Center Indoor Arena.

In 2024, the county faces challenges surrounding affordable housing, impacts of future growth on infrastructure, and balancing the desire to preserve a rural lifestyle with the need for economic growth.

# WHERE WE ARE TODAY (CONTINUED)

## POPULATION Figure 2



## COST OF LIVING

MEDIAN HOUSEHOLD INCOME (2023) - \$68,495 ±8,585

MEDIAN ASSESSED HOME VALUE (2023) - \$285,000 WITH MANUFACTURED HOMES

MEDIAN ASSESSED HOME VALUE (2023) - \$326,000 WITHOUT MANUFACTURED HOMES

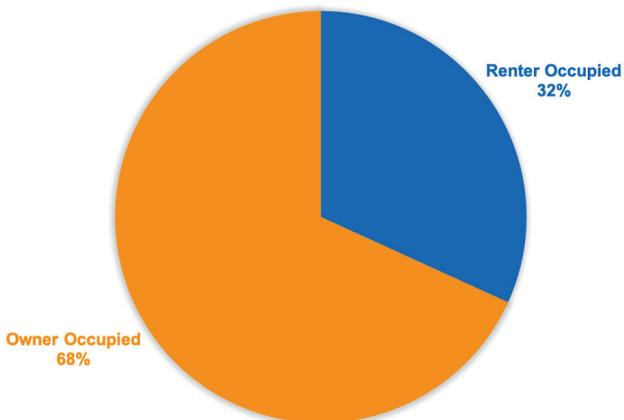
## LABOR FORCE

CIVILIAN LABOR FORCE (JUNE 2024) - 45,508

POPULATION WITH A BACHELOR'S DEGREE OR HIGHER (2022) - 18.8%

## HOUSING RATIO

Figure 3



## AGE BREAKDOWN

Figure 4

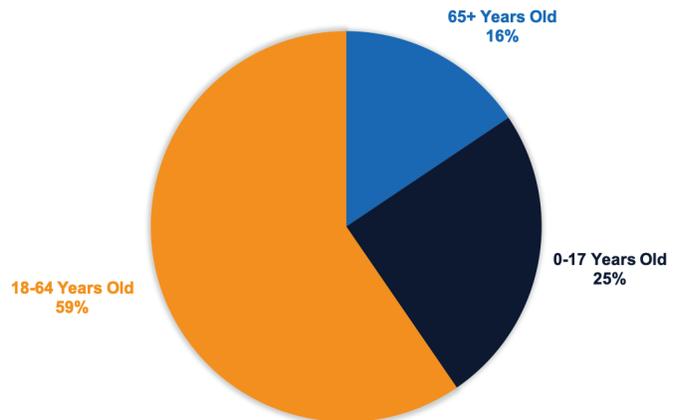




Figure 5

# YOUR VOICE. OUR FUTURE.

The vision of *Bannock County 2040* should represent the voice of our community. Over a two-month period in 2024, hundreds of Bannock County residents shared thier unique perspectives on what makes our community great and how it can become even better.

Listening to the community took many forms: public open houses, map-based input, an online survey, written comments, and talking with residents at community events and meetings.

Bannock County used several methods to gather a wide and diverse set of opinions, including a mailer sent to rural county residents, social media advertisements, news media interviews, community newsletters and email campaigns, and a pop-up window on the county website.



**BANNOCKCOUNTY.GOV/OURFUTURE**

See Appendix 2 - "Synopsis of Community Input"



Based on community input, the Planning & Development staff crafted the following vision statement and goals.

## VISION STATEMENT

In 2040, Bannock County will be a vibrant, family-friendly community that embraces its rural lifestyle while promoting sustainable economic growth and outdoor adventure.

## WHERE WE WANT TO BE

To achieve our vision for 2040, we have set the following goals:

- Southern Bannock County will be home to more employers who provide living wages to residents.
- Bannock County will have affordable housing options for all levels of income.
- Bannock County will have an expanded and connected network of trails and protected public access to outdoor activities.
- Bannock County will have protected and preserved wildlife and agricultural resources.
- Bannock County will have enhanced public services to meet the needs of a growing community.
- Bannock County will have a balance of urban and rural amenities to attract families.

The following chapters will expand on these goals and present strategies to meet them.

## OUR ROLE

Bannock County's role is to provide essential services, support infrastructure, and manage resources to benefit the residents of Bannock County.





# CHAPTER ONE: COMMUNITY DEVELOPMENT

For the purpose of this comprehensive plan, community development refers to the process of improving the well-being and quality of life of Bannock County residents by providing essential services. By identifying our communities' evolving needs and aspirations and working with local stakeholders—such as government agencies, nonprofits, and residents—we can create sustainable solutions for a growing population. Through this collaborative approach, Bannock County will be better equipped to thrive, focusing on long-term growth, resilience, and shared prosperity.

## ***Where we are in 2024...***

More Americans are recognizing Idaho and Bannock County as a desirable place to raise a family. Bannock County's population is estimated to grow to 99,700 in 2040, a 33% increase from 2024. This growth will require an expansion of efficient public services and amenities. The following challenges must be addressed to accommodate the vision of the *2040 Comprehensive Plan*:

- Bannock County's essential services need to develop consistency in equipment, training, and service.
- Bannock County has a lack of consistent, reliable internet access throughout the county, especially in rural areas.
- Bannock County has had a manageable population growth rate of approximately 0.7% over the last decade. It is anticipated that growth rate will increase by 2040, which will place a strain on the current infrastructure.

## See Also

- [Bannock County Illicit Discharge and Stormwater Sewer Connection Ordinance](#)
- [Bannock County Flood Zone Ordinance](#)
- [Bannock County Multi-Jurisdictional All Hazard Mitigation Plan \(2021\)](#)
- [Bannock County Sediment and Erosion Control Ordinance](#)
- [Bannock County Solid Waste Ordinance](#)
- [Bannock County Transportation Plan \(2022\)](#)
- [BTPO Demographics Technical Report](#)
- [Idaho Department of Environmental Quality's Facility Mapper](#)
- [Nielsberg "Bannock County Population By Year"](#)
- [Pocatello Regional Airport Master Plan](#)
- [Pocatello Regional Transit Services](#)
- [Southeast Idaho Council of Governments \(SICOG\)](#)

## ANALYSIS OF PLANNING COMPONENTS

### Hazardous Areas

With the abundance of agricultural acres and natural resources in Bannock County, there is an unavoidable potential for hazards, such as wildfires and flooding, depending on the time of year. The 2021 Bannock County Multi-Jurisdictional All Hazard Mitigation Plan outlines hazards and mitigation measures, including specific projects, for fire, flooding, drought, hazardous materials, terrorism, disease, rodents, weather, dam failure, avalanches, and nuclear events. Additionally, the Idaho Department of Environmental Quality's Facility Mapper identifies three brownfield sites: one in the City of Downey and two in the City of Pocatello.

### Public Airport Facilities

Bannock County hosts three private airports: Lava Hot Springs Airport, Skyline Airport, and Portneuf Medical Center Heliport. Additionally, there is one public airport, Downey-Hyde Memorial Airport, within the county. Larger regional airports, like Pocatello Regional Airport, are located within Areas of City Impact (ACI), owned by the city and not affiliated with the county.



## ANALYSIS OF PLANNING COMPONENTS

### School Facilities & Transportation

Bannock County has two school districts: Pocatello/Chubbuck #25 and Marsh Valley #21. Districts #25 and #21 use buses operated by the Idaho Transportation Department to transport students living more than 1.5 miles from school, including those in unincorporated Bannock County. Additionally, Bannock County hosts Idaho State University and a University of Idaho Extension campus, both of which offer lifelong learning opportunities and help promote an educated, skilled workforce.

### Public Services, Facilities & Utilities

In unincorporated areas, Bannock County provides public services, including roads and bridges (except where roads are privately maintained), landfill, jail, courts, County Fairgrounds and Event Center, planning, code enforcement, indigent services, emergency services, groundwater management, mosquito abatement, public works, veterans' services, and weed control. The Sheriff's Office patrols unincorporated areas and small towns, focusing on citizen safety and homeland security.

Bannock County's incorporated cities provide urban services, including water and sewer, stormwater management, police, paved urban streets and sidewalks, parks and recreation, recreational trails, transit, libraries, and cultural facilities such as museums. Fire protection services are provided by various fire districts. Semiprivate utility companies supply electricity, telecommunications, and internet services.

### Transportation

Bannock County collaborates with the Downey-Swan Lake Highway Department on transportation planning. The Bannock County Road and Bridge Department maintains 318 miles of paved roads and 155 miles of unpaved roads in unincorporated areas. The 2022 Bannock County Transportation Plan includes the functional classification system, project priorities, and roadway design standards. The Bannock County Transportation Planning Organization (BTPO) oversees regional transportation planning for Pocatello, Chubbuck, and their associated ACIs in northern Bannock County. The Union Pacific Railroad Company operates the sole rail system in the county. Bannock County was once a stop along Amtrak's Pioneer passenger train.

Public transportation services, provided by Pocatello Regional Transit (PRT), include fixed bus routes, commuter, and charter services. PRT is also a ticket agent and stop location for Greyhound and the Salt Lake Express. Freight transportation is significant, with over 15 freight companies operating in the county. Major transportation corridors maintained by the Idaho Transportation Department (ITD) include I-86, I-15, US 95, US 30, and US 89. The Union Pacific Railroad runs a rail line south along Highway 91 through the county, with a large rail yard and land holdings in Pocatello.

# GOALS

## *In 2040, we will have...*

### **Goal 1.1 - Enhanced public services to meet the needs of a growing community.**

#### **Strategies**

- **1.1.1** - Expand full-time Advanced Life Support coverage for residents in southern Bannock County.
- **1.1.2** - Create a unified, county-wide fire district.
- **1.1.3** - Establish a landfill expansion plan.
- **1.1.4** - Support expansion and enhancement of electric, gas, water, and solid waste services.

- **1.3.3** - Work with the Idaho Department of Environmental Quality and state agencies to allow for community wells and septic systems.
- **1.3.4** - Incentivize the location of utilities in development.
- **1.3.5** - Support the extension of communication and power infrastructure.

### **Goal 1.2 - A balance of urban and rural amenities to attract families.**

#### **Strategies**

- **1.2.1** - Support efforts to improve and expand the digital communications network and related infrastructure in the county.
- **1.2.2** - Support goals of private, agriculture airports and the public, passenger airports.
- **1.2.3** - Support the development of a community recreation center in the southern end of Bannock County.

### **Goal 1.3 - Infrastructure to accommodate an increasing population growth rate.**

#### **Strategies**

- **1.3.1** - Support enhancement of public transportation options to support tourism and commuting workers.
- **1.3.2** - Support expansion and enhancement of the internet, power, water, sewer, and solid waste infrastructure.

### ***Our role...***

Bannock County's role in community development is to provide essential services, ordinances, and codes that support our vision elements.





# CHAPTER TWO: RURAL LIFESTYLE

For the purpose of this comprehensive plan, rural lifestyle refers to a feeling of open space and opportunities for land ownership and agricultural activities.

## ***Where we are in 2024...***

Bannock County residents take pride in the rural history and lifestyle of the county. Bannock County must balance the desire to maintain a rural lifestyle while not impeding on residents' ability to use, sell, or develop their property. Meanwhile, residents report open space as an asset of Bannock County's (See Appendix 2 - "*Synopsis of Community Input*"). Many residents are concerned about urbanizing development within the unincorporated areas of Bannock County adjacent to Areas of City Impact (See Ch. 6 "*Future Land Use Map*"). With all this in mind, Bannock County faces the following challenges:

- Bannock County's Subdivision and Zoning ordinances conflict with one another and don't reflect current development design standards.
- Areas of City Impact exceed cities reasonable and anticipated growth patterns, making it challenging for the county to coordinate growth appropriately with proper infrastructure, i.e. sewer, water, and roads.
- Generational farms are struggling to survive and sustain a multi-family income, therefore they are decreasing in size and number. Concurrently, more hobby farms are appearing in the county.

## See Also

- [Bannock County Building Code Ordinance](#)
- [Bannock County Subdivision Ordinance](#)
- [Bannock County Zoning Ordinance](#)

## ANALYSIS OF PLANNING COMPONENTS

### Agriculture

In Bannock County, there are approximately 400,000 acres of farm land. Between 2007 and 2012, the number and size of farms in the county decreased, yet farming efficiency significantly increased, nearly doubling revenue accrued during this period.

### Land Use

Bannock County is primarily rural, recreational, and low-density residential, with most urban development concentrated within Areas of City Impact (ACI). Conflicts sometimes arise between land use and public services when urban development extends into unincorporated areas adjacent to ACI. Proposed expansions of ACI often involve large areas that exceed the city's capacity to serve within a 20-year timeframe.

### Property Rights

Bannock County is committed to the protection of private property rights; however, there is a lack of clarity in county ordinances regarding land development opportunities and easement/open space restrictions for property owners.



# GOALS

## *In 2040, we will have...*

**Goal 2.1 - A rural atmosphere that provides opportunity for those seeking an agricultural lifestyle.**

### Strategies

- **2.1.1** - Designate agricultural protection areas in accordance with Idaho Code § 67-9704 (See Appendix 6 - Idaho Code § 67-9704).
- **2.1.2** - Support the Right to Farm Act (See Appendix 4 - Idaho Code §22-4501).
- **2.1.3** - Continue to support accessory dwellings for farm workers.
- **2.1.4** - Provide ordinances allowing for more diverse agribusiness.

**Goal 2.2 - Development that fosters economic growth while maintaining the rural character of the county.**

### Strategies

- **2.2.1** - Areas of City Impact will be renegotiated and adjusted as development within the cities occur.
- **2.2.2** - Develop an ordinance that bridges the gap between the city and county requirements for infrastructure and future connection to utilities, i.e. sewer, water, and roads.
- **2.2.3** - A single ordinance that provides clear, concise direction for development and subdivision.
- **2.2.4** - Allow rural developments to offer a mix of lot sizes to support people with diverse incomes, uses, and needs.

- **2.2.5** - Continue to ensure that developments, rezones, and land uses align with the Future Land Use Map and its associated characteristics and descriptions, as illustrated in Figure 7.

## ***Our role...***

Bannock County's role in maintaining a rural lifestyle is to write and enforce codes and ordinances that protect property rights and agricultural land, while also facilitating development opportunities.



For the purpose of this comprehensive plan, economic growth refers to a sustainable growth pattern that supports a high standard of living through a diverse economic base.

### *Where we are in 2024...*

Bannock County has the potential to be a leader in the regional economy by attracting and retaining businesses that provide livable wages and great benefits for the workforce. The following advantages and challenges must be considered in supporting the vision of the *2040 Comprehensive Plan*:

- Due to Bannock County's location, access to education, and affordable cost of living, we are poised for industry growth in manufacturing, smart technology, and tourism.
- Bannock County has a shortage of housing which has caused a rapid increase in housing prices, hindered recruiting for industry, and increased barriers to property ownership.
- Bannock County's Zoning and Subdivision ordinances require a certain level of open space that hinders development and does not effectively serve the intended purpose of open space.
- There are no designated National Interest Electric Transmission Corridors in Bannock County.

## See Also

- [Annual U.S. Transmission Data Review \(2018\)](#)
- [Bannock County Building Code Ordinance](#)
- [Bannock County Subdivision Ordinance](#)
- [Bannock County Zoning Ordinance](#)
- [Bannock Development Corp.](#)
- [BTPO Demographics Technical Report](#)
- [Idaho Power's 2019 Eastern Idaho Electric Plan](#)
- [Pocatello-Chubbuck Chamber of Commerce](#)
- [U.S. Census Bureau QuickFacts 2024](#)

employed residents. Major local industries providing employment and driving housing and transportation demands include the Idaho National Laboratory (INL), Simplot, Premier Technology, and various mining companies in and around Caribou County. Emerging industries, such as high-tech companies specializing in Artificial Intelligence and smart technology, may also be attracted to Bannock County due to its low cost of living.

### Housing

There are currently 36,739 housing units within Bannock County. Bannock County has a median assessed home value of \$285,000, according to the Bannock County Assessor's 2024 assessment. Approximately 68.6% of all housing within the County is owner-occupied.

### Population

The Bannock Transportation Planning Organization (BTPO) Demographics Technical Report shows that Bannock County's population will increase by 4-5% every five years, reaching approximately 99,689 residents by 2040.

### National Interest Electric Transmission Corridor

Bannock County is part of the Northern Tier Transmission Group (NTTG). According to the 2018 Annual U.S. Transmission Data Review, there are no designated national interest electric corridors within the county. Idaho Power's 2019 Eastern Idaho Electric Plan identifies an existing source station, a 46V transmission line, and a 138kV transmission line located in northern Bannock County. The county experiences a peak summer electrical demand of 157 megawatts.

## ANALYSIS OF PLANNING COMPONENTS

### Community Design

Design patterns in Bannock County predominantly focus on rural and agricultural development. Existing standards mandate that at least 50% of a parcel or development must be maintained as open space. However, this requirement sometimes leads to unimproved areas that do not effectively serve their intended purposes as open space.

### Economic Development

Bannock County has a median household income of \$64,080, according to U.S. Census Bureau: QuickFacts 2020. Bannock County supports workforce development opportunities with assistance from Idaho State University and the University of Idaho Extension offices. The county has over 32,000

## GOALS

### *In 2040, we will have...*

#### **Goal 3.2 - A strong and diverse economy.**

##### **Strategies**

- **3.2.1** - Appropriately zone locations within the county to allow for a variety of residential, agricultural, commercial, and industrial uses.
- **3.2.2** - Continue to support Bannock Development Corp. and other economic drivers and their efforts.
- **3.2.3** - Support the development of economic incentives for business expansion and growth.
- **3.2.4** - Explore development opportunities for current and future energy sources.

#### **Goal 3.3 - A rural atmosphere with a variety of housing and commercial development opportunities.**

##### **Strategies**

- **3.3.1** - Manage density requirements where growth opportunities exist while considering the desire for open space.
- **3.3.2** - Write ordinances incentivizing development of affordable housing.
- **3.3.3** - Update ordinance that promotes residential clustering and protects sensitive areas.



### ***Our role...***

Bannock County's role in economic growth is to provide an environment that fosters opportunity for all socioeconomic groups.



# CHAPTER FOUR: OUTDOOR ADVENTURE

For the purpose of this comprehensive plan, outdoor adventure refers to recreational activities that take place in or are supported by the natural environment and landscape of Bannock County.

## *Where we are in 2024...*

One of Bannock County's greatest assets is the natural landscape that provides recreation for residents and visitors. Outdoor adventure is a vital part of Bannock County's lifestyle, character, and economy. The following are examples of assets Bannock County can use to support the vision of the comprehensive plan:

- Bannock County is the home of a multi-jurisdictional world-class trail system that could be inter-connected and expanded to connect to the Portneuf Greenway.
- World-famous Lava Hot Springs and Downata Hot Springs are tourist destinations in Bannock County. The Portneuf River also serves as a source of recreational water sport activities, including kayaking and fishing.
- For snow enthusiasts, Bannock County is home to Pebble Creek Ski Area and East Fork Mink Creek Nordic Ski Center and miles of groomed snowmobile trails.
- Within the county, there are nearly 262,000 acres of federal and state land. These lands are home to numerous campgrounds, water features, hunting opportunities, and wildlife refuges.
- Bannock County is home to several national level competitions, such as the track-and-field "Simplot Games," rodeo qualifying events, and several State Championships.

## See Also

- [Idaho Department of Commerce - Tourism](#)
- [Portneuf Greenway Foundation](#)
- [Portneuf Resource Council](#)
- [Portneuf River Vision](#)
- [USDA Web Soil Survey](#)

## ANALYSIS OF PLANNING COMPONENTS

### Recreation

Recreation is a beloved attraction in Bannock County for both residents and visitors. The county offers extensive recreational opportunities, including over 50 miles of summer trails, 250 miles of winter trails, and more than 50 parks spanning approximately 315 acres managed by the county's eight incorporated cities. Key facilities like the Bannock County Event Center and Portneuf Wellness Complex contribute to recreational diversity.

Spring and summer activities are supported by 42 public campgrounds, offering ample opportunities for camping, hiking, fishing, hunting, and other wilderness pursuits. Winter recreation options include skiing, snowshoeing, and snowmobiling at Pebble Creek Ski Area, East Fork Mink Creek Nordic Ski Center, and designated areas on Forest Service and BLM lands outlined in the Public Access Roads Map (*See Appendix 7 - Public Access Roads Map*).

In 2015, the Portneuf Health Trust donated an 80-acre wellness complex to Bannock County, featuring multi-use sports fields, an amphitheater, outdoor swimming and fishing spots, and venues for outdoor events and gatherings. Since 2020, Bannock County has invested in improving facilities at the Bannock County Fairgrounds in Downey, including a new exhibit hall and sheep barn.



## ANALYSIS OF PLANNING COMPONENTS

### Natural Resources

Bannock County contains nearly 262,000 acres of federal and state lands, with 213,414 acres of federal land and 48,355 acres of state land. The Lower Portneuf Valley Aquifer, located within the county, is the sole drinking water source for Pocatello, Chubbuck, and northern Bannock County. The Portneuf River, extending approximately 97 miles, is one of the county's most important natural resources, providing community, natural, and economic opportunities. It is fed by about 900 miles of intermittent streams and over 550 miles of perennial streams. Additionally, according to the Soil Survey of Bannock County Area, Idaho, approximately 11 percent of the survey area qualifies as prime farmland.



### Special Areas or Sites

Open lands and trails are integral to Bannock County's identity and culture, with over 35% of the county's land under federal or state management, supporting diverse uses. Recreation options abound, from Lava Hot Springs and Pebble Creek Ski Area to Hawkins Reservoir, campgrounds, RV parks, and extensive trails and greenways.

Pocatello's Portneuf River and Greenway are focal points for recreational activities, offering over 16 miles of trails and 37 proposed projects including parks, trailheads, and cultural/historical monuments. The Ross Park Complex features attractions like the Fort Hall Replica, Frontier Town, Zoo Idaho, and an Aquatic Center.

Bannock County attracts significant visitation en route to Yellowstone and Teton National Parks and other regional destinations. The Fort Hall Indian Reservation adds to these opportunities with open spaces, hunting and fishing grounds, water access, and natural resources.

The county is rich in historical and archaeological sites, boasting 29 entries on the National Register of Historic Places, the Fort Hall Trading Post Archaeological Site, and Oregon Trail markers. Wildlife and wilderness zones, including the 3,104-acre Portneuf Wildlife Management Area, are vital components of Bannock County's recreation and cultural landscape.

# GOALS

## *In 2040, we will have...*

### **Goal 4.1 - An expanded, connected, and well-maintained trail network.**

#### **Strategies**

- **4.1.1** - Work with various user groups and agencies.
- **4.1.2** - Support the growth and development of ski areas and snowmobile trails.

### **Goal 4.2 - Expanded recreational opportunities.**

#### **Strategies**

- **4.2.1** - Support the development of additional access points to the Portneuf River.
- **4.2.2** - Continue to develop and improve the Event Center in Pocatello and Fairgrounds in Downey for 4H activities and equestrian events.
- **4.2.3** - Establish the Portneuf Health Trust Amphitheatre as a destination venue for events.

### **Goal 4.3 - Continued public access to federal and state lands.**

#### **Strategies**

- **4.3.1** - Develop strong relationship with our state and federal partners.

### **Goal 4.4 - Protected natural resources.**

#### **Strategies**

- **4.4.1** - Revise open space requirements to protect wildlife migration areas.
- **4.4.2** - Continue responsible natural resource management.
- **4.4.3** - Support responsible use and management of surface and ground water.

## ***Our role...***

Bannock County's role in outdoor adventure is to protect our natural resources and promote public access to federal and state land, as well as facilitate in the development of recreational opportunities.



# CHAPTER FIVE: IMPLEMENTATION STRATEGIES

In this chapter, overarching strategies are presented as ways to encourage Bannock County to maintain the direction of the *2040 Comprehensive Plan* and its' vision.

## STRATEGIES

### Strategy 1:

Be active at the state and federal levels to guide policy to support our goals.

### Strategy 2:

Prioritize professional development and continued learning amongst Bannock County leaders to stay current on best practices and future trends.

### Strategy 3:

Seek to maintain the beauty of our community through thoughtful application and enforcement of county codes and ordinances.

### Strategy 4:

Provide regular opportunities for community engagement and public outreach to understand the community's voice.

### Based on community feedback, Bannock County will:

- Review county ordinances annually and update as needed.
- Keep the *2040 Comprehensive Plan* relevant by continually reviewing and updating the plan (see *Appendix 1 - "Plan Amendment Procedures"*).

# CHAPTER SIX: FUTURE LAND USE MAP

## *Introduction*

The Future Land Use Map for Bannock County provides a land use framework to guide future development in the county so it achieves this Plan's goals. The land use categories should allow the county to continue to be a distinctive, diverse place with a mix of compatible development activities and conservation activities and helps to achieve the goals and policies in this plan.

## Future Land Use Descriptions & Characteristics Figure 7

The land use categories displayed below coincide with the Future Land Use Map.



### **Agricultural (AG)**

Agricultural characteristics such as farming, grazing, and single family homes.



### **Residential Rural (RR)**

Rural characteristics such as low density housing, agricultural uses, and transition between rural and suburban development.



### **Residential Suburban (RS)**

Suburban characteristics near towns or cities where municipal services are currently available or are planned to be extended in the near future.



### **Recreational (REC)**

Recreational characteristics that promote tourist activities and conserve the County's outdoor recreational resources and environmental quality.



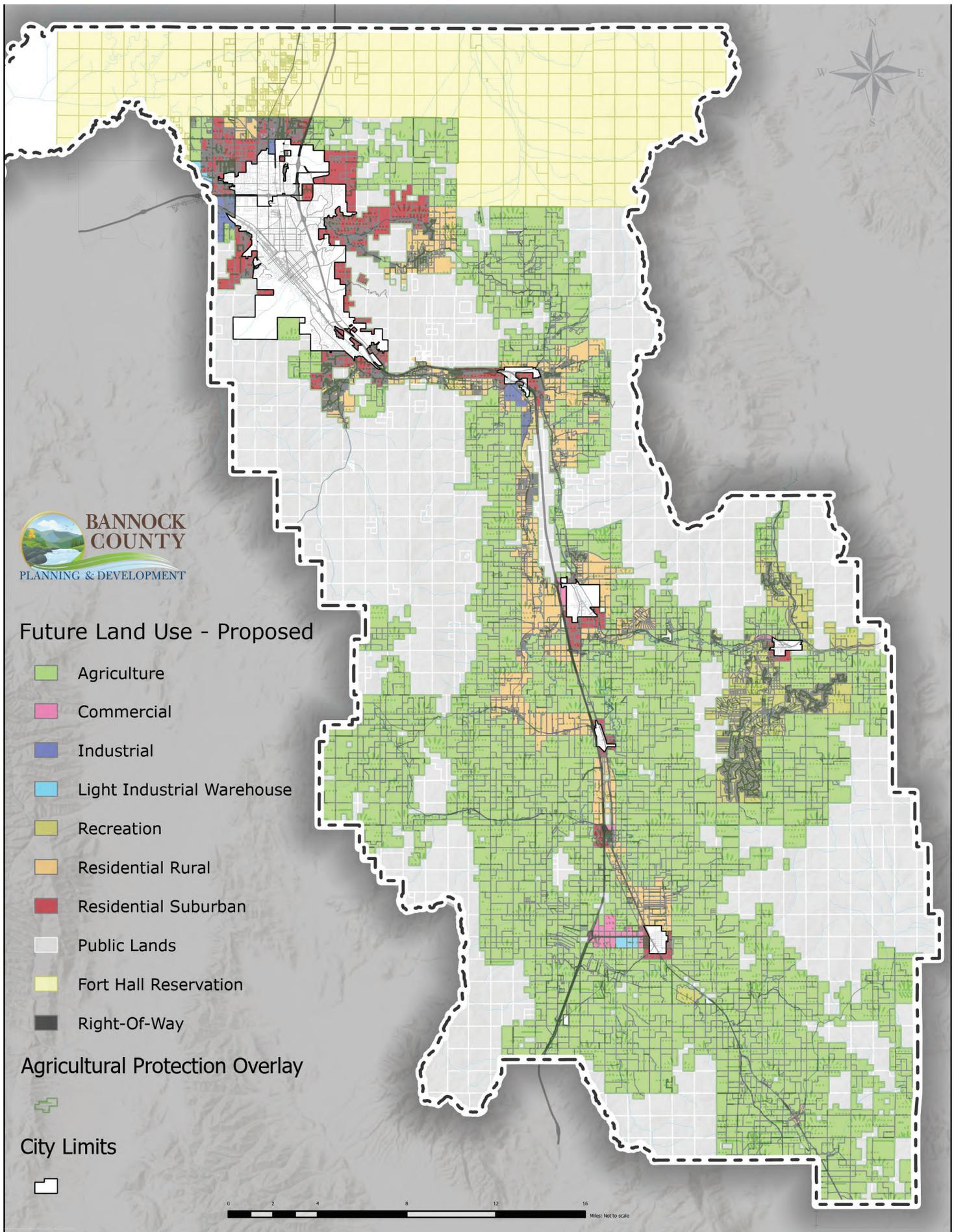
### **Commercial (COM)**

Commercial characteristics that provide opportunities for non-residential businesses and services to meet the community's needs.

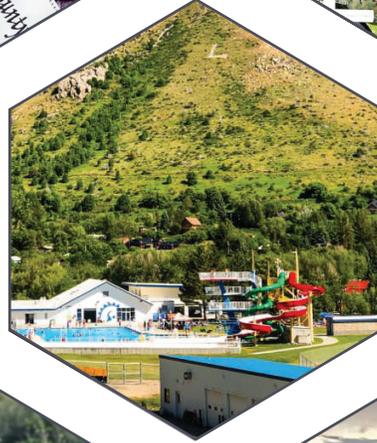
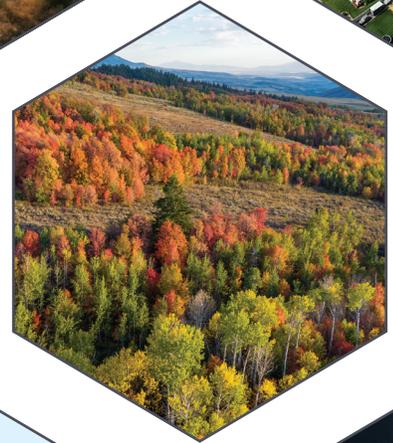
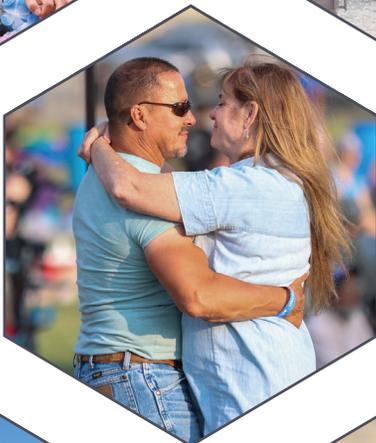


### **Light Industrial/Warehouse (LIW) & Industrial (IND)**

Industrial characteristics that provide opportunities for production and commerce, manufacturing, and commercial support while minimizing impacts on adjacent properties and the environment.



**Figure 8 - Future Land Use Map** Bannock County Planning & Development Council  
This is not a zoning map but rather a guide for future land use decisions. February 19, 2025  
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# GLOSSARY

## ANNEX/ANNEXATION

Annexation is the process by which a county, state, or municipality formally incorporates new territory or land into its jurisdiction. This can involve expanding boundaries to include adjacent areas or regions. Annexation can occur for various reasons, including economic, political, strategic, or administrative purposes.

## AREA OF CITY IMPACT

Where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the ability and likelihood of a city or cities to annex lands within that area of impact in the near future.

## GOALS

As they pertain to *Comprehensive Plan 2040*, goals are broad, long-term aims that support the vision. Although goals are organized by vision elements, many goals advance more than one vision element.

## INFRASTRUCTURE

Infrastructure is the basic physical assets and facilities that are considered essential, such as transportation systems (roads, bridges, streets), utilities (water supply, sewage systems, electrical grids, and gas pipelines), and communication networks (telephone lines, internet cables, and wireless towers).

## LAND USE

Land use is a broad term encompassing how humans use or develop land for economic, residential, recreational, conversational, and governmental purposes.

## MEDIAN HOUSEHOLD INCOME

Median household income refers to the amount that divides the income distribution of households in a specific area (e.g. city, state, or country) into two halves. It represents the midpoint, meaning that half of the households earn less than this amount, and half earn more. The median is used instead of the average because it is less affected by extreme values (e.g. very high incomes) that can skew the data.

## OPEN SPACE

Open space refers to any land that is restricted from development.

## UNINCORPORATED AREAS

Unincorporated areas are regions that are not governed by their own municipal corporation (such as a city, town, or village) but instead fall under the jurisdiction of a higher authority, typically a county or a state. These areas lack a local government structure and rely on the county or state for governance, services, and regulations.



# APPENDICES

## **1 - PLAN AMENDMENT PROCEDURES**

Referenced on pages 6 and 29.

## **2 - 2040 COMPREHENSIVE PLAN PUBLIC INPUT SYNOPSIS**

Referenced on pages 11, 12, 13, and 19.

## **3 - 2022 AGRICULTURE CENSUS**

Referenced on pages 19 and 20.

## **4 - IDAHO CODE §22-4501**

AGRICULTURE AND HORTICULTURE - RIGHT TO FARM

Referenced on page 21.

## **5 - IDAHO CODE §67-6508**

LOCAL LAND USE PLANNING - PLANNING DUTIES

Referenced on page 6.

## **6 - IDAHO CODE §67-9704**

AGRICULTURAL PROTECTION AREA ACT

Referenced on page 21.

## **7 - PUBLIC ACCESS ROADS MAP**

Referenced on page 26.

## **1 - PLAN AMENDMENT PROCEDURES**

For this plan to function over time, the county must be able to periodically review and update it. These updates should be in response to significant trends or changes in the economic, physical, social, or political conditions. The county will conduct revisions to this *2040 Comprehensive Plan* according to two distinct and different procedures:

### **Procedure One: Plan Update**

An update of the *2040 Comprehensive Plan* should take place at least every five (5) years, unless otherwise directed by the Board of County Commissioners. The county's prime consideration in making a determination of when an update should be initiated should include what changes have occurred since the Plan was last updated. These changes may be in areas such as the economy, the environment, housing affordability, traffic congestion, local priorities, projected growth, or others. A Plan Update will include a thorough re-evaluation of the vision, goals, and strategies contained within this Plan. A Plan Update will also include a thorough review of the validity of all information contained within the Plan and should include extensive opportunities for involvement by the public, boards and commissions, elected and appointed officials, county staff, and other affected interests.

### **Procedure Two: Plan Amendments**

All Plan Amendments shall be considered by the Planning & 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 & Development Council could then recommend in favor of the Plan Amendment (with or without further revisions) or recommend against it. Any review of a Plan Amendment by a Planning & Development Council would be followed by County Commissioners action including, if applicable, its approval of the Plan Amendment. When considering a plan amendment, the county should consider whether:

1. The existing *2040 Comprehensive Plan* and/or any related element thereof is in need of the proposed Plan Amendment;
2. The proposed Plan Amendment will have no major negative impacts on transportation, services, and facilities;
3. Strict adherence to the *2040 Comprehensive Plan* would result in a situation neither intended nor in keeping with other key elements and strategies of the Plan; and
4. The proposed Plan Amendment will promote the public welfare and will be consistent with the goals and strategies of the *2040 Comprehensive Plan* and the elements thereof.



**BANNOCK  
COUNTY**

**PLANNING &  
DEVELOPMENT**

**2040  
COMPREHENSIVE PLAN  
Public Input**

Collected Jan. 1, 2024 - Feb. 25, 2024

To see full report, visit [www.bannockcounty.us/wp-content/uploads/2024/03/2040-Comp-Plan-Public-Input-Complete-Binder.pdf](http://www.bannockcounty.us/wp-content/uploads/2024/03/2040-Comp-Plan-Public-Input-Complete-Binder.pdf)

# Public Input Synopsis

## Table of Contents

How We Asked pg. 3

Open Houses Feedback - pg. 4 - 7

- Overview pg. 4
- Vision Statement Input pg. 5
- "My Vision" Fliers pg. 6
- Future Land Use Map pg. 7

Survey Feedback - pg. 8 - 13

- Survey Demographics pg. 8-9
- Response Snapshot pg. 10-13



We asked Bannock County residents to tell us how they want our future to look.

# How We Asked

[bannockcounty.gov/ourfuture](http://bannockcounty.gov/ourfuture)  
[ourfuture@bannockcounty.gov](mailto:ourfuture@bannockcounty.gov)

The vision of Bannock County's 2040 Comprehensive Plan should represent the voice of our community. Over a two-month period, hundreds of Bannock County residents shared their unique perspectives on what makes our community great and how it can become even better.

Listening to the community took many forms: public open houses, map-based input, an online survey, written comments, and talking with residents at community events and meetings.

Bannock County used several methods to gather a wide and diverse set of opinions, including a mailer sent to rural county residents, social media advertisements, news media interviews, community newsletters and email campaigns, and a pop-up window on the county website.

## Open Houses

214 Attendees across seven open houses

## Written Comments

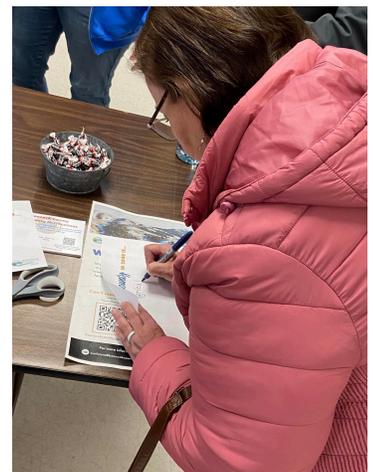
42 written comments - email and fliers

## Map-Based Input

Hundreds of votes

## Online Survey

778 Responses



# Open Houses

**Bannock County hosted seven open houses located throughout the county to provide easy access for residents regardless of where they lived.**

We advertised the open houses through a mailer, social media, the news, community calendars, and email campaigns.

Each open house provided attendees the chance to review the current Comprehensive Plan and the proposed changes. Members of the Planning & Development staff were available to answer questions and talk with residents about what they hoped the future of the county would look like.

<b>Jan. 23, 4-7PM</b> Downey City Office 15 S Main St, Downey	<b>74 attendees</b>
<b>Jan. 25, 4-7PM</b> Marsh Valley School District 21 Office 40 School St, Arimo	<b>21 attendees</b>
<b>Jan. 30, 4-7PM</b> McCammon City Office 802 Front St, McCammon	<b>24 attendees</b>
<b>Feb. 1, 4-7PM</b> Lava Hot Springs Senior Center 150 N Center St, Lava Hot Springs	<b>27 attendees</b>
<b>Feb. 6, 4-7PM</b> Chubbuck City Hall 290 E Linden Ave, Chubbuck	<b>22 attendees</b>
<b>Feb. 8, 4-7PM</b> Inkom City Hall 365 N Rapid Creek Rd, Inkom	<b>18 attendees</b>
<b>Feb. 22, 4-7PM</b> Pocatello City Hall 911 N 7th Ave, Pocatello	<b>28 attendees</b>

### Public input collected at the Open Houses includes:

- Votes for the proposed Comp Plan Vision & Mission Statement
- "My Vision" Fliers
- Spot feedback on the Future Land Use Map
- Conversations



# Vision Statement Input

At each open house, we asked people to weigh in on the proposed vision statement.

## Vision Statement

Be a leader in the State of Idaho through effective, efficient, and transparent processes.

## Mission Statement

The Comprehensive Plan is our guide to...  
Promote economic development through the creation and application of ordinances, which allow managed growth, conserve natural resources, and maintain the character of our communities.

