



# 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

JUNE 18, 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 ITEM NO.                      3.        APPROVAL OF MINUTES (**ACTION ITEM**)
- a) March 19, 2025
  - b) April 16, 2025
  - c) May 21, 2025

**PUBLIC HEARING ITEMS**

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

- AGENDA ITEM NO.                      4.        VARIANCE FROM §327 – BUILDING BULK AND PLACEMENT STANDARDS: Jeremy Manska requests a variance for side yard setback for one residential accessory structure. The current side yard setback is 20’ and the applicant is proposing a 10’ side yard setback. The affected property is labeled as parcel RPRRCIN000301 and is currently addressed as 9498 Chestnut Hill Drive, Pocatello, ID 83204. The procedures and standards for evaluating a variance petition are found in §540 of the Bannock County Zoning Ordinance. Type of action: Decision.
- (ACTION ITEM)**

- AGENDA ITEM NO.                      5.        VARIANCE FROM §347 – BUILDING BULK AND PLACEMENT STANDARDS: Dustin Holsten requests a variance to build a duplex on 1.0 acres. The current standard requires 1.5 acres. The affected property is labeled as parcel RPR4227015901, currently unaddressed. The procedures and standards for evaluating a variance petition are found in §540 of the Bannock County Zoning Ordinance. Type of action: Decision.
- (ACTION ITEM)**

- AGENDA ITEM NO.                      6.        VARIANCE FROM §337 – BUILDING BULK AND PLACEMENT STANDARDS: Brandon Jackson requests a variance for rear yard and side yard setbacks for one residential accessory structure. The current rear yard setback is 20’ and the applicant is proposing a 6’ rear yard setback. The current side yard setback is 10’ and the applicant is proposing a 4’ side yard setback. The affected property is labeled as parcel RPRRWE3000300 and is currently addressed as 14687 Berkshire Avenue, Pocatello, ID 83202. The procedures and standards for evaluating a

variance petition are found in §540 of the Bannock County Zoning Ordinance. Type of action: Decision.  
**(ACTION ITEM)**

**BUSINESS ITEMS**

None

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AGENDA ITEM NO.	7.	ITEMS OF INTEREST a) Update on recommendations to Commissioners b) Discussion of upcoming hearing items c) Announcements
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AGENDA ITEM NO.	8.	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.
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AGENDA ITEM NO.	9.	WORK SESSION a) None
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AGENDA ITEM NO.	10.	ADJOURN
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The application for each item will be available to the public by request at Planning and Development Services office and on the department's website at [www.bannockcounty.us/planning](http://www.bannockcounty.us/planning). Written testimony of fewer than two (2) pages must be received by the Planning and Development Services office no later than June 10, 2025. Written testimony may also be sent to [development@bannockcounty.gov](mailto:development@bannockcounty.gov). Any written testimony not received by the deadline must be brought to the council meeting and presented at the public hearing. All submitted testimony shall be considered public record. Discriminatory testimony shall not be permitted. Written testimony must comply with standards established in §560.7 of the Bannock County Zoning Ordinance.

### **PUBLIC HEARING PROCEDURE**

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

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

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## AGENDA ITEM NO. 3

### Approval of Minutes

- March 19, 2025
- April 16, 2025
- May 21, 2025

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

**DRAFT** MEETING MINUTES | March 19, 2025

**BANNOCK COUNTY STAFF PRESENT:** Hal Jensen, Planning Director, Tristan Bourquin, Assistant Planning Director, and Alisse Foster, Subdivision Planner.

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

### **1. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:**

Present Council Members: Ed Ulrich, Chad Selleneit, Molly Dimick, and Krystal Madsen.

### **2. PRELIMINARY BUSINESS AGENDA CLARIFICATION AND APPROVAL:**

Hal Jensen, Planning Director, we need to amend the agenda and remove Item No. 4 from this evening's public hearing.

Selleneit makes motion to remove Item No. 4 from the agenda.