**RED = I DON'T LIKE IT**

**GREEN = I LIKE IT**

**48 total votes**

**42 total votes**



Downey Votes: Red: 28, Green: 10

Arimo Votes: Red: 4, Green: 0

McCammon Votes: Red: 5, Green: 7

Lava Votes: Red: 3, Green: 5

Chubbuck Votes: Red: 0, Green: 6

Inkom Votes: Red: 0, Green 6

Pocatello Votes: Red: 8, Green: 8

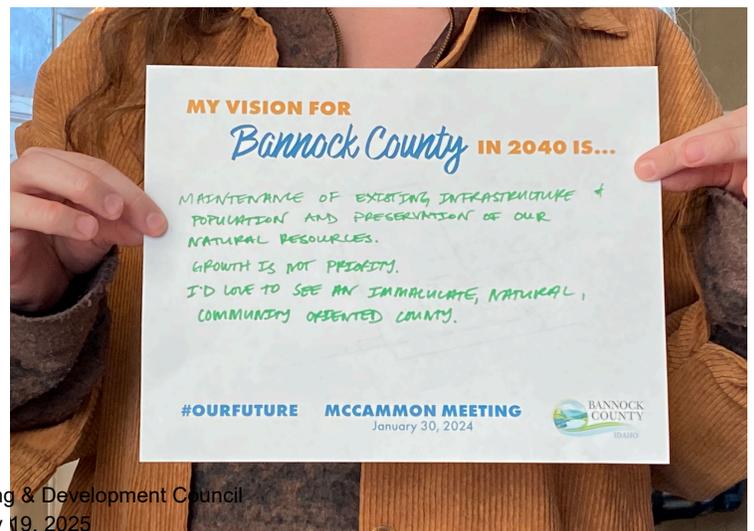
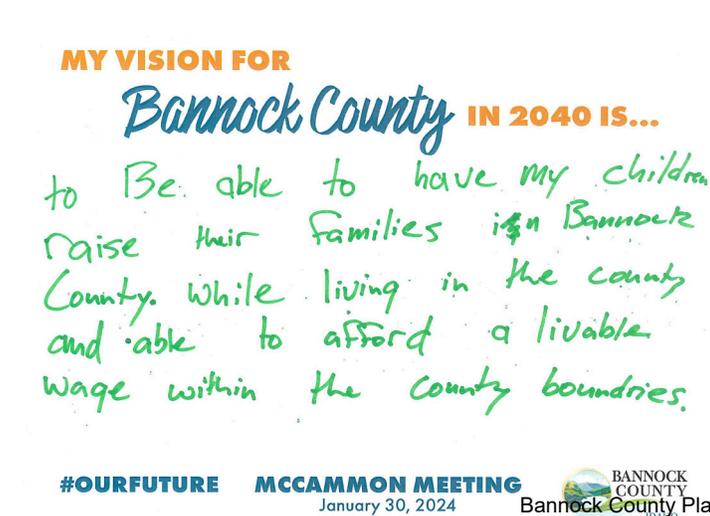
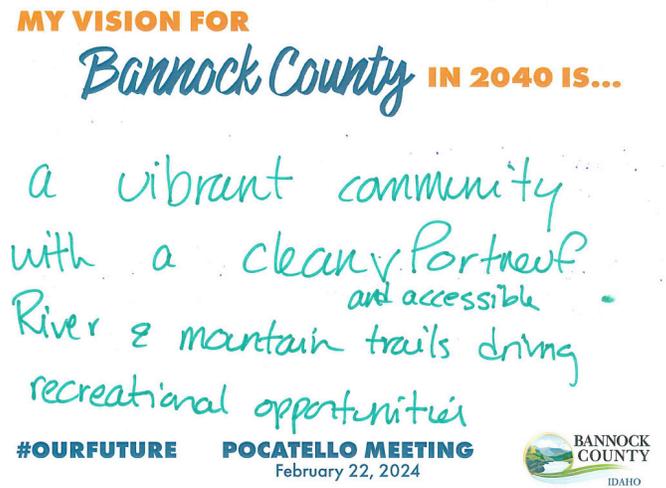
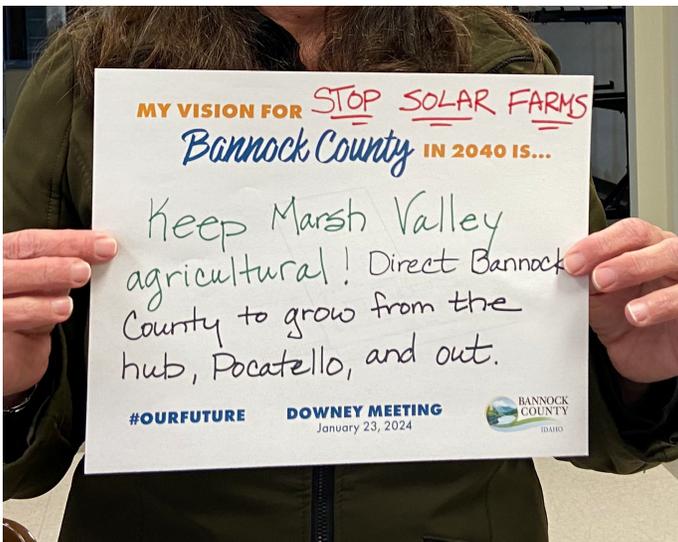
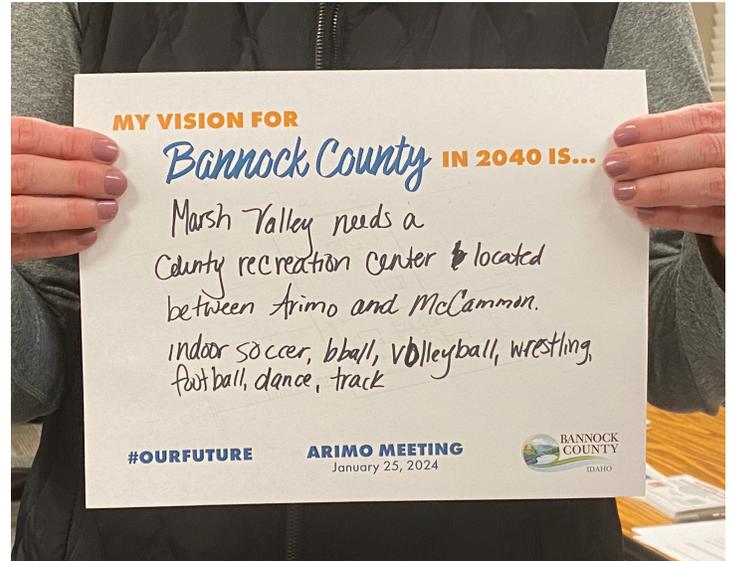
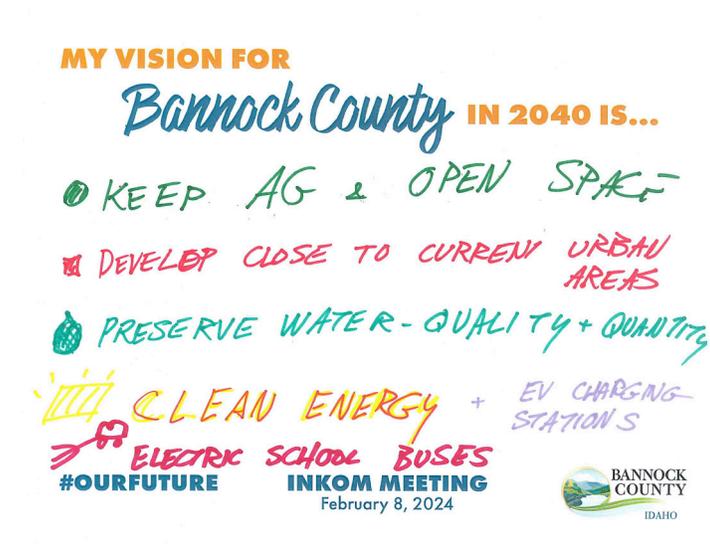
Bannock County Planning & Development Council

February 19, 2025

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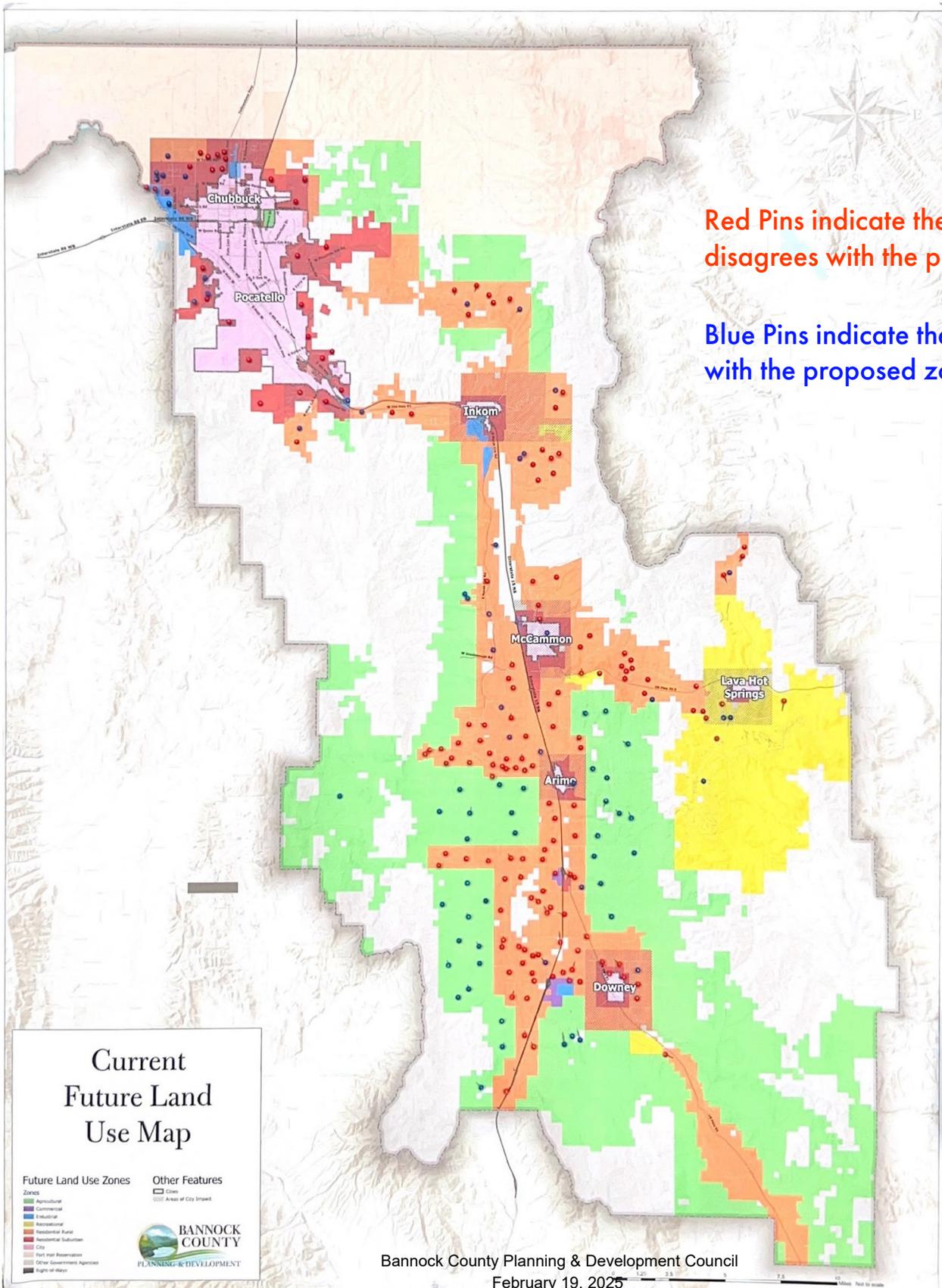
# "My Vision" Fliers

At each open house, we asked people to write down what they envision the future of Bannock County to look like. A total of 40 fliers were collected from the open houses.



# Future Land Use Map

At each open house, we asked people to weigh in on the proposed future land use map.



Red Pins indicate the person disagrees with the proposed zone

Blue Pins indicate the person agrees with the proposed zone

**Current Future Land Use Map**

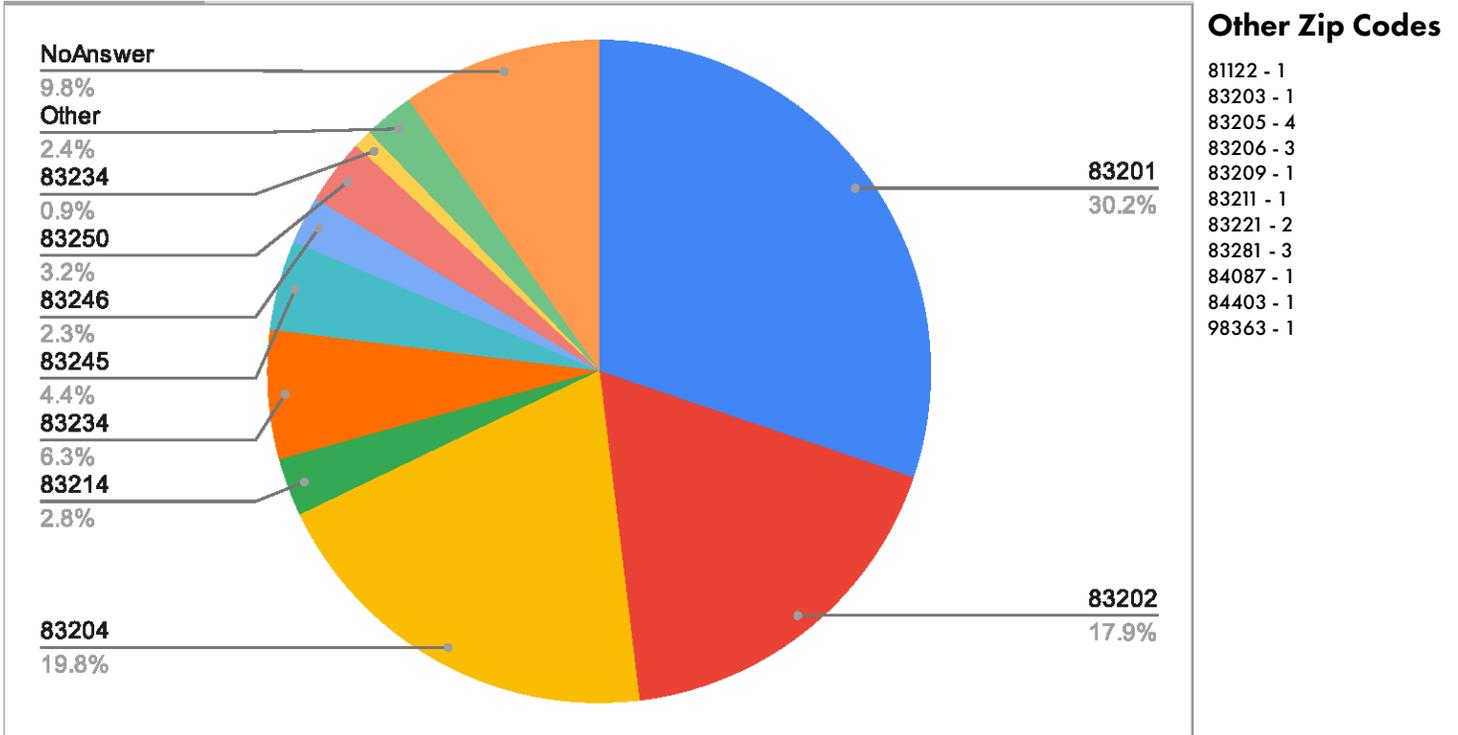
<b>Future Land Use Zones</b>	<b>Other Features</b>
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> Agricultural</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #ADD8E6; border: 1px solid black; margin-right: 5px;"></span> Commercial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #FF8C00; border: 1px solid black; margin-right: 5px;"></span> Industrial</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #FF0000; border: 1px solid black; margin-right: 5px;"></span> Residential Rural</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #800080; border: 1px solid black; margin-right: 5px;"></span> Residential Suburban</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #FFFF00; border: 1px solid black; margin-right: 5px;"></span> City</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> Park/Recreation</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: #A9A9A9; border: 1px solid black; margin-right: 5px;"></span> Other Government Agency</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Rights of Way</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Core</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> 5000' Areas of City Impact</li> </ul>

BANNOCK COUNTY  
PLANNING & DEVELOPMENT

# Survey Demographics

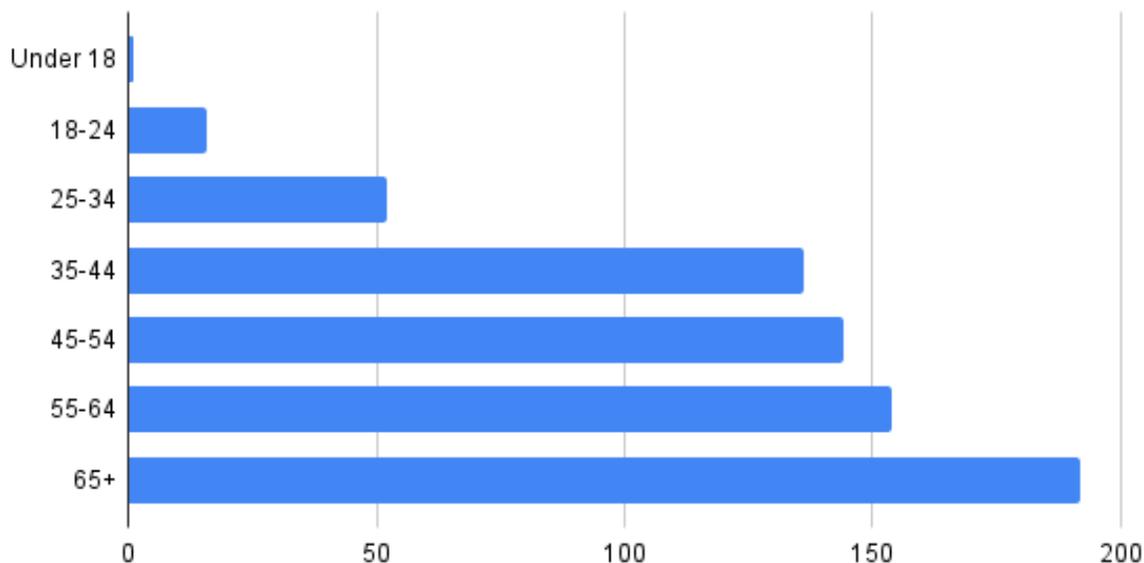
## What zip code do respondents live in?

Answered: 702 Skipped: 76



## What age are respondents?

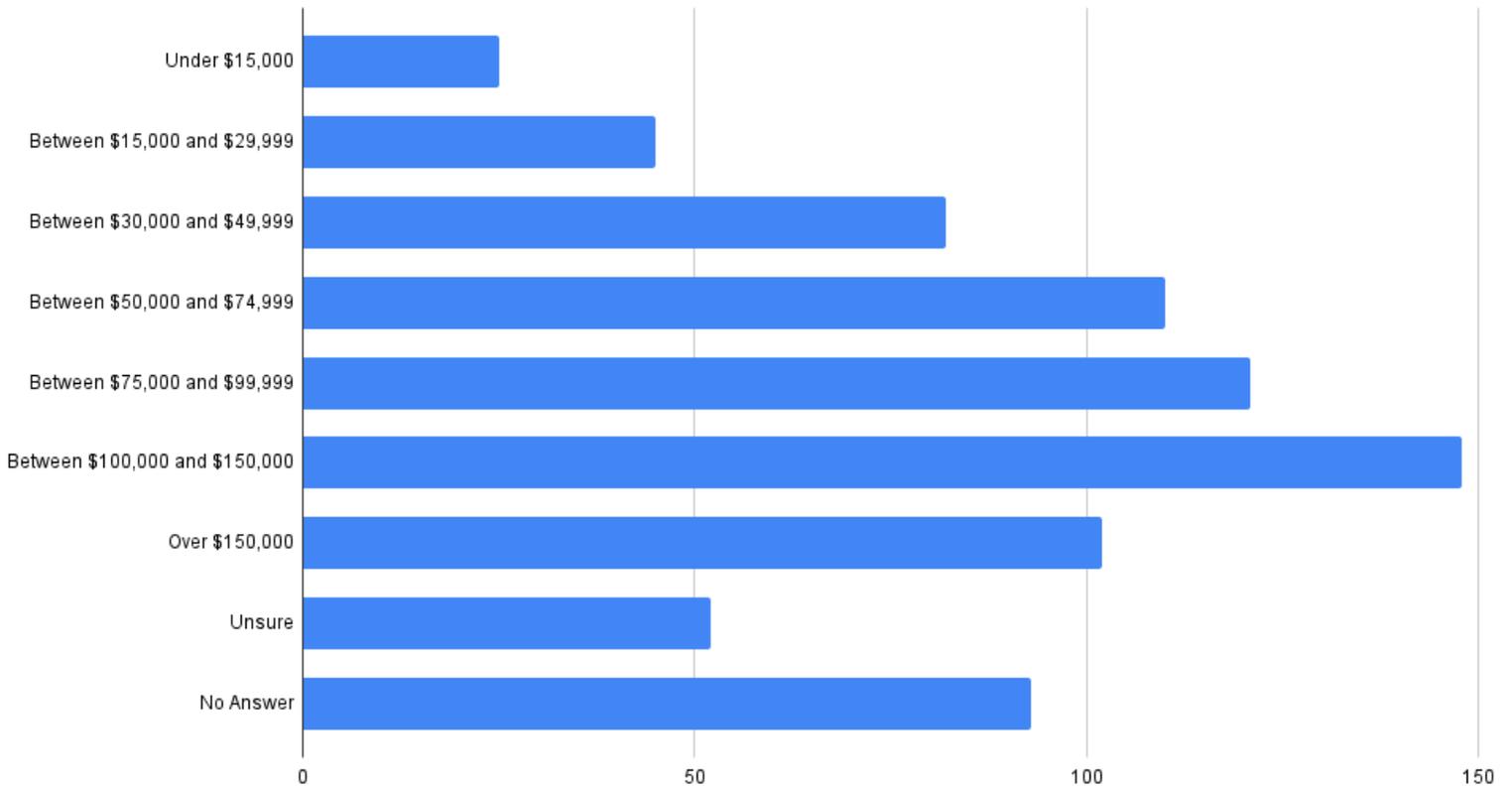
Answered: 695 Skipped: 83



# Survey Demographics

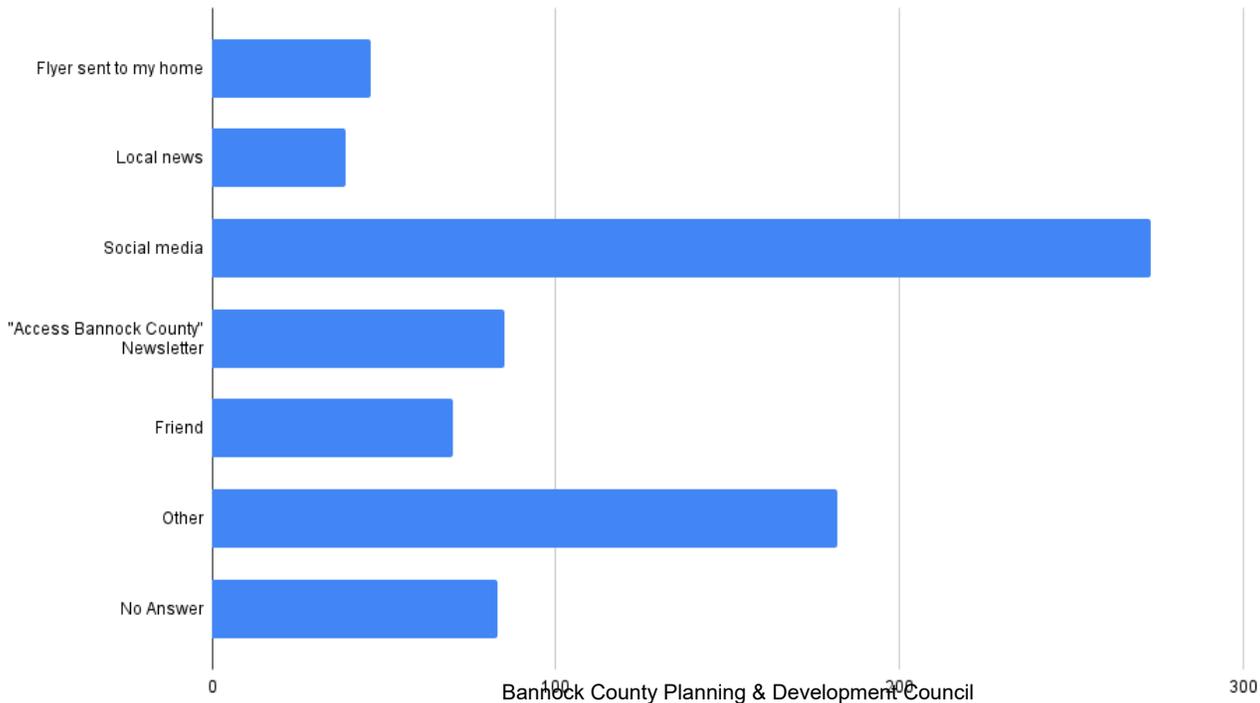
## What is the annual income of respondents?

Answered: 685 Skipped: 93



## How did respondents hear about the survey?

Answered: 695 Skipped: 83



# Response Snapshot

## Q1 Please finish this sentence: "One word or simple phrase that best describes Bannock County is..."

Answered: 723 Skipped: 55

county nice place live high property taxes raise family Bannock County good people Pleasant Unique Simple Poor Outdoors Quiet Big Underrated Dirty Lovely Small Town Stagnant community Okay Lacking planned areas Full Great Idaho Expensive Behind times Peaceful Beautiful scenery Diverse Struggling good landscapes great place live Boring Home leadership Beautiful Awesome Rural scenic Growing safe place live property taxes Friendly open Country quaint Potential growth needs Changing Behind Ok live Outdoor people slow conservative diversity Wonderful much opportunities priced Small Full potential taxed rural areas open space Growing fast high taxes still

## Q2 What do you love about Bannock County?

Answered: 734 Skipped: 44

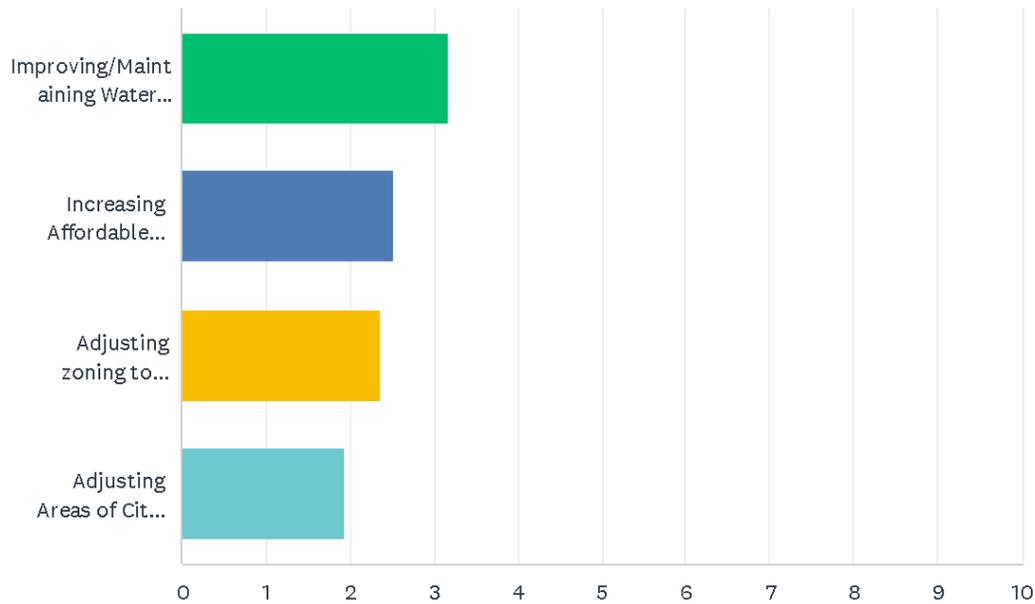
wildlife home small town feel friendly people surrounding opportunities small nature great scenery country small town Open spaces s Location good county open family beautiful people love area beauty natural access trails close land still feel city community mountains live Bannock County many outdoors rural recreation outdoor recreation outdoor activities places activities outdoor opportunities enjoy lots friendly



# Response Snapshot

**Q5** Bannock County is updating the following elements in the Comprehensive Plan. Please rank them from greatest importance to least importance, in your opinion.

Answered: 677 Skipped: 101



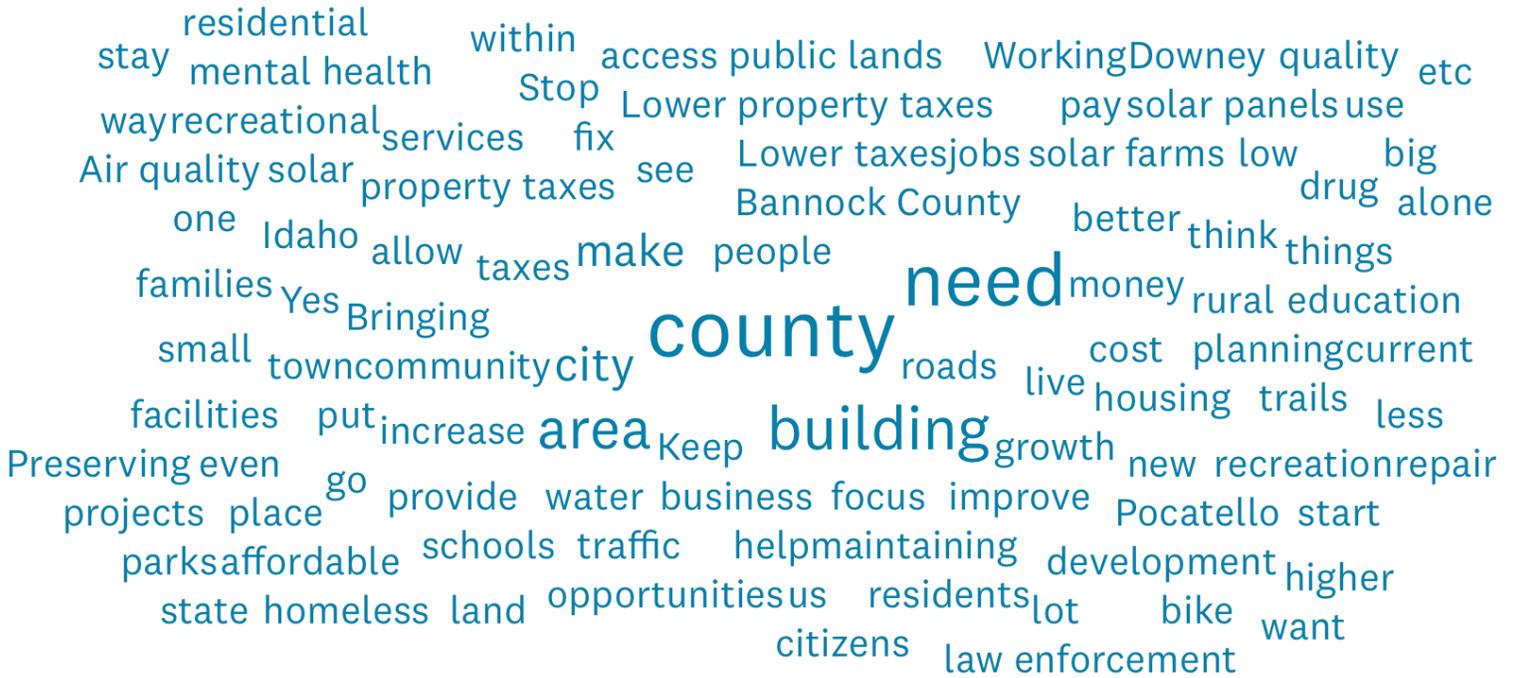
	1	2	3	4	TOTAL	SCORE
Improving/Maintaining Water Quality	50.22% 340	24.96% 169	15.95% 108	8.86% 60	677	3.17
Increasing Affordable Housing	28.51% 193	25.70% 174	14.62% 99	31.17% 211	677	2.52
Adjusting zoning to reflect growth (Zones = Agriculture, Commercial, Residential, Industrial, Recreational)	13.59% 92	28.95% 196	38.26% 259	19.20% 130	677	2.37
Adjusting Areas of City Impact (ACI) to reflect growth (ACI = areas outside a city's limits where development may affect the city)	7.68% 52	20.38% 138	31.17% 211	40.77% 276	677	1.95

# Response Snapshot

Q6

**Are there any other priorities you feel Bannock County should focus on that were not listed in the previous question?**

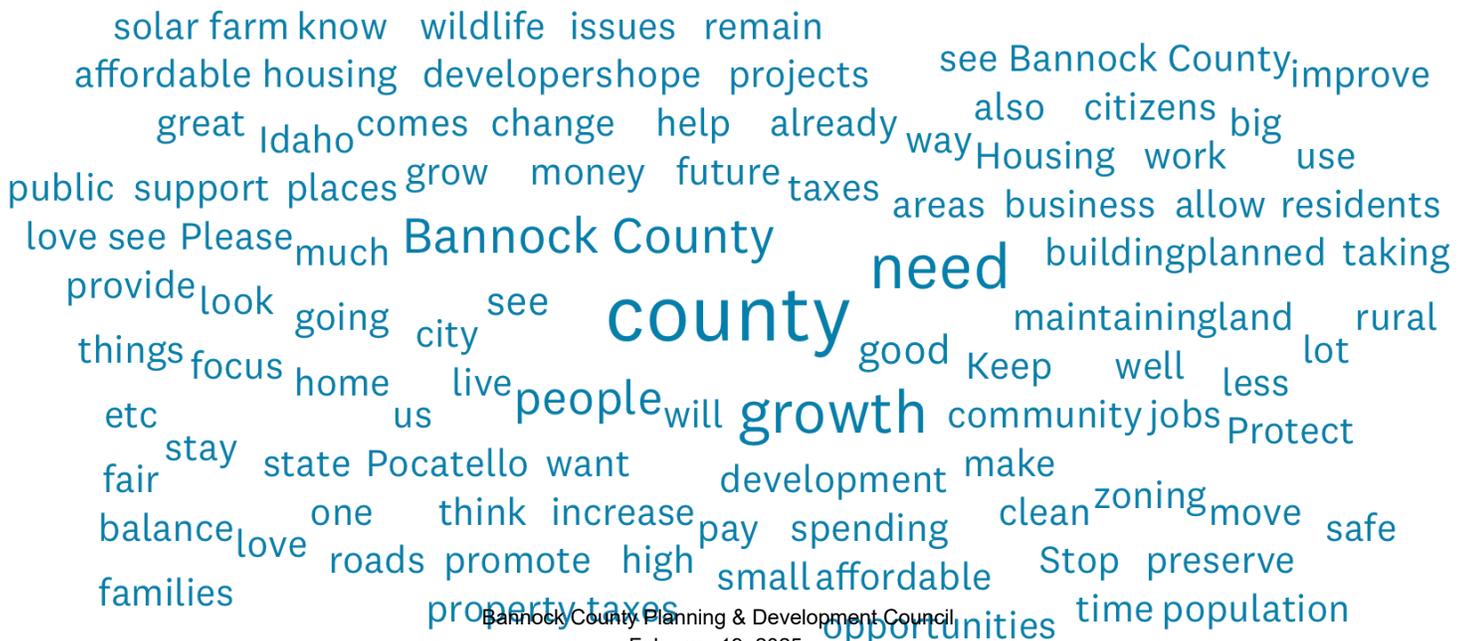
Answered: 537 Skipped: 241



Q7

**Please provide any final thoughts in regards to how you would like to see the future of Bannock County.**

Answered: 512 Skipped: 266





# BANNOCK COUNTY

PLANNING &  
DEVELOPMENT

# 3 - 2022 CENSUS OF AGRICULTURE - IDAHO, COUNTY DATA

UNITED STATES DEPARTMENT OF AGRICULTURE

**Table 1. County Summary Highlights: 2022**

[For meaning of abbreviations and symbols, see introductory text.]

Item	Idaho	Ada	Adams	Bannock	Bear Lake	Benewah	Bingham
Farms .....number	22,877	1,142	229	1,005	353	240	1,081
Land in farms .....acres	11,547,963	112,556	145,570	419,823	209,678	130,471	897,796
Average size of farm .....acres	505	99	636	418	594	544	831
Median size of farm .....acres	35	10	75	16	138	80	24
Estimated market value of land and buildings:							
Average per farm .....dollars	2,124,863	1,289,520	1,749,283	1,150,006	1,644,398	1,493,103	3,147,174
Average per acre .....dollars	4,209	13,084	2,752	2,753	2,768	2,747	3,789
Estimated market value of all machinery and equipment .....\$1,000	4,930,153	114,641	24,775	101,309	47,334	33,811	332,628
Average per farm .....dollars	215,507	100,386	108,186	100,805	134,092	140,878	307,704
Farms by size:							
1 to 9 acres .....	5,785	568	22	367	32	10	335
10 to 49 acres .....	6,977	441	63	285	69	83	299
50 to 179 acres .....	3,901	59	64	129	104	84	157
180 to 499 acres .....	2,515	41	34	105	69	23	104
500 to 999 acres .....	1,384	10	11	60	31	19	55
1,000 acres or more .....	2,315	23	35	59	48	21	131
Total cropland .....farms	15,823	746	137	695	288	188	657
Harvested cropland .....acres	5,623,516	42,862	15,961	180,641	80,192	76,672	363,334
Irrigated land .....farms	13,037	662	119	471	256	129	561
.....acres	4,370,363	32,982	14,039	60,578	61,633	58,997	323,793
Irrigated land .....farms	14,191	987	154	565	261	25	855
.....acres	3,167,499	35,479	19,136	29,291	44,212	127	330,319
Market value of agricultural products sold .....\$1,000	10,892,201	191,322	15,577	45,676	29,034	25,444	575,692
Average per farm .....dollars	476,120	167,533	68,020	45,449	82,249	106,017	532,555
Crops, including nursery and greenhouse crops .....\$1,000	4,764,793	39,332	2,764	32,650	12,106	24,985	476,088
Livestock, poultry, and their products .....\$1,000	6,127,408	151,990	12,812	13,026	16,928	459	99,604
Farms by value of sales:							
Less than \$2,500 .....	9,048	532	105	542	98	139	376
\$2,500 to \$4,999 .....	2,135	172	15	138	30	21	71
\$5,000 to \$9,999 .....	2,284	184	17	88	37	17	110
\$10,000 to \$24,999 .....	2,179	111	23	79	46	18	118
\$25,000 to \$49,999 .....	1,451	40	17	70	53	8	87
\$50,000 to \$99,999 .....	1,220	34	13	23	26	3	44
\$100,000 or more .....	4,560	69	39	65	63	34	275
Government payments .....farms	4,296	28	23	180	104	91	157
.....\$1,000	132,405	991	538	4,538	2,228	2,785	6,139
Total income from farm-related sources .....farms	7,733	197	96	207	140	74	353
.....\$1,000	327,387	4,243	1,117	6,481	2,242	4,185	21,952
Total farm production expenses .....\$1,000	9,317,904	188,082	13,121	48,805	27,246	26,940	489,011
Average per farm .....dollars	407,304	164,695	57,296	48,562	77,185	112,251	452,369
Net cash farm income of the operations .....farms	22,877	1,142	229	1,005	353	240	1,081
.....\$1,000	2,034,090	8,474	4,111	7,890	6,257	5,474	114,772
Average per farm .....dollars	88,914	7,421	17,950	7,851	17,727	22,808	106,172
Livestock and poultry:							
Cattle and calves inventory .....farms	8,956	412	96	381	163	68	510
.....number	2,517,987	58,038	15,491	17,136	18,118	1,004	74,940
Beef cows .....farms	7,379	294	79	308	156	61	428
.....number	449,249	4,427	(D)	11,344	12,808	613	28,871
Milk cows .....farms	549	20	2	17	11	-	21
.....number	664,479	18,380	(D)	30	477	-	5,728
Cattle and calves sold .....farms	7,630	364	87	287	168	41	454
.....number	1,835,062	38,011	12,032	11,201	13,514	372	56,394
Hogs and pigs inventory .....farms	562	30	2	32	4	2	19
.....number	21,157	(D)	(D)	372	8	(D)	572
Hogs and pigs sold .....farms	663	30	-	24	4	7	27
.....number	100,260	3,058	-	341	9	47	1,539
Sheep and lambs inventory .....farms	1,208	74	10	31	14	8	48
.....number	230,681	956	477	714	(D)	114	19,568
Layers inventory .....farms	3,514	258	18	206	38	39	140
.....number	638,424	4,662	341	3,448	646	962	3,548
Broilers and other meat-type chickens sold .....farms	155	4	-	7	1	3	12
.....number	11,815	305	-	139	(D)	66	434
Selected crops harvested:							
Corn for grain .....farms	648	17	1	-	7	-	5
.....acres	126,508	3,130	(D)	-	117	-	2,386
.....bushels	22,937,258	728,992	(D)	-	17,402	-	397,069
Corn for silage or greenchop .....farms	772	17	1	1	-	-	24
.....acres	258,326	6,446	(D)	(D)	-	-	7,238
.....tons	7,412,427	186,938	(D)	(D)	-	-	184,454
Wheat for grain, all .....farms	2,210	42	-	34	15	27	141
.....acres	1,162,597	6,061	-	26,897	7,024	31,436	136,688
.....bushels	93,723,621	707,146	-	1,378,072	203,066	2,087,178	14,704,674
Durum wheat for grain .....farms	50	3	-	-	-	-	3
.....acres	10,250	29	-	-	-	-	1,500
.....bushels	801,586	2,845	-	-	-	-	127,500
Other spring wheat for grain .....farms	918	12	-	16	13	9	76
.....acres	365,898	667	-	13,791	6,250	5,892	40,681
.....bushels	25,659,376	63,810	-	597,316	180,192	246,867	4,149,588
Winter wheat for grain .....farms	1,706	29	-	26	8	24	111
.....acres	786,449	5,365	-	13,106	774	25,544	94,507
.....bushels	67,262,659	640,491	-	780,756	22,874	1,840,311	10,427,586
Oats for grain .....farms	115	-	-	1	-	2	5
.....acres	11,088	-	-	(D)	-	(D)	171
.....bushels	704,503	-	-	(D)	-	(D)	15,910

--continued

See full report at [NASS.USDA.gov](https://nass.usda.gov)

## 4 - IDAHO CODE §22-4501

### AGRICULTURE AND HORTICULTURE - RIGHT TO FARM

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LEGISLATIVE FINDINGS AND INTENT. The legislature finds that agricultural activities conducted on farmland in urbanizing areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses, and in some cases prohibit investments in agricultural improvements. It is the intent of the legislature to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance. The legislature also finds that the right to farm is a natural right and is recognized as a permitted use throughout the state of Idaho.

## 5 - IDAHO CODE §67-6508

### LOCAL LAND USE PLANNING - PLANNING DUTIES

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It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

#### PLANNING COMPONENTS

**(a) Property Rights** — An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.

**(b) Population** — A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.

**(c) School Facilities and Transportation** — An analysis of public school capacity and transportation considerations associated with future development.

**(d) Economic Development** — An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.

**(e) Land Use** — An analysis of natural land types, existing land covers and uses, and the

## 5 - IDAHO CODE §67-6508

### LOCAL LAND USE PLANNING - PLANNING DUTIES - CONTINUED

#### PLANNING COMPONENTS

intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.

**(f) Natural Resources** — An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.

**(g) Hazardous Areas** — An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.

**(h) Public Services, Facilities, and Utilities** — An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.

**(i) Transportation** — An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor and other related transportation facilities.

**(j) Recreation** — An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.

**(k) Special Areas or Sites** — An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

**(l) Housing** — An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.

**(m) Community Design** — An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.

**(n) Agriculture** — An analysis of the agricultural base of the area including agricultural

## 5 - IDAHO CODE §67-6508

### LOCAL LAND USE PLANNING - PLANNING DUTIES - CONTINUED

#### PLANNING COMPONENTS

lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.

**(o) Implementation** — An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

**(p) National Interest Electric Transmission Corridors** — After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High-voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures of forty (40) feet or more in height.

**(q) Public Airport Facilities** — An analysis prepared with assistance from the Idaho transportation department division of aeronautics, if requested by the planning and zoning commission, and the manager or person in charge of the local public airport identifying, but not limited to, facility locations, the scope and type of airport operations, existing and future planned airport development and infrastructure needs, and the economic impact to the community.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

## **6 - IDAHO CODE §67-9704**

### AGRICULTURAL PROTECTION AREA ACT

(1) No later than January 1, 2025, each board of county commissioners shall establish an agricultural protection area ordinance in accordance with the notice and hearing procedures in section 67-6509, Idaho Code. At a minimum, the ordinance shall:

(a) Establish a process through which agricultural lands may be placed in agricultural protection areas for a minimum of twenty (20) years;

(b) Establish the application requirements, including but not limited to information about the landowner; a description of the parcels, structures, and facilities proposed to be included in an agricultural protection area; and the current uses of lands proposed to be included in an agricultural protection area;

(c) Establish clear and objective standards for evaluating applications for inclusion in an agricultural protection area;

(d) Establish the timeline for reviewing and making decisions on agricultural protection area applications; and

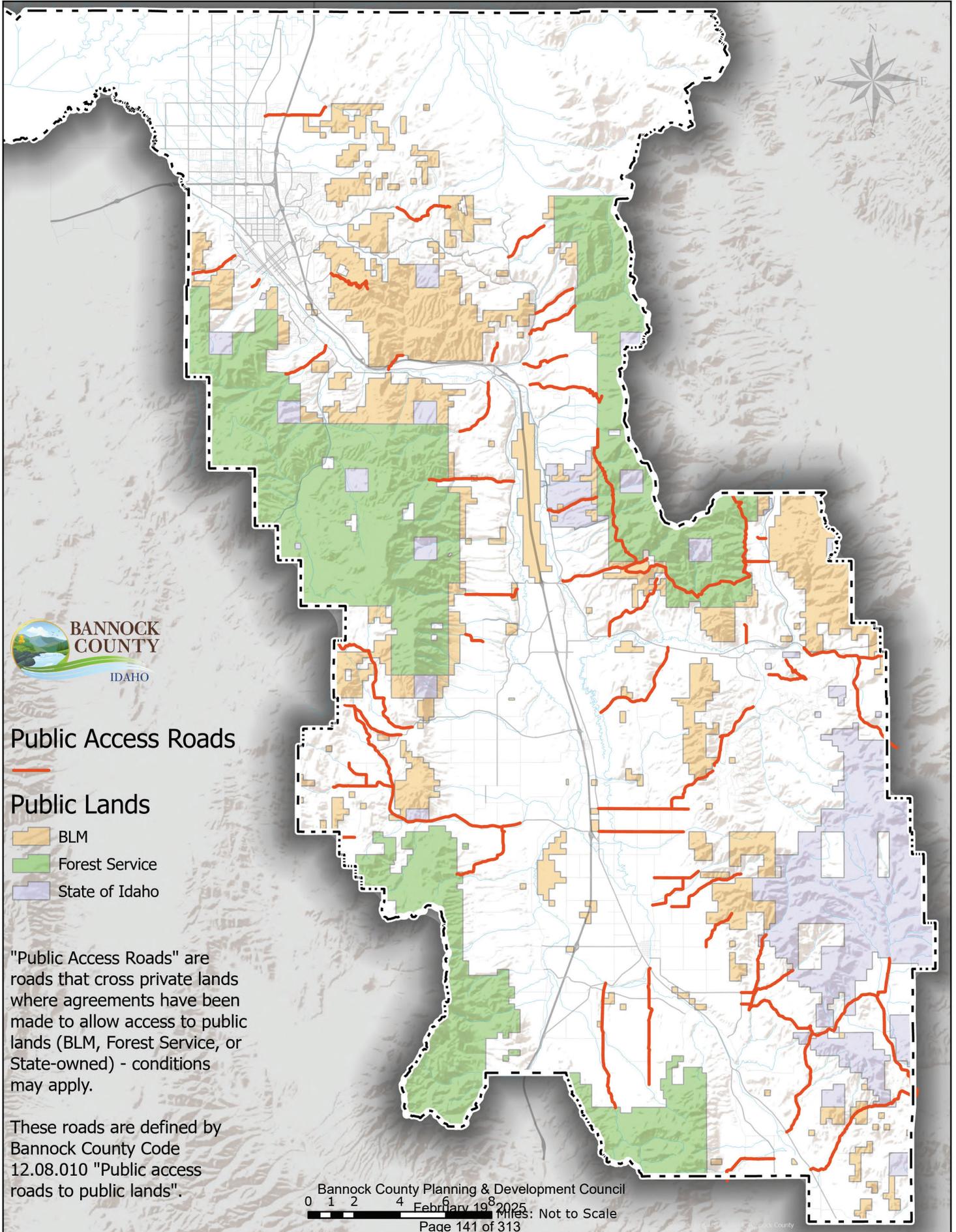
(e) Establish an application fee to cover the administrative costs of processing applications, including but not limited to reviewing application materials, holding public meetings and hearings, providing public notice, recording applicable documents, and updating county land use maps, provided that such fee shall not exceed the actual costs of processing the application.

(2) No later than January 1, 2025, each board of county commissioners shall establish by resolution or ordinance an agricultural protection area commission pursuant to section 67-9705, Idaho Code.

(3) Agricultural protection areas shall be designated on future land use planning maps to serve as a voluntary and expeditious tool for working landowners while also informing planners, commissions, county officials, and citizens at large on how to proactively plan for agriculture.

(4) The designations of specific parcels of land as agricultural protection areas shall not impact other parcels of land not designated as agricultural protection areas.

# 7 - PUBLIC ACCESS ROADS MAP



## EXHIBIT 3

- City of Pocatello Letter
- Portneuf Greenway Letter
- Portneuf Health Trust Letter

February 10, 2025

TO: Bannock County Planning & Development Services  
Bannock County Planning & Development Council  
Bannock County Commissioners

We would like to provide feedback regarding the County's proposed Comprehensive Plan. We appreciate your focus on rural and agricultural preservation and development throughout the Plan. We feel this is the hallmark of county planning and we believe our feedback regarding the Plan will assist in this focus. Our biggest concern stems from the proposed Future Land Use Map. Most of the County land surrounding Pocatello is proposed as "Residential Suburban" which does not align with the designations of the Pocatello Comprehensive Plan. Where both the City's Future Land Use Map and the Area of City Impact identifies land in which the City seeks to annex at some future time, we respectfully request that these changes be made to reflect desired future development surrounding Pocatello. In reviewing the public feedback for the County's Plan, we also believe it will address the public's disagreement of some proposed designations surrounding the city. As stated in the Pocatello Comprehensive Plan:

*"The Future Land Use Map provides direction on how the land within and surrounding the City of Pocatello is to be used for future (re)development. It is to be used in tandem with the City's current zoning ordinance (Title 17) which utilizes Euclidean zoning, characterized by the separation of land uses by use type. As the City transitions to a SmartCode ordinance, this map will be phased out and replaced with a Future Land Designation Map that reflects the Community Development Patterns and Transect Zones as described on pages 11-14 [of the Comprehensive Plan]."*

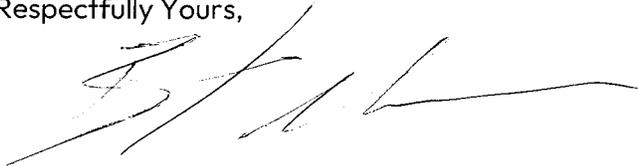
We request that the County consider amending the proposed Future Land Use Map to reflect the designations identified on the City's Transect Zones Map (maps and designation descriptions attached). As indicated above, the City is actively pursuing a full zoning ordinance rewrite to reflect a SmartCode ordinance, this includes transitioning our current Future Land Use Map to our Transect Zones Map. While there may be some minor changes during the adoption process, this map will help guide our designation changes. We have included maps of our suggested County designations so that if the County is amenable to this request, changes would be relatively easy to make in the official map.

We suggest the following: the "Special Districts (SD)" designation would appropriately correspond with the County's "Industrial" designation; the "General Urban (T4)" designation would appropriately correspond with the County's "Commercial" designation; the "Neighborhood Zone (T3)" designation would appropriately correspond with the County's

“Residential Suburban” designation, the “Rural Zone (T2)” designation would appropriately correspond with the County’s “Residential Rural” designation and the “Natural (T1)” designation would appropriately correspond with the County’s “Agricultural” designation. Some land in which the City has designated “Natural (T1)” is identified in the County’s Map as “Public Lands”. In these instances, we suggest no changes on the County’s official Map.

We appreciate the tireless work that the County’s Planning & Development Services Department has executed in order to produce this Plan. We see the County as a critical partner in our community and appreciate any effort to align the County’s and City’s long-term vision.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'Brent McLane', with a long horizontal flourish extending to the right.

Brent McLane  
Planning & Development Services Director



# SmartCode

## Transect Zones

The following are land designations and their descriptions for transect zones:

### Natural Zone - T1

Consists of land left or reverting to wilderness or open space including land unsuitable for development due to topography, hydrology, or vegetation. Natural landscape with some agricultural use.

### Rural Zone - T2

Consists of land that is sparsely developed with open or cultivated space including forest land, sagebrush/juniper land, or agricultural land. Primarily agricultural with scattered buildings.

### Neighborhood Zone - T3

Consists of low density residential areas adjacent to higher zones with some mixed-use. Landscaped yards surrounding detached single-family houses.

### General Urban Zone - T4

Consists of a mixed-use but primarily residential urban fabric. Mix of houses, townhouses, and small apartments, with scattered commercial activity.

### Urban Center Zone - T5

Consists of higher density mixed-use buildings that accommodate retail, offices, rowhouses, and apartments with buildings close to the street.

### Urban Core Zone - T6

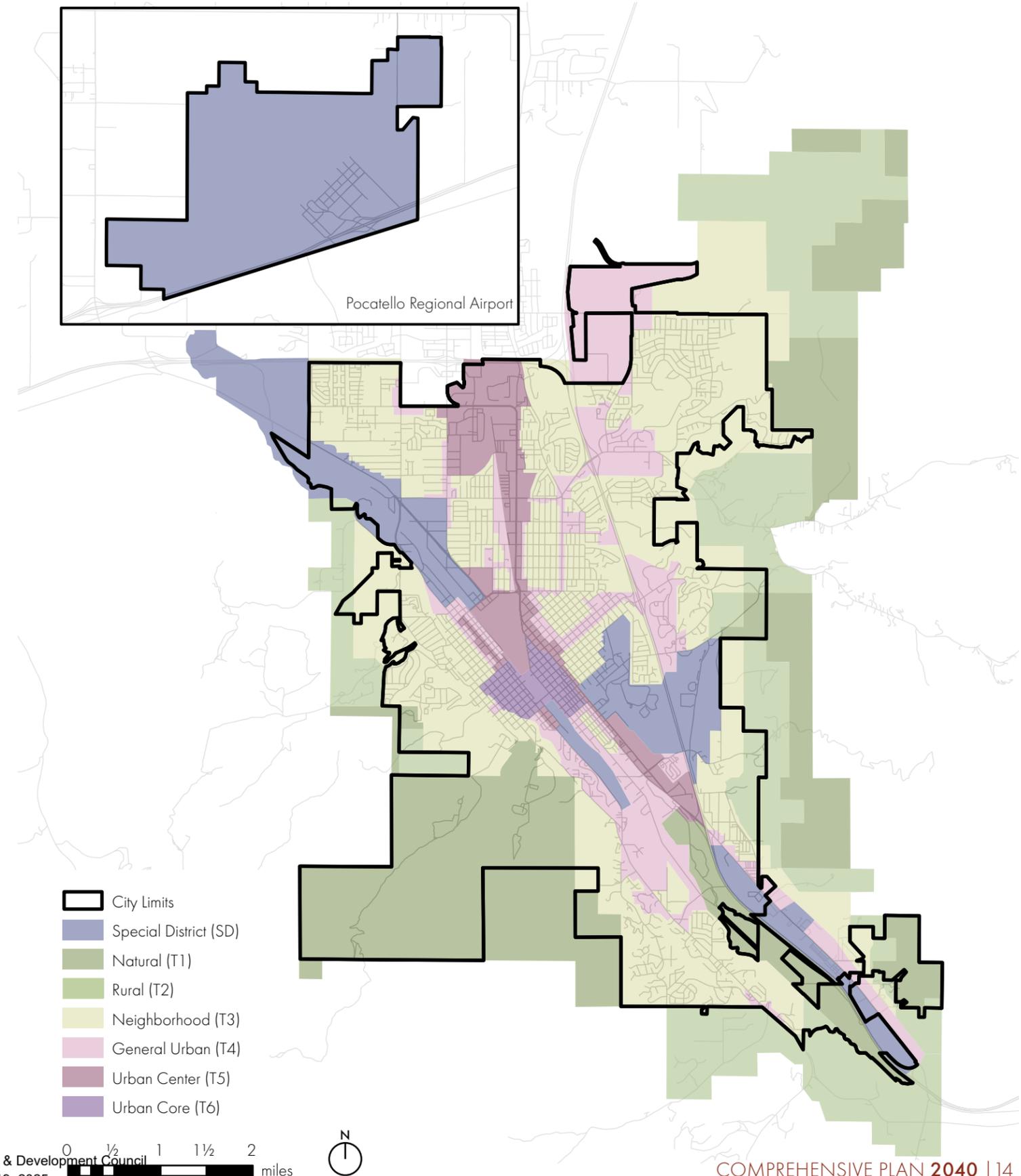
Consists of the highest density and height with the greatest variety of uses and civic buildings of local and regional importance. Buildings form a continuous street front along the sidewalk.

### Special Districts - SD (not pictured)

Consists of areas with buildings that by their function, disposition, or configuration cannot, or should not, conform to one or more of the six normative Transect Zones.

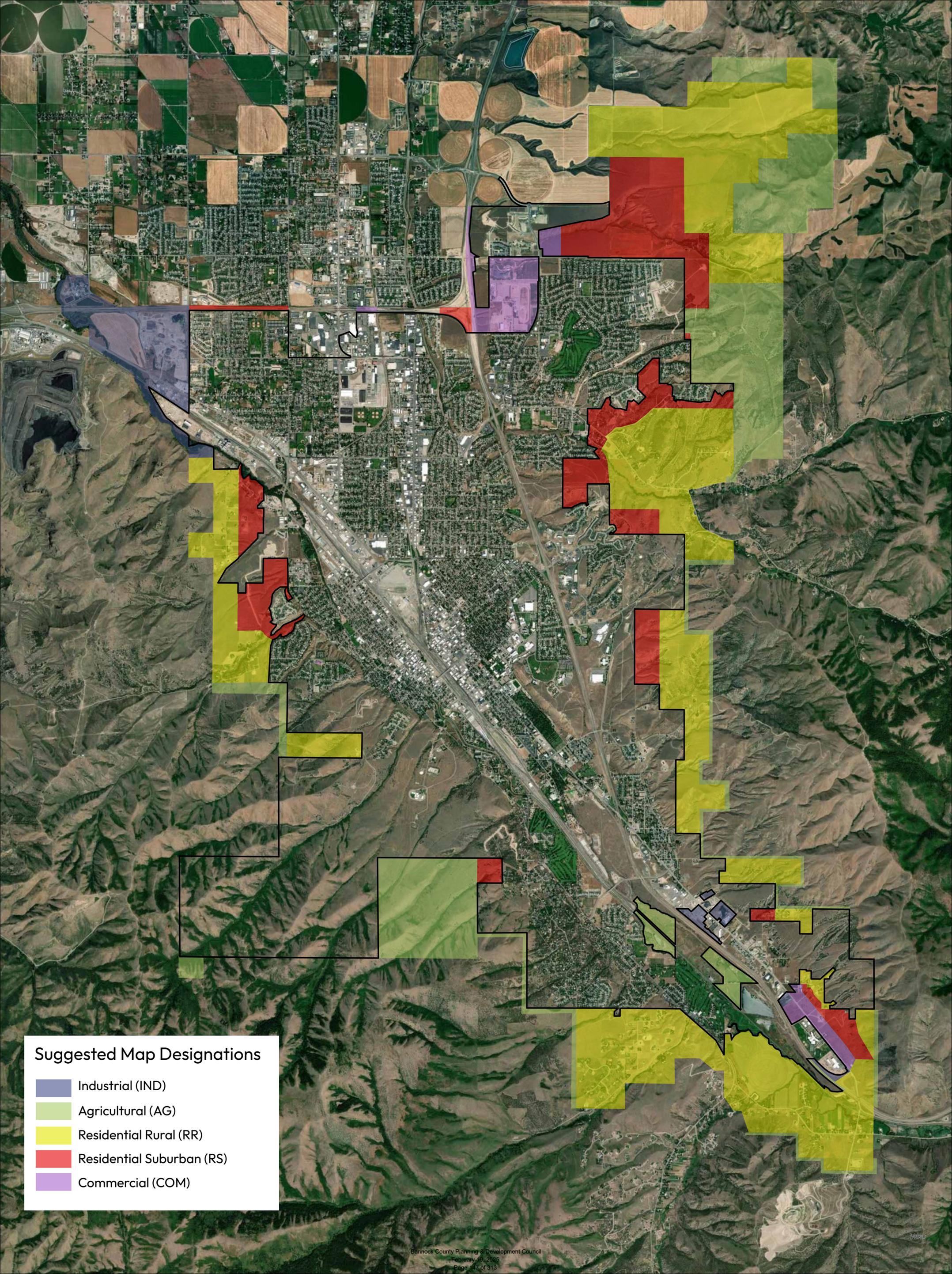


## Transect Zones



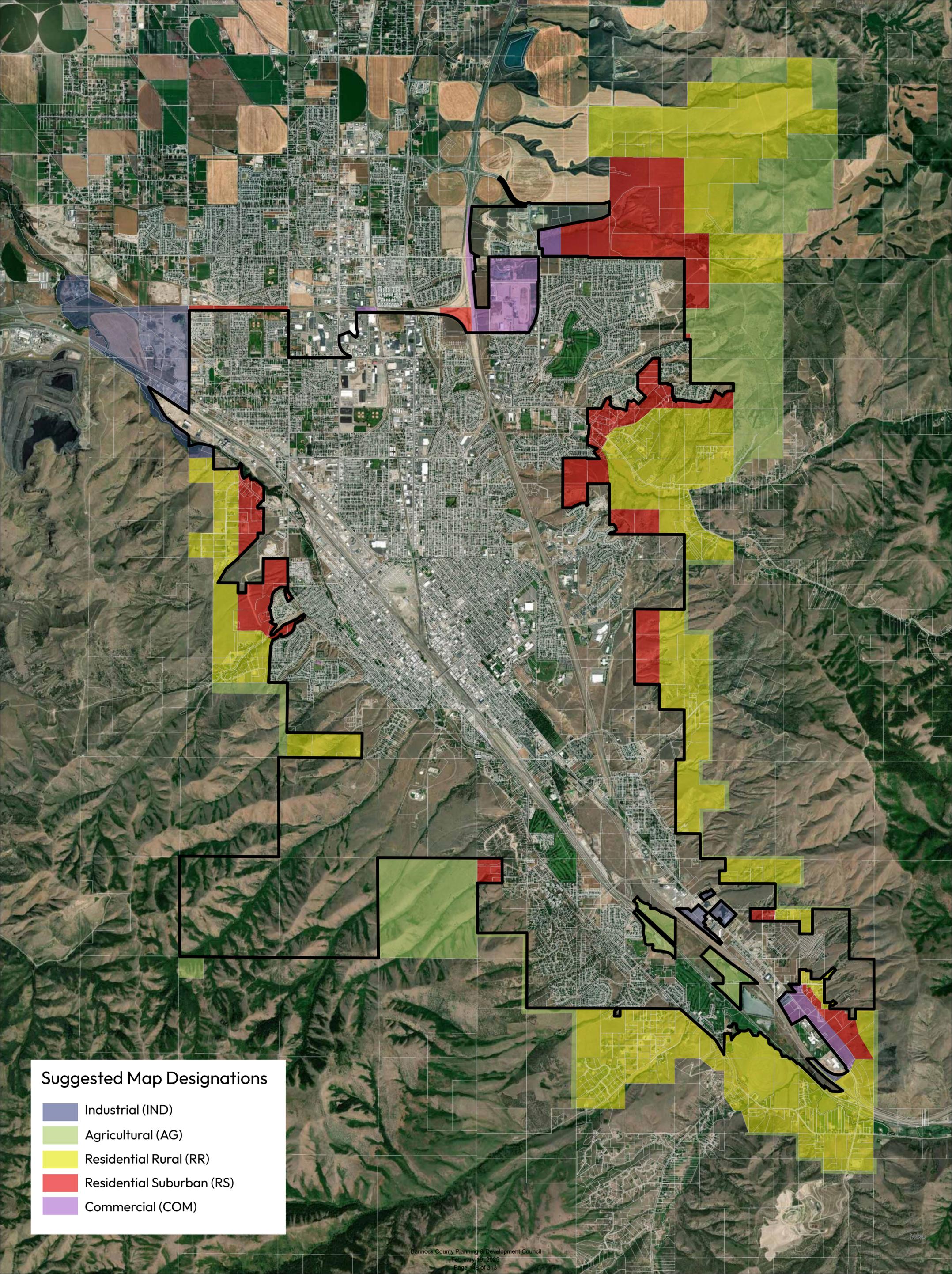
### Suggested Map Designations

- Industrial (IND)
- Agricultural (AG)
- Residential Rural (RR)
- Residential Suburban (RS)
- Commercial (COM)



### Suggested Map Designations

-  Industrial (IND)
-  Agricultural (AG)
-  Residential Rural (RR)
-  Residential Suburban (RS)
-  Commercial (COM)



### Suggested Map Designations

-  Industrial (IND)
-  Agricultural (AG)
-  Residential Rural (RR)
-  Residential Suburban (RS)
-  Commercial (COM)



February 7, 2025

Bannock County Planning and Development Council  
5500 South 5<sup>th</sup>  
Pocatello, ID 83204x 83720  
Boise, ID 83720-0065

Dear Planning Commission,

I am writing to express support for the 2040 Bannock County Comprehensive Plan and to offer specific recommendations that will help to ensure that the vision described will continue to be realized.

As an organization, the Portneuf Greenway Foundation has found that while the public is generally very supportive of paved walking and bicycling paths, they are difficult to construct after an area has already been developed. We recommend that the 2040 Bannock County Comprehensive Plan include language that will help to preserve corridors for bicycle and pedestrian paths and ensure connectivity in commercial, rural suburban and rural residential areas of the county. Areas that are of particular interest to the Portneuf Greenway Foundation are adjacent to Chubbuck where it may be possible to use Fort Hall Irrigation Canal right of way for bicycle and pedestrian paths and between Pocatello and Inkom where it may be possible to build paths adjacent to the Portneuf River or the old US Highway which is now a county road.

We recommend these specific additions to the 2040 Comprehensive Plan:

**Under Goal 1.2, add strategy 1.2.3** to state “Develop, preserve and enhance bicycle and pedestrian corridors as land use shifts from rural to more developed to ensure a safe, well-connected network for bicycle and pedestrian transportation.”

**Under Goal 2.2,** add “bicycle and pedestrian trails” to the end of Strategy 2.2.2.

**Under Goal 4.1, add strategy 4.1.3** to “Incorporate standards for bicycle and pedestrian trail corridors in ordinances that bridge the gap between City and County requirements for infrastructure.”

Thank you for this opportunity to comment on the 2040 Bannock County Comprehensive Plan. Please let me know if you have any questions.

Sincerely,

Dan Harelson  
President, Board of Directors  
Portneuf Greenway Foundation

February 10<sup>th</sup>, 2025

Bannock County Planning and Development Council  
5500 South 5<sup>th</sup> Ave.  
Pocatello, ID 83204

Dear Planning Commission,

I am writing as the Director of Wellness Programs for the Portneuf Health Trust to offer our testimony on the 2040 Bannock County Comprehensive Plan.

We were heartened to see that the Bannock County Plan specifically identifies an expanded, connected, and well-maintained trail network as a goal, and we would like to recommend that the strategies for reaching that goal be more specific. Research and our experience have shown that one of the most effective ways to encourage people to be more active, which has beneficial health outcomes, is to give them safe and convenient places to walk and be active. We have supported the development of bike and pedestrian trails in Pocatello and Chubbuck both philosophically and financially and we have found that it is very difficult to construct new trails after an area has already been developed. The area around Pocatello and Chubbuck is developing rapidly and Portneuf Health Trust would like for the County to make development of trails and the preservation of corridors for trails in the areas that are urbanizing a priority. This could be accomplished through appropriate ordinances that require developers to reserve easements for trails and construct trails when subdivisions are built.

Thank you for your foresight and work writing this plan.

Sincerely,



Micaela Prochazka  
Director of Wellness Programs  
Portneuf Health Trust

# MOTION

## MOTION

Based on the record and the discussion this evening, I move to [**recommend approval to the Board of County Commissioners**] [**recommend denial to the Board of County Commissioners**] [**table**] the proposed Bannock County Comprehensive Plan, as described in the application materials as supplemented with additional information attached in the staff memo and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

(If recommending changes) with the following changes,

1. ....

2. ....

AGENDA ITEM NO. 7  
Ordinance Change –  
Sediment & Erosion Control Ordinance

# EXHIBIT 1

## Staff Memo



# PLANNING AND DEVELOPMENT SERVICES

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

## SEDIMENT AND EROSION CONTROL ORDINANCE AMENDMENT PUBLIC HEARING: February 19, 2025 STAFF MEMO

### GENERAL INFORMATION:

- The current ordinance was adopted December 10, 2009.
- The purpose of this ordinance is to comply with the requirements of Bannock County's national pollutant discharge elimination system (NPDES) permit no. IDS-028053, the federal clean water act, and to provide for the health, safety, and general welfare of the citizens of Bannock County through the regulation of construction activities within the county.
- This ordinance applies to all construction activities within the Bannock County Urbanized Area.
- The proposed changes are necessary to continue to comply with our current MS4 permit.

### APPLICABLE LAWS:

1. Public notice was given in accordance with Idaho Code §67-6525.

### AGENCY COMMENTS:

None at the time of report.

### PUBLIC COMMENTS:

None at the time of report.

### REPORT BY:

Tristan Bourquin, Assistant Director  
[tristanb@bannockcounty.gov](mailto:tristanb@bannockcounty.gov)  
208-236-7230

### REPORTED DATE: February 12, 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. Proposed amendments to Construction Site Sediment and Erosion Control Ordinance Bannock County, Idaho

STAFF MEMO  
Sediment and Erosion Control Ordinance Amendments  
Page 1 of 1

# EXHIBIT 2

## ESC Edits

## SECTION 410 EROSION CONTROL PERMITS

F. The following construction or land disturbing activities do not require a permit:

1. Minor land disturbance (spatial areas less than ~~one fourth (1/4) acre~~ 5000 square feet and confined to 1 residential or commercial lot) activities performed by the property owner or an employee of the property owner, including, but not limited to, individual home gardens, commercial and residential landscaping, and landscaping maintenance and repair work.

EXHIBIT 3  
Construction Site Sediment  
&  
Erosion Control Ordinance

# CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL ORDINANCE OF BANNOCK COUNTY, IDAHO

## ORDINANCE No.5

### SECTION 100 TITLE, PURPOSE AND INTENT

#### 110 TITLE:

This ordinance shall be known as the *CONSTRUCTION SITE SEDIMENT AND EROSION CONTROL ORDINANCE OF BANNOCK COUNTY, IDAHO*.

#### 111 STATUTORY AUTHORITY:

The Legislature of the State of Idaho in I.C. 31-714 authorized the Board of County Commissioners of Bannock County to pass ordinances to provide for the safety and promote the health and prosperity of the inhabitants of the county and to protect the property within the county.

#### 120 STATEMENT OF PURPOSE:

The purpose of this ordinance is to comply with the requirements of Bannock County's national pollutant discharge elimination system (NPDES) permit no. IDS-028053, the federal clean water act, and to provide for the health, safety, and general welfare of the citizens of Bannock County through the regulation of construction activities within the county by establishing methods to control sediment discharges and reduce soil erosion deposits into the municipal separate storm sewer system or into the air shed. The objectives of this ordinance are:

- A. To promote and protect the health, safety, and general welfare of the citizens of Bannock County and enhance and preserve the quality and value of resources by regulating construction activities with respect to erosion and sediment control.
- B. To provide for the protection of stormwater, ground water, water bodies, watercourses, and wetlands pursuant to and consistent with the clean water act, and NPDES permits granted to Bannock County.
- C. To manage and control the amount of pollutants in stormwater discharges, reduce soil erosion, sediment discharge, and mud and dirt deposits on public roadways caused by or resulting from construction activities.
- D. To ensure adequate drainage, stormwater management and soil conservation measures are utilized at the site of any construction activity.

## **SECTION 200 DEFINITIONS**

For the purposes of this ordinance, the following shall mean:

**AUTHORIZED ENFORCEMENT AGENT:** The Planning Director or his designee.

**BANNOCK COUNTY URBANIZED AREA:** The area of Bannock County within the City of Pocatello Area of Impact as defined in Bannock County Ordinance No. 1998-6 and within the City of Chubbuck Area of Impact as defined in Banock County Ordinance No. 1998-5 and including those portions of the Pocatello Urbanized Area outside the city limits of the City of Pocatello and the City of Chubbuck.

**BEST MANAGEMENT PRACTICES (BMPs):** Physical, structural, and/or managerial practices that, when used singly or in combination, control activities including, but not limited to, site runoff, spillage and leaks, and waste disposal, and prevent or reduce the discharge of pollutants directly or indirectly to waters of the state or United States. BMPs may also include schedules of activities, prohibition of practices, design standards, educational activities, and treatment requirements.

**CLEAN WATER ACT (CWA):** The federal water pollution control act (33 USC section 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY:** Activities occurring in furtherance of a construction project, including, but not limited to, land disturbing activities; temporary crushing and screening operations lasting less than one hundred eighty (180) calendar days; hauling soil and rock; explosive and abrasive blasting; implosion; handling of building materials; concrete, stone and tile cutting; operation of motorized and nonmotorized machinery; and the operation of motor vehicles on a construction site, a staging area, a parking area, a storage area, or any access routes to the construction site.

**COUNTY:** Bannock County and/or its representatives, staff, or assigns.

**EROSION:** Progressive detachment and removal of particles, including soil and rock fragments, from the earth's surface by means of water, wind, ice, gravity or mechanical processes, including vehicular traffic.

**EROSION CONTROL PLAN:** Details of the concepts and techniques, including BMPs, used prior to and during construction, up to and including final landscaping, to control and limit soil erosion, mud and dirt deposits on public roadways, and sediment discharge.

**LAND DISTURBING ACTIVITY:** A human induced change to improved or unimproved land, including, but not limited to, new home or building construction, expansion of an existing building or home, demolition activity, clearing, grubbing, leveling, excavation, fill operations, trenching, landscaping, grading, drainage, pipe installation, drilling, mining, dredging, road construction or improvement, paving, construction of earthen berms, and improvements for use as parking or storage.

**MAXIMUM EXTENT PRACTICABLE (MEP):** Technology based discharge standard for municipal separate storm sewer systems established by CWA section 402(p).

**MUNICIPAL SEPARATE STORMWATER SYSTEM (MS4):** All parts of the county's stormwater conveyance system including roads, streets, gutters, catch basins, pipe, culverts, ditches, and other conveyances which normally convey stormwater.

**PERMIT:** The erosion control permit issued by the county which authorizes performance of a construction project.

**PERMIT HOLDER:** The person who makes application for an erosion control permit.

**PERSON:** Any individual, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

**POCATELLO URBANIZED AREA:** the greater Pocatello, Idaho, area delineated by the Year 2000 Census by the U.S. Census Bureau of the Census according to the criteria defined by the Bureau on March 15, 2002 (67 FR 11663) as depicted on the attached map.

**POLLUTANT:** Objects and materials which, when discharged to water or air, cause or contribute to water or air pollution, or as defined by the federal water pollution control act (also known as the clean water act).

**POLLUTION:** The discharge of any pollutant into the airstream or waters of the state or U.S. which will or is likely to create a nuisance or to render such waters harmful, detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses, or as defined by the federal water pollution control act (also known as the clean water act).

**SEDIMENT:** Solid material, either mineral or organic, that is in suspension or has been or is being moved from its site of origin due to erosion.

**STORMWATER:** Surface runoff and drainage associated with rainstorm events and snowmelt.

**VARIANCE:** A modification of the requirements of this ordinance based on hardship.

**WATERCOURSE:** Any natural or artificially managed channel through which water flows on a regular or routine basis.

**WETLANDS:** Lands that meet all of the following criteria: a) a predominance of hydric soil, b) saturation by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and c) normally support a prevalence of hydrophytic vegetation.

## **SECTION 300 GENERAL PROVISIONS**

### **310 APPLICABILITY:**

This ordinance shall apply to all construction activity and all land disturbing activity, directly or indirectly associated with construction projects, and all persons engaged in construction activity and land disturbing activity, directly or indirectly associated with construction projects, within the Bannock County Urbanized Area. Indirect association requires a recognizable connection between the activity involved and the construction project, but does not require a primary or direct connection.

### **320 REGULATORY CONSISTENCY:**

This ordinance shall be construed to assure consistency with state and federal laws, rules and regulations, including the clean water act and all acts amendatory thereof or supplementary thereto; all NPDES permits issued to Bannock County, and in particular, NPDES permit no. IDS-028053; and any other provisions of this code. No permit or approval issued pursuant to this ordinance shall relieve a person of the responsibility to secure permits and approvals required for activities regulated by any other applicable rule, code, act, permit or ordinance. Compliance with this ordinance does not exempt any person from complying with other applicable ordinances, rules, codes, acts or permits.

### **330 GENERAL REQUIREMENTS AND PROHIBITIONS:**

- A. Every person shall obtain an erosion control permit (hereinafter "permit") from the county before commencing any construction activity, unless performing work covered by an existing county approved erosion control permit or otherwise exempted by this ordinance.
- B. Erosion, sediment, or discharge of pollutants, resulting from construction activities, which enter onto public property or private property not controlled by the permit holder, shall be eliminated to the maximum extent practicable unless otherwise permitted or exempted under this ordinance.
- C. No final plat, subdivision site development plan, site plan, grading permit, building permit, or public work project shall be approved without an approved erosion control plan meeting the requirements of the federal construction general permit and related notice of intent and storm water pollution prevention plan (SWPPP) requirements.
- D. All construction activity commenced pursuant to an approved erosion control plan or permit must at all times comply with the conditions of the erosion control plan or permit. The permit holder is responsible for ensuring their contractor(s), subcontractor(s), utility trenching subcontractor(s), and all other persons entering the site abide by the conditions of the permit. The permit holder's signature or that of his authorized agent on the permit shall constitute an agreement by the permit holder to accept responsibility for meeting the conditions of the permit.
- E. No construction activity shall take place without a valid permit. If a permit has been suspended or revoked, or has expired, all work covered by the permit shall cease until a new permit is issued.
- F. The permit holder shall notify the county of pending permitted construction activity a minimum of forty eight (48) hours prior to commencement of such activity.

G. A person or persons possessing a current and valid certificate of training, as provided for in section 430 of this chapter, shall be directly in charge of all sites of construction activity regulated by this ordinance. Failure to comply with this requirement will result in revocation or suspension of the permit issued pursuant to this ordinance.

H. All necessary action shall be taken to minimize the depositing and tracking of mud, dirt, sand, gravel, rock or debris on or onto the public right of way. The owner of the site of the construction activity or the permit holder with respect to the construction site shall be responsible for any cleanup of the public rights of way or private property not under the permit holder's control necessitated from any tracking or depositing of mud, dirt, sand, gravel, rock or debris, or shall reimburse the county for any expenses incurred by the county to effectuate the cleanup.

I. Construction ramps shall be constructed of material that will not erode or deteriorate under adverse conditions, and shall not be placed in a manner as to interfere with or block the passage of stormwater runoff.

J. No debris, dirt, aggregate or excavated materials, or construction supplies, shall be placed on the public right of way unless specifically permitted by the county in writing. In addition, public sidewalks shall not be removed, blocked, or otherwise rendered unusable by construction activity, equipment or materials, or portable toilets, unless a safe, usable alternate walkway, as approved by the county is placed on the same side of the right of way by the contractor.

K. No owner or lessee of real property shall allow the property to be unoccupied, unused, vacant or undeveloped after the topsoil has been disturbed or the natural cover removed, unless control measures are undertaken to prevent mud, sand, dirt and gravel, or other material from migrating off site and entering the public right of way or a stormwater system.

L. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within twenty one (21) days from removal of the temporary measures.

M. To facilitate inspection and enforcement under this ordinance, all building or commercial lot owners holding an erosion control permit shall display a sign on the property noting information required by the federal construction general permit for all projects requiring permit coverage under the construction general permit. All required writing on the signs shall be legible and of sufficient size to be easily read from the nearest public right of way location.

## SECTION 400 ADMINISTRATION

### 410 EROSION CONTROL PERMITS:

A. The following categories of permits shall be issued upon approved application:

1. General permit: Issued for construction, demolition, and site development for single-family homes and duplexes, and utility trench excavation.
2. Site specific permit: Issued for construction, demolition, and site development for multiple home developments, apartment complexes and commercial sites.
3. Special site permit: Issued for the following site conditions for additional control measures:
  - a. Predevelopment slopes greater than fifteen percent (15%).
  - b. Ground disturbance of a natural vegetative buffer within fifty feet (50') of wetlands or water bodies, including perennial streams and watercourses.
  - c. Sites located entirely or partially within an environmentally sensitive area as identified by state or federal authorities.
  - d. Any other site determined by the county to have conditions necessitating additional control measures.

B. Applications for permits shall be made on forms provided by the county and shall be accompanied by any applicable fee or fees. In addition, applications for site specific permits or special site permits shall be accompanied by two (2) copies of an erosion control plan which is in compliance with the provisions of this ordinance. Erosion control plans, applicable best management practices, notices of intent (NOI) as required by the federal environmental protection agency, Idaho construction general permit shall be properly executed prior to application to the county and a copy of the federal permit NOI must accompany the county permit application. No permit requiring an erosion control plan shall be granted unless the erosion control plan has been approved by the county, including verification of compliance with the federal construction general permit.

C. Permit applications should be filed with the county at the same time as the request for a permit to conduct the construction activity, such as a building permit or grading permit.

D. Any construction activity which has been initiated, but not fully completed, at the time of enactment of this ordinance shall require a permit within ninety (90) days of the effective date of this ordinance, unless otherwise exempted by this ordinance. Initiation is not limited to actual ground breaking activities, but also includes granting of building, excavation and construction permits.

E. For general permits, although an erosion control plan is not required, the permit will contain requirements and conditions that must be implemented before and during construction. These requirements and conditions will consist of, but are not limited to, the requirements found in this ordinance.

F. The following construction or land disturbing activities do not require a permit:

1. Minor land disturbance (spatial areas less than one fourth (1/4) acre and confined to 1 residential or commercial lot) activities performed by the property owner or an employee of the property owner,

- including, but not limited to, individual home gardens, commercial and residential landscaping, and landscaping maintenance and repair work.
2. Repair, replacement, and utility work which occurs entirely on a residential lot, in which no sediment leaves the property.
  3. Installation of fence, sign, telephone, electric poles, and other types of posts and poles that involves less than two (2) cubic yards of excavation in any one location.
  4. Emergency repairs or emergency work necessary to protect the health, safety and general welfare of the public.
  5. Utility repair work that involves less than two (2) cubic yards of excavation in any one location.
  6. Parking lot and driveway repair where no sediment leaves the private property and which disturbs less than one fourth (1/4) acre.
  7. Construction activity that occurs entirely on federal or state owned lands.
  8. Construction and maintenance activity that occurs on transportation rights of way or land owned by a separate governmental entity, when an erosion control plan for the activity has been approved by the controlling governmental entity.
  9. Construction, maintenance, and any other land disturbing activity on canals, laterals, sublaterals, ditches, drains, and other water conveyance facilities, and all appurtenant roadways and structures, which occurs within the fee title lands, rights of way, or easements for such facilities and appurtenances. This exemption is not a relief from provisions of this ordinance which control activities that impact public or private property.
  10. Crushing and screening operations exceeding one hundred eighty (180) calendar days of operation. These sites are subject to zoning and conditional use permit requirements, and any other requirements specified by Bannock County ordinances. This exemption does not relieve such operations from provisions of this ordinance which control activities that impact public or private property.