Madsen seconds. All in favor.

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

Dimick makes a motion to approve minutes as written on January 15, 2025.

Selleneit seconds. All in favor.

### **4. CONDITIONAL USE PERMIT – MINING OPERATION:**

Postponed item.

### **5. BUSINESS ITEMS – PRELIMINARY PLAT APPROVAL – WESTFIELD ESTATES:**

Alisse Foster, Subdivision Planner, staff report has eight recommended conditions to council. I reviewed number one a little closer and think words should be added to the end to make it a little bit clearer. I will have that say roadside drainage swells to be built by the developer before final plat is recorded. We review conception plans during final plat so that will help clarify that.

Ulrich reads recommendations from staff:

1. Road side drainage swells to be built by the developer before final plat.
2. All road name signs and traffic signs shall be installed within Westfield Estates Phase 4, an approved by staff, before Westfield Estates Phase 6 shall be recorded.

3. All easements shall be depicted on plat.
4. All roads must be built to Bannock County Highway Standards and Roadway Development Procedures.
5. Irrigation line, within right-of-way, shall have an easement created. No utilities other than city water and city sewer shall be installed within the right-of-way.
6. Development Agreement instrument number to be referenced on final plat.
7. County variance instrument number 22127540 to be referenced on final plat.
8. CC&Rs shall reference Westfield Estates Division 6 subdivision name.

Ulrich, "is there anything else that you want clarified?"

Alisse Foster, Subdivision Planner, just to clarify, Lot 9 was part of Westfield Estates Phase 4. They are including it in this phase because there was a structure built that didn't meet setbacks so rather than going through a variance process, they chose to include it in this and make that lot a little bit larger to meet setback requirements. Other than that, everything aligns with the other phases that we have done. I think preliminary plat didn't include the easements on Lot 9, but they are there on Phase 4, so they would just need to update those easements on final plat. Other than that, I didn't have any other concerns.

Selleneit, "I saw somewhere in their CC&R's they were referring this to Division 1."

Alisse Foster, Subdivision Planner, the original CC&R's are from Division 1 and what they have done in the past is a one pager that says an addendum that Phase 5 will meet the same requirements as Phase 1 and be part of those CC&R's.

Dimick, "With regard to condition No. 5, no utilities other than city water and city sewer shall be installed within the right-of-way. Is there a separate right-of-way for other utilities?"

Alisse Foster, Subdivision Planner, Bannock County Road & Bridge's policy is there are no utilities within the right-of-way except for if they are city services and those city services may be in the right-of-way. All other phases ended up having irrigation within the right-of-way so they need to create an easement to be consistent with the past phases and have that easement for the irrigation. All other utilities will need to be outside of the right-of-way in the 15-foot utility.

Ulrich, "so they have gone through and drawn their preliminary plat. That is what we are looking at now. The staff has looked at that preliminary plat to move on to the next phase. They have given them recommendations to get on to a final plat and that is what we are here to do is see that they did turn in a preliminary plat. They have met the requirements of preliminary plat and as we agree with that preliminary plat, we want them to make specific changes to it before they can go to the final plat.

Alisse Foster, Subdivision Planner, final plat usually goes in front of County Commissioner's for signatures.

Tanner Stenquist, Intermountain Development & Construction, 158 S. Main Street, Pocatello, ID, 83204. There was a condition regarding Westfield Estates Phase 4 road signs. They are in if someone from the County could inspect them.

#### PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

#### 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. The preliminary plat is in conformance with staff recommendations, the approved Concept Plan and all zoning and subdivision ordinances.
2. The street plan for the proposed subdivision **will** permit its development in accordance with the Bannock County Subdivision Ordinance. The street plan meets the development ordinance codes, per Highway Standards and Roadway Development Procedures for Bannock County (HSRDP).
3. The street plan for the proposed subdivision **will** permit the development of adjoining land by providing access to that land by right-of-way dedicated to the County, or a developed street to the property boundary. The street plan connects to the adjoining subdivision phases and has a cul-de-sac that will be constructed according to the HSRDP.
4. Lot lines and roads **do** relate to land shapes and existing development. This is phase 6 within a development, the land is relatively flat, and all lots and roads relate to the existing development.