G. Approval of an erosion control plan and issuance of a permit does not relieve a person from the duty to ensure continuous compliance with all conditions of the approved plan or permit, as well as all of the applicable provisions of this ordinance and appropriate federal requirements.

H. The permit may be suspended or revoked by the county at any time if the site of the construction activity is not in full compliance with the conditions of the approved erosion control plan, the permit, and all applicable provisions of this ordinance; the permit was issued in error; or the permit was based on incorrect information.

I. Written notice shall be given by the county to the permittee of the suspension or revocation of a permit, and this decision may be appealed in accordance with the provisions of section 445 of this ordinance.

J. A permit shall automatically expire and become null and void if the project for which the permit was issued is not commenced within a period of one hundred eighty (180) days from the date of issuance, the project for which the permit was issued is suspended or abandoned for any reason within the permit holder's control, or the time frame for conditions of a violation order has elapsed without compliance. The project shall not recommence until the permit has been renewed. Such renewal will require submittal of intent to renew the permit, payment of the applicable fee, and approval of the county.

K. Once final landscaping and all of the requirements or conditions have been completed and a certificate of occupancy has been issued by the Bannock County building official, the conditions of the permit shall cease. The building official may require all denuded soil to be permanently stabilized prior to the issuance of the certificate of occupancy. In addition, any charges, fees, cleanup costs and penalties must be paid

before issuance of a certificate of occupancy. The certificate of occupancy for a phased development permit will not be issued until all lots have been completed or a legal transfer of ownership has occurred. Notification for a legal transfer of ownership must be made to the county within five (5) working days of the transfer.

L. In cases where another person wishes to continue or complete work previously commenced under a permit, said person shall either obtain a new permit or gain transfer of the previous permit. The original permit holder will be released from the permit once another person has become responsible for the conditions for erosion and sediment. Such transfers must be approved by the county.

M. Permits may be transferred to other persons upon approval of the county after receiving a request for transfer and payment of the applicable fee. The request must contain the name, address, and telephone number of the person to whom the permit will be transferred. The involved parties shall be notified of the decision of the county within ten (10) working days. If approved, all conditions of the permit shall transfer to the new permit holder. If approval is not granted, an appeal may be taken under the provisions of Section 445 of this ordinance.

## **415 EROSION CONTROL PLANS:**

A. An erosion control plan submitted with an application for a permit must bear the signature and certification number of an individual who has successfully completed a county approved training course and who has demonstrated competence, through education, training and knowledge of the applicable laws and regulations, in erosion and sediment.

B. The county shall review all submitted erosion control plans and issue a permit for each approved erosion control plan.

C. An erosion control plan may not be approved in part. If the erosion control plan is incomplete when initially submitted, it will be returned to the submitter for completion. No activity allowed under the subject permit will be allowed until the erosion control plan has been approved and the permit issued.

D. If an erosion control plan is not approved, a permit will not be issued, and the applicable construction activity will not be allowed to commence. This decision shall be communicated to the applicant and a new erosion control plan will be required prior to the issuance of a permit. An applicant may appeal a decision not to approve an erosion control plan pursuant to the provisions of section 445 of this ordinance.

E. Erosion control plans shall include the following:

1. Erosion control report which discusses, with supporting technical documentation, the strategy of the proposed erosion control plan, and including significant details of the BMPs which will be utilized.
2. Site drawing of existing and proposed conditions, including:
  - a. Property boundaries and lot lines.
  - b. North arrow, scale and date.
  - c. Excavations, grades, paved areas, pond elevations, structures and utilities.
  - d. Drainage easements.
  - e. Bench mark.
  - f. Surface water and wetlands, drainage patterns and watershed boundaries, if present.

- g. Location of vegetative cover.
- h. Location of BMPs.

3. Topographic survey showing drainage and irrigation water conveyance systems and finished grade contours at two foot (2') intervals. Sites less than one acre, with less than two percent (2%) cross grades, may submit grade spot elevations of the property line and other required points in lieu of the topographic study.

4. Plan of new or modified drainage systems, including system dimensions.

5. Sites located in areas which are sensitive, having slopes in excess of fifteen percent (15%), erodible soils, or otherwise designated as sensitive by state or federal regulations shall have all erodible soils designated and classified using the unified soil classification system (USCS). An engineering geology or geotechnical report, prepared by a registered geologist or geotechnical engineer, and providing recommendations for erosion control, is required for all preliminary plats with additional information required in more complex geotechnic settings.

6. Location and schedule of soil disturbance.

7. A BMP inspection and maintenance schedule.

8. Final vegetation, landscape, and permanent stabilization measures. Plant species for grasses, forbs and shrubs shall be selected from the Bannock County's "Revegetation Guide" available from the Office of Planning and Development Services.

9. Name, title, address, and telephone number of the landowner or owner's representative.

10. Any other information used to prepare the erosion control plan, such as geologic reports prepared by a registered geologist, maps and geotechnical engineering reports prepared by a registered engineer, and soil surveys. Photographs may be included and appropriately labeled.

F. If the applicant submitting an erosion control plan has an approved stormwater management plan which contains the requirements listed above, the applicant may file proof of the approved stormwater management plan in lieu of submitting a new erosion control plan.

G. Erosion control plans may be modified at the permit holder's request upon an approved application for modification and payment of the applicable fee. Any modification deemed by planning director to be minor may be approved on site by an authorized representative without the need for a formal application and fee payment. The authorized representative shall document the modification on a field report or correction notice, and the approved plans, with a dated signature.

H. If the county's authorized representative determines the facilities or techniques of an erosion control plan are not effective or are not sufficient after prior approval, and such insufficiencies are having an impact on public property or private property not controlled by the permit holder, or is placing the county in violation of its NPDES permit, the county may order a revised plan be submitted within a reasonable time period. If the revised plan is not acceptable or is not immediately implemented upon approval, the permit may be suspended or revoked. Any decision of the authorized representative or planning director regarding said revised plan may be appealed pursuant to section 445 of this ordinance.

I. Emergency control measures may be ordered when erosion products are actually leaving the site or sediment deposition is occurring. These emergency control measures will not relieve permit holders or applications of the duty to file a revised plan if required by the county.

#### **420 EROSION AND SEDIMENT CONTROL STANDARDS:**

The design, testing, installation, and maintenance of erosion controls, as detailed in the erosion control plan, shall be in accordance with the Idaho department of environmental quality catalog for construction BMPs shall provide appropriate references. A checklist of conditions, goals and expectations for these standards will be maintained by county staff and is available upon request.

#### **425 PERMIT FEES:**

A. The county maintains the right to prescribe and regulate the fees or charges associated with obtaining a permit pursuant to this ordinance. Said fees will be set from time to time by resolution of the board of Bannock County Commissioners.

B. The county shall set reasonable fees for the application for a permit, which fees shall be set from time to time by resolution of the board of Bannock County Commissioners. Payment of said fees shall be required upon initial application, as well as for any requests for modifications of erosion control plans and requests for variances.

C. The required permit fees shall be based on the nature or size of the permitted area and are for the purpose of providing administration and enforcement of the provisions of this ordinance.

D. For a one year period following enactment of this ordinance, permit fees imposed pursuant to this ordinance shall be reduced by twenty five percent (25%) if the applicant has completed Pocatello's certification course or an accredited training program from another Idaho municipality. The fee for a permit shall be doubled if the construction activity is commenced prior to the issuance of the permit, except where an emergency situation has been recognized by the planning director. Payment of the doubled fee shall not preclude the county from taking any other enforcement actions within its authority.

E. The fee necessary to resubmit an application for an expired permit shall be one-half ( $\frac{1}{2}$ ) the regular fee for said permit.

#### **430 TRAINING AND CERTIFICATION:**

A. All persons in charge of a construction site at the time of adoption of this ordinance shall have one hundred twenty (120) days to obtain a County approved certificate of training or an interim certificate. All subsequent site developments shall have a person possessing one of these certificates on staff, with direct control and authority, and immediately available upon the request of a county inspector.

B. A training program must be approved by the county and must include educational materials on the following subjects:

1. Ecological and resource value of the waters of the state and the U.S.;

2. The proper and effective methods of erosion and sediment control implementation and maintenance, and the benefits of such;
3. Recognition of improperly implemented erosion and sediment control BMPs and the methods of correction;
4. The purpose and provisions of any laws, regulations, and ordinances on erosion and sediment control, including this ordinance;
5. A description of sediment as a pollutant;
6. The processes of erosion, sediment transport, and sediment deposition;
7. The required responsibilities of supervisory and enforcement personnel pursuant to this ordinance;
8. The effect of storms on erosion control measures;
9. Emergency remedial action;
10. Dewatering practices;
11. Management of hillsides;
12. Proper measures for areas subject to flooding, including those outside the floodplain; and
13. The difference between erosion control and sediment control.

G. Certifications from other cities, states, or associations may be accepted upon approval of the county, when the applicant can demonstrate the prior certification was based on standards similar to those found in this ordinance.

#### **440 WAIVERS AND VARIANCES:**

A. The county may waive or modify the requirement for all or part of the erosion control plan upon a determination that the plan or requirement is unnecessary due to the size, character or natural conditions of a site. This determination will be made based on submitted materials and documents from the applicant and, as needed, by a site visit by representatives of the county.

1. To obtain a waiver or modification, a written request must be submitted to the county, together with the completed permit application and the applicable fees, detailing each requirement for which a waiver or modification is sought, the reasons for the requested waiver or modification, and the potential impact of the waiver or modification.
2. The county may place conditions upon a grant of waiver or modification deemed necessary to substantially secure the objectives of the standards or requirements being waived or modified.
3. The county shall be responsible for ensuring that a waiver or modification would not adversely affect the public welfare or the interests of the county, and the general intent of this ordinance is preserved.
4. A request for waiver or modification, and the decision of the planning director related to such request shall be enclosed with and made part of the permit application and erosion control plan.
5. A denial of the waiver or modification may be appealed in accordance with the requirements of section 445 of this ordinance.

B. If undue hardship would result from strict application of the requirements of this ordinance, a variance may be requested.

1. The variance request must be submitted in writing to the planning director together with the applicable permit fee, and must detail the reason for the requested variance, including documentation, if necessary.
2. If a request for variance is denied, the denial may be appealed in accordance with the requirements of section 445 of this ordinance.
3. A variance shall not be considered a right or special privilege.

## **445 APPEALS:**

- A. Any person notified of a violation of this ordinance and ordered to perform corrective actions or other activities, or denied a request for waiver, modification, or variance (hereinafter "applicant"), or had a permit suspended or revoked, may request a reconsideration of the order and denial within ten (10) business days of receipt of the decision.
- B. A request for reconsideration shall be made in writing to the planning director and shall include the name and mailing address of the applicant, the specific detail as to the decision or order in question, and the reason the decision or order should be reconsidered.
- C. The planning director may render a decision based upon the record on file with the county, may take additional evidence and testimony to render a decision to affirm, modify or withdraw the order or decision, or may deny the request for reconsideration.
- D. For reconsideration of decisions on variance or waiver requests, no additional testimony or supporting evidence shall be considered by the county, absent a showing by the applicant that the new information was not reasonably known by the applicant at the time of the original request for variance or waiver.
- E. The planning director shall issue a decision on the request for reconsideration within fifteen (15) business days of receipt of said request. The decision shall be made in writing and shall be served upon the applicant by regular mail at the address provided by the applicant.
- F. The county's denial of reconsideration, or decision to affirm or modify the original order or decision, may be appealed by the applicant to the board of county commissioners. The appeal of the decision must be in written form and submitted to the Office of Planning and Development within five (5) business days of receipt of said decision to be appealed in the form provided by the Office of Planning and Development. The applicant shall have the right to address the board of county commissioners within 30 days to dispute the decision planning director's decision. The board of county commissioners may affirm, modify, or overturn the decision of the county, or may remand the issue back to the planning director for further proceedings, or for clarification of certain matters.

## **450 INSPECTIONS:**

All construction activities which require a permit under this ordinance shall be subject to the inspection provisions provided herein.

- A. The county maintains the right to inspect any site of construction activity that has been issued a permit under this ordinance or is required to have a permit issued under this ordinance.
- B. Sites operating with a site specific permit or a special site permit shall be required to undergo and pass a county inspection upon completion of the installation of perimeter erosion and sediment controls, and upon completion of the final grading and the permanent drainage and erosion control facilities. The permit holder shall be responsible for scheduling these inspections through the Office of Planning and Development Services. Inspections must be requested a minimum of twenty four (24) hours prior to the desired time of inspection, excluding Saturdays, Sundays, and holidays. Additional inspections may also occur as deemed necessary by the county.

C. When an inspection is required under this ordinance, no work shall proceed until completion of the inspection and approval from the authorized enforcement agent conducting the inspection.

D. A complaint of violation shall be promptly investigated by inspection. The complainant shall be notified of the results of the inspection in writing, and said written results and any enforcement action taken shall be retained in the county's building permit and violation records.

#### **460 ADMINISTRATIVE ENFORCEMENT:**

In addition to any other remedies under this ordinance, a person or permit holder in violation of this ordinance may be subject to administrative enforcement procedures. The administrative enforcement procedures are not a prerequisite to any other remedy under this ordinance and if administrative enforcement is undertaken, any of the following procedures may be utilized regardless of the order in which they appear in this section.

A. If the authorized enforcement agent determines a violation of the approved erosion control plan is occurring or has occurred, the permit holder, or the designated authorized agent of the permit holder, may be notified by a correction notice or notice of violation. Both notification documents contain a description of the required corrective action and provide a time period in which the corrective action must be completed. A correction notice will not require a signature from the owner of the site or an agent representing the owner; however, a notice of violation shall require the signature of the owner of the site or an agent representing the owner.

B. If the corrective action requested in a correction notice or notice of violation is not completed in the specified time period, a stop work order may be issued by the county. The authorized enforcement agent shall determine the extent of the order, which may include all work except the corrective action. Once a correction notice and/or a notice of violation has been issued to a permit holder, if continuous violations occur on the permitted project, stop work orders or a citation may be issued without further issuance of a correction notice or notice of violation. The permit holder may be requested by the director of public works to respond in writing to multiple violations.

C. If no reasonable effort at corrective action is made, or if necessitated by emergency, the authorized enforcement agent may cause the corrective action to be performed and shall assess the actual and administrative costs of such performance against the property owner of the site.

D. A stop work order may be issued at any time if work is being done without a valid, current permit.

E. Administrative costs may be assessed to the property owner of the site if any administrative enforcement action is undertaken.

#### **461 VIOLATIONS CONSTITUTE MISDEMEANORS:**

The knowing violation of any provision or failure to comply with any requirement of this ordinance shall constitute a misdemeanor and may be punishable by a fine up to one thousand dollars (\$1,000.00), imprisonment in the county jail up to six (6) months, or both. Each day on which a violation occurs may constitute a separate criminal offense.

**462 VIOLATIONS DEEMED A PUBLIC NUISANCE:**

A. In addition to any other remedies and penalties provided for by this ordinance, any condition caused or permitted to exist in violation of this ordinance shall be considered a threat to the public health, safety, welfare, and environment, and may be declared and deemed a nuisance by the county.

B. Any condition deemed a nuisance by the county or an authorized enforcement agent may be summarily abated and/or restored by the county and civil actions may be taken to abate, enjoin, or otherwise compel the cessation of such nuisance.

C. The cost of abatement and restoration shall be borne by the owner of the property or the permit holder for work done on the property, and shall be a lien upon and against the property and such lien shall continue until paid.

D. The county shall seek from the violator, the payment of all costs of investigation, administrative overhead, out of pocket expenses, cost of administrative hearings, costs of suit and reasonable attorney fees for all administrative or civil proceedings for nuisance violations in which the county is the prevailing party, as authorized by state law.

**465 CIVIL ACTIONS FOR VIOLATIONS:**

In addition to any other remedies provided for by this ordinance, any violation of this ordinance may be enforced by civil action brought by the county. In any such action, the county may seek any or all of the following:

A. Temporary and/or permanent injunction;

B. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of a violation, and for the reasonable costs of preparing and bringing legal action under this provision;

C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from a violation;

D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life;

E. Assessments and recovered damages under this provision shall be used exclusively for costs associated with implementing or enforcing this ordinance.

**470 CONCEALMENT:**

Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall constitute a violation of such provision.

**475 NONEXCLUSIVE REMEDIES:**

All remedies and penalties under this ordinance are in addition to, and do not supersede or limit, any and

all other remedies and penalties, both civil and criminal. The remedies and penalties provided for herein shall be cumulative and not exclusive.

**480 ACTS RESULTING IN VIOLATION OF FEDERAL LAWS AND REGULATIONS:**

Any person who violates any provision of this ordinance, any provision of any permit issued pursuant to this ordinance, or discharges any pollutant or causes pollution, or violates a cease and desist order or any requirement or prohibition, may also be in violation of federal laws or regulations, and may be subject to the sanctions of those laws or regulations, including civil or criminal penalties, notwithstanding any legal action taken by the county.

**SECTION 500 DISCLAIMER OF LIABILITY:**

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and this ordinance does not imply that compliance will ensure against all unauthorized discharge of pollutants. This ordinance shall not create liability on the part of the county, any agent or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**SECTION 600 EFFECTIVE DATE:**

This ordinance shall be in full force and effect upon its passage, approval, and publication.

# MOTION

## MOTION

Based on the record and the discussion this evening, I move to [**recommend approval to the Board of County Commissioners**] [**recommend denial to the Board of County Commissioners**] [**table**] the proposed changes to the Construction Site Sediment and Erosion Control Ordinance of Bannock County, Idaho, as described in the application materials as supplemented with additional information attached in the staff memo and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

(If recommending changes) with the following changes,

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

# BUSINESS ITEMS

AGENDA ITEM NO. 8  
Preliminary Plat Approval:  
Peppergrass Point Subdivision



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

## PRELIMINARY PLAT– PEPPERGRASS POINT SUBDIVISION

MEETING DATE: FEBRUARY 19, 2025

### STAFF REPORT

**FILE #:** SPP-25-1

**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  
9950 Pepper Grass Point  
Pocatello, ID 83204

Jeffrey and Amy Mansfield  
9877 Pepper Grass Point  
Pocatello, ID 83204

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

1. CC&Rs shall reference new subdivision name.
2. Provide written documentation that no utilities exist within the two-easements proposed to be vacated. In the case of utilities present, easement shall not be vacated.
3. Plat shall state: "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 Wildhorse Ridge Subdivision residences. The 10' wide trail shall be free from obstructions such as fences, building structures, gardens, and landscaping."

Council may wish to add addition 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.

**PRELIMINARY PLAT PROPOSAL SUMMARY:**

TOTAL AREA: 11.75 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENTISY: 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.

STAFF REPORT

PRELIMINARY PLAT – Peppergrass Point Subdivision

Page 1 of 8

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.

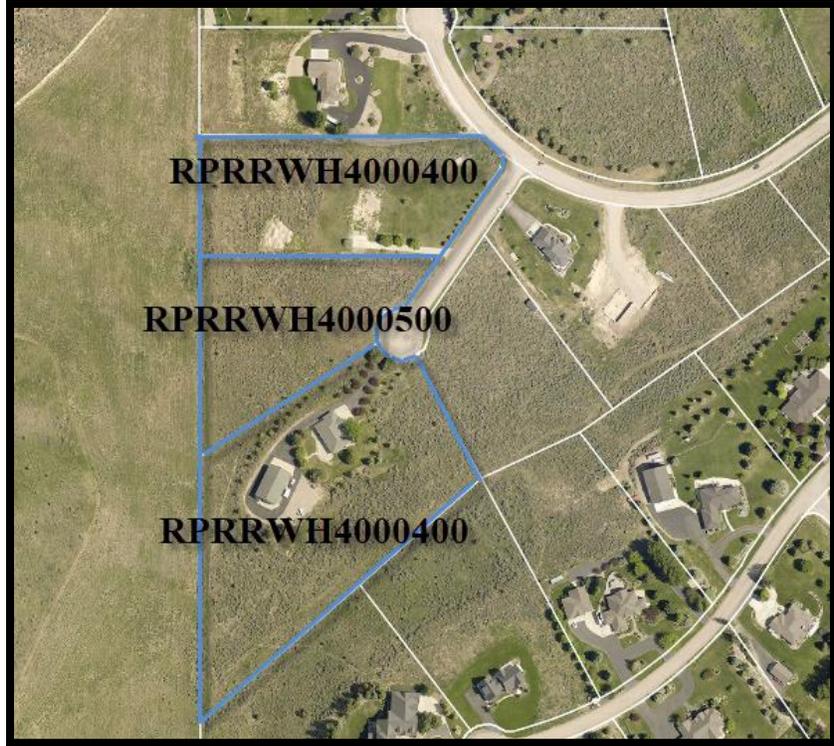
EAST: The sites are within the Residential Suburban zoning district and consist of residential uses and bare ground.

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

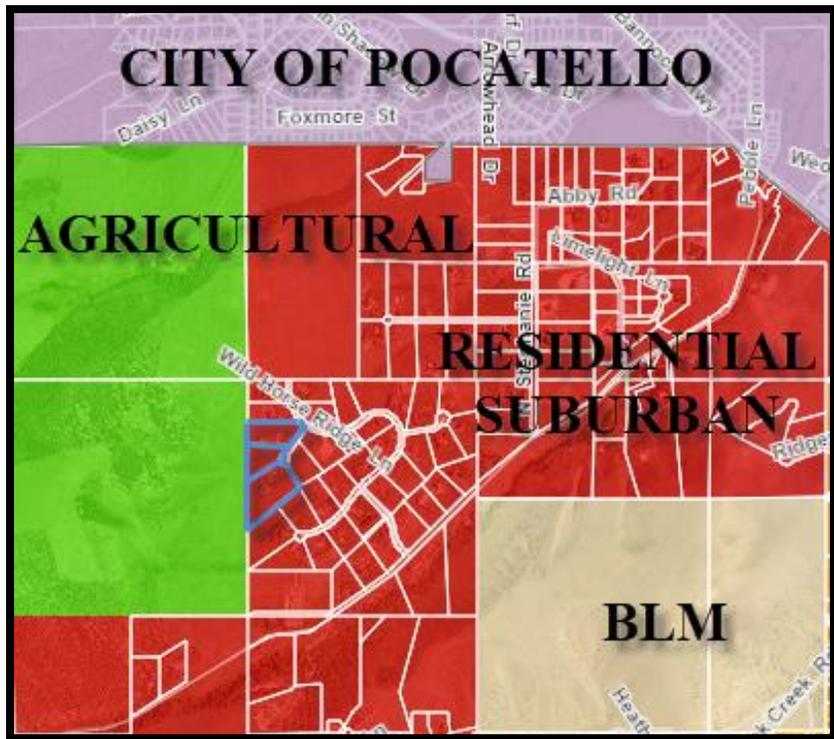
WEST: The sites are within the Agricultural zoning district and consist of bare ground.

**APPLICABLE LAWS AND PLANS:**

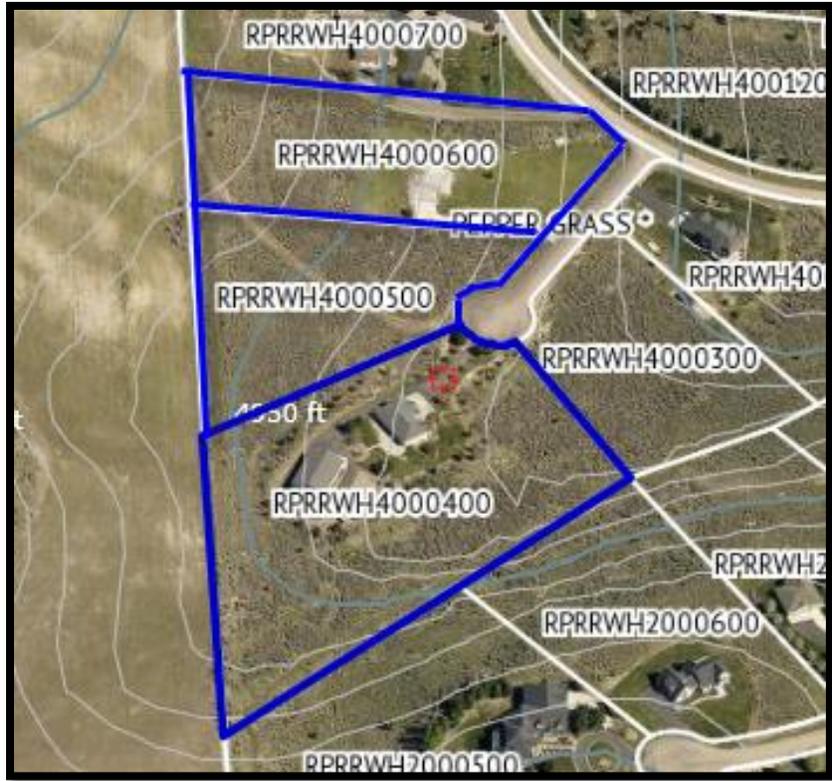
1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2021 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
  - a. §330 RESIDENTIAL SUBURBAN DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
  - a. §303 PRELIMINARY PLAT REVIEW
  - b. §400 DESIGN STANDARDS



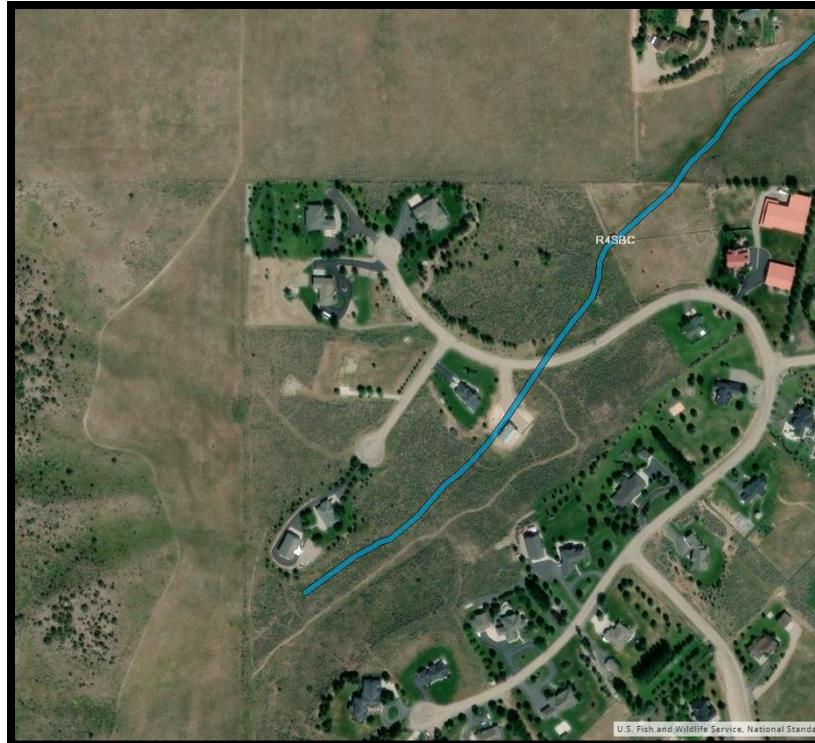
**SITE MAP**



**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

Applicant has proposed to vacate 2 existing utility easements and replace them with one utility easement located along the new lot line. Utility easements are shown on the preliminary plat submittal as 15' feet wide, located along all lot lines. There is a 50' recreation easement that references Wild Horse Ridge Subdivision Phase 4. Wild Horse Ridge Subdivision Phase 4 has a note that states "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 Wildhorse Ridge Subdivision residences. The 10' wide trail shall be free from obstructions such as fences, building structures, gardens, and landscaping." Council should review if the easement note should be written out on this plat. 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 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, open space was not required. These lots were created under a previous ordinance and no new lots are being created, ordinance standards have been met.

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

Staff Findings

Applicant has proposed to use the CC&Rs from the original subdivision, Wild Horse Ridge Subdivision Phase 4. 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 street has been proposed.

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

Staff Findings

The developer proposes existing shared wells and individual septic. Existing by-laws for Wild Horse Ridge water and homeowner's association are being proposed.

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**

Applicant provided written documentation from several utility companies agreeing to the vacation of easements via email.

Council should review if all conditions 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 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 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 plated 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 preventions measures. Council may require applicant to provide proof of further discussion with local fire district.

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). 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. Applicant has proposed to vacate two utility easements per Idaho Code 50-1306A. Applicant has provided comments from several utility companies agreeing with the vacation. Council may consider requiring the applicant to provide verification of no utilities existing within the easements.

**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 Pepper Grass Point, 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, Pepper Grass Point 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 Pepper Grass Point and public utility easement.

**REPORT BY:**

Alisse Foster, Subdivision Planner  
alissef@bannockcounty.gov

**REPORT DATE:** February 3, 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. Proposed By-laws
5. Agency Comments (if any)
6. Utility Easement Vacation Comments
7. Referenced Ordinances – On file

# EXHIBIT 1

## Application & Site Plan



**SPP-25-1**

Subdivision Preliminary Plat  
Application

Status: Active  
Submitted On: 1/20/2025

**Primary Location**

9877 W PEPPER GRASS  
Rural Subs , ID 832040000

**Owner**

Jeffrey Lynn Mansfield  
9877 W PEPPER GRASS POINT  
POCATELLO, ID 832040000

**Applicant**

Jose Nava  
[Redacted]  
[Redacted]  
1290 Mountain West Dr.  
Pocatello, Idaho 83202

---

**Owner/Developer Information**

Are the Owner and Developer the same?

Owner Name\*

Jeffrey Lynn Mansfield

Street Address\*

9877 Pepper Grass Point

City\*

Pocatello

State\*

ID

Zip Code\*

83204

Phone Number\*

Email\*

---

**Site Information**

Proposed Subdivision Name\*

Peppergrass Point Subdivision

Parcel Number(s) \*

RPRRWH4000600, RPRRWH4000500,  
RPRRWH4000400

**Proposed Number of Lots\***

2

**Concept Plan Approval Date\***

01/15/2025

**Quarter\***

NW

**Section\***

19

**Township\***

7s

**Range\***

35e

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

4.71 & 7.05

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

Residential Suburban District

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

Gradual Slopes, Riverine/ Seasonal Drainage area along Lot 2.

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

Pepper Grass Point Right-of-Way, 15 foot Public utility easements adjoining lot lines also for slope and snow removal as well as for well site access, Recreational easement along south boundary of subdivision, 20 foot water line easement runs through the northeast corner of lot 1, well site easements.

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

Existing Community Well sites. Existing septic and drainfields. Existing residential buildings and accessory buildings

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## Engineer/Planner/Surveyor Information

**Engineer/Planner/Surveyor Name\***

Jose T. Nava

**Phone Number\***

(208) 317-6189

Email \*



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## 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. \***

Preliminary Plat is presented as approved by P&D Council during the Concept plan phase with the addition of contours and minor details. Minimum setback requirements and acreage requirements are met as per the Residential Suburban zone. Existing and proposed easement depicted. proposed development to retain stormwater on each individual lot. All applicable state statutes for subdivision plats have been met to the best of my knowledge.

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

No proposed street plan. Lots have existing access from a county maintained road (Pepper Grass Point Place).

**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.\***

No proposed street plan. Lots have existing access from a county maintained road (Pepper Grass Point Place).

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

Lot lines and roads existing except for the proposed lot line for the division of lots 1&2 which seems to conform with the current land shapes.

---

## 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\***

01/20/2025

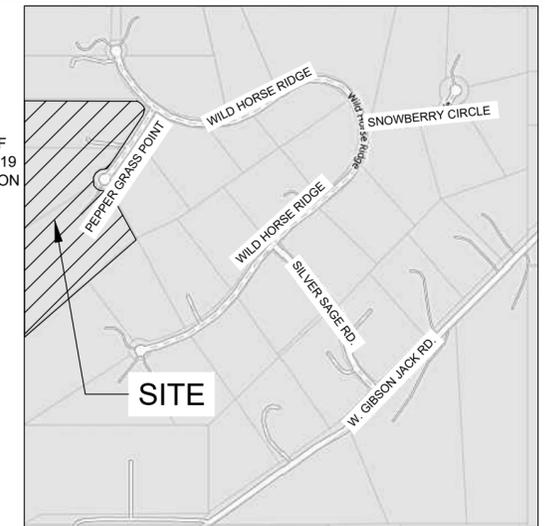
**PEPPERGRASS POINT SUBDIVISION  
A RE-PLAT  
OF LOTS 17, 18, AND 19 IN BLOCK 1 OF  
WILD HORSE RIDGE SUBDIVISION PHASE 4,  
ALL IN THE NW<sup>1</sup>/<sub>4</sub> OF  
SECTION 19, T. 7 S., R. 35 E., B.M.,  
BANNOCK COUNTY, IDAHO**



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

0 100 200 Feet



VICINITY MAP  
(NOT TO SCALE)

**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.

- 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
- x - x - x - x - x - EXISTING FENCE
- (R- - - -) BEAR/DIST PER WILD RIDGE SUBDIVISION PHASE 4 INST. NO. 20117036
- [Hatched Box] PUBLIC UTILITY EASEMENTS PROPOSED TO BE RELINQUISHED
- (Circle with Dashed Line) 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

**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 FOREMENTIONED 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.
9. CONTOURS SHOWN ARE AT 5FT INTERVALS.

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

**PRELIMINARY PLAT/  
CONTOUR & DRAINAGE 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:	01/20/2024
SHEET:	1 of 1



EXHIBIT 2  
Recorded Findings for the  
Concept Plan (SCP-24-7)

**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 Jose Nava 1290 Mountain West Drive Pocatello, ID 83202	Lysle and Lisa Barthlome 9950 Pepper Grass Point Pocatello, ID 83204	Jeffrey and Amy Mansfield 9877 Pepper Grass Point Pocatello, ID 83204

**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** in conformance with the Bannock County Comprehensive Plan; **is** in conformance with applicable provisions of this Ordinance, other County Ordinances, and Idaho Code. Policy 1.1.2 states that developments meet adopted plans. The current proposal adheres to this policy. Lot sizes are in conformance with Section 330 of the Zoning Ordinance.
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 changes being made to existing roads and new roads are being proposed.
3. The proposed partitioning of land **does not** prohibit the extension of dedicated streets or roads. There are no changes being made to existing roads and new roads are being proposed, and lots are already located on a dead-end street.
4. The proposed partitioning **will not** conflict with legally established easements or access within or adjacent to the proposed land partition. The current easements are proposed to be vacated and requirements will be stated within conditions.
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. As shown on the plat, lots are laid out according to adjoining parcel lines. And according to policy 1.1.2 in the Comprehensive Plan.
6. The proposed property **is** physically suitable for the type and proposed density of development and **does** conform to existing zone standards. Lot sizes are in conformance with Section 330 of the Zoning Ordinance.

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

1. At submittal of Preliminary Plat, provide written approval from all utility companies for the removal or adjustment of existing utility easements, per Idaho Code 50-1306A.
2. Depict all current and proposed easements and rights-of-way located within the subdivision, on preliminary plat, 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.

**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**.

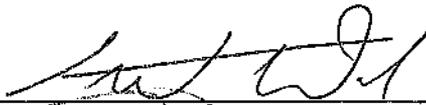
Motion by Molly Dimick, seconded by Krystal Madsen to adopt the foregoing Findings and Order.

**ROLL CALL:**

Councilperson Dimick	Voted <b>Yes</b>
Councilperson Madsen	Voted <b>Yes</b>
Councilperson Selleneit	Voted <b>Yes</b>
Councilperson Ulrich	Voted <b>Yes</b>
Councilperson Ward	Voted <b>Yes</b>

Motion carried by a 5 to 0 vote.

Dated this 15<sup>th</sup> day of January, 2025.

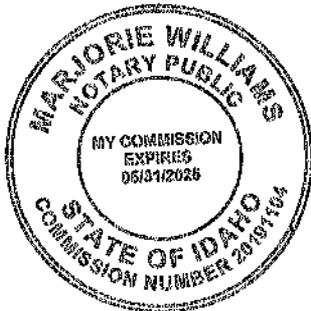
  
 \_\_\_\_\_  
 Signed by (Chairperson) (Vice Chair)

**ACKNOWLEDGEMENT CERTIFICATE**

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

On this 15<sup>th</sup> day of January, in the year of 2025, before me Marjorie Williams, a notary public, personally appeared Stewart Ward, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.

S  
E  
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L



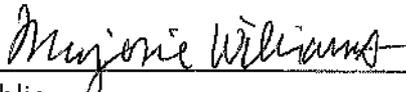
  
 \_\_\_\_\_  
 Notary Public  
 My Commission Expires on 5/31 20 25

EXHIBIT 3  
CC&Rs –  
Wild Horse Ridge Phase 4

6-1

**DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR WILD HORSE RIDGE PHASE FOUR  
BANNOCK COUNTY, IDAHO**

This declaration is made on the date hereinafter set forth by Gibson Jack Joint Venture.

**WITNESSETH:**

Gibson Jack Joint Venture is the owner of certain property in the County of Bannock, State of Idaho, which is more particularly described as:

Lots 14 TO 21, Block 1, & Lots 12 TO 16, Block 2, Wild Horse Ridge PHASE IV, in the North West 1/4 Section 19, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho as per the recorded Plat thereof, recorded in the official records of Bannock County, Idaho.

Now, therefor, Gibson Jack Joint Venture hereby declares that all of the properties described above shall be held, sold and conveyed subject to the easements as delineated on the recorded plat, restrictions, covenants and conditions, to protect the value and desirability of, and shall run with the real property and be binding on all the parties having any right, title or interest in the described properties and or part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

**A. ARCHITECTURAL CONTROL COMMITTEE**

1. No building or other structure of any nature may be built, placed, altered or permitted to remain on any lot without the prior written construction approval of the Architectural Control Committee. (Herein after designated the "Committee") The "Committee" shall consist of Chris Pein, Guy Anderst, and Brad Frasure, plus such additional members as may be appointed by the above named members. Approval from the "Committee" will be necessary for construction of a residence, any exterior additions to a residence, all fencing, all landscaping, and all outbuildings. All buildings shall be constructed in compliance with Bannock County Zoning Ordinance. This includes set back requirements for front, side and back yards.

2. **MINIMUM BUILDING SIZE** The intent of the "Committee" is to insure that the residences to be built are in harmony in external design and location in relation to the surrounding structures. The minimum size for a residential structure, exclusive of open porches and garages, shall be as follows:

ONE STORY DWELLING--1400 SQUARE FEET

FULL TWO STORY DWELLING--1000 SQUARE FEET ON MAIN LEVEL & A MINIMUM OF 800 SQUARE FEET ON UPPER LEVEL

THREE LEVEL DWELLING--2000 SQUARE FEET TOTAL FINISHED AREA

FOUR OR MORE LEVEL DWELLING--1400 SQUARE FEET FINISHED AREA ON UPPER TWO LEVELS

The "Committee" shall, at it's sole discretion, allow for variances in the above stated square footage if the home has a triple car garage or the value of the home will be at least that of other homes in the subdivision.

3. **GARAGES** Each residential dwelling will be required to have a minimum of a two car garage with an interior width of not less than 23 feet.

4. **CONSTRUCTION APPROVAL**--Each person seeking construction approval from the "Committee" shall be required to submit the following documents. These documents will be retained by the "Committee".

- a. One complete set of construction plans with exterior material specifications. These shall include floor plans and elevations.
- b. Elevations of structures in relation to existing and finished grades.
- c. A plot plan showing the location of all structures on the lot.

6-2

d. Site grading plan depicting a storm water drainage plan. The drainage plan must depict how all post development drainage will be retained on site. Drainage areas must be capable of containing one inch of runoff water created from any post development hard surfaces. (ie. Roofing, driveways, sidewalks, etc.)

5. **LOT GRADING** Each builder/homeowner will design on-site lot grading to facilitate protection of their improvements from any abnormal runoff created by the subdivision improvements or adjacent properties.

6. **COMMITTEE APPROVAL** The "Committee"'s approval or disapproval, as required in these covenants, shall be in writing. If the "Committee", or designated representatives, fail to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to forbid the construction has started by the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

7. **ASSOCIATION** The developers have created "Wild Horse Ridge Water & Homeowners Association, Inc.". (Herein after designated the "Association") All lot owners will be required to join the "Association". At such time when the "Committee" deems appropriate, the "Committee" duties, as outlined in this covenant, will be passed on to the "Association". Future Wild Horse Ridge phases will join the "Association".

## B. LAND USE AND BUILDING TYPE

1. **RESIDENTIAL USE ONLY** No lot or building shall have any use other than a residential use. Any buildings or structure shall not exceed two stories in height excluding the basement. No dwelling in the subdivision may be used as the primary residence for more than four persons for a period of more than ninety days (90), unless each person is related by blood or marriage. No dwelling shall be used primarily for commercial purposes.

2. **DETACHED STRUCTURES** All detached structures shall conform to the Bannock County Zoning Ordinance setback requirements. Any out building shall conform in appearance with the residential dwelling built on that lot. No detached residential garage, or a residential outbuildings may be constructed prior to the construction of a residential dwelling. The "Committee" may, at it's sole discretion, grant permission to construct an outbuilding prior to a residential dwelling, provided a written agreement is completed describing a definite time line for construction of their residential dwelling.

3. **TOWERS AND ANTENNAS** No tower, satellite dish, or other separate structure for the transmission or reception of radio or television signals shall be erected which will exceed the height of the residential dwelling constructed on that lot. The use of satellite dishes less that twenty four inches in diameter shall be allowed outright. Any tower built for the reception or transmission of radio or television signals shall first be approved by the "Committee".

4. **DRIVEWAYS** Each building site shall have not less than four hundred square feet of concrete or paved areas (excluding garages) sufficient for the off-street parking of two (2) vehicles.

5. **HAZARDOUS MATERIALS** Nothing of a noxious or offensive nature shall be permitted upon any lot. No excessive storage of flammable or explosive material, shall be permitted on any lot. Any necessary storage of any such materials must be in containers made and approved for such use. Nothing of an

Declaration of Covenants for  
Wild Horse Ridge Phase IV  
Page 2

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20116935

excessively loud or offensive noise, that can be termed a neighborhood nuisance or annoyance, shall be permitted on any lot. No lot shall be used as a dumping ground for trash, garbage, or other waste. All such waste materials shall be kept in sanitary containers and disposed at the approved county dump site. Each lot shall provide a screened area protecting garbage and trash cans from view. Each lot owner must maintain weed control before and during construction of dwelling and landscaping. Compliance with Bannock County ordinances regarding burning and weed control will be strictly enforced.

6. ANIMALS Each lot will be limited to two large animals, such as horses, pack animals, cattle, or llamas. Household pets, herein defined as dogs, cats, and the like, shall not be permitted unless they are controlled and confined within their lot lines. Such animals shall not be permitted to run amuck, create a nuisance to the neighborhood or any wildlife native to the area, cause damage to landscaping, or create a hazard to children. No lot owner or person will be allowed to maintain any type of commercial pet kennel. Pig, hogs, or swine shall not be allowed on any lot.

7. INJURIOUS EFFECT No part of any building site shall be used or occupied, as a residence or otherwise, so as to have any injurious effect upon the use, occupancy or value of any adjacent property. As to whether any use or occupancy violates the above provision, the "Committee" may make such determination based upon any reason, aesthetic or otherwise. This includes failure to maintain the premises and any activity or use that violates this provision.

8. BUILDING MATERIALS No building material of any kind shall be placed or stored upon a building site until the owner or the builder is ready and able to commence construction. Any such materials shall be placed within the property lines of the building site upon which the structure is to be erected. The builder/owner shall be responsible to insure that no waste or debris will be allowed to be deposited or blown on to adjacent lots in the subdivision.

9. MOBILE HOMES No mobile homes will be allowed for temporary or permanent housing within the subdivision. Only structures constructed on site, will be allowed on any lot, including a residential dwelling or outbuildings.

10. FENCING All fencing within the subdivision will be uniform. All fencing will be built in compliance with the standards of the "Committee". The intent is that all fencing in the subdivision be consistent in design and appearance. The "Committee" will have available to the lot owners, examples of approved fencing, including one for the containment of pets and or children.

11. WATER & HOMEOWNERS ASSOCIATION All lot owners will own stock in Wild Horse Ridge Water & Homeowners Association, Inc.. Each lot owner will be required to purchase water meters for the culinary and irrigation water systems. Meters will be purchased and installed by the contractor approved by the board of directors of the "Association". Water from the irrigation and fire suppression system shall not be used for any human consumption. There shall be no use of the culinary water supply for any use outside of the residence. No hose bibs, or water hook-ups connected to the culinary water system, shall be installed outside of any residence. Any lot encumbered with a Well Lot easement will allow the "Association" access to these Well lots for maintenance or other reasons outlined in the "Association" By-Laws.

12. SUBDIVISION All lot owners are restricted from any division of existing platted lots within the subdivision.

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13. **FIRE ACCESS ROAD** All lot owners adjacent to the fire access road shall not obstruct access through this easement. All lot owners will maintain a green belt/firebreak around their residence as required by the Uniform Fire Code.

14. **SEPTIC SYSTEMS** All lot owners will apply to the local Health Departments or applicable agency for approval to install a private septic system. Each lot will be required to designate two drain field areas for this septic system. These areas will be protected by a recorded easement.

#### C. **VEHICLE PARKING**

1. **RV's** Recreational vehicles may not be parked on public streets in this subdivision for no more that 72 hours. Recreational vehicles may be parked on the owners lots. If a recreational vehicle is parked on an owners lot, the setback for the parking area must be at least that of the residential dwelling.

2. **TRUCKS** No trucks or commercial vehicles, larger than a two tons, shall be stored or parked overnight on any lot or public street within the subdivision. Any commercial vehicle of less than two tons, will be parked behind the setback of the residential dwelling.

#### D. **LANDSCAPING.**

1. **TIME LIMIT** Within nine months of occupancy of any dwelling, the yard shall be landscaped with lawn, shrubbery or other growth as approved by the "Committee". At least four (4) trees with a minimum height of four (4) feet shall be planted and maintained.

2. **SIGHT TRIANGLE** In no event shall trees, landscaping, or fencing, be installed that would restrict a thirty foot sight triangle as defined in the Bannock County Zoning Ordinance. A thirty foot sight triangle shall be maintained at any intersection, including driveways.

#### E. **UTILITIES**

1. **EASEMENTS** All lots are served by utilities, such as electricity, gas, water, and telephone lines. No above ground distribution lines shall be installed. These services are installed in the public street or easement rights-of-way.

Each lot owner agrees, at their own expense, to pay connection charges as established by the applicable utility company.

2. **DRAINAGE FACILITIES** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure or other material shall be placed or permitted to remain, which may damage or interfere with the installation and maintenance of utilities, or which may change the direction or flow of drainage channels, in the easements. The drainage areas or ponds may not be altered in any manner as to affect their designed use. The easement areas of each lot and all improvements 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.

#### F. **SIGNS**

1. No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one square foot, or one sign of not

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Wild Horse Ridge Phase IV

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more than six square feet advertising the property for sale or rent. Developers or residential builders may place a sign not to exceed thirty two square feet, during the construction period only.

#### **G. WILDLIFE/HIKING/BIKING EASEMENT**

1. There shall be created in the development certain easement areas such as the Wildlife/Hiking/Biking easement. All lot owners shall have access and unlimited use of those easement areas. No motorized vehicles, such as motorcycles, snow machines, all terrain vehicles, etc., shall be allowed in these easements. Those lots owners adjacent to the Wildlife/Hiking/Biking Easement, shall not fence or obstruct in any way this easement.

2. The "Association" will be responsible for the maintenance and regulation of this easement.

#### **H. ENFORCEMENT**

1. Enforcement shall be proceeding at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damage.

#### **I. INVALIDATION**

1. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

#### **J. TERM**

1. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date of these covenants being recorded, after which time said covenants shall be automatically extended for a successive period of ten (10) years unless an instrument signed by a two thirds majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part. Any changes will be in writing and recorded. Gibson Jack Joint Venture retains the right to modify in whole or in part these covenants until two thirds of the lots have been sold.

#### **K. REITERATION OF TERMS.**

1. The term "Grantor", when used herein, shall refer to Gibson Jack Joint Venture, or to any person or person or corporation to whom the right of the Grantor shall be specifically transferred by Gibson Jack Joint Venture.

2. The term "Grantee", wherever used herein, shall refer to any person, corporation or association who hereafter shall assert or claim any right, title or interest in and to the said real property whether as successors in title or otherwise, and whether voluntary or by operation of law.

3. Should Grantee, its heirs or assigns violate or attempt to violate any of the provisions of these restrictions, Grantor, developers or any other person or persons owning any real property embraced in the plat or subsequent adjoining plats by the same developers shall have full power and authority to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any of the said restrictions, and either to prevent him or

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them from so doing or to recover damages sustained by reason of such violation. Costs and legal fees of enforcement shall be paid by the losing party.

4. Invalidation of any provision, sentence or paragraph contained in these restrictions by judgment or court order shall in no wise effect or invalidate any of the other provisions, but the same shall be and remain in full force and effect.

**L. SAVING CLAUSE.**

1. If one of these covenants or restrictions shall be held invalid by a court of competent jurisdictions, it shall in no way affect the validity of the remaining covenants and restrictions and the same shall remain in full force and effect.

This document is intended to replace any and all existing covents.

In witness thereof, the undersigned, being Declarants herein, has hereunto set their hands this 30<sup>th</sup> day of August 2001.

By [Signature] W. Chris Pein

By [Signature] Guy Anderst

By [Signature] Brad Frasure

State of Idaho  
ss  
Bannock County

On this 30<sup>th</sup> day of August 2001, before me, the undersigned, a Notary Public in and for the state, personally appeared W. Chris Pein and Guy Anderst, and Brad Frasure, joint venturers, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they have executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

[Signature]  
Residing at Pocatello, Idaho  
My Commission expires 10/21/01

NOTARY SEAL

20116935

NO  
RECORDED AT REQUEST OF  
Gibson Jack Joint Ventures  
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Wild Horse Ridge Phase IV  
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EXHIBIT 4  
By-laws –  
Wild Horse Ridge Phase 4

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**BY-LAWS  
FOR  
WILD HORSE RIDGE WATER & HOMEOWNERS ASSOCIATION, INC  
A NOT FOR PROFIT IDAHO CORPORATION**

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**CODE OF BY-LAWS**  
**OF**  
**WILD HORSE RIDGE WATER AND HOMEOWNERS ASSOCIATION, INC.**  
**A NON-PROFIT IDAHO CORPORATION**

**ARTICLE I -- Identification**

*Section 1. NAME.* The name of the Corporation is Wild Horse Ridge Water & Homeowners Association, Inc. (hereinafter referred to as the "Corporation".)

*Section 2. REGISTERED OFFICE.* The address of the registered office of the Corporation is 812 E. Clark Street, Pocatello, Idaho 83201.

*Section 3. FISCAL YEAR.* The fiscal year of the Corporation shall begin on the 1st day of January of each year and end on the 31st day of December of that calendar year.

**ARTICLE II -- Stock**

*Section 1. TWO CLASSES.* There shall be two classes of stock issued by the Corporation. The first being for the domestic culinary water system, each lot shall be entitled to one share of stock from the Corporation. The other class of stock shall be for the distribution and delivery of the irrigation water, each lot shall be entitled to one share of stock from the Corporation. There will be thirty seven lots in the completed subdivision. As phase two, three, and four are completed, the lot owners will join the "Association".

*Section 2. CONSIDERATION FOR SHARES.* Payment for the lot shall include payment for one share of stock in the culinary water system and one share of irrigation stock. Title to the property will be evidence of ownership of the shares of stock in the culinary and irrigation water system.

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*Section 3. CERTIFICATES REPRESENTING SHARES.* Each holder of the capital stock of the Corporation shall be entitled to a document signed by the President or Vice-President and the Secretary of the Corporation. Such document shall be issued within ten days of satisfactory proof of transfer of interest if requested by the lot purchaser.

*Section 4. NO PUBLIC OFFERINGS.* The shares of the Corporation shall not be offered to public subscription but shall remain appurtenant to the land within the Wild Horse Ridge and its various additions.

*Section 5. TRANSFER OF STOCK.* The shares of the Corporation shall be transferable only on the books of the Corporation upon proof of transfer of the real property. Transfer of stock shall be limited to those who own an interest or are purchasing an interest in land within Wild Horse Ridge Subdivision Phases one through four.

### **ARTICLE III - Meetings of Shareholders**

*Section 1. PLACE OF MEETINGS.* Meetings of the shareholders of the Corporation shall be held at the place of notice of said meeting within or without the State of Idaho as shall be designated by the Board of Directors.

*Section 2. ANNUAL MEETING.* The annual meeting of the shareholders of the Corporation for the purpose of electing Directors and transacting such other business as may be specified in the notice thereof, shall be held at the principal office of the Corporation or at such other place either within or without the State of Idaho, as may be specified in said notice, upon March 15, if not a legal holiday, and if a legal holiday, then on the following day, at 10:00 a.m., unless another day shall be determined by the Board of Directors, but in no event shall such date

as determined by the Board of Directors be earlier than sixty (60) days or later than 120 days after the close of the fiscal year of the Corporation.

*Section 3. SPECIAL MEETINGS.* Special meetings of the shareholders may be called by the President, the Board of Directors, or the holders of not less than ten percent (10%) of all the shares entitled to vote at the meeting.

*Section 4. NOTICE OF MEETINGS--WAIVER.* Written or printed notice, stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifty (50) days before the date of the meeting, either personally or by mail, by or at the direction of the President, to each shareholder at his address as it appears on the stock transfer books of the Corporation with postage thereon prepaid. Waiver by a shareholder in writing of notice of a shareholders' meeting, signed by him, whether before or after the time of such meeting, shall be equivalent to the giving of such notice. Attendance by a shareholder, whether in person or by proxy, at a shareholders' meeting shall constitute a waiver of notice of such meeting of which he has no notice.

*Section 5. VOTING AT MEETINGS.*

*Clause (a). VOTING RIGHTS.* Every holder of the capital stock of the corporation shall be entitled to one vote per lot owned for the culinary water system. Every holder of the capital stock of the corporation shall be entitled to one vote per lot owned for the irrigation water system. At the election for Directors, every holder of the capital stock of the Corporation shall have the right to vote, in person or by proxy, one vote per lot for as many persons as there are Directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one

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candidate as many of such Directors multiplied by the number of his votes shall equal, or by distributing such votes on the same principle among any number of such candidates.

*Clause (b). QUORUM.* A majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of the shareholders, but in no event shall a quorum consist of less than one-third (1/3) of the shares entitled to vote at the meeting. The shareholders present at a duly organized meeting may continue to do business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

*Clause (c). PROXIES.* A shareholder may vote either in person or by proxy executed in writing by the Shareholder, or by his duly authorized attorney-in-fact. No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise provided in the proxy.

*Clause (d). VOTING OF SHARES OWNED BY OTHER CORPORATIONS.* Shares standing in the name of another corporation may be voted by such officer, agent or proxy as the Code of By-Laws of such other corporation may prescribe or, in the absence of such provision, as the Board of Directors of such other corporation may determine; or, in the absence of such provision or determination, as the President or Vice-President and Secretary or Assistant Secretary of such other corporation may be proxy, duly executed and sealed (but not necessarily acknowledged or verified), designate.

*Clause (e). VOTING OF SHARES OWNED BY FIDUCIARIES.* Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. It shall not be necessary for such fiduciary to obtain a court order authorizing him to vote such shares. The general proxy of a fiduciary shall be given the same weight and effect as the general proxy of an individual or corporation.

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*Section 6. ORDER OF BUSINESS.* The order of business at annual meetings, and so far as practicable at all other meetings of shareholders shall be as follows:

- I. Proof of due notice of meeting.
- II. Roll call-examination of proxies.
- III. Reading and disposal of any unapproved minutes.
- IV. Annual reports of officers and committees.
- V. Establishment of Water Rates
- V. Unfinished business.
- VI. New business.
- VII. Election of Directors.
- VIII. Adjournment.

*Section 7. SPECIAL LIMITATIONS.* The corporation shall offer two separate and distinct water systems. The first being a culinary system and the second being an irrigation water distribution system. As to each such system, the water corporation shall have the power and the right to levy to collect from the holders and owners of all such land to which the water or water stock belong regardless of whether the water is used by such holder or owner any charges for maintaining or operating the culinary and/or irrigation water system. As to any charges, assessments, costs as determined by the Board of Directors to be appropriate, the Corporation shall have the power and the right to create a first lien for non-payment if more than 45 days delinquent [except for a lien for tax] upon the land or parcel of land or lot within the subdivision, said lien may be foreclosed upon pursuant to and consistent to Idaho law.

Further, the culinary system is designed to supply in house water only. Any use of water other than culinary uses shall be supplied by the irrigation system. The use and availability of the culinary water system is subject to the Water Rights granted by the State of Idaho. Any water use outside of the residence for irrigation shall be provided through a sprinkler system. No flood irrigation shall be permitted. Absolutely no human consumption of the irrigation water system shall be permitted. The water availability for the irrigation/fire protection system is subject to the terms and conditions of an agreement between the City of Pocatello and Gibson Jack Joint Venture. The Board of Directors will create a watering schedule for the irrigation system. All lot owners will be required to abide by this watering schedule.

*Section 8. ACCOUNTING AND ASSESSMENTS.*

*Clause(a) ACCOUNTANT* The board of directors will hire a person or company to coordinate the ongoing accounting operations of the "Association" (herein after referred to as "Accountant"). The Board of Directors will be responsible to read the water meters for the culinary water systems and furnish information to the "Accountant" for billing purposes.

*Clause(b) ANNUAL ASSESSMENT AND USAGE RATES* There shall be an annual assessment fixed by the Board of Directors for the culinary system and for the irrigation system. All lot owners will be subject to this assessment. This includes all lots whether improved or unimproved. This assessment starts accruing upon transfer from developers of subdivision to first lot owner. The rates shall be fixed annually, and shall reflect not only current expenses but such expenses for costs and maintenance for long term operation for each of the water delivery systems including all actual appreciated costs and expenses for maintaining, testing, and operating the culinary and irrigation systems. A maintenance fund shall be created and set aside for ongoing

operations and repairs including major repairs of the system and the costs of analyzing the system shall be completed on an annual basis, being mindful of the long term successful operation of the system. Funds shall be allocated for maintenance, repair, replacement, and appropriate testing of the water systems. This testing shall include monthly and annual testing as may be required by the Department of Environmental Quality. The "Accountant" will bill the stockholders on a quarterly basis for culinary water use. The quarterly usage rate shall be set by the board of directors for the culinary water system. The City of Pocatello will bill and collect for the irrigation water system.

*Clause(c) SPECIAL ASSESSMENTS* In the event that necessary and extraordinary expenses are incurred, e.g. to replace pump or lines within the system a special assessment may be made which shall have the same force and effect as the annual rate assessment as may be determined by the Board of Directors.

*Clause(d) SEPARATE ACCOUNTS* It is specified that there shall be two separate and distinct assessments. One assessment shall be for the culinary system and the second assessment shall be for the irrigation system. Separate accounts shall be maintained for the culinary system and the irrigation system.

*Clause(e) LATE FEES* The late fee for any late payment shall be \$50.00. The board of directors shall have the right to set the late fee. Payments are due on the first day of each billing cycle, and a late fee will be assessed if payment is received after the fifteenth day of the billing cycle.

### *Section 9. OTHER PROPERTY*

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*Clause(a) WELL LOTS*-Each well site will be designated as a Well Lot Easement. Control and maintenance of the Well Lot Easements shall remain with the corporation. Any platted lot with a Well Lot Easement within its lot lines will allow access by the Corporation and or their employees for the purposes of maintenance of the well or well equipment. Any platted lot with a Well Lot Easement within its lot lines will comply with all Department of Environmental Quality requirements. This includes fencing said Well Lot Easements to restrict livestock from accessing these well lots.

*Clause(b) NATURE PATH/HIKING TRAILS* Within the subdivision, there are Easements designated as the nature path and or hiking trails. Control and maintenance shall remain with the Corporation. The Corporation shall be responsible for maintenance in the Nature/Hiking Trail areas Easements.

*Clause (c) WATER RETENTION PONDS* Within the subdivision, there are areas designated as Drainage Ponds. Any lot owner with a Drainage Pond, will maintain weed control in the Drainage Pond areas. Lot owners may landscape these Drainage Ponds provided the landscaping does not interfere with the operation of the Drainage ponds. The Corporation will be responsible for maintenance resulting from the operation of these Drainage Ponds, such as removing soil build-up or pond wall failures.

*Section 10. EQUIPMENT MAINTENANCE* The Board of Directors will name the approved contractor to perform any and all maintenance to the culinary and irrigation water systems. Each lot owner will be required to purchase a pressure tank and water meter for the culinary water system from the approved contractor. The pressure tanks and water meters are to

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comply with the original design of the water system. Each lot owner will purchase a water meter from the City of Pocatello as they connect to the irrigation water system.

The culinary water system equipment vaults will be kept locked at all times. Access to these areas will be controlled by the Board of Directors.

#### ARTICLE IV -- The Board of Directors

*Section 1. NUMBER AND QUALIFICATIONS.* The business and affairs of the Corporation shall be managed by a Board of Directors, at least fifty-one percent (51%) of whom shall be stockholders of the Corporation. There shall be at least three but not more than nine directors. The number of Directors may be increased or decreased from time to time by resolution at the annual meeting of shareholders; but no decrease shall have the effect of shortening the term of any incumbent Director.

*Section 2. ELECTION.* Members of the initial Board of Directors (the developers) shall hold office until all phases of Wild horse Subdivision have been completed and sold, or until such time that the developers see fit to resign from the board of directors. As each Phase of the Subdivision is completed, one additional director will be elected at the next annual meeting of shareholders, and at each annual meeting thereafter, the shareholders shall elect Directors to hold office until the next succeeding annual meeting. Each Director shall hold office for the term for which he is elected and until his successor shall be elected and qualified. There may be no classification of Directors or staggering of their terms as determined at the shareholders annual meeting. The Developers retain a 51% voting majority in the board of directors until all phases of Wild horse Ridge Subdivision have been completed and sold. As each Phase of the Subdivision is completed, the board of directors will accept the completed water system.

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*Section 3. VACANCIES.* Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining Directors, though less than a quorum of the Board of Directors or a majority of the shareholders of the Corporation at a special meeting called for that purpose. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

*Section 4. PLACE OF MEETING.* The Board of Directors shall meet each year immediately after the annual meeting of the shareholders, at the registered office of the Corporation, or at such other place within or without the State of Idaho as shall be designated by the Board of Directors, for the purpose of organization, election of officers, and consideration of any other business that may properly be brought before the meeting. No notice of any kind to either old or new members of the Board of Directors for such annual meeting shall be necessary.

*Section 5. ANNUAL MEETING.* The Board of Directors shall meet each year immediately after the annual meeting of the shareholders, at the registered office of the corporation, or at such other place within or without the State of Idaho as shall be designated by the Board of Directors, for the purpose of organization, election of officers, and consideration of any other business that may properly be brought before the meeting. No notice of any kind to either old or new members of the Board of Directors for such annual meeting shall be necessary.

*Section 6. SPECIAL MEETINGS.* Special meetings of the Board of Directors may be called by the President or any two Directors by giving five (5) days notice thereof. Notice of special meetings may be given by letter, telegram or cable at any place within or without the State of Idaho. Notice of any other meeting of the Board of Directors may be waived in writing signed by the person or persons entitled to such notice, whether before or after the time of such meeting,

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and shall be equivalent to the giving of such notice. Attendance of a Director at such meeting shall constitute a waiver of notice thereof, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business, because such meeting is now lawfully convened. Neither the business to be transacted at, nor the purpose of, any meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

*Section 7. ACTION OF DIRECTORS WITH A MEETING.* Action required to be taken at a meeting of Directors of this corporation may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all of the Directors. Such consent shall have the same effect as a unanimous vote.

*Section 8. QUORUM.* A majority of the number of Directors fixed by the Code of By-Laws shall constitute a quorum for the transaction of business. The act of the majority of the Directors present at a meeting, at which a quorum is present, shall be the act of the Board of Directors.

*Section 9. REMOVAL.* The entire Board of Directors or any individual Director may be removed from office without assigning any cause at a special meeting called for that purpose by a vote of the shareholders holding a majority of the outstanding shares which elected the Director or Directors so to be removed and which is entitled to vote at an election of Directors, but unless the entire Board of Directors is removed, no individual Director shall be removed in case the votes of a sufficient number of shares are cast against the resolution for their removal, which if cumulatively voted at an election of the entire Board would be sufficient to elect one or more Directors. If the notice calling such meeting shall so provide, the vacancy caused by such removal may be filled at such meeting by vote of a majority of the shareholders present and entitled to vote

for a Board of Directors. Failure to elect Directors to fill the unexpired term of the Directors so removed shall be deemed to create a vacancy or vacancies in the Board of Directors.

*Section 10. LOANS.* The Board of Directors shall not have the power to lend money or transfer money between the accounts for the culinary water account and the irrigation water account.

*Section 11. INTEREST OF DIRECTORS IN CONTRACTS.* Any contract or other transaction between the Corporation and one or more of its Directors, or between the Corporation and any firm of which one or more of its Directors are members or employees, or in which they are interested, or between the Corporation and any corporation or association of which one or more of its Directors are shareholders, members, directors, officers, or employees, or in which they are interested, shall be valid for all purposes, notwithstanding the presence of such Director or Directors at the meeting of the Board of Directors of the Corporation which acts upon, or in reference to, such contract or transaction, and notwithstanding his or their participation in such action, if the fact of such interest shall be disclosed or known to the Board of Directors present, such interested Director or Directors to be counted in determining whether a quorum is present, but not to be counted in calculating the majority of such quorum necessary to carry such vote. This Section shall not be construed to invalidate any contract or other transaction which would otherwise be valid under the common and statutory law applicable thereto.

*Section 12. EXECUTIVE AND OTHER COMMITTEES.* The Board of Directors, by resolution adopted by a majority of the full Board of Directors, may designate from among its members an executive committee and one or more other committees each of which, to the extent provided in such resolution or in the Articles of Incorporation of the By-Laws of the corporation

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shall have and may exercise all the authority of the Board of Directors, except that no such committee shall have authority to (1) approve or recommend to shareholders actions or proposals required by the Corporation Laws of the State of Idaho to be approved by shareholders, (2) designate candidates for the office of Director, for purposes of proxy solicitation or otherwise, or fill vacancies on the Board of Directors or any committee thereof, (3) amend the By-Laws, (4) approve a plan of merger not requiring shareholder approval, (5) reduce earned or capital surplus, (6) authorize or approve the reacquisition of shares unless pursuant to a general formula or method specified by the Board of Directors, or (7) authorize or approve the issuance of, sale of, or any contract to issue or sell shares.

#### ARTICLE V -- The Officers

*Section 1. OFFICERS.* The officers of the Corporation shall consist of a President, Vice-President, Secretary, Treasurer, and such other officers and assistance officers and agents as may be deemed necessary by the Board of Directors. At the discretion of the Directors, the office of Assistant Secretary may be created to act for and in the absence of the Corporate Secretary. Any two (2) or more offices may be held by the same person, except the offices of President and Secretary. Only the President need be a director and shareholder of the corporation.

*Section 2. VACANCIES.* Whenever any vacancies shall occur in any office by death, resignation, increase in the number of offices of the Corporation, or otherwise, the same shall be filled by the Board of Directors, and the officer so elected shall hold office until his successor is chosen and qualified.

*Section 3. THE PRESIDENT.* The President shall preside at all meetings of shareholders and Directors, discharge all the duties which devolve upon a presiding officer, and perform such

22-17

other duties as this Code of By-Laws provides or the Board of Directors may prescribe. The President shall have full authority to execute proxies in behalf of the Corporation, to vote stock owned by it in any other corporation, and to execute with the Secretary powers of attorney appointing other corporations, partnerships, or individuals the agent of the Corporation, all subject to the provisions of the State of Idaho, the Articles of Incorporation of the Corporation, and this Code of By-Laws.

*Section 4. THE VICE-PRESIDENT.* The Vice-President shall perform all duties incumbent upon the President during the absence or disability of the President, and shall perform such other duties as this Code of By-Laws may require or the Board of Directors may prescribe.

*Section 5. THE SECRETARY.* The Secretary shall attend all meetings of the shareholders and of the Board of Directors, and shall keep, or cause to be kept in a book provided for that purpose, a true and complete record of the proceedings of such meetings, and shall perform a like duty for all standing committees appointed by the Board of Directors, when required. He shall attend to the giving and serving of all notices of the Corporation, and shall perform such other duties as this Code of By-Laws may require or the Board of Directors may prescribe.

*Section 6. THE TREASURER.* The Treasurer will be responsible to oversee the "Accountant" to keep correct and complete records of account, showing accurately at all times, the financial condition of the Corporation. He shall be the legal custodian of all monies, notes, securities and other valuables which may from time to time come into the possession of the Corporation. He shall immediately deposit all funds of the Corporation coming into his hands in some reliable bank or other depository to be designated by the Board of Directors, and shall keep such bank account in the name of the Corporation. He shall furnish at meetings of the Board of

22-18

Directors, or whenever requested, a statement of the financial condition of the Corporation, and shall perform such other duties as this Code of By-Laws may require or the Board of Directors may prescribe. The Treasurer and or the "Accountant" may be required to furnish bond in such amount as shall be determined by the Board of Directors. The cost of this bond to be paid by the share holders.

*Section 7. DELEGATION OF AUTHORITY.* In case of the absence of any officer of the Corporation, or for any other reason that the Board of Directors may deem sufficient, the Board may delegate the powers of duties of such officer to any other officer or to any Director or employee of the Corporation for the time being, provided a majority of the entire Board concurs therein.

#### **ARTICLE VI -- Special Corporate Acts**

##### **Negotiable Instruments, Deeds, Contracts, and Shareholders' Meetings:**

All checks, drafts, notes, bonds, bills of exchange, and orders for the payment of money of the Corporation; all deeds, mortgages and other written contracts and agreements to which the Corporation may be a party; and all assignments or endorsements of stock certificates, registered bonds, or other securities owned by the Corporation, shall, unless otherwise directed by the Board of Directors, or unless otherwise required by law, be signed by any two (2) of the following officers who are different persons: President, Vice-President, Secretary, or Treasurer. The Board of Directors, may, however, authorize any one of such officers to sign any such instruments for and in behalf of the Corporation, without necessity of counter-signature; and may designate officers or employees of the Corporation, other than those named above, who may, in the name of the Corporation, sign such instruments.

22-19

**ARTICLE VII -- Indemnification of Corporate Directors,  
Officers and Agents**

*Section 1. DEFINITIONS.* As used in this Article,

(a) "Corporate agent" means any person who is or was a Director, officer, employee or agent of the Corporation, or the legal representative of any such Director, officer, employee or agent;

(b) "Expenses" means reasonable costs, disbursements and counsel fees;

(c) "Liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties;

(d) "Proceeding" means any pending, threatened, or completed civil, criminal, administrative or arbitrate action, suit or proceeding, and any appeal therein, and any inquiry or investigation which could lead to such action, suit or proceeding.

(e) "Corporation" shall mean this Corporation and its subsidiaries.

*Section 2. PROCEEDINGS NOT BY OR IN THE RIGHT OF THE CORPORATION.* The Corporation shall indemnify a Corporate agent against his expenses and liabilities in connection with any proceeding involving the Corporate agent by reason of his being or having been such Corporate agent, other than a proceeding by or in the right of the Association, if

(a) Such Corporate agent acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation; and

(b) With respect to any criminal proceedings, such Corporate agent had no reasonable cause to believe his conduct was unlawful.

The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere, or its equivalent, shall not of itself create a presumption that such Corporate

22-20

agent did not meet the applicable standards of conduct set forth in paragraphs (a) and (b) of this Section.

*Section 3. PROCEEDINGS BY OR IN THE RIGHT OF THE CORPORATION.* The Corporation shall indemnify a Corporate agent against his expenses in connection with any proceeding by or in the right of the Corporation to procure a judgment in its favor which involves the Corporate agent by reason of his being or having been such Association agent, if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation. However, in such proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which such Corporate agent shall have been adjudged to be liable for negligence or misconduct, unless and only to the extent that the Court in which such proceeding was brought shall determine that despite the adjudication of liability, but in view of all circumstances of the case, such Corporate agent is fairly and reasonably entitled to indemnity for such expenses as the Court shall deem proper.

*Section 4. CORPORATE AGENT SUCCESSFUL IN PROCEEDING.* The Corporation shall indemnify a Corporate agent against expenses to the extent that such Corporate agent has been successful on the merits or otherwise in any proceeding referred to in Sections 2 and 3 of this Article or in defense of any claim, issue or matter therein.

*Section 5. PROCEDURE FOR INDEMNIFICATION.* Any indemnification under Section 2 of this Article and, unless ordered by a Court, under Section 3 of this Article, may be by the Corporation only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the Corporate agent met the applicable standard of conduct set forth in such Section 2 or such Section 3. Such determination shall be made

22-21

- (a) By the Board of Directors acting by a quorum consisting of Directors who were not parties to the proceeding; or
- (b) If such a quorum is not obtainable, or, even if obtainable and a quorum of the disinterested Directors so directs, by independent legal counsel in a written opinion; or
- (c) By the members having general voting rights at a general meeting of the members.

*Section 6. EXPENSES PAYABLE IN ADVANCE.* Expenses incurred by a Corporate agent in connection with a proceeding may be paid by the Corporation in advance of the final disposition of the proceeding upon receipt of an undertaking by or on behalf of the Corporate agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified as provided in this Article.

*Section 7. RIGHTS NOT EXCLUDED.* The indemnification provided by this Article shall not exclude any other rights to which a Corporate agent may be entitled under the Articles of Incorporation, these By-Laws or any agreement, vote of members or otherwise.

**ARTICLE VIII -- Amendments**

The power to alter, amend, or repeal the By-Laws or to adopt a new Code of By-Laws is conferred upon the Directors, as well as upon the shareholders, to be exercised by such vote of the Directors or of the allotted shares, as the case may be; provided, however, no amendment shall take place unless passed by at least a super majority of 62% of the directors or shareholders. The Code of By-Laws may contain any provisions for the regulation and management of the affairs of the Corporation not inconsistent with the Act or the Articles of Incorporation.

WHEREFORE, We, the undersigned, being all of the members of the Board of Directors of Wild Horse Ridge, do hereby certify that the foregoing are the true, full and correct By-Laws

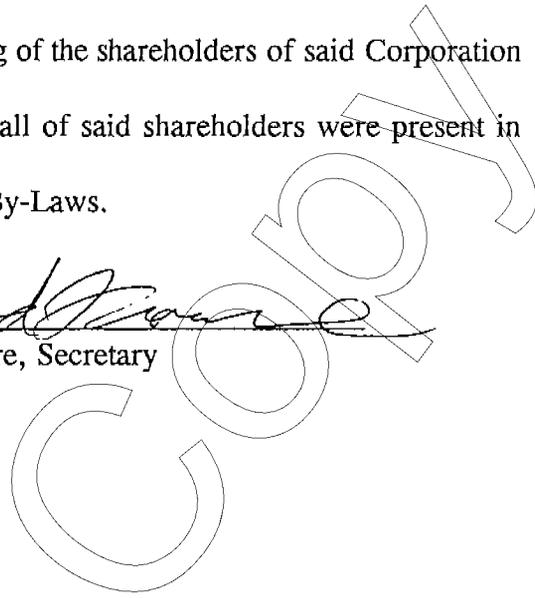
22-22

of said Corporation, duly and regularly adopted by a unanimous vote of the owners of all of the issued shares of stock of Wild Horse Ridge, at the meeting of the shareholders of said Corporation held on the 2nd day of June, 1999, at which meeting all of said shareholders were present in person or by proxy and voted for the adoption of said By-Laws.

[Signature]  
Chris Pein, President

[Signature]  
Brad Frasure, Secretary

[Signature]  
Guy Anderst, Treasurer



STATE OF IDAHO )

COUNTY OF BANNOCK

STATE OF IDAHO, COUNTY OF BANNOCK

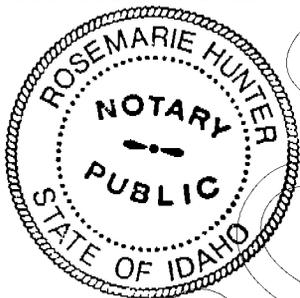
On this 2nd day of Jun  
County and State, personally  
be the persons whose name  
that they executed the same.

On this 2ND day of JUNE, 1999,  
before me, a notary public in and for said State, personally  
appeared CHRIS PEIN, GUY ANDERST and  
BRAD FRASURE & TREASURER known to me to  
be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

for said  
to me to  
ed to me  
  
and year

IN WITNESS WHEREOF,  
first above written.

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



[Signature] Notary Public  
Residing at POCATELLO, Idaho  
Comm. Expires MAY 25, 2000

99011093

RECORDED PIONEER TITLE

1999 JUN 3 PM 3 20

OFFICIAL RECORD BOOK NO. 739

COUNTY IDAHO

LA... RECORDED

FILED... M

EXHIBIT 5  
Idaho Power Proof of Infrastructure  
& Easement Vacation Approval

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**Idaho Power infrastructure**

1 message

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**Peck, Gary** <GPeck@idahopower.com>  
To: Jose Nava <gvedraft@gmail.com>

Tue, Jan 21, 2025 at 12:55 PM

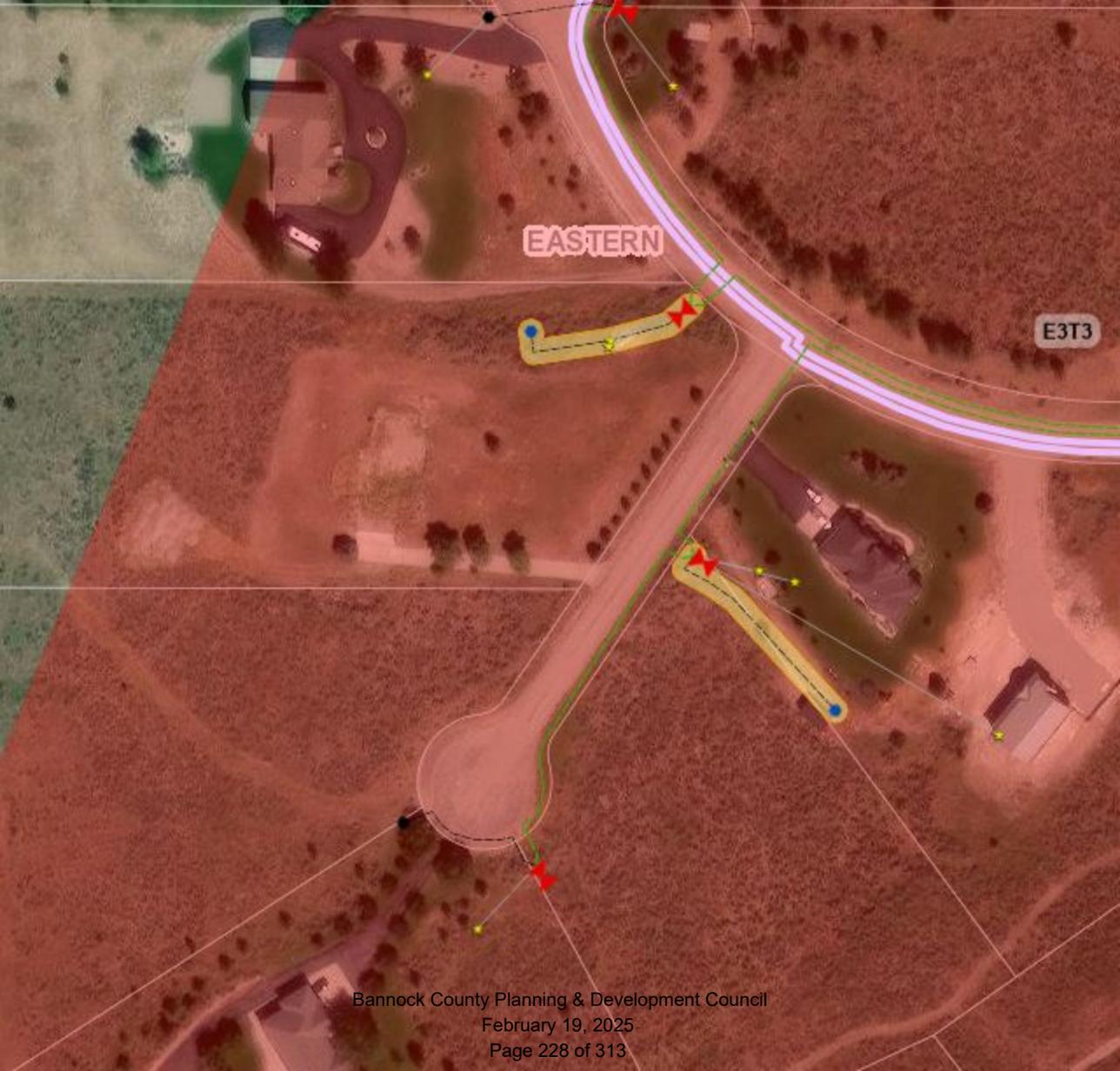
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**SniplImage.JPG**  
78K



EASTERN

E3T3

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## Proposed Easement Vacation

2 messages

---

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

Thu, Jan 23, 2025 at 11:26 AM

To: thanks@idahopower.com

Cc: cj7fun4mud@gmail.com

Travis,

See attached Peppergrass point Concept map for the proposed vacation/relinquishment of two public utility easements. The hatched areas on the map are proposed to be vacated and relocated to adjoin a new proposed lot line. As per Idaho Code 50-1306A(5) I am writing to notify you of the proposed vacation and request written agreement from you. As per the current owners, no utilities exist along these easements. I have previously sent this to Gary Peck and received a release of easement application from him. Please advise whether we need to submit that application since this is a public utility easement and not exclusive to Idaho power, or if we simply need an email response back. I have contacted and obtained approval from all the other utility companies in the area.

Thanks,

--

Jose T. Nava, PLS

GVE Drafting & Land Surveying

1290 Mountain West Dr.  
Pocatello, ID 83202

Cell: 208-317-6189

---

### 4 attachments

 **assessors map.pdf**  
141K

 **Wild Horse Ridge Phase 4.pdf**  
795K

 **24-032 Peppergrass point Concept-.pdf**  
238K

 **24-032 Peppergrass point Concept-.pdf**  
238K

---

**Hanks, Travis** <THanks@idahopower.com>

Thu, Jan 23, 2025 at 11:59 AM

To: Jose Nava <gvedraft@gmail.com>

Cc: "cj7fun4mud@gmail.com" <cj7fun4mud@gmail.com>, "Pallante, Matthew" <MPallante@idahopower.com>, "Peck, Gary" <GPeck@idahopower.com>, "Englund, Krista" <KEnglund@idahopower.com>

Hi Jose,

I have discussed this with our Regional Design Team and our Corporate Real Estate Department and Idaho Power has no objection to the proposed public utility easement vacation and relocation. Please accept this email as Idaho Power's written response and acknowledgement. We have also decided to waive the \$150 application fee. Thank you for reaching out.

Regards,

**Travis Hanks, PLS**

SURVEYOR

Idaho Power | Corporate Services & Communications

Office 208-236-7868 | Mobile 208-431-7223

301 E. Benton St. | Pocatello, ID | 83201

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**3 attachments**

 **assessors map.pdf**  
141K

 **Wild Horse Ridge Phase 4.pdf**  
795K

 **24-032 Peppergrass point Concept-.pdf**  
238K

## EXHIBIT 6

- IGC & Cable One Easement Vacation Approval
- CenturyLink Easement Vacation Approval
- Affected Utility Companies (Digline)

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**Proposed Easement Vacation**

5 messages

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

Thu, Jan 16, 2025 at 9:42 AM

To: "Peck, Gary" &lt;gpeck@idahopower.com&gt;, james.murphy@intgas.com, phillip.colborn@intgas.com, ryan.cook@rockymountainpower.net, Russell.Christ@sparklight.biz

All, See attached Peppergrass point Concept map for the proposed vacation/relinquishment of two public utility easements. The hatched areas on the map are proposed to be vacated and relocated to adjoin a new proposed lot line. As per Idaho Code 50-1306A(5) I am writing to notify you of the proposed vacation and request written agreement from you. As per the current owners, no utilities exist along these easements. Any information would be greatly appreciated as to who else to contact with this information.

Thanks,

--

Jose T. Nava, PLS

GVE Drafting & Land Surveying1290 Mountain West Dr.  
Pocatello, ID 83202

Cell: 208-317-6189

---

**2 attachments** **24-032 Peppergrass point Concept-.pdf**  
238K **Wild\_Horse\_Ridge\_Subdivision\_Phase\_4.pdf**  
783K

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

Tue, Jan 21, 2025 at 12:49 PM

To: Jose Nava &lt;gvedraft@gmail.com&gt;

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 **Easement Release Application.pdf**  
296K

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**Colborn, Phillip** <phillip.colborn@intgas.com>

Tue, Jan 21, 2025 at 2:51 PM

To: Jose Nava &lt;gvedraft@gmail.com&gt;

Jose,

I have reviewed the "24-032 Peppergrass Point Concept Plan" regarding the two easement vacations. Intermountain Gas Company has no objections to the two proposed vacations.

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](mailto:gvedraft@gmail.com)>  
**Sent:** Thursday, January 16, 2025 9:43 AM  
**To:** Peck, Gary <[gpeck@idahopower.com](mailto:gpeck@idahopower.com)>; Murphy, James <[james.murphy@intgas.com](mailto:james.murphy@intgas.com)>; Colborn, Phillip <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>; [ryan.cook@rockymountainpower.net](mailto:ryan.cook@rockymountainpower.net); [Russell.Christ@sparklight.biz](mailto:Russell.Christ@sparklight.biz)  
**Subject:** Proposed Easement Vacation

**\*\* WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. \*\***

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[Quoted text hidden]

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**Jose Nava** <[gvedraft@gmail.com](mailto:gvedraft@gmail.com)>  
To: "Colborn, Phillip" <[phillip.colborn@intgas.com](mailto:phillip.colborn@intgas.com)>

Tue, Jan 21, 2025 at 3:03 PM

Thanks Phillip  
[Quoted text hidden]

---

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

Wed, Jan 22, 2025 at 10:13 AM

Hello,

Sparklight has no issues with these being vacated.

Thank you,



**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:** Thursday, January 16, 2025 9:43 AM

[Quoted text hidden]

[Quoted text hidden]

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## Proposed Easement Vacation

2 messages

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**Jose Nava** <gvedraft@gmail.com>  
To: Biser.Fan@lumen.com

Wed, Jan 22, 2025 at 2:24 PM

Biser,

See attached Peppergrass point Concept map for the proposed vacation/relinquishment of two public utility easements. The hatched areas on the map are proposed to be vacated and relocated to adjoin a new proposed lot line. As per Idaho Code 50-1306A(5) I am writing to notify you of the proposed vacation and request written agreement from you. As per the current owners, no utilities exist along these easements.

Thanks,

--

Jose T. Nava, PLS

GVE Drafting & Land Surveying

1290 Mountain West Dr.  
Pocatello, ID 83202

Cell: 208-317-6189

---

### 3 attachments

 **24-032 Peppergrass point Concept-.pdf**  
238K

 **assessors map.pdf**  
141K

 **Wild Horse Ridge Phase 4.pdf**  
795K

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**Fan, Biser** <Biser.Fan@lumen.com>  
To: Jose Nava <gvedraft@gmail.com>

Wed, Jan 22, 2025 at 2:56 PM

Jose,

LUMEN does not have facilities in the marked area. I have no objection to the easement vacation as described on your concept.

Thank you,

The logo for LUMEN, featuring the word "LUMEN" in white, uppercase, sans-serif font on a solid orange rectangular background.

**Biser Fan**

Network Implementation Engineer II

Pocatello, ID 83201

Cell: (208) 608-3973

---

**From:** Jose Nava <[gvedraft@gmail.com](mailto:gvedraft@gmail.com)>  
**Sent:** Wednesday, January 22, 2025 2:25 PM  
**To:** Fan, Biser <[Biser.Fan@lumen.com](mailto:Biser.Fan@lumen.com)>  
**Subject:** Proposed Easement Vacation

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# Affected Service Areas

Ticket Type: Standard

Start Time: 01/23/2025 12:00 AM

Expires: 02/18/2025 12:00 AM

Remarks: \_\_\_\_\_

## Service Areas:

<u>Suppressed</u>	<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Contact</u>
<a href="#">More</a> No	CABLE ONE - POCATELLO / ELM TCI04	COMMUNICATIONS	
<a href="#">More</a> No	CENTURYLINK IDAHO / STAKE CENTER CTL001	COMMUNICATIONS	
<a href="#">More</a> Yes (Ticket Field)	CITY OF POCATELLO - WTR, SWR & STR CTYPOC	MUNICIPALITY	
<a href="#">More</a> No	IGC - POC / INHOUSE IGC04PC	GAS	
<a href="#">More</a> No	IDAHO POWER EASTERN / ELM IPEASTPOCATS	POWER	

 [Back to Ticket](#)

 [Send Ticket](#)

EXHIBIT 7  
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:

Number of Bedrooms/Unit	PARKING SPACES REQUIRED PER UNIT DWELLING UNITS/STRUCTURE (read across)			
	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.

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–PEPPERGRASS POINT SUBDIVISION  
MEETING DATE: FEBRUARY 19, 2025**

**FILE #:** SPP-25-1  
**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> GVE Drafting and Land Surveying Jose Nava 1290 Mountain West Drive Pocatello, ID 83202	<b>OWNER:</b> Lysle and Lisa Barthlome 9950 Pepper Grass Point Pocatello, ID 83204	Jeffrey and Amy Mansfield 9877 Pepper Grass Point Pocatello, ID 83204
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**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.

**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:** Sloped from west to east  
**EXISTING STRUCTURES:** Residential dwellings and accessory structures.  
**OTHER:** Located within Wild Horse Ridge Subdivision Phase 4.

**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 Peppergrass Point Subdivision, as described in the application, shall be **[approved]** **[denied]** **[tabled]**.

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

**ROLL CALL:**

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 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	Notary Public
A	My Commission Expires on _____ 20____
L	

# 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 Peppergrass Point 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. 9  
Conditional Use Permit:  
Existing Gravel Pit –  
Coleman Horrocks



# PLANNING AND DEVELOPMENT SERVICES

5500 S 5<sup>th</sup> Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

## CONDITIONAL USE PERMIT – Business Item PUBLIC HEARING: February 19, 2025 STAFF REPORT

**FILE #:** CUP-25-3  
**LOCATION:** RPR3853008600, currently unaddressed

**APPLICANT:**  
M Coleman Horrocks  
9659 N Philbin Rd  
Pocatello, ID 83201

**OWNER:**  
Castle Concrete Co Inc  
2300 N Main St  
Pocatello, ID 83204

**RECOMMENDATION:** Staff recommends one of the following:

- Approval with the following conditions:
  1. All conditions listed in the findings (instrument #20011957) from the original CUP shall be upheld.
  2. Provide Planning and Development with a copy of DEQ's required permits before starting extraction of phase 2.

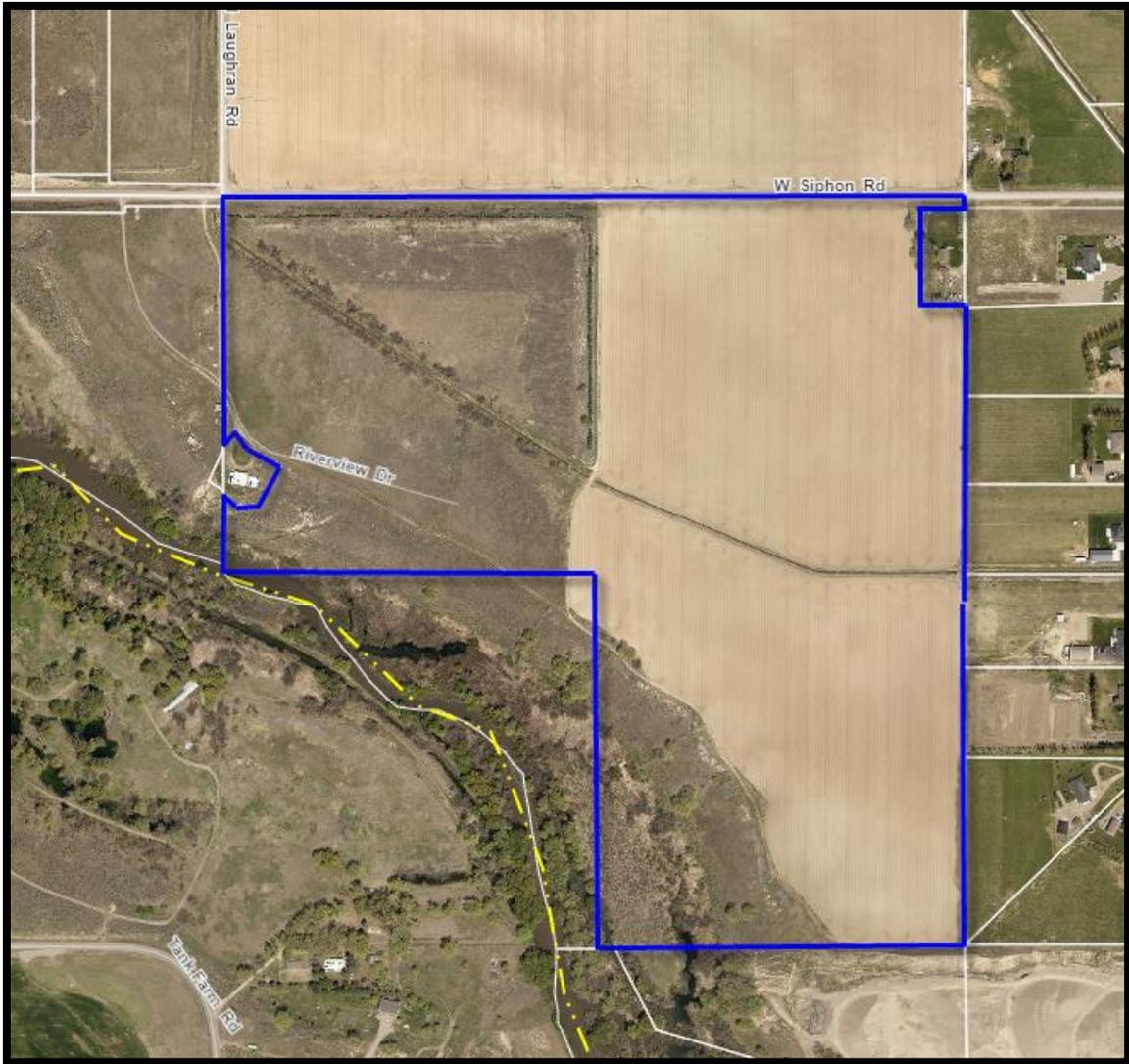
Council may wish to add additional conditions as needed.

**REQUEST & BACKGROUND:** Coleman Horrocks requests to open phase 2 of an existing gravel pit, according to the original findings, conclusion and decision of the Conditional Use Permit. Condition #10 of the original CUP findings (instrument #20011957) states that the applicant is required to come before Council as a business item before proceeding to the next phase.

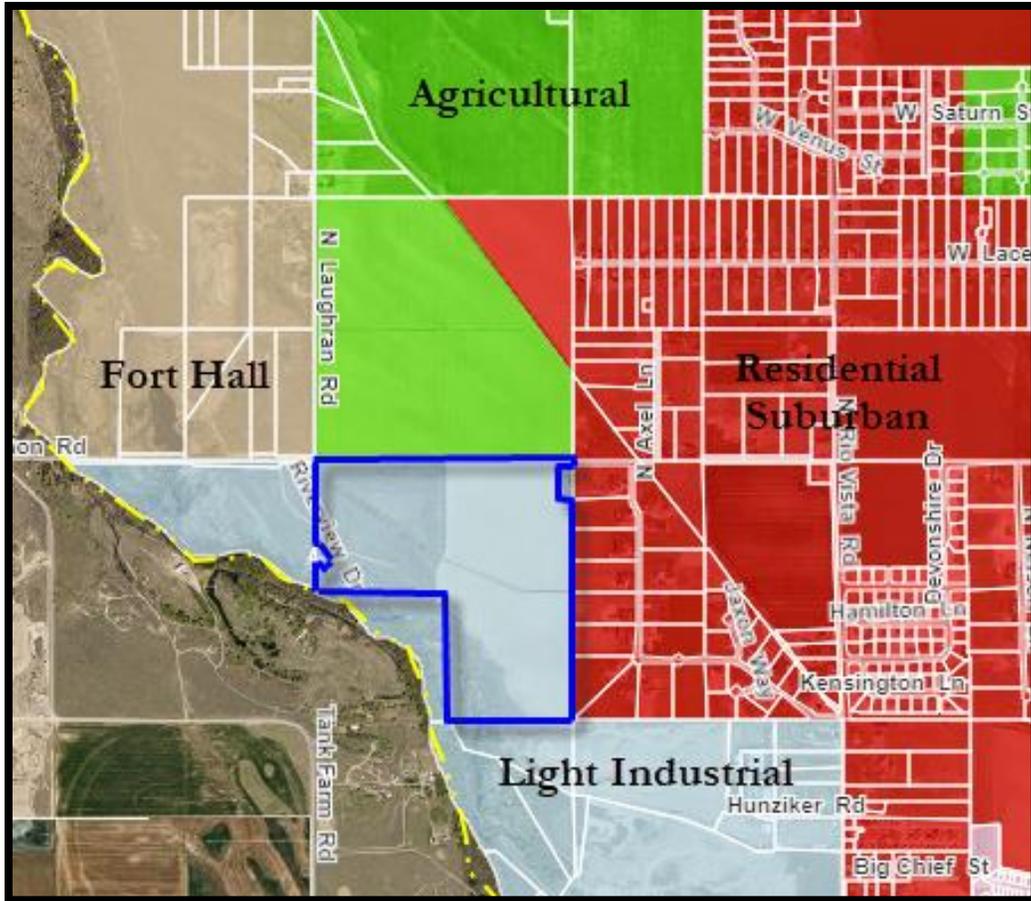
### **SITE CHARACTERISTICS AND ZONING:**

ZONING: Light Industrial  
PROPERTY SIZE: ~ 115 acres  
EXISTING STRUCTURES: None

STAFF REPORT  
CONDITIONAL USE PERMIT- Horrocks  
Page 1 of 3



**SITE MAP**



**ZONING MAP**

**REPORT BY:**

Tristan Bourquin, Assistant Director  
[tristanb@bannockcounty.gov](mailto:tristanb@bannockcounty.gov)  
208-236-7230

**REPORTED DATE:** February 12, 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 site plan
2. Applicable Laws (on file with Staff)
3. Original CUP findings

# EXHIBIT 1

## Application & Site Plan



### CUP-25-3

Conditional Use Permit

Status: Active

Submitted On: 1/21/2025

### Primary Location

0 0  
Rural North , ID 832040000

### Owner

CASTLE CONCRETE CO INC  
2300 NORTH MAIN POCA TELLO,  
ID 832040000

### Applicant

M COLEMAN HORROCKS

[REDACTED]

[REDACTED]

9659 N PHILBIN RD  
POCA TELLO, ID 83201

## Conditional Use Permit

**Parcel #\***

RPR3853008600

**Zoning\***

Light Industrial and Wholesale

**Please describe your project.\***

Extension of existing conditional use permit.

**What product or service are you providing?\***

Extension of existing conditional use permit.

**Proposed hours of operation**

7am - 7pm

**Proposed days of the week operation will be in use**

Monday - Saturday - no change, same as original CUP. See 20011957

**Method for Handling Waste**

**Proposed number of employees**

—

Equipment and Machinery Use

Water Supply

—

Sewage Disposal

Will New Buildings be Required?

—

—

Will Existing Buildings be Utilized?

Vehicles Used in Operation:

—

Will there be any emissions, such as smoke, dust, etc.?

Daily One-Way Vehicle Trips, Including Employees, Deliveries, etc.

## Standards for Approval

Please address how your request meets each of the following standards for approval:

**Narrative addressing how your application meets criterion 1: The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.\***

This will be a business item.

**Narrative addressing how your application meets criterion 2: The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.\***

This will be a business item.

**Narrative addressing how your application meets criterion 3: The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.\***

This will be a business item.

**Narrative addressing how your application meets criterion 4: The proposed use would be consistent with the goals and policies of the comprehensive plan of the county.\***

This will be a business item.

**Narrative addressing how your application meets criterion 5: The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces and landscaping with adjacent uses as is practical.\***

This will be a business item.

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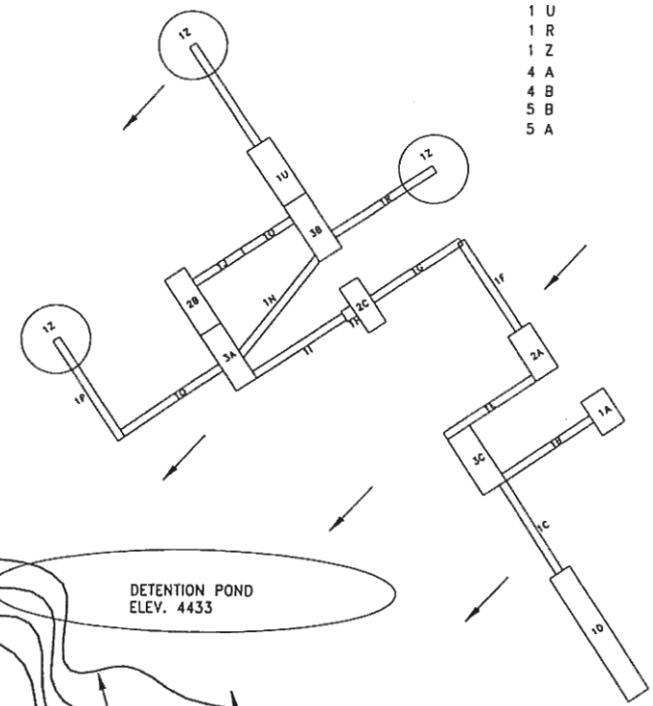
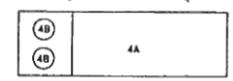
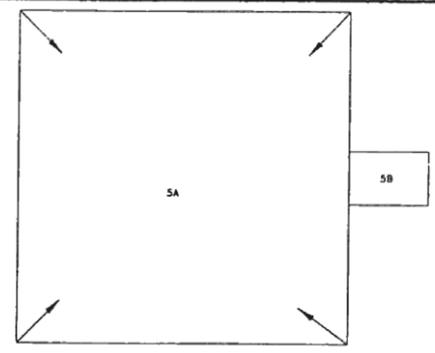
## Acknowledgement

Electronic Signature [Typed Name of Applicant]*	Date*
Coleman Horrocks	01/21/2025

↑ N  
SCALE 1" = 70'

PHASE I BOUNDARY—WEST

PHASE I BOUNDARY—EAST



1 A	FEED TRAP	10' x 15'
1 B	FEED TRAP CONVEYOR	3' x 40'
1 C	PRIMARY SCREEN CONVEYOR	3' x 40'
1 D	REJECT STACKING CONVEYOR	9' x 55'
3 C	CAY PRIMARY SCREEN	10' x 25'
1 E	JAW FEED CONVEYOR	3' x 40'
2 A	KUE KEN JAW	10' x 20'
1 F	JAW DISCHARGE CONVEYOR	3' x 40'
1 G	SYMONS FEED CONVEYOR	3' x 40'
2 C	SYMONS CONE	8' x 20'
1 H	SYMONS DISCHARGE CONVEYOR	8' x 20'
1 I	ELJAY FEED CONVEYOR	3' x 40'
3 A	ELJAY SCREEN	9' x 25'
2 B	ELJAY CONE	9' x 25'
1 J	ELJAY DISCHARGE CONVEYOR	3' x 10'
1 K	# 1 CPILE CONVEYOR	3' x 45'
1 L	# 2 CPILE CONVEYOR	3' x 45'
1 M	# 3 CPILE CONVEYOR	3' x 45'
1 N	# 1 BPILE CONVEYOR	3' x 45'
1 O	# 2 BPILE CONVEYOR	3' x 45'
1 P	# 3 BPILE CONVEYOR	3' x 45'
1 Q	PIONEER FEED CONVEYOR	3' x 45'
3 B	PIONEER SCREEN	10' x 25'
1 U	PIONEER DISCHARGE CONVEYOR	10' x 25'
1 R	APILE CONVEYOR	3' x 45'
1 Z	STOCK PILE	
4 A	BATCH PLANT OFFICE	24' x 60'
4 B	SILOS	100' TALL
5 B	WASH PLANT	20' x 30'
5 A	WASH PONDS	125' X 125' X 7'

CONSTRUCTION NOTES

1. ALL EQUIPMENT FINISH GRADE ELEVATION SHALL BE 4440.0
2. IF A HOT PLANT IS INSTALLED THE SITE PLAN MUST BE APPROVED BY BANNOCK COUNTY PRIOR TO INSTALLATION.
3. GRADE SITE AT A MIN. OF 2% IN DIRECTION OF THE ARROWS PROVIDED.

DETENTION POND  
ELEV. 4433

4430

PROPERTY LINE



CASTLE CONCRETE

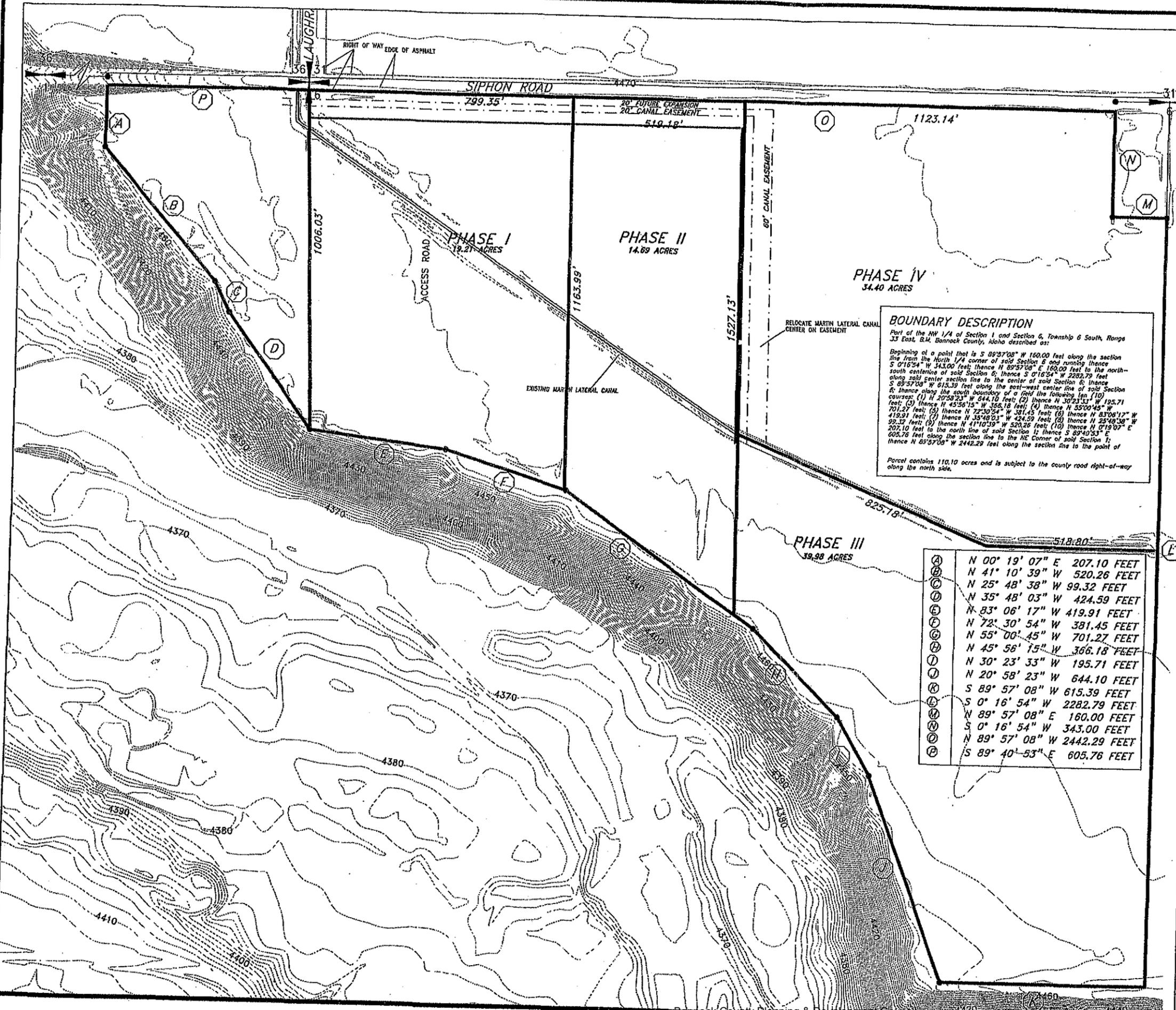
SITE PLAN

HARPER-LEAVITT ENGINEERING, INC.  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

815 N. CAPITAL AVE. P.O. BOX 50691  
IDAHO FALLS, IDAHO 83405  
(208) 524-0212  
FAX (208) 524-0229

800 W. JUDICIAL P.O. BOX 696  
BLACKFOOT, IDAHO 83221  
(208) 785-2977  
FAX (208) 785-2990

JOB NO.:	2001058	SHEET	1
DATE:	4/18/01		
DRWN. BY:	J.S.B.		
CHKD. BY:	J.S.B.	OF	1
COPYRIGHT © 2000 HLE. ALL RIGHTS RESERVED.			



SCALE 1"=300'

**BOUNDARY DESCRIPTION**  
 Part of the NW 1/4 of Section 1 and Section 6, Township 6 South, Range 33 East, B.M. Bannock County, Idaho described as:  
 Beginning of a point that is S 89°57'08" W 160.00 feet along the section line from the North 1/4 corner of said Section 6 and running thence S 0°16'54" W 343.00 feet; thence N 89°57'08" E 160.00 feet to the north-south centerline of said Section 6; thence S 0°16'54" W 2282.79 feet along said center section line to the east-west center line of said Section 6; thence along the south boundary of a field the following (1) N 20°58'23" W 844.10 feet; (2) thence N 30°23'33" W 195.71 feet; (3) thence N 45°56'15" W 366.18 feet; (4) thence N 83°06'17" W 419.91 feet; (5) thence N 72°30'54" W 381.45 feet; (6) thence N 55°00'45" W 701.27 feet; (7) thence N 45°56'15" W 366.18 feet; (8) thence N 30°23'33" W 195.71 feet; (9) thence N 41°10'39" W 520.26 feet; (10) thence N 0°19'07" E 207.10 feet to the north line of said Section 1; thence S 89°40'53" E 605.76 feet along the section line to the NE corner of said Section 1; thence N 89°57'08" W 2442.29 feet along the section line to the point of

Parcel contains 110.10 acres and is subject to the county road right-of-way along the north side.

(A)	N 00° 19' 07" E 207.10 FEET
(B)	N 41° 10' 39" W 520.26 FEET
(C)	N 25° 48' 38" W 99.32 FEET
(D)	N 35° 48' 03" W 424.59 FEET
(E)	N 83° 06' 17" W 419.91 FEET
(F)	N 72° 30' 54" W 381.45 FEET
(G)	N 55° 00' 45" W 701.27 FEET
(H)	N 45° 56' 15" W 366.18 FEET
(I)	N 30° 23' 33" W 195.71 FEET
(J)	N 20° 58' 23" W 844.10 FEET
(K)	S 89° 57' 08" W 615.39 FEET
(L)	S 0° 16' 54" W 2282.79 FEET
(M)	N 89° 57' 08" E 160.00 FEET
(N)	S 0° 16' 54" W 343.00 FEET
(O)	N 89° 57' 08" W 2442.29 FEET
(P)	S 89° 40' 53" E 605.76 FEET



<b>HE</b>	CASTLE CONCRETE INC. SIPHON PIT		
	GENERAL LAYOUT		
HARPER-LEAVITT ENGINEERING, INC. PROFESSIONAL ENGINEERS AND LAND SURVEYORS		JOB NO.: 2001-058	SHEET 1
		DATE: 12/12/01	1
		DRWN. BY: J.S.B	
		CHKD. BY: J.R.L.	OF 6
805 N. CAPITAL AVE. P.O. BOX 50891 IDAHO FALLS, IDAHO 83405 (208) 324-0212 FAX (208) 324-0228		600 W. JUDICIAL P.O. BOX 516 BLAINE, IDAHO 83421 (208) 765-2977 FAX (208) 765-2990	COPYRIGHT © 2001 HLE ALL RIGHTS RESERVED.

EXHIBIT 2  
Original Conditional Use  
Permit No. 1-2000

**BANNOCK COUNTY CONDITIONAL USE PERMIT  
NO. 1-2000**

**Bannock County Planning and Development Council** has granted a Conditional Use Permit to: **MONROC INC.**  
**P.O. BOX 51298**  
**IDAHO FALLS, ID 83405-1298**

**PERMIT LOCATION:** THAT PORTION LYING EAST OF THE PORTNEUF RIVER IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, EXCEPT THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION WHICH SHALL REQUIRE A SEPARATE CONDITIONAL USE PERMIT. SEE AERIAL PHOTO ATTACHED.

**FOR THE PURPOSE OF:** Developing and operating a gravel mine, concrete batch plant and asphalt plant.

**DATE OF PUBLIC HEARING BEFORE COUNCIL:** March 15, 2000  
**DECISION:** April 19, 2000

This permit is contingent upon the performance of the following Findings of Fact, conclusions of Law and Decision, including conditions, Recording Instrument 20011957. Conditions are:

1. Property shall be reclaimed and reseeded as mined.
2. Overburden removal and storage plan to be submitted for Council approval as a business item prior to removal of any overburden to create berm.
3. Fence shall be placed inside berm, to be chain link, 6' high with one gate on Siphon Road.
4. No petroleum products, contaminants or any other waste material shall be disposed of, or buried. All vehicle maintenance to be performed on concrete pad.
5. Best Management Practices to be reviewed and approved by County Engineer.
6. Dust suppression methods to be approved by Bannock County Engineer or designee prior to any ground disturbance.
7. Permits must be obtained for each facility: wash ponds, wash plant, batch plant, and hot plant. Applications must be accompanied by detail engineered drawings, which must be approved by County Engineer.
8. Applicant must obtain Permit to Construct from Division of Environmental Quality before placing facilities, removing overburden or mining. Dust and emissions must comply with air quality standards set by Idaho Department of Environmental Quality (D.E.Q). and Southeast District Health.
9. All requirements of this permit shall be in place prior to operation. Applicant shall be allowed one year from date of approval of findings to obtain construction permits, after

which time the conditional use permit shall expire.

10. An Aerial Photo used as a Map was amended from the Applicant's application and entered as (Exhibit 76). The map includes 4 phases. Phases 1 thru 3 are 10 year phases (outlined in Yellow). At the end of each phase Monroc would be required to come before the Council as a Business Item before proceeding to the next phase. The 4<sup>th</sup> phase (outlined in Green) would require the Applicant to come before the Council again as a Public Hearing item for approval. (40 acres in the NE Corner)

Phase 1: the westernmost 800' of the NW4 of the NW4 of Section 6, T6, R34, bounded on the south by elevation [topographical] line at 4470 feet.

Phase 2: the eastern 520' of the NW4 of the NW4 of Section 6, T6, R34, bounded on the south by elevation [topographical] line at 4470 feet.

Phase 3: the SE4 of the NW4 of Section 6, T6, R34, including any common boundary with existing gravel pit to the south, except that area west and south of the elevation [topographical] line at 4470 feet; and the portion of the NE4 of the NW4 which lies south of the canal at its present location.

Phase 4: the NE4 of the NW4 of Section 6, T6, R34, 38.9 acres indicated by assessor as Tax parcel 19 of Lot 3, does not include tax parcels 18 and 16 in that q/q owned by R. Crapo.

11. The Red line on the Aerial Photo used as a Map and entered as (Exhibit 76) is the boundary required for the berm for Phases 1 and 2. The berm will be constructed, seeded and growing, prior to work commencing. The berm outlined for Phase 3 will be constructed, seeded and growing, prior to work commencing in that phase. Work commencing shall include removal of overburden. The berm's location is along Siphon Road from NW corner eastward for 1,320 feet, then south along 1/16 section line to the present canal location, then following the canal along its south side to parcel's eastern boundary.

12. The locations of the facilities shall be as follows: The asphalt plant and the crusher will be the farthest away along the west border of the drawing (Exhibit 76) for phase one. The crusher and asphalt will be placed down in the pit as soon as the area has been mined. The buildings and equipment will be tested for dust and odor.

13. The canal may be relocated on Monroc's property; location at Monroc's discretion.

14. The haul road out to Siphon Road will be paved.

15. Removal of overburden will be used first in the construction of the berm. Remaining overburden will stored at the Monroc site to the North. Approval of a storage plan for that overburden will be required as a business item.

16. Hours of operations are as follows: Monday through Saturday: 7:00 a.m. To 7:00 p.m. for all operations with these exceptions:

- a. 7:00 a.m. to 8:00 p.m. for the asphalt plant June thru September
- b. 7:00 a.m. to 9:00 p.m. for the concrete batch plant and wash plant, June through September
- c. Additional hours may be granted by County Planning staff for specific periods; applicant shall notify adjacent residents prior to commencement.

7. Facilities will be placed in pit according to noise produced, with the most noisy operation placed first. The order is as follows :

1. Crusher (most noise),
2. Asphalt Hot Plant,
3. Concrete Batch Plant.
4. Wash Plant/Ponds

18. No stormwater or operation water runoff from mine, crusher, batch plant, asphalt plant, washer, paving, or improvements, is permitted. Runoff is defined as water leaving the approved site or phase.

*Lori Bergfeld* 7-27-00  
Lori Bergfeld, Planner

# EXHIBIT 3

## Bannock County Planning & Development Council Decision – Instrument #20011957

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

**TYPE OF APPLICATION:** Conditional Use Permit to develop and operate a gravel mine, concrete batch plant, and asphalt hot plant.

**APPLICANT:** Monroc Inc.  
P. O. Box 51298  
Idaho Falls, ID 83405-1298

**LOCATION:** Site is at intersection of Siphon and Laughran Roads in northwest Bannock County, that tract located in Bannock County in the NW 1/4 SECTION 6, T6S R34E Boise Meridian.

**PUBLIC HEARING:** March 15, 2000  
**DECISION:** April 19, 2000

**INTRODUCTION**

This matter was heard on March 15, 2000, before the Bannock County Planning and Development Council. Members of the Council present were: Dacia Soulliere, Chair; Floyd Johnson; Bill Orr; Bob Bergendorf, and Scott B. Johnson. Mike Scrivner, Ryan Loftus, Jared Bragg and Kirk Ellingford attended on behalf of the applicant. County staff present included Lori Bergfeld, Planner, Terry Bailey, County Engineer, and Barbara Anderson, Secretary. Over thirty members of the public attended, and testified against the proposal. The Council closed oral testimony and left the record open for written testimony till March 31, and set a work session for March 31, at noon, to study the negative impacts mentioned in testimony.

Members of the Council present were: Dacia Soulliere, Chair; Floyd Johnson; Bill Orr; Bob Bergendorf, and Scott B. Johnson. County staff present included Lori Bergfeld, Planner; Terry Bailey, County Engineer; Bill Aller, Superintendent, Road and Bridge Department, and Barbara Anderson, Secretary. At that time, applicant submitted an "additional information" packet to address issues identified in the public hearing per Section 560.4.E, rebuttal. The public was present, but testimony was closed. Due to time constraints, the Council was not able to evaluate the additional information at this meeting, so set a further work session for April 17.

Council members present at the April 17 work session were Soulliere, S. Johnson, F. Johnson, Orr and Bergendorf. Staff included Bailey, Bergfeld and Anderson and Guy Price. Staff presented research materials on wind direction, traffic counts, water rights, noise levels, dust and PM10, odors, property values and existing nuisances, water runoff, and distances to the Portneuf River. The public was present.

The Council commenced deliberation at its regular meeting of April 19, 2000. Present were Soulliere, S. Johnson, F. Johnson, and Bergendorf; Orr was absent. Staff members present were Bailey, Bergfeld, Anderson, and Guy Price, Deputy Prosecutor.

**FINDINGS, CONCLUSION AND DECISION, MONROC INC.**

page 2

**FINDINGS OF FACT**

From the applicant's testimony and application materials, testimony and staff research presented to the Council, the Council found:

1. Site of proposed operation is adjacent to a permitted gravel mining and hot plant operation by Bannock Paving to the south.
2. State of Idaho pit and Monroc operated diagonally to the north across Siphon Road, a distance of approximately 200' from pit to pit.
3. Existing gravel mining operations east of proposed mine are located (1) on Siphon Road ½ mile east of Rio Vista, (2) on Chubbuck Road 1/8 mile east of Rio Vista (Frasure), (3) City County pit north of I-86 and west of Philbin Road. Numerous pits, both active and inactive but not reclaimed operate west of the Portneuf in Power County.
4. Health impacts from dust were identified as issues. Airshed of residential development potentially impacted by this use includes emissions from FMC, Simplot, and sewage treatment facility, which may include toxic and radioactive pollutants. The existing Monroc, Bannock Paving, and State of Idaho operations are as near to residential development as the proposed use. Proposal would be a transfer of activity from one area to another; north and west of Siphon Road to south and east of it. Dust from mining and handling can be mitigated by a planted and irrigated berm, planting of excess piles of overburden, dust containing baghouses over handling equipment at transfer points, and application of water in extreme conditions. See Finding No. 6.
5. Odor was identified as an issue. Placement of the hot plant will affect odor's affect on downwind properties. Staff members advised that asphalt odor is barely detectable at ½ mile from its source. The months during which the plant would operate, April through September, have a prevailing southwest wind.
6. Dust and its PM-10 constituent was identified as an issue. Wind direction is predominantly out of the southwest to the northwest at an average of 10.1 miles per hour; see Exhibit #62 from U.S. Weather Service at Pocatello Airport, approximately 2 miles west of site. Staff observed that existing gravel operations from which dust was blowing on April 5 during 30 mph winds was visible approximately 1/4 mile (Bannock Paving across I-86) and for approximately 100 feet from Monroc's unplanted berm. PM-10, particulate matter under 10 microns) is not visible.
7. Noise was identified as an issue. Placement of the noise producing equipment and activities can mitigate impact to residential properties. Crusher will be located permanently to the west edge of the property, and conveyors and trucks will operate between the pit and the crusher. Backup warning devices are required and highly

**FINDINGS, CONCLUSION AND DECISION, MONROC INC.**

page 3

audible. At ½ mile they cannot be heard, as relayed by County Road and Bridge Department to staff on April 18. Sound levels for crushing and conveying machinery at distances from 30' to 150' range from 89 to 73 decibels, according to data supplied by its manufacturer, Cedarapids Inc. with the notation that many factors affect sound levels. Exhibit #1.a, Support for "Additional Information" to application.

8. Traffic was identified as an issue. Existing traffic, based on 1998 counts at access point on Siphon Road is an average of 281 vehicles per day west bound and 128 eastbound. Exhibit No. 64 from Bannock Planning Organization. The count is for the week of July 28 through August 4, 1998. The proposal would add approximately 80 one-way vehicle trips per day in peak operating times [page 5, Additional Information]. Peak traffic time, per the counts, is mid-day. Between 7 and 8 a.m. there are 10 westbound vehicles and 3 eastbound. After operation commences, traffic at Siphon and Laughran Roads is calculated at:

westbound: existing: 10 vehicles; add 20 employee vehicles = 30  
eastbound: existing: 3, vehicles; add 10 loaded trucks = 13 vehicles .

Some truck traffic will merge with Rio Vista traffic which is considerably higher at 60 vehicles per hour just north of Siphon.

Council finds that the roads are adequate to handle the additional traffic.

9. Stormwater and operation water runoff into Portneuf was identified as an issue. Council required runoff containment measures.

10. The potential for groundwater pollution was identified as an issue. Well logs obtained by staff from Water Resources show that static water level is at approximately 60 feet. Applicant proposes to mine to 40 feet below existing grade. This will leave approximately 20 feet of soil over the static water level.

Crushed rock is washed by water; the waste from this operation is soil and water. Applicant has agreed to perform equipment maintenance within shops with concrete floors or on paved concrete or asphalt pads. Hazardous materials such as fuels, oils and asphalt will be stored in areas with secondary containment equal to 110% of the vessel's capacity. Fuel tanks must have concrete containers built under them which can carry 110% of the tanks' capacity.

11. Aesthetics was identified by testimony as an issue. A landscaped berm, as approved by Council as a business item, would largely conceal the pit from traffic on Siphon Road, and help catch dust and noise. Council determined that berm maintenance and planting is significant to aesthetics.

12. Potential for decline in property values was identified as an issue. Proposed use displaces current gravel mine immediately north, and is not a new activity in the area.

**FINDINGS, CONCLUSION AND DECISION, MONROC INC.**

page 4

13. Water rights were disputed in testimony. A conditional use permit does not convey a water right; it is the applicant's responsibility to obtain a right from Idaho Department of Water Resources.

14. Soil type is #7 Bahem silt loam, a prime agricultural land, 0 to 2% slopes. The soil is called "overburden" and it ranges from 40" to 60" to extremely cobbly sand. Well logs indicate that the deepest soil would be to the northeast of the parcel, located in the area called "phase 4".

15. Applicant presents the following as fact: pages 4, 5 and 6 of application are applicant findings, and "Additional Information", Exhibit No. 1.a. Operation must be in accordance with these documents, unless otherwise determined or conditioned by Council.

**CONCLUSIONS OF LAW AND DECISION**

Application was reviewed under Bannock County Zoning Ordinance #1998-1. Notice was made according to law. Landowners within 300 feet of the boundary of subject land were notified by mail, Exhibit #6. The property was posted by Kelly Sluder on March 3, 2000, Exhibit #7. Public hearing notices appeared in the Idaho State Journal on February 22, March 11, 12, 13 and 14, 2000, Exhibit #5. A public hearing was held on March 15, and additional written testimony was accepted through 12:00 noon on March 31, 2000. The public hearing followed the procedure in Section 560.4 of Zoning Ordinance 1998-1.

The approval of this application, as conditioned, was found to meet the standards for approving a conditional use permit, Ordinance 1998-1, Section 530.6, and to be consistent with the following goals of the Comprehensive Plan, Bannock County 2000, Ordinance No. 1995-1:

1. The proposed use as conditioned would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district because the site of the proposed operation is in the vicinity of existing permitted gravel mining and asphalt hot plant operations to the North and West.
2. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use because there is already heavy truck traffic due to the existing gravel operations and the agriculture uses; also, some of the existing truck traffic will be replaced with this proposed operation.
3. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity. Council felt that health impacts with dust can be mitigated with the construction of a berm to capture dust, and by placing the concrete and asphalt plants, washer crusher in the pit. Also, the property at the northeast corner,

**FINDINGS, CONCLUSION AND DECISION, MONROC INC.**

page 5

- closest to residential development, will require another conditional use permit application and public hearing. Dust, PM10 and air quality will also be monitored by Department of Environmental Quality.
4. The proposed use would be consistent with the goals and policies of the Comprehensive Plan of the County, Ordinance #1995-3: Goal I.1: encourage the protection of prime agricultural, forestry, and mining lands for the production of food, fiber, and minerals, and adjoins lands used for the mining of sand and gravel to the north and south. Applicant will reclaim the site according to plan approved by State of Idaho.
  5. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces and landscaping with adjacent uses as is practical because the applicant will place the facilities in a pit instead of locating those facilities on the skyline and they will also place the facilities in the order of noise levels as determined by the Council.

Concerning gravel mining and the concrete batch plant, the Council reviewed the findings, aerial maps and existing conditions and reasoned that the application for a gravel pit operation is a gravel pit between two existing gravel pits (Findings #1 and 2), and farther from some residences on Laughran Road, and not as near to residences, except the Crapo residence, as the existing Bannock Paving pit west of Rio-Vista Road is to homes along the east side of Rio Vista Road. Regarding the dust and its PM-10 constituent, air quality regulation is primarily a function of State of Idaho Division of Environmental Quality, and applicant must obtain permits from this agency before operation.

Concerning the asphalt plant, the Council learned that the only asphalt producer in the area, Bannock Paving, had been forced to close its asphalt plant due to air quality violations, and so the Council reasoned that this agency would be vigilant in enforcement of the applicant's operation. A county staff person, Bill Aller of Road and Bridge Department, gave the Council indications of the odor effect of asphalt at ½ mile, and the Council's judgment was that if sited at the far western edge of the property, it would rarely if ever be of nuisance intensity at ½ mile away. It acknowledged that at certain times, it could be smelled off site, just as asphalt smells are discernable at road construction sites and various construction locations in the county. The applicant assured the Council that the asphalt plant would use new technology to keep the operation from polluting the air and producing odor.

Bannock County's policy is to pave roads in the DEQ's air quality Area of Non-Attainment to reduce the 1,474 tons of PM-10 these roads generate. Doing so is an element of the State Implementation Plan for air quality. The county receives funds annually via Federal funds to accomplish this goal, and asphalt is the paving material.

**DECISION**

**FINDINGS, CONCLUSION AND DECISION, MONROC INC.**

page 6

Based on the above Findings and Conclusions of Law, the Council hereby grants a conditional use permit to Monroc Inc. to operate a gravel mine, crushing and washing operation, concrete batch plant, and asphalt plant, subject to the following conditions:

1. Property shall be reclaimed and reseeded as mined.
2. Overburden removal and storage plan to be submitted for Council approval as a business item prior to removal of any overburden to create berm.
3. Fence shall be placed inside berm, to be chain link, 6' high with one gate on Siphon Road.
4. No petroleum products, contaminants or any other waste material shall be disposed of, or buried. All vehicle maintenance to be performed on concrete pad.
5. Best Management Practices to be reviewed and approved by County Engineer.
6. Dust suppression methods to be approved by Bannock County Engineer or designee prior to any ground disturbance.
7. Permits must be obtained for each facility: wash ponds, wash plant, batch plant, and hot plant. Applications must be accompanied by detail engineered drawings, which must be approved by County Engineer.
8. Applicant must obtain Permit to Construct from Division of Environmental Quality before placing facilities, removing overburden or mining. Dust and emissions must comply with air quality standards set by Idaho Department of Environmental Quality (D.E.Q.) and Southeast District Health.
9. All requirements of this permit shall be in place prior to operation. Applicant shall be allowed one year from date of approval of findings to obtain construction permits, after which time the conditional use permit shall expire.
10. An Aerial Photo used as a Map was amended from the Applicant's application and entered as (Exhibit 76). The map includes 4 phases. Phases 1 thru 3 are 10 year phases (outlined in Yellow). At the end of each phase Monroc would be required to come before the Council as a Business Item before proceeding to the next phase. The 4<sup>th</sup> phase (outlined in Green) would require the Applicant to come before the Council again as a Public Hearing item for approval. (40 acres in the NE Corner)

Phase 1: the westernmost 800' of the NW4 of the NW4 of Section 6, T6, R34, bounded on the south by elevation [topographical] line at 4470 feet.

Phase 2: the eastern 520' of the NW4 of the NW4 of Section 6, T6, R34, bounded on the south by elevation [topographical] line at 4470 feet.

Berm  
Access Road  
Fence

**FINDINGS, CONCLUSION AND DECISION, MONROC INC.**

page 7

Phase 3: the SE4 of the NW4 of Section 6, T6, R34, including any common boundary with existing gravel pit to the south, except that area west and south of the elevation [topographical] line at 4470 feet; and the portion of the NE4 of the NW4 which lies south of the canal at its present location.

Phase 4: the NE4 of the NW4 of Section 6, T6, R34, 38.9 acres indicated by assessor as Tax parcel 19 of Lot 3, does not include tax parcels 18 and 16 in that q/q owned by R. Crapo.

11. The Red line on the Aerial Photo used as a Map and entered as (Exhibit 76) is the boundary required for the berm for Phases 1 and 2. The berm will be constructed, seeded and growing, prior to work commencing. The berm outlined for Phase 3 will be constructed, seeded and growing, prior to work commencing in that phase. Work commencing shall include removal of overburden. The berm's location is along Siphon Road from NW corner eastward for 1,320 feet, then south along 1/16 section line to the present canal location, then following the canal along its south side to parcel's eastern boundary.

12. The locations of the facilities shall be as follows: The asphalt plant and the crusher will be the farthest away along the west border of the drawing ( Exhibit 76) for phase one. The crusher and asphalt will be placed down in the pit as soon as the area has been mined. The buildings and equipment will be tested for dust and odor.

13. The canal may be relocated on Monroc's property; location at Monroc's discretion.

14. The haul road out to Siphon Road will be paved.

15. Removal of overburden will be used first in the construction of the berm. Remaining overburden will stored at the Monroc site to the North. Approval of a storage plan for that overburden will be required as a business item.

16. Hours of operations are as follows: Monday through Saturday: 7:00 a.m. To 7:00 p.m. for all operations with these exceptions:

- a. 7:00 a.m. to 8:00 p.m. for the asphalt plant June thru September
- b. 7:00 a.m. to 9:00 p.m. for the concrete batch plant and wash plant, June through September
- c. Additional hours may be granted by County Planning staff for specific periods; applicant shall notify adjacent residents prior to commencement.

17. Facilities will be placed in pit according to noise produced, with the most noisy operation placed first: The order is as follows :

1. Crusher (most noise),
2. Asphalt Hot Plant,
3. Concrete Batch Plant.
4. Wash Plant/Ponds

FINDINGS, CONCLUSION AND DECISION, MONROC INC.

page 8

18. No stormwater or operation water runoff from mine, crusher, batch plant, asphalt plant, washer, paving, or improvements, is permitted. Runoff is defined as water leaving the approved site or phase.

Dacia Soulliere  
Dacia Soulliere, Chair

7/25/00  
Date

NOTARY

State of Idaho )  
County of Bannock)

On this 25 day of July, in the year of 2000, before me personally appeared Dacia Soulliere, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

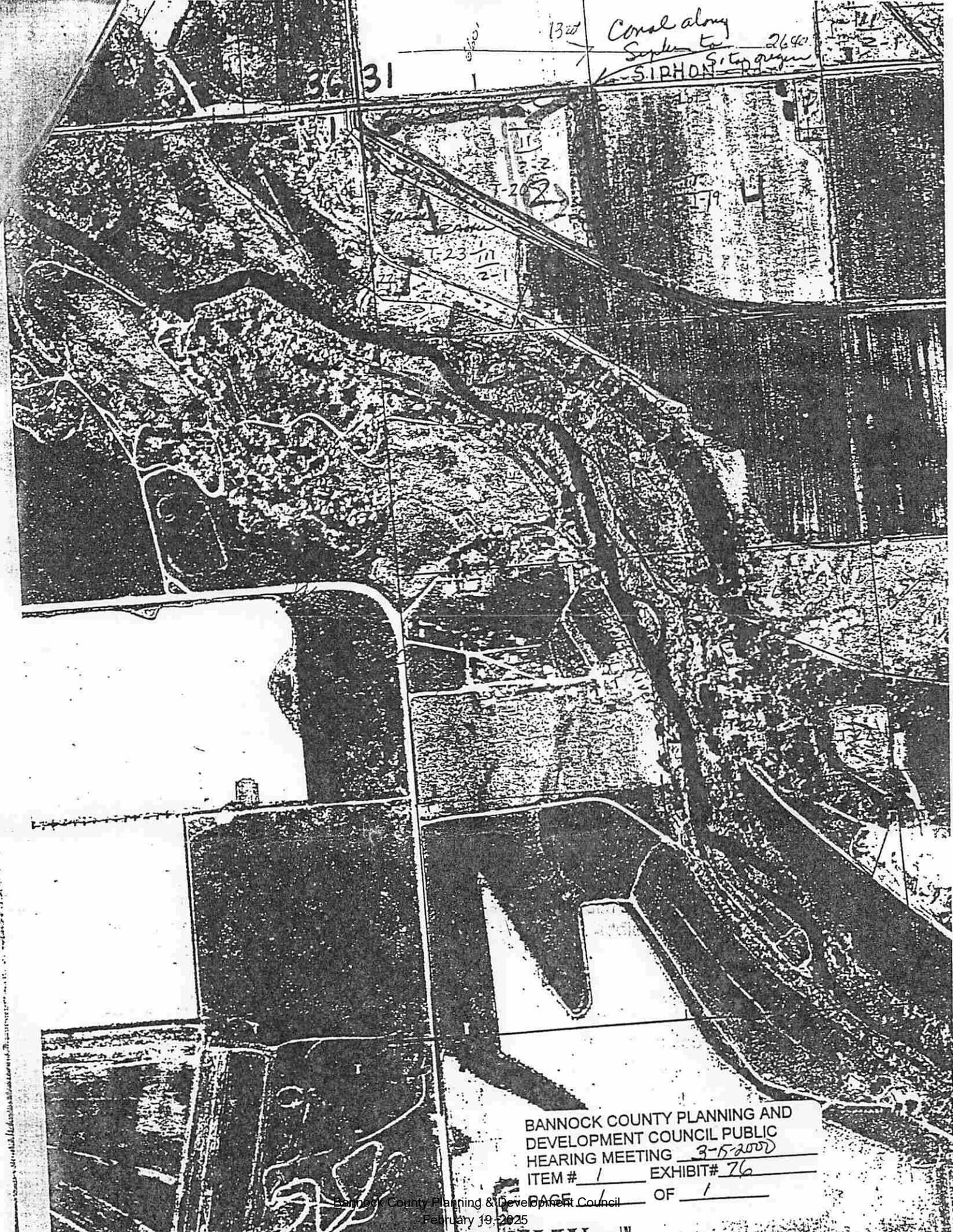


Cindy Hepworth  
NOTARY PUBLIC FOR IDAHO  
Residing at Bonanza 110, Idaho

My commission expires on 3-26-2003

NO 20011957  
RECORDED AT REQUEST OF  
BANNOCK COUNTY  
2000 JUL 27 PM 3 26

OFFICIAL COPY BOOK NO 263  
BANNOCK COUNTY IDAHO  
LARRY W. CHAN RECORDER  
FEE 0 SECURITY Jo



Conal along Siphon to Siphon 2640

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13th

T-23 1/11 2-1

T-20 2

T-19 1

BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL PUBLIC HEARING MEETING 3-5-2000  
ITEM # 1 EXHIBIT # 76  
PAGE 1 OF 1

Bannock County Planning & Development Council

February 19, 2025

Page 278 of 313

# EXHIBIT 4

## Idaho Department of Lands

- Reclamation Plan
- Surety Bond



TRANSFER OF SURFACE MINING RECLAMATION PLAN NO. 1151

I, \_\_\_\_\_ (designated agent), as plan holder for Surface Mining Plan No. \_\_\_\_\_, a valid plan with the Idaho Department of Lands, hereby assign and transfer unto the Assignee named below, all our rights, title, and interest in and to the above listed Surface Mining Plan, or as set forth in the attached exhibit.

DATE \_\_\_\_\_

\_\_\_\_\_  
ASSIGNOR (Designated Agent)

\_\_\_\_\_  
Company Name (if applicable)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the permittee or designated agent that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.

\_\_\_\_\_  
Residing at:  
My Commission Expires:

\*\*\*\*\*

ACCEPTANCE AND ASSUMPTION

I, Alan E. Tyson % Castle Concrete (designated agent), assume and accept the obligations and conditions of the above described State of Idaho Surface Mining Plan No. 1151 (or as set forth in the attached exhibit) and separately covenant with the State of Idaho that I will abide thereby during tenure.

DATE 3-4-05

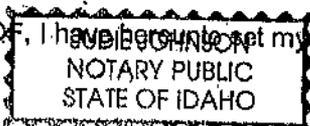
Alan E. Tyson  
ASSIGNEE (Designated Agent)

Castle Concrete Co. Inc.  
Company Name (if applicable)  
2300 North Main  
Address  
Paradise Idaho 83204  
City, State  
Telephone Number:

State of Idaho )  
County of Bannock )ss

On this 4th day of March, 2005, before me, a notary public in and for the State of Idaho, personally appeared Alan Tyson, known to me to be the permittee or designated agent that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.



Jessie Johnson  
Residing at: Chubbuck  
My Commission Expires: 5-12-09

Recorded this 28 day of October, 2005

Brona A. Murray for  
CHIEF, BUREAU OF MINERALS



TRANSFER OF SURFACE MINING RECLAMATION PLAN NO. 1152

I, \_\_\_\_\_ (designated agent), as plan holder for Surface Mining Plan No. \_\_\_\_\_, a valid plan with the Idaho Department of Lands, hereby assign and transfer unto the Assignee named below, all our rights, title, and interest in and to the above listed Surface Mining Plan, or as set forth in the attached exhibit.

DATE \_\_\_\_\_

\_\_\_\_\_  
ASSIGNOR (Designated Agent)

\_\_\_\_\_  
Company Name (if applicable)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, a notary public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the permittee or designated agent that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.

\_\_\_\_\_  
Residing at:  
My Commission Expires:  
\*\*\*\*\*

ACCEPTANCE AND ASSUMPTION

I, Alan E. Tyson of Castle Concrete (designated agent), assume and accept the obligations and conditions of the above described State of Idaho Surface Mining Plan No. 1152 (or as set forth in the attached exhibit) and separately covenant with the State of Idaho that I will abide thereby during tenure.

DATE 3-4-05

Alan E. Tyson  
ASSIGNEE (Designated Agent)

Castle Concrete Company Inc.  
Company Name (if applicable)

2300 North Main  
Address

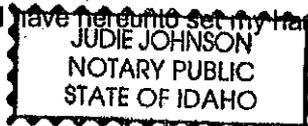
Pocatello Idaho 83204  
City, State

Telephone Number:

State of Idaho )  
County of Bannock )ss

On this 4th day of March, 2005, before me, a notary public in and for the State of Idaho, personally appeared Alan Tyson, known to me to be the permittee or designated agent that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.



Judie Johnson  
Residing at: Chubbuck  
My Commission Expires: 5-12-09

Recorded this 28 day of October, 2005

Sharon Murray  
CHIEF, BUREAU OF MINERALS



TRANSFER OF SURFACE MINING RECLAMATION PLAN NO. 2185

I, \_\_\_\_\_ (designated agent), as plan holder for Surface Mining Plan No. \_\_\_\_\_, a valid plan with the Idaho Department of Lands, hereby assign and transfer unto the Assignee named below, all our rights, title, and interest in and to the above listed Surface Mining Plan, or as set forth in the attached exhibit.

DATE \_\_\_\_\_

\_\_\_\_\_  
ASSIGNOR (Designated Agent)

\_\_\_\_\_  
Company Name (If applicable)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the permittee or designated agent that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.

\_\_\_\_\_  
Residing at:  
My Commission Expires:

\*\*\*\*\*

ACCEPTANCE AND ASSUMPTION

I, Alan E. Tyson (designated agent), assume and accept the obligations and conditions of the above described State of Idaho Surface Mining Plan No. 2185 (or as set forth in the attached exhibit) and separately covenant with the State of Idaho that I will abide thereby during tenure.

DATE 3-4-05

Alan E. Tyson  
ASSIGNEE (Designated Agent)

Castle Concrete Company Inc  
Company Name (If applicable)

3300 North Main  
Address

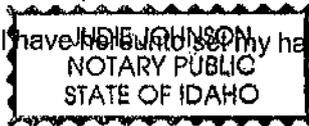
Beauregard Idaho 83204  
City, State

\_\_\_\_\_  
Telephone Number:

State of Idaho  
County of Bannock )ss

On this 4th day of March, 2005, before me, a notary public in and for the State of Idaho, personally appeared Alan Tyson, known to me to be the permittee or designated agent that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.



Heidi Johnson  
Residing at: Chubbuck

My Commission Expires: 5-12-09

Recorded this 28 day of October, 2005

Sharon A. Murray  
CHIEF, BUREAU OF MINERALS

WINSTON WIGGINS - DIRECTOR

October 28, 2005

Castle Concrete Company, Inc.  
2300 N. Main  
Pocatello, Idaho 83204

**SUBJECT:** Notice of Approval of Assignment Reclamation Plan 1151, 1152,  
2185, 2264

BOARD OF LAND  
COMMISSIONERS

DIRK KEMPTHORNE  
Governor

BEN YSUSA  
Secretary of State

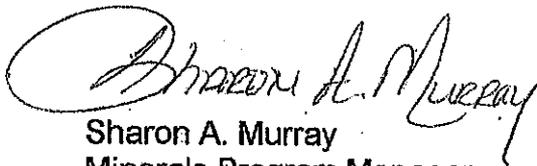
LAWRENCE G. WARDEN  
Attorney General

KEITH L. JOHNSON  
State Controller

MARILYN HOWARD  
Sup't of Public  
Instruction

This correspondence is notification the above cited reclamation plans were approved for assignment on October 28, 2005. Replacement bonds have been received and the plans are active and in good standing.

Should you have any questions you may contact me at the above address or telephone (208) 334-0231.



Sharon A. Murray  
Minerals Program Manager

cc: Chris Morris, Eastern Idaho Area Office





TRANSFER OF SURFACE MINING RECLAMATION PLAN NO. 2264

I, \_\_\_\_\_ (designated agent), as plan holder for Surface Mining Plan No. \_\_\_\_\_, a valid plan with the Idaho Department of Lands, hereby assign and transfer unto the Assignee named below, all our rights, title, and interest in and to the above listed Surface Mining Plan, or as set forth in the attached exhibit.

DATE \_\_\_\_\_

\_\_\_\_\_  
ASSIGNOR (Designated Agent)

\_\_\_\_\_  
Company Name (if applicable)

State of \_\_\_\_\_ )  
  )ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, a notary public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the permittee or designated agent that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.

\_\_\_\_\_  
Residing at:  
My Commission Expires:

\*\*\*\*\*

ACCEPTANCE AND ASSUMPTION

I, Alan E. Tyson % Castle Concrete (designated agent), assume and accept the obligations and conditions of the above described State of Idaho Surface Mining Plan No. 2264 (or as set forth in the attached exhibit) and separately covenant with the State of Idaho that I will abide thereby during tenure.

DATE 2-18-05

Alan E. Tyson  
ASSIGNEE (Designated Agent)

Castle Concrete Company Inc  
Company Name (if applicable)

2300 North Main  
Address

Pocatello Idaho 83204  
City, State

Telephone Number: 208-233-4151  
208 680-2064 cell

State of Idaho )  
  )ss  
County of Bannock )

On this 21<sup>st</sup> day of February, 2005, before me, a notary public in and for the State of Idaho, personally appeared Alan E. Tyson, known to me to be the permittee or designated agent that executed the within instrument and acknowledged to me that they executed the same.

JACK H. ROBISON  
NOTARY PUBLIC  
STATE OF IDAHO

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.

Jan H. Robison  
Residing at: Pocatello, Idaho  
My Commission Expires: 11/11/09

Recorded this 23 day of October, 2005

Sharon A. Murray for  
CHIEF, BUREAU OF MINERALS



State of Idaho  
DEPARTMENT OF LANDS

Surety Bond Number 3-961-579  
Lease/Plan No(s) 1151

KNOW ALL MEN BY THESE PRESENTS, That we Castle Concrete Company, Inc as principal and Ohio Casualty Company a corporation organized under the laws of the State of Ohio and having its principal place of business in the State of Ohio in the City of Hamilton as surety are held and firmly bound unto the State of Idaho in the sum of One Hundred Fourteen Thousand & no/100's dollars (\$ \*\*114,000.00\*\*) lawful money of the United States, conditioned on the payment of all damages to the surface and improvements thereon of lands described in the above lease/plan/permit specified and any outstanding balances as set forth in the lease/plan/permit. For such payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators, successors and assignees, as the case may be, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that: WHEREAS, by lease/plan/permit bearing the above serial number, the lessee/plan holder/permittee was granted specific rights under and pursuant to Idaho Code title 47, chapters 7, 15 or 16, and the pertinent rules and regulations of the Idaho State Board of Land Commissioners; and

WHEREAS, said lessee/plan holder/permittee has, by virtue of the lease/plan/permit above referred to, entered into certain covenants and agreements set forth in such lease/plan/permit, under which operations are to be conducted; and

WHEREAS, the said principal, in consideration of being permitted, in lieu of the lessee/plan holder/permittee, to furnish this bond agrees and by these presents does hereby bond himself to fulfill on behalf of the lessee/plan holder/permittee all of the obligations of the said lease/plan/permit in the same manner and to the same extent as though he were the lessee/plan holder/permittee. It is understood and agreed by the surety and the principal that if there is outstanding restoration obligations on the premises, or if outstanding payments are due, this bond shall extend to cover all acts for which restoration is required or payment of such outstanding amounts due, both prior to and subsequent to the date of this bond, until notified in writing by the Idaho Department of Lands that such requirements have been met or the bond has been replaced. The Idaho Department of Lands may require payment of the entire sum of this bond, or portions thereof, upon written notice to the surety, by the department, of the lessee/plan holder/permittee's failure to perform any obligations and/or pay any amounts due under the above referenced statutes and pertinent rules.

The surety shall pay to the Department of Lands the sum of this bond, or portions thereof, as requested by the department within 30 days of receipt of such written notice. In the event of a partial distribution, the remaining funds and liabilities shall not be released until the department notifies the surety, in writing, of release of remaining liability or requires payment of the remaining bond liabilities. Payment of the full sum of the bond to the department shall release the surety of all liabilities and obligations.

NOW THEREFORE, if the above principal shall in good faith observe, carry out and comply with all the laws now existing or hereafter enacted, designed or intended for the protection of the surface owner of said lands against damage and resulting loss caused by any operations carried on under said lease/plan/permit, or if any such damage and resulting loss shall so occur nevertheless, for which damage and loss reimbursement is required and made, then this obligation shall become void, otherwise to remain in full force and effect; and the liability of the surety under this bond for any one or more defaults of the principal under said lease/plan/permit shall not exceed in the aggregate the sum stated herein above; It is further provided, however, that the bond may be cancelled by the surety by the service of written notice of cancellation upon the Director of the Department of Lands of the State of Idaho, such cancellation to be effective at the expiration of ninety (90) days after the service of such cancellation notice by the surety on the Director by registered mail. Such cancellation notice, however, shall not affect any liability that shall have accrued under this bond prior to the effective date of cancellation.

Signed on this 9th day of April, 2008

Alan E. Tyson  
(Signature of Principal) President  
2300 N Main Pocatello Id 83204

Loren Azzola  
(Signature of Surety) Attorney-in-Fact  
Hamilton Ohio



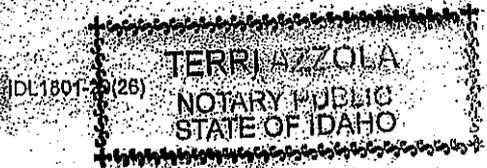
(Business Address)  
State of Idaho  
County of Bannock

(Business Address)

ACKNOWLEDGEMENT OF SURETY

On this 9th day of April, in the year 2008, before me, a Notary Public, personally appeared Loren Azzola, known to me to be the Attorney in Fact of the corporation that executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same, or the individual who executed the instrument on their own behalf.

In Witness Whereof, I have hereunto set my hand and affixed my official seal of day and year first above written.



Loren Azzola  
Notary Public For Bannock Co Residing at: Pocatello  
My Commission expires May 21 2009

CERTIFIED COPY OF POWER OF ATTORNEY  
THE OHIO CASUALTY INSURANCE COMPANY  
WEST AMERICAN INSURANCE COMPANY

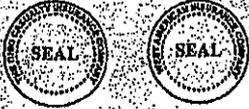
No. 39-449

Know All Men by These Presents: That THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, and WEST AMERICAN INSURANCE COMPANY, an Indiana Corporation, pursuant to the authority granted by Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby nominate, constitute and appoint: Barbara Steele, Kathy Murray, Loren Azzola, Lorna C. Bartlett or Grady Staley of Pocatello, Idaho its true and lawful agent (s) and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance FIVE MILLION (\$5,000,000.00) DOLLARS, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Companies at their administrative offices in Fairfield, Ohio, in their own proper persons.

The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company and West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of each Company this 29th day of June, 2006.



*Sam Lawrence*

Sam Lawrence, Assistant Secretary

STATE OF OHIO,  
COUNTY OF BUTLER

On this 29th day of June, 2006 before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came Sam Lawrence, Assistant Secretary of THE OHIO CASUALTY INSURANCE COMPANY and WEST AMERICAN INSURANCE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposes and says that he is the officer of the Companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



*Cheryl S. Gregory*

Notary Public in and for County of Butler, State of Ohio  
My Commission expires August 6, 2007.

This power of attorney is granted under and by authority of Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, extracts from which read:

Article III, Section 9. Appointment of Attorneys-in-Fact: The Chairman of the Board, the President, any Vice-President, the Secretary or any Assistant Secretary of the corporation shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the corporation as surety to, and to execute, attach the seal of the corporation to, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, partnership, limited liability company or other entity, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America or any agency thereof, or to any other political subdivision thereof

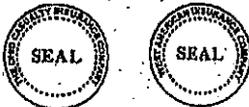
This instrument is signed and sealed as authorized by the following resolution adopted by the Boards of Directors of the Companies on October 21, 2004:

RESOLVED, That the signature of any officer of the Company authorized under Article III, Section 9 of its Code of Regulations and By-laws and the Company seal may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company to make, execute, seal and deliver for and on its behalf as surety any and all bonds, undertakings or other written obligations in the nature thereof, to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment. Such signatures and seal are hereby adopted by the Company as original signatures and seal and shall, with respect to any bond, undertaking or other written obligations in the nature thereof to which it is attached, be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Companies and the above resolution of their Boards of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seals of the Companies this 9th day of April 2008



*Mark E. Schmidt*

Assistant Secretary



State of Idaho  
DEPARTMENT OF LANDS

Surety Bond Number 3-961-580  
Lease/Plan No(s) 1152

KNOW ALL MEN BY THESE PRESENTS, That we Castle Concrete Co, Inc, as principal and Ohio Casualty Company, a corporation organized under the laws of the State of Ohio, and having its principal place of business in the State of Ohio in the City of Hamilton, as surety are held and firmly bound unto the State of Idaho, in the sum of Forty Five Thousand Dollars & no/100's dollars (\$45,000.00) lawful money of the United States, conditioned on the payment of all damages to the surface and improvements thereon of lands described in the above lease/plan/permit specified and any outstanding balances as set forth in the lease/plan/permit. For such payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators, successors and assignees, as the case may be, jointly and severally, firmly by these presents.

THE CONDITION of the foregoing obligation is such that:  
WHEREAS by lease/plan/permit bearing the above serial number, the lessee/plan holder/permittee was granted specific rights under and pursuant to Idaho Code title 47, chapters 7, 15 or 16, and the pertinent rules and regulations of the Idaho State Board of Land Commissioners; and

WHEREAS said lessee/plan holder/permittee has, by virtue of the lease/plan/permit above referred to, entered into certain covenants and agreements set forth in such lease/plan/permit, under which operations are to be conducted; and

WHEREAS the said principal, in consideration of being permitted; in lieu of the lessee/plan holder/permittee, to furnish this bond agrees and by these presents does hereby bond himself to fulfill on behalf of the lessee/plan holder/permittee all of the obligations of the said lease/plan/permit in the same manner and to the same extent as though he were the lessee/plan holder/permittee. It is understood and agreed by the surety and the principal that if there is outstanding restoration obligations on the premises, or if outstanding payments are due, this bond shall extend to cover all acts for which restoration is required or payment of such outstanding amounts due, both prior to and subsequent to the date of this bond, until notified in writing by the Idaho Department of Lands that such requirements have been met or the bond has been replaced. The Idaho Department of Lands may require payment of the entire sum of this bond, or portions thereof, upon written notice to the surety, by the department, of the lessee/plan holder/permittee's failure to perform any obligations and/or pay any amounts due under the above referenced statutes and pertinent rules.

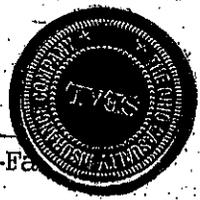
The surety shall pay to the Department of Lands the sum of this bond, or portions thereof, as requested by the department within 30 days of receipt of such written notice. In the event of a partial distribution, the remaining funds and liabilities shall not be released until the department notifies the surety, in writing, of release of remaining liability or requires payment of the remaining bond liabilities. Payment of the full sum of the bond to the department shall release the surety of all liabilities and obligations.

NOW THEREFORE, if the above principal shall in good faith observe, carry out and comply with all the laws now existing or hereafter enacted, designed or intended for the protection of the surface owner of said lands against damage and resulting loss caused by any operations carried on under said lease/plan/permit, or if any such damage and resulting loss shall so occur nevertheless, for which damage and loss reimbursement is required and made, then this obligation shall become void, otherwise to remain in full force and effect; and the liability of the surety under this bond for any one or more defaults of the principal under said lease/plan/permit shall not exceed in the aggregate the sum stated herein above; It is further provided, however, that the bond may be cancelled by the surety by the service of written notice of cancellation upon the Director of the Department of Lands of the State of Idaho, such cancellation to be effective at the expiration of ninety (90) days after the service of such cancellation notice by the surety on the Director by registered mail. Such cancellation notice, however, shall not affect any liability that shall have accrued under this bond prior to the effective date of cancellation.

Signed on this 9th day of April, 2008

Alan E. Tigner  
(Signature of Principal) President  
2300 N. Main Pocatello Id 83204  
(Business Address)

Loren Azzola  
(Signature of Surety) Attorney-in-Fact  
Hamilton Ohio  
(Business Address)



ACKNOWLEDGEMENT OF SURETY

State of ID  
County of Bannock

On this 9th day of April, in the year 2008, before me, a Notary Public, personally appeared Loren Azzola, known to me to be the attorney-in-fact of the corporation that executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same, or the individual who executed the instrument on their own behalf.

In Witness Whereof, I have hereunto set my hand and affixed my official seal of day and year first above written.



Loren Azzola  
Notary Public For Bannock Co, Residing at: Pocatello  
My Commission expires May 21, 2009

**CERTIFIED COPY OF POWER OF ATTORNEY  
THE OHIO CASUALTY INSURANCE COMPANY  
WEST AMERICAN INSURANCE COMPANY**

No. 39-449

Know All Men by These Presents: That THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, and WEST AMERICAN INSURANCE COMPANY, an Indiana Corporation, pursuant to the authority granted by Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby nominate, constitute and appoint: Barbara Steele, Kathy Murray, Loren Azzola, Lorna C. Bartlett or Grady Staley of Pocatello, Idaho its true and lawful agent(s) and attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance FIVE MILLION (\$5,000,000.00) DOLLARS, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Companies at their administrative offices in Fairfield, Ohio, in their own proper persons.

The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company and West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of each Company this 29th day of June, 2006.



*Sam Lawrence*

Sam Lawrence, Assistant Secretary

STATE OF OHIO,  
COUNTY OF BUTLER

On this 29th day of June, 2006 before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came Sam Lawrence, Assistant Secretary of THE OHIO CASUALTY INSURANCE COMPANY and WEST AMERICAN INSURANCE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposes and says that he is the officer of the Companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



*Cheryl S. Gregory*

Notary Public in and for County of Butler, State of Ohio  
My Commission expires August 6, 2007.

This power of attorney is granted under and by authority of Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, extracts from which read:

Article III, Section 9. Appointment of Attorneys-in-Fact. The Chairman of the Board, the President, any Vice-President, the Secretary or any Assistant Secretary of the corporation shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the corporation as surety to, and to execute, attach the seal of the corporation to, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, partnership, limited liability company or other entity, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America or any agency thereof, or to any other political subdivision thereof

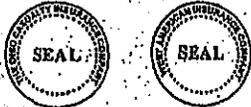
This instrument is signed and sealed as authorized by the following resolution adopted by the Boards of Directors of the Companies on October 21, 2004:

**RESOLVED**, That the signature of any officer of the Company authorized under Article III, Section 9 of its Code of Regulations and By-laws and the Company seal may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company to make, execute, seal and deliver for and on its behalf as surety any and all bonds, undertakings or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment. Such signatures and seal are hereby adopted by the Company as original signatures and seal and shall, with respect to any bond, undertaking or other written obligations in the nature thereof to which it is attached, be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Companies and the above resolution of their Boards of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seals of the Companies this 9th day of April 2008



*Mark E. Schmidt*

Assistant Secretary

# Mutual Insurance Assoc., Inc.

1575 Baldy Ave  
Pocatello, Idaho 83201  
(208) 237-9696 Fax (208) 237-9697

4/11/2008

## INVOICE

**Bill To:**

Castle Concrete Company, Inc.  
Alan Tyson  
2300 N Main  
Pocatello, ID 83204

Effective date: 4/9/08  
Expiration date: 4/9/09

Ins. Co./Policy No.	Coverage Description	Premium
---------------------	----------------------	---------

Ohio Casualty Co	Idaho Department of Lands/ Reclamation Bond #3-961-579	\$1425.00
------------------	--	-----------

**Total Amount Due** **\$1425.00**

**Thank you !!**

**"We appreciate you and your business"**

CK # 4544  
4-11-08

# Mutual Insurance Assoc., Inc.

1575 Baldy Ave  
Pocatello, Idaho 83201  
(208) 237-9696 Fax (208) 237-9697

4/11/2008

## INVOICE

**Bill To:**

**Castle Concrete Company, Inc.**  
Alan Tyson  
2300 N Main  
Pocatello, ID 83204

**Effective date:** 4/9/08  
**Expiration date:** 4/9/09

Ins. Co./Policy No.	Coverage Description	Premium
Ohio Casualty Co	Idaho Department of Lands/ Reclamation Bond #3-961-580	\$563.00
<b>Total Amount Due</b>		<b>\$563.00</b>

**Thank you !!**

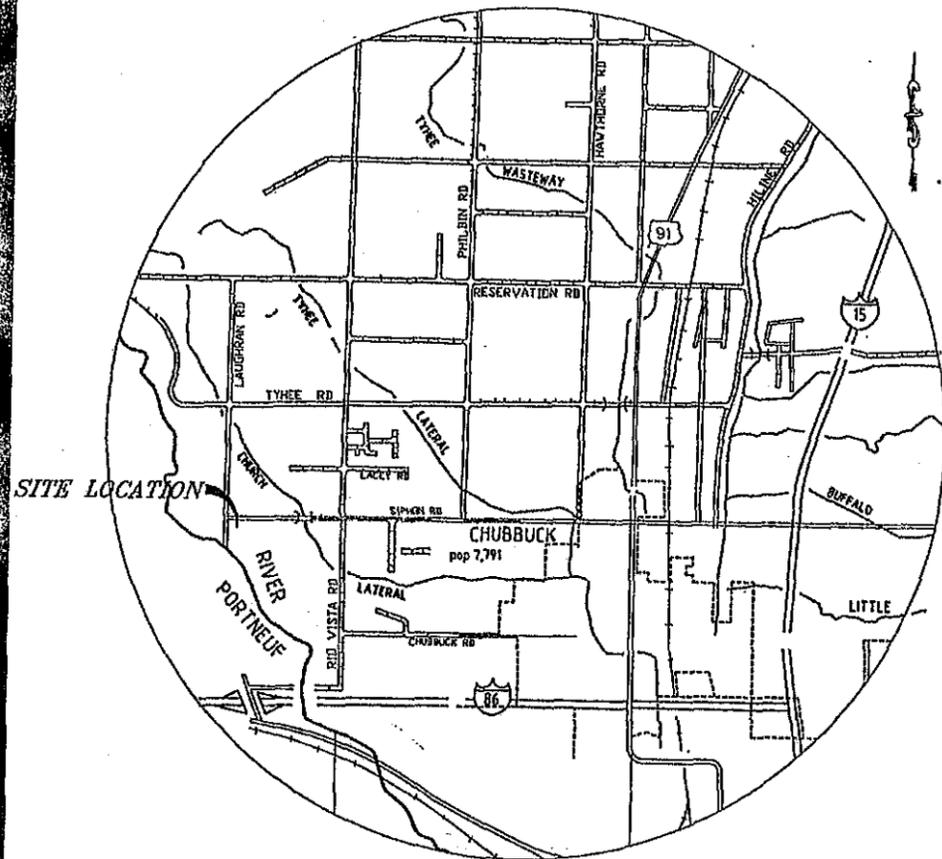
**"We appreciate you and your business"**

ck # 4544  
4-11-08

# EXHIBIT 5

## Development Drawings

# CASTLE CONCRETE COMPANY INC. PHASE 1 DEVELOPMENT DRAWINGS FOR SIPHON PIT



VICINITY MAP

### OVERBURDEN QUANTITIES

PHASE 1 OVERBURDEN = 64,530 YD<sup>3</sup>  
 PHASE 2 OVERBURDEN = 71,340 YD<sup>3</sup>  
 OVERBURDEN REQUIRED TO CONST. BERM = 43,440 YD<sup>3</sup>

### INDEX TO PLAN SHEETS

SHEET 1	GENERAL LAYOUT
SHEET 2	TEST HOLES
SHEET 3	PHASE 1 SITEPLAN
SHEET 4	ACCESS ROAD PLAN AND PROFILE
SHEET 5	PHASE 1 GRADING PLAN
SHEET 6	PROJECTED PHASE 2 GRADING PLAN

### GENERAL NOTES

1. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION OF SITE IMPROVEMENTS SHALL MEET OR EXCEED THE SITE WORK STANDARDS AND SPECIFICATIONS AND THE STANDARDS AND SPECIFICATIONS SET FORTH IN THE 1999 EDITION OF IDAHO TRANSPORTATION DEPARTMENT STANDARD SPECIFICATIONS OF HIGHWAY CONSTRUCTION AND FEDERAL REGULATIONS. IF THERE IS A CONFLICT BETWEEN PLANS AND THE SPECIFICATIONS THE HIGHER STANDARD SHALL APPLY. ALL WORK WITHIN PUBLIC R.O.W OR EASEMENT INSPECTED MUST BE INSPECTED AND APPROVED BY THE BANNOCK COUNTY PUBLIC WORKS INSPECTOR.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM LOCAL AGENCIES. THE CONTRACTOR SHALL NOTIFY BANNOCK COUNTY PUBLIC WORKS INSPECTOR AT LEAST 48 HOURS PRIOR TO THE START OF ANY EARTH DISTURBING ACTIVITY, OR CONSTRUCTION ON ANY AND ALL PUBLIC IMPROVEMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ASPECTS OF SAFETY INCLUDING, BUT NOT LIMITED TO EXCAVATION, TRENCHING, SHORING, TRAFFIC CONTROL, AND SECURITY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING ROADWAYS FREE AND CLEAR OF ALL CONSTRUCTION DEBRIS AND DIRT TRACKED IN FROM THE SITE.
5. ALL MEASURES POSSIBLE SHALL BE TAKEN TO ENSURE EROSION CONTROL WITH BEST MANAGEMENT PRACTICES.

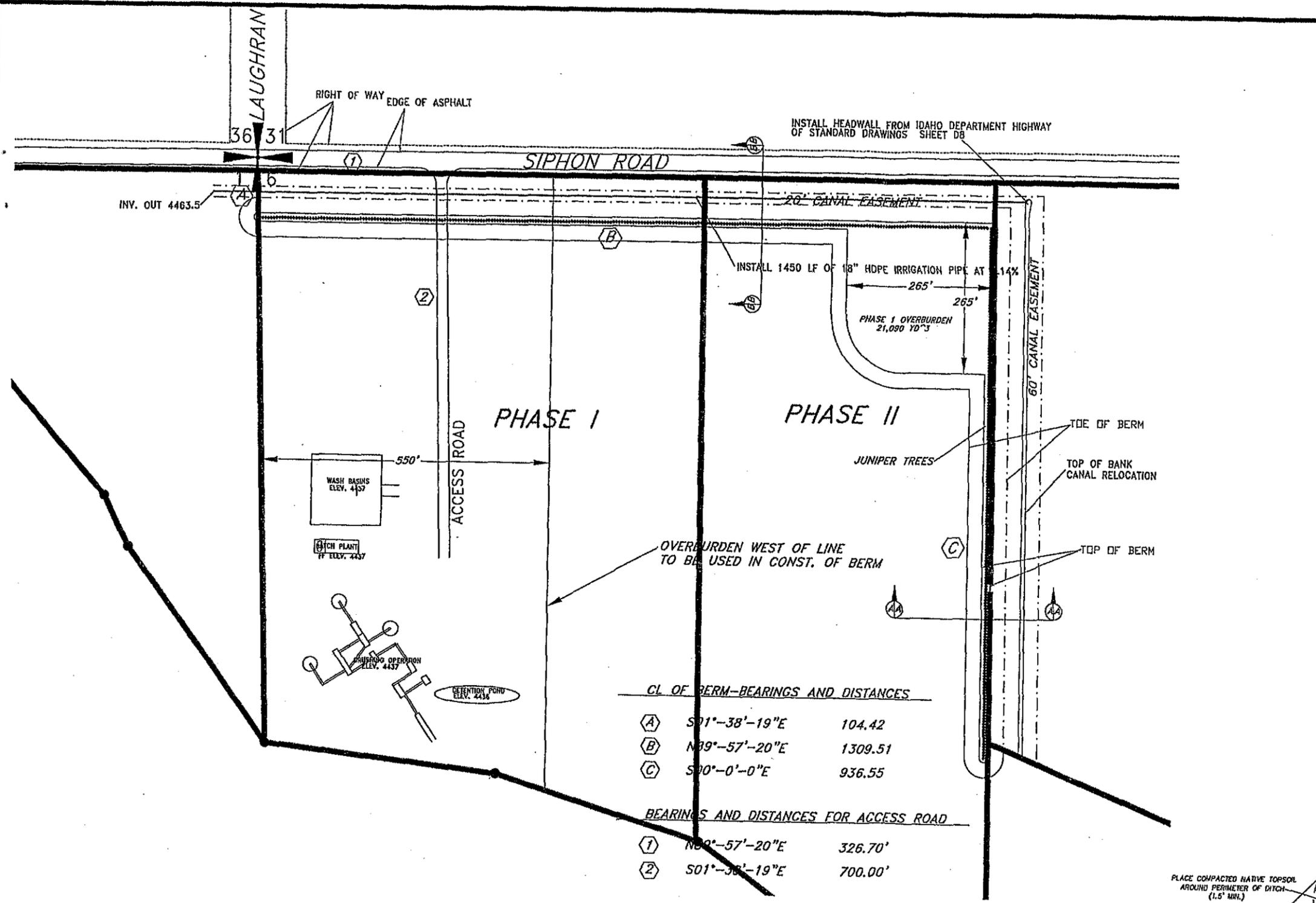


HARPER-LEAVITT ENGINEERING, INC.  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS



**PRELIMINARY**

SCALE 1"=200'

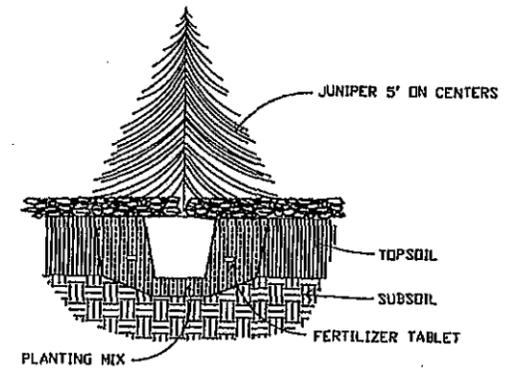


**CL. OF BERM-BEARINGS AND DISTANCES**

(A)	S01°-38'-19"E	104.42
(B)	N09°-57'-20"E	1309.51
(C)	S90°-0'-0"E	936.55

**BEARINGS AND DISTANCES FOR ACCESS ROAD**

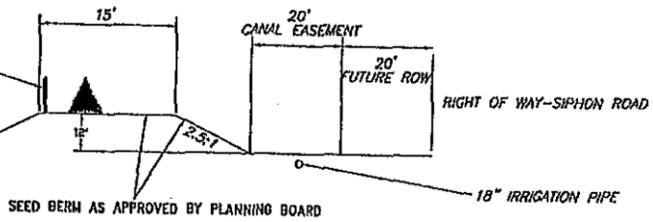
(1)	N09°-57'-20"E	326.70'
(2)	S01°-38'-19"E	700.00'



TREE PLANTING DETAIL, TYP  
NOT TO SCALE

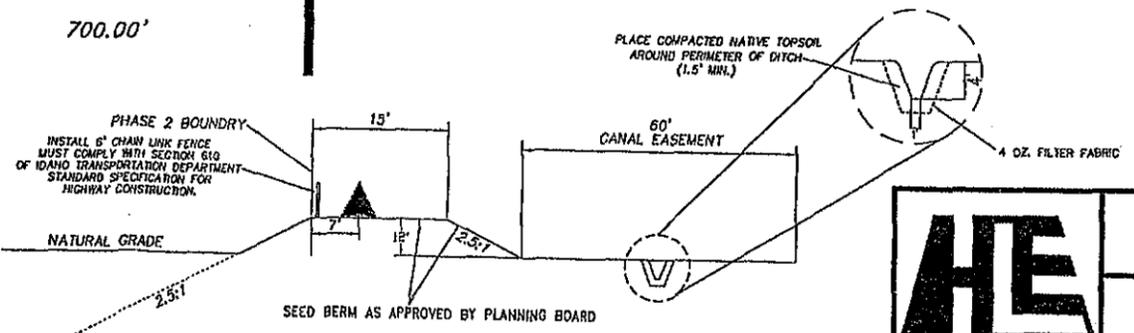
(C)  
L-1

INSTALL 6" CHAIN LINK FENCE MUST COMPLY WITH SECTION 610 OF IDAHO TRANSPORTATION DEPARTMENT STANDARD SPECIFICATION FOR HIGHWAY CONSTRUCTION.



BERM CROSS SECTION B-B

PHASE 2 BOUNDARY  
INSTALL 6" CHAIN LINK FENCE MUST COMPLY WITH SECTION 610 OF IDAHO TRANSPORTATION DEPARTMENT STANDARD SPECIFICATION FOR HIGHWAY CONSTRUCTION.

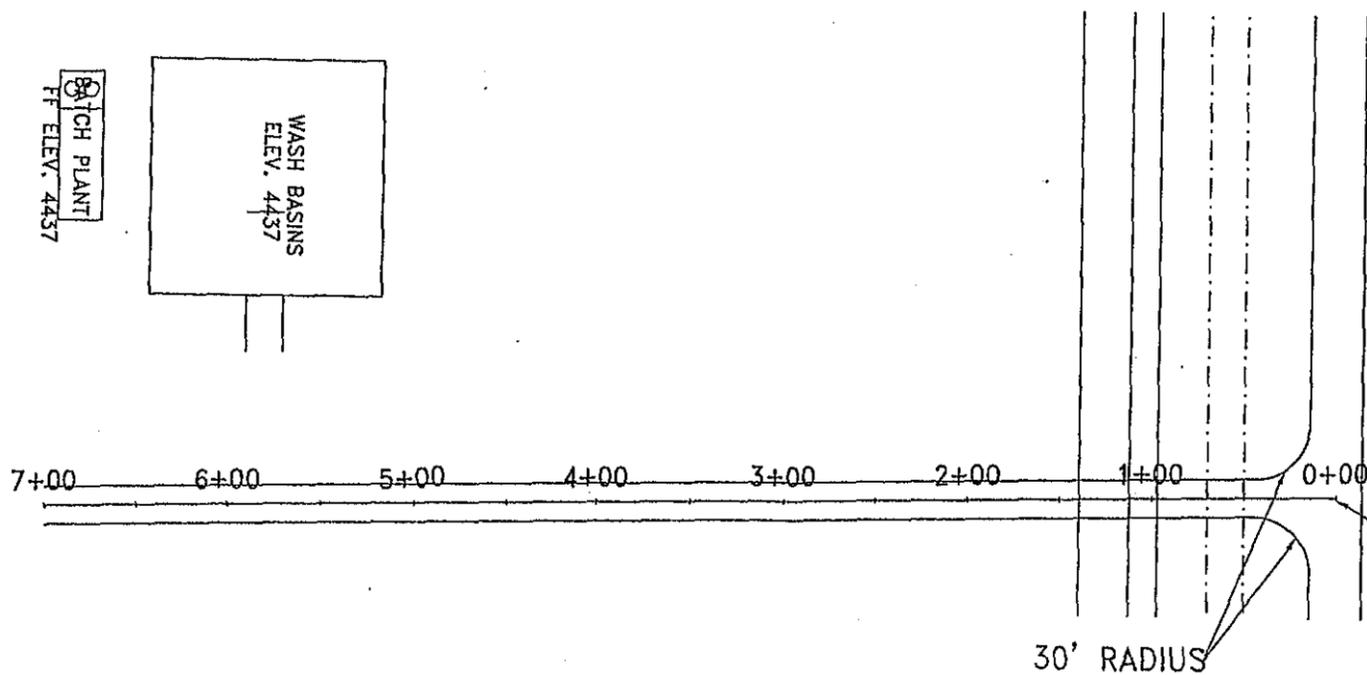
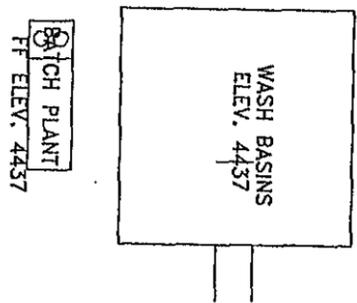
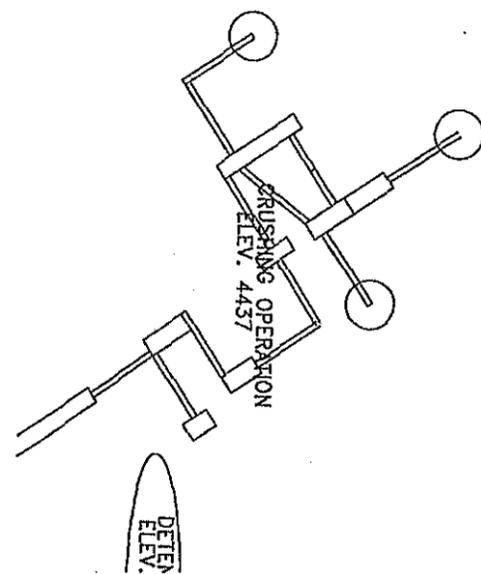


BERM CROSS SECTION A-A

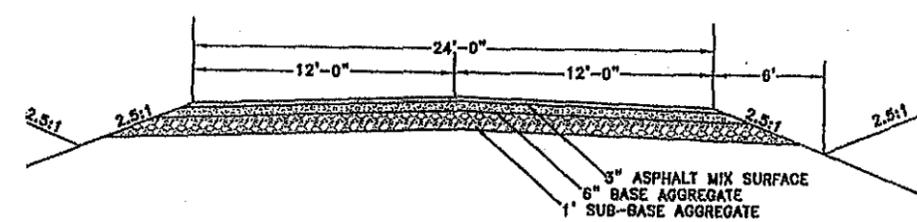
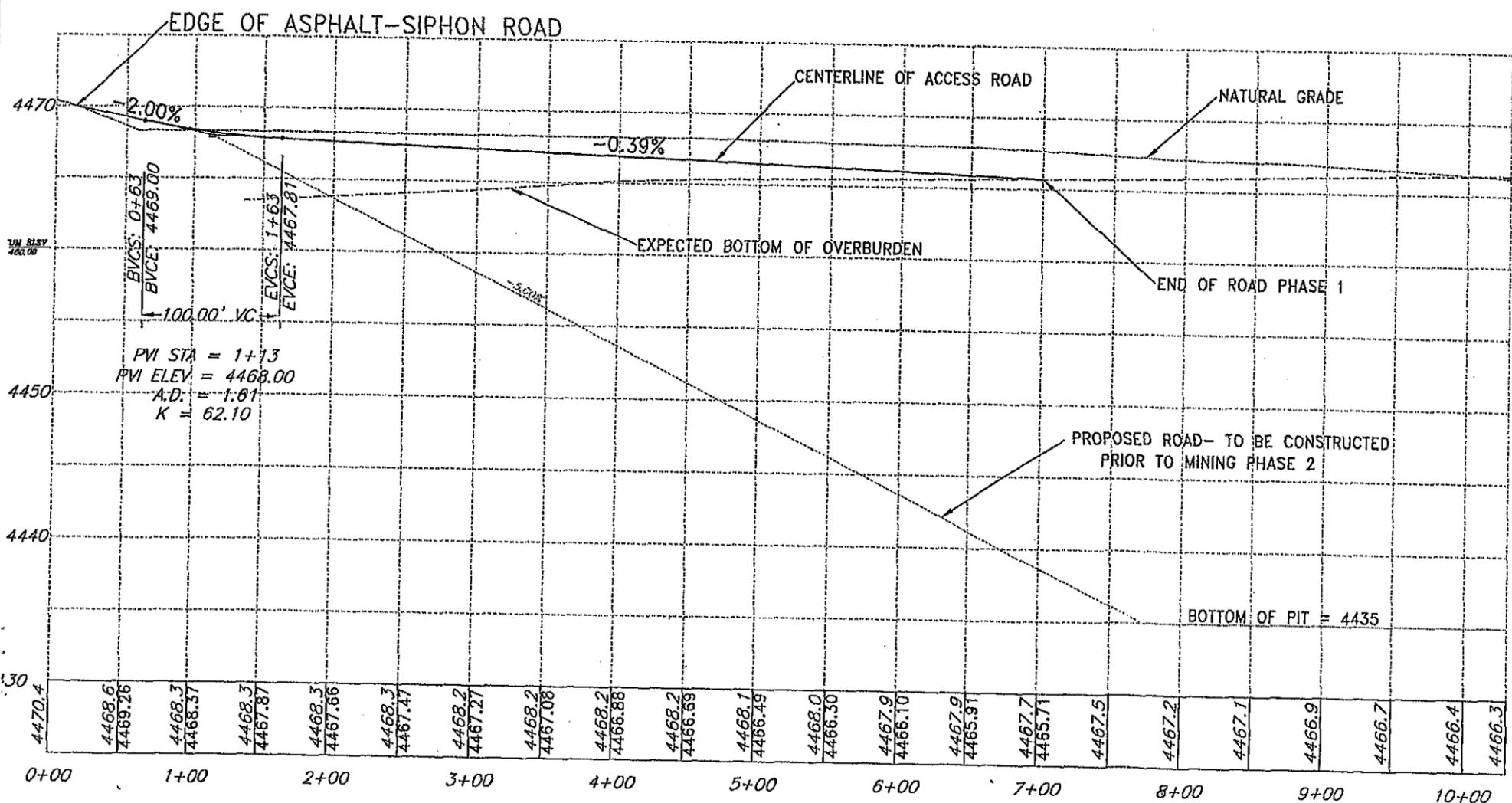
<b>HE</b>	<b>CASTLE CONCRETE INC.</b>		<b>JOB NO.:</b> 2001-058	<b>SHEET</b>
	<b>SIPHON PIT</b>		<b>DATE:</b> 12/12/01	<b>3</b>
<b>PHASE I SITEPLAN</b>			<b>DRWN. BY:</b> J.S.B	<b>OF</b>
<b>HARPER-LEAVITT ENGINEERING, INC.</b> PROFESSIONAL ENGINEERS AND LAND SURVEYORS			<b>CHKD. BY:</b> J.R.L.	<b>6</b>
985 N. CAPITAL AVE. P.O. BOX 50491 IDAHO FALLS, IDAHO 83405 (208) 314-0212 FAX (208) 324-0228		260 W. JUDICIAL P.O. BOX 816 BLACKFOOT, IDAHO 83221 (208) 785-2877 FAX (208) 785-2590		<b>COPYRIGHT © 2001 HLE.</b> ALL RIGHTS RESERVED.



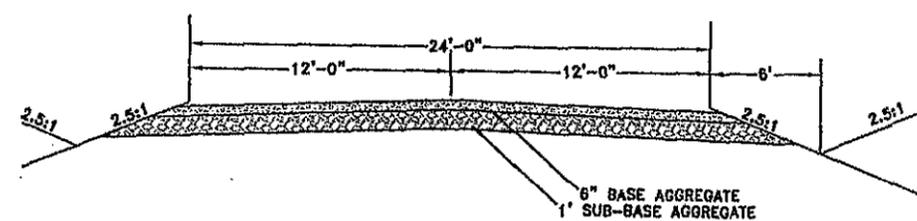
HORIZONTAL SCALE 1"=100'  
VERTICAL SCALE 1"=10'



STATION 0+00 ON SECTION LINE



ROAD BALLAST SECTION  
STATION 0+14 TO 1+20



ROAD BALLAST SECTION  
STATION 1+20 TO 7+50

<b>HE</b>	<b>CASTLE CONCRETE INC.</b>	
	<b>SIPHON PIT</b>	
<b>ACCESS ROAD PLAN AND PROFILE</b>		
<b>HARPER-LEAVITT ENGINEERING, INC.</b> PROFESSIONAL ENGINEERS AND LAND SURVEYORS		JOB NO.: 2001-058 DATE: 12/12/01 DRWN. BY: J.S.B. CHCKD. BY: J.R.L. COPYRIGHT © 2001 HLE. ALL RIGHTS RESERVED.
185 N. CAPITAL AVE. P.O. BOX 50881 SALT LAKE CITY, UT 84108 (801) 524-0211 FAX (201) 524-0212	300 W. JUNCTION P.O. BOX 819 BLACKFOOT, IDAHO 83211 (208) 785-2177 FAX (208) 785-2190	SHEET 4 OF 6

LAUGHRAN

RIGHT OF WAY  
EDGE OF ASPHALT

SIPHON ROAD

SCALE 1"=200'

LEGEND

4480.0 ED	EDGE OF ASPHALT
4455.6 NG	NATURAL GROUND ELEV.
4440.0 TOP BERM	TOP OF BERM
4443.0 TOE BERM	TOE OF BERM
4438.0 BTM-PIT	BOTTOM OF PIT

PHASE I

PHASE II

PHASE IV

PHASE III

WASH BASINS  
ELEV. 4437

ITCH PLANT  
ELEV. 4437

PUMPING OPERATION  
ELEV. 4457

RETENTION POND  
ELEV. 4436

PRELIMINARY



CASTLE CONCRETE INC.  
SIPHON PIT

PHASE I SITEPLAN

HARPER-LEAVITT ENGINEERING, INC. PROFESSIONAL ENGINEERS AND LAND SURVEYORS		JOB NO.: 2001-058	SHEET
955 N. CAPITAL AVE. P.O. BOX 50891 DENVER, COLORADO 80202 (303) 824-0212 FAX (303) 824-0229		DATE: 12/12/01	5
950 W. BUCKLE P.O. BOX 898 BLACKFOOT, IDAHO 83221 (208) 785-1977 FAX (208) 785-2990		DRWN. BY: J.S.B.	OF
COPYRIGHT © 2001 HLE. ALL RIGHTS RESERVED.		CHECKD. BY: J.R.L.	6

EXHIBIT 6  
Excavation & Grading Permit (#01-117)  
To Construct Berm & Road

**Zoning Clearance Permit**Permit Number: 01-117

Page 1 of 2

Approval Date: 7/24/2001

Printed: 3/11/2024

**Applicant Information:**

<b>Name:</b> Tyson	Alan	E.
<b>Company:</b> Castle Concrete Company Inc.		
<b>Address:</b> 2300 North Main		
		<b>Phone:</b> 233-4151
Pocatello, ID 83204		<b>Cellular:</b>

**Parcel Information:**

<b>Parcel Number:</b> R3853008600.			
<b>Address:</b>	Siphon & Laughran	Pocatello, ID 83202	
<b>Legal Description:</b>	<b>Zoning:</b>	<b>Area:</b>	<b>Tax No:</b>
<b>Subdivision:</b>		<b>Block:</b>	<b>Lot(s):</b>
<b>Section:</b>	<b>Township:</b>	<b>Range:</b>	
<b>Description:</b>			

**Owners Information:**

<b>Name:</b>	Castle Concrete Co.
<b>Company:</b> Castle Concrete Company Inc.	
<b>Address:</b> 2300 N. Main	<b>Phone:</b> (208) 233-4151
Pocatello, ID 83204	<b>Cellular:</b>

**Contractors Information:**

<b>Name:</b> Self-Exempt	
<b>Address:</b>	<b>Phone:</b>
	<b>Cellular:</b>

**Fees and Receipts:**

Number	Description	Amount
01-117	Zoning (Zoning)	\$15.00
<b>Total Fees:</b>		<b>\$15.00</b>
01-117		\$15.00
<b>Total Receipts:</b>		<b>\$15.00</b>

**Description Information:**

<b>Purpose:</b> Construct berm & road.
<b>Additional Information:</b>

EXHIBIT 7  
Right-Of-Way Permit #00294



APPLICATION AND PERMIT TO USE PUBLIC  
RIGHT-OF-WAY APPROACHES

COPY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

PUBLIC ROAD SURFACE TYPE: (DIRT) (GRAVEL) (PAVEMENT)

Permit No. 00294

START DATE: Will Notify

EST. COMPLETION DATE: \_\_\_\_\_

ROAD NAME: Siphon Rd

LOCATION: 330 W. of Haughren  
South Side

**NOTICE**  
This permit shall not be valid for excavation until, or unless, the provision of Idaho Code title 55, Chapter 22 have been complied with.  
PRIOR TO EXCAVATION, CALL DIGLINE  
1-800-342-1585

SIGHT DISTANCE: good

POSTED SPEED: \_\_\_\_\_

APPROACH	QUANTITY <u>1</u> WIDTH _____ SURFACE TYPE <u>Asphalt</u> CULVERT NEEDED <u>check and advise</u> SIZE _____ TYPE-RESIDENCE, BUSINESS, FIELD ETC. _____ TYPE OF BUSINESS _____
OTHER	EXPLAIN: _____

See reverse side for General Provisions.

See attached standard approach policy and special provision.

2% slope away from county Rd  
and build as per plans submitted  
Call for site inspection before construction

NET  
INITIAL

THIS PERMIT IS NOT VALID AND ACCESS MUST NOT BE BUILT UNTIL A N APPROVED DEVELOPMENT PERMIT IS ISSUED  
BY BANNOCK COUNTY OFFICE OF PLANNING.

I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY TO BE SERVED AND  
AGREE TO DO THE WORK REQUESTED HERON IN ACCORDANCE WITH THE GENERAL REQUIREMENTS PRINTED ON THE REVERSE  
SIDE, THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT.

NAME OF PERMITTEE <u>Castle Concrete</u>	SIGNATURE <u>Alan E. Tyson</u>
ADDRESS <u>2300 N. Main</u>	PHONE NUMBER <u>208-680-2064</u> <u>233-4151</u>
CITY <u>POC</u> STATE <u>Id</u> ZIP <u>83204</u>	DATE <u>7-24-01</u>

SUBJECT TO ALL TERMS CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY  
GRANTED TO THE ABOVE-NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

BY: Bill Alley

BANNOCK COUNTY HIGHWAY DEPARTMENT  
ENTITY

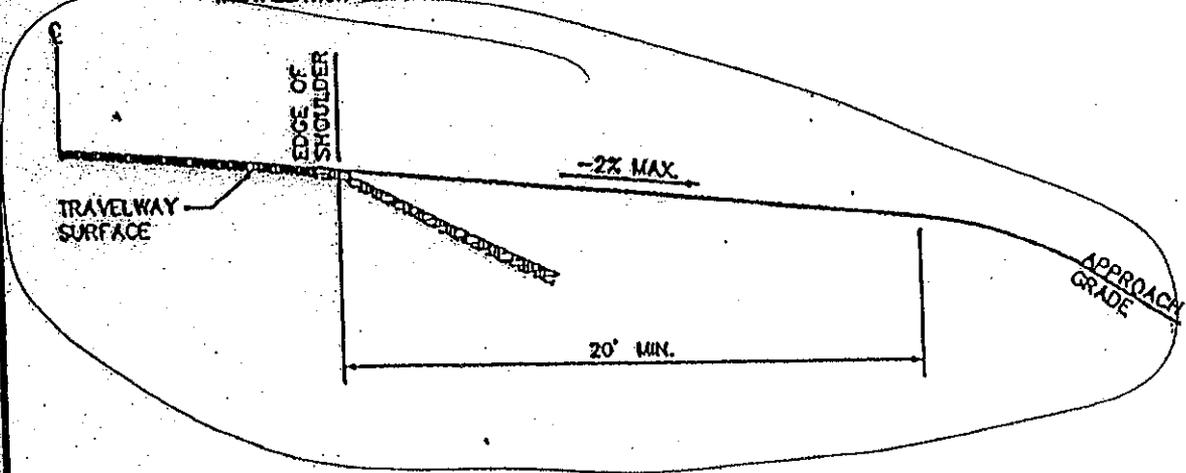
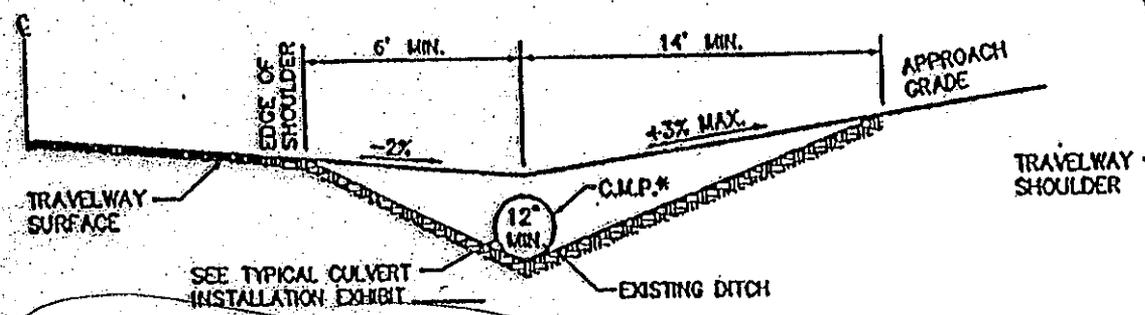
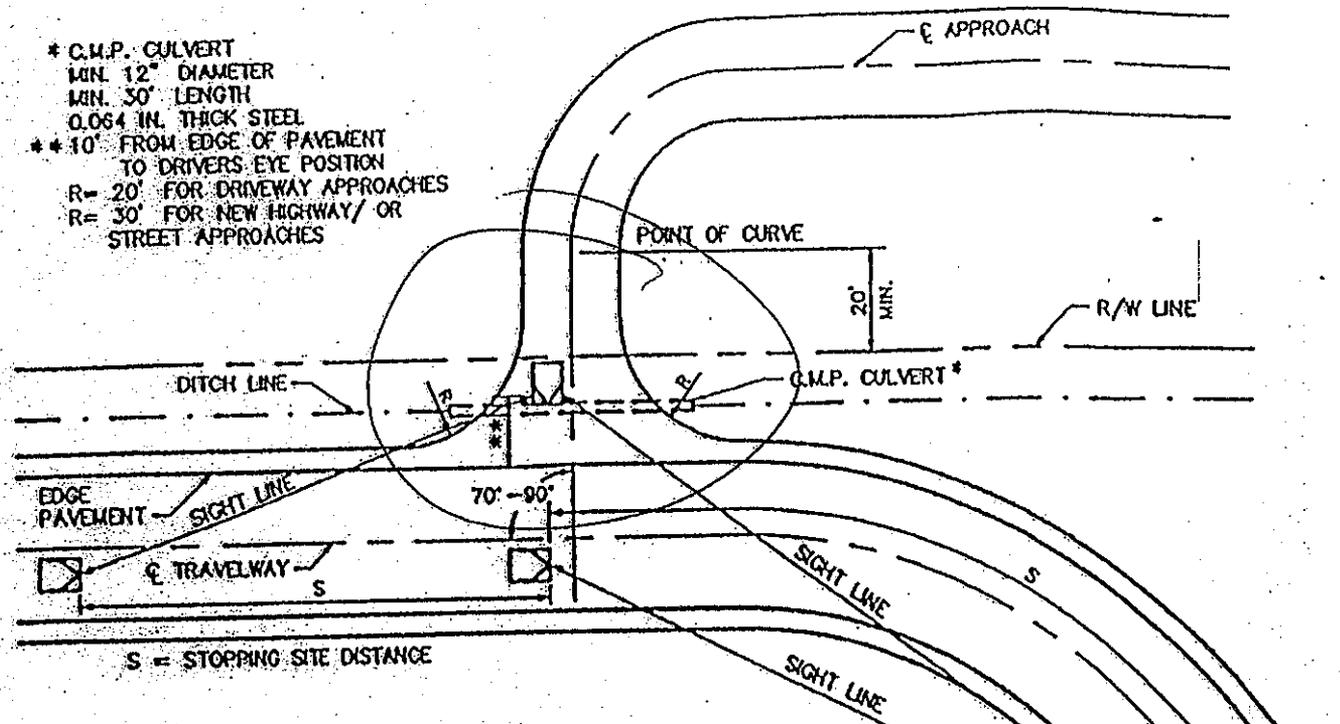
TITLE: Road Supervisor

DATE: 7-24-01

THIS FORM MAY BE REPRODUCED FOR USE IN MAKING MULTIPLE APPLICATIONS

1. Bannock County does not permit any permanent structures, concrete curbing, trees or landscaping within the public right-of-way. Any work done within the public right-of-way requires a permit and inspections to determine if said work is appropriate to right-of-way. Bannock County reserves the right to require such work to be removed or redone if not permitted and inspected.
2. The BCHD may change, amend or terminate this permit or any of the conditions herein enumerated if permittee fails to comply with its provisions or requirements as set forth herein.
3. Approaches shall be for the bona fide purpose of securing access and not for the purpose of parking, conducting business, or servicing vehicles on the public right-of-way.
4. No revisions or additions shall be made to an approach or its appurtenances on the public right-of-way without the written permission of the BCHD.
5. The permittee shall furnish all material, labor and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing approved drainage pipe of a size specified on permit (12 inch minimum) curb and gutter, concrete sidewalk, etc., where required. Materials and workmanship shall be good quality and are subject to inspection and approval by the BCHD.
6. The BCHD reserves the right to require the permittee, its successors and assigns, at any time, to make such changes, additions, repairs and relocations to any approach or its appurtenances within the public right-of-way as may be necessary to permit the relocation, reconstruction, widening, drainage, and maintenance of the roadway and/or to provide proper protection to life and property on or adjacent to the roadway.
7. Approaches shall conform to the plans made a part of this permit. Adequate drawings or sketches shall be included showing the design, materials, construction requirements and proposed location of the approach. All approaches shall be in accordance with Exhibits 9 and 13 of the Manual for Use of Public Right-of-Way - Standard Approach Policy.
8. During the construction of the approach(es), such barricades, signs and other traffic control devices shall be erected and maintained by the permittee, as may be deemed necessary by the BCHD. Said devices shall conform to the current issue of the Manual on Uniform Traffic Control Devices. Parked equipment and stored materials shall be as far from the traveled way as feasible. Items stored within 30 feet of the traveled way shall be marked and protected. The BCHD may provide barricades (when available) upon request.
9. In accepting this permit, the permittee, its successors and assigns, agrees to hold the BCHD harmless from any liability caused by the installation, construction, maintenance or operation of the approach(es).
10. If the work done under this permit interferes in any way with the drainage of the roadway, the permittee shall wholly and at his own expense make such provision as the BCHD may direct to take care of said drainage problem.
11. Upon completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and to the satisfaction of the BCHD.
12. The permittee shall maintain at this or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the BCHD.
13. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the permittee of any rights given it by the constitution or laws of the state of Idaho or of the United States.
14. Bannock County Highway Department must be called to inspect approach upon completion. This needs to be done before final building inspection can be finalized.

- \* C.M.P. CULVERT  
MIN. 12" DIAMETER  
MIN. 30' LENGTH  
0.064 IN. THICK STEEL
- \*\* 10' FROM EDGE OF PAVEMENT  
TO DRIVERS EYE POSITION
- R= 20' FOR DRIVEWAY APPROACHES
- R= 30' FOR NEW HIGHWAY/ OR  
STREET APPROACHES



**STANDARD APPROACH POLICY**  
N.T.S.

EXHIBIT 8  
Miscellaneous Correspondence

February 21, 2005

Steve Ernst  
Bannock County Planning & Development

Dear Mr. Ernst;

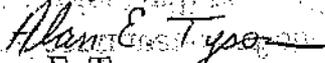
As per your request I am submitting this written response regarding current plans relating to Conditional Use Permit #1-2000, Zoning Clearance #01-117, R.O.W. Permit #00294 and Air Quality Permit #01-99 for Parcel #R3853008600.

Castle Concrete Company does not wish to amend or suspend any work as planned and approved by Bannock County Planning & Development and construction of the berm and seeding is planned to commence as soon as weather is permitting as a continuance of phase one of which has already been in progress. Const. project will be continued until completed as necessary to assure compliance with Conditional Use Permit and expectations from Bannock County Planning & Development.

Castle Concrete Company Inc. is willing to work with you and your office in any way necessary to assure that this process is taken care of as smoothly as possible and diligently pursued toward completion as required.

Please advise me with any problems, concerns, or requests that you may have on this issue. Again, Castle Concrete Company Inc. is willing to do whatever is necessary to assure a good working relationship with you and your office in our future endeavors.

Sincerely,

  
Alan E. Tyson  
President, Castle Concrete Company Inc.



# BANNOCK COUNTY

## OFFICE OF PLANNING & DEVELOPMENT SERVICES

Courthouse Annex • 130 N. 6th, Suite C • Pocatello, ID 83201  
(208) 236-7230 • Fax: (208) 236-7235

BUILDING  
ENGINEERING  
PLANNING AND ZONING

May 16, 2007

Alan Tyson  
Castle Concrete Company  
2300 North Main  
Pocatello, ID 83204

Subject: Conditional Use Permit No. 1-2000,  
Zoning Clearance #01-117

Dear Mr. Tyson;

The planting of trees on the berm related to the site plan for the above referenced Conditional Use Permit were inspected today and were found to be in good growing condition. Please keep this office advised as to any change in activity.

Sincerely,

Steve Ernst  
County Planner

Jan. 29, 2000  
Rick Elkins  
Department of Environmental Quality

Mr. Elkins,

I, Alan E. Tyson, representing Castle Concrete Company Inc., submit this request for name change on permits # 777-00143 and # 777-00144, established on July 24, 2000 by Monroc Inc. Monroc Inc, has ceased their operations in SouthEast Idaho with whom i have been employed for nearly twelve years. Castle Concrete Company Inc. has purchased the Monroc Pocatello and Blackfoot operations and has asked me to be General Manager. Please accept my request for transfer with you on these permits. As before with Monroc, i am pleased to work with you on any questions or concerns regarding operations of our business as well as future business.

You may reach me personally at work-233-4151  
mobile-680-2064  
or at home-785-6994  
Thank You

Castle Concrete Company Inc.  
Alan E. Tyson  
  
2300 North Main  
Pocatello, Idaho  
83204-2405



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

224 South Arthur • Pocatello, Idaho 83204-3202 • (208) 236-6160

Dirk Kempthorne, Governor  
C. Stephen Allred, Director

February 1, 2001

**CERTIFIED MAIL # 7000 0520 0022 1060 8609**

Mr. Alan Tyson, Superintendent  
Castle Concrete Company, Inc.  
2300 North Main  
Pocatello, Idaho, 83201

RE: Castle Concrete Company, Portable/Pocatello P-000344  
(Portable Concrete Batch Plant, Permit to Construct No. 777-00143)

Dear Mr. Tyson:

On January 30, 2001, the Idaho Department of Environmental Quality (DEQ) received a Permit to Construct (PTC) request from Castle Concrete Company, Inc. for a portable concrete batching facility. Castle Concrete Company, Inc. has purchased the facility from Monroc. The facility is currently located at Pocatello, Idaho. Based on review of the application and all applicable state and federal rules and regulations, DEQ finds that this project meets the provisions of IDAPA 16.01.01.200 (*Rules for the Control of Air Pollution in Idaho*). Enclosed is modified PTC No. 777-00143 for the portable concrete batching facility, which supersedes the previously issued PTC No. 777-00143.

This permit does not release the Permittee from compliance with all other applicable federal, state, local, or tribal laws, regulations, or ordinances. With regard to collocation with another portable facility, conservative assumptions were used to derive the throughput limitations. If this throughput is too restrictive for a particular project, contact DEQ prior to collocation and request a detailed site-specific analysis.

You are strongly encouraged to request a meeting with DEQ to discuss the permit terms and requirements with which your facility must comply. Mr. Rick Elkins of the Pocatello Regional Office will contact you regarding this meeting. DEQ strongly recommends that in addition to your facility's plant manager, your responsible official, environmental contact, and any operations staff responsible for day-to-day compliance with permit conditions also attend the meeting.

You, as well as any other entity, may have the right to appeal this final agency action pursuant to the Idaho Department of Health and Welfare Rules, Title 5, Chapter 3, "Rules Governing Contested Case Proceedings and Declaratory Rulings," by filing a petition with the Hearings Coordinator, Department of Health and Welfare, Administrative Procedures Section, 450 West State Street, Tenth Floor, Boise, Idaho 83720-5450, within thirty-five (35) days of the date of this decision. However, DEQ encourages you to contact the State Air Quality Permit Program to address any concerns you may have with the enclosed permit prior to filing a petition for a contested case.

# FINDINGS

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

**CONDITIONAL USE PERMIT – Martin Sanders  
MEETING DATE: February 19, 2025**

**FILE #:** CUP-25-3  
**LOCATION:** RPR3853008600, currently unaddressed

**APPLICANT:**  
M Coleman Horrocks  
9659 N Philbin Rd  
Pocatello, ID 83201

**OWNER:**  
Castle Concrete Co Inc  
2300 N Main St  
Pocatello, ID 83204

**REQUEST & BACKGROUND** Coleman Horrocks requests to open phase 2 of an existing gravel pit, according to the original findings, conclusion and decision of the Conditional Use Permit. Condition #10 of the original CUP findings (instrument #20011957) states that the applicant is required to come before Council as a business item before proceeding to the next phase.

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

**SITE CHARACTERISTICS AND ZONING:**  
ZONING: Light Industrial  
PROPERTY SIZE: ~ 115 acres  
EXISTING STRUCTURES: None

**(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 by Coleman Horrocks to open phase 2 of the previously approved gravel pit 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

## MOTION

Based on the record and the discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Coleman Horrocks, to open phase 2 of the previously approved gravel pit, 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. 10

## Items of Interest

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