Krystal Madsen, based on the record and the discussion this evening, I move to approve the request for the preliminary plat of Westfield Estates Division 6, 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:

#### CONDITIONS

1. Road side drainage swale to be built by the developer before final plat is recorded.
2. All road name signs and traffic signs shall be installed within Westfield Estates Phase 4, and approved by staff, before Westfield Estates Phase 6 shall be recorded.
3. All easements shall be depicted on plat.
4. All roads must be built to Bannock County Highway Standards and Roadway Development Procedures.
5. Irrigation line, within right-of-way, shall have an easement created. No utilities other than city water and city sewer shall be installed within the right-of-way.
6. Development Agreement instrument number to be referenced on final plat.
7. County variance instrument number 22127540 to be referenced on final plat.
8. CC&Rs shall reference Westfield Estates Division 6 subdivision name.

Selleneit seconds.

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

Motion approved 4-0.

#### 6. ITEMS OF INTEREST:

Tristan Bourquin, Assistant Planning Director, upcoming hearing for April 16, 2025, we have the conditional use permit for the gravel that was supposed to be tonight and two (2) variances.

#### 7. CITIZEN COMMENTS:

None.

#### 8. WORK SESSION:

Tristan Bourquin, Assistant Planning Director, introduced by-laws since there are three (3) new council members. These are updated by-laws. The last time they were updated was 2022. Council review and let staff know if there are any changes.

Tristan Bourquin, Assistant Planning Director, discussed Section 580 of Zoning Ordinance, 580.8, Powers and Duties of the Planning and Development Council. Discussed council's responsibilities.

Tristan Bourquin, Assistant Planning Director, discussed working through findings and not stating opinions before working through findings. Recording equipment, conflict of interest, Idaho Code, and conflict of interest analysis by legal.

## **9. MEETING ADJOURNED**

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

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

**DRAFT** MEETING MINUTES | April 16, 2025

**BANNOCK COUNTY STAFF PRESENT:** Hal Jensen, Planning Director, Tristan Bourquin, Assistant Planning Director, and Annie Hughes Williams, Zoning Planner, and Kiel Burmester, Road & Bridge Director.

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, Ed Ulrich, Chad Selleneit, Molly Dimick, and Krystal Madsen.

Selleneit recused from Agenda Item No. 4.

### **2. PRELIMINARY BUSINESS AGENDA CLARIFICATION AND APPROVAL:**

Hal Jensen, Planning Director, no agenda clarification or changes recommended as outlined.

Ulrich makes motion to approve agenda as outlined. Ward seconds. All in favor.

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

Madsen makes motion to approve minutes as written for January 16, 2025.

Selleneit seconds. All in favor.

### **PUBLIC HEARING:**

Ulrich makes motion to open public hearing. Madsen seconds. All in favor.

### **4. CONDITIONAL USE PERMIT – MINING OPERATION:**

Richard Jessop petitions for a conditional use permit to construct a rock and sand mining operation. The facility proposes hours of operation from 8 a.m. to 6 p.m., Monday through Saturday. The facility proposes 4 employees, as well as the use of heavy equipment in conjunction with the mining operation, to include screening and crushing. The affected property is known as parcel RPR4431003601 and is currently addressed as 1405 E. Richards Road, Downey, ID 83234.

Richard Jessop, 1395 E. Richards Road, Downey, ID 83234. Requesting conditional use permit to open back corner of parcel as gravel pit area. Ten acres is for future use, but do not intend on

using all ten acres anytime soon. Maximum area they may cover. Screening is most of what they would want to do. Discussed access road to property.

Madsen, “is this intended to be a public gravel pit?”

Jessop, “it would be public, but what we are trying to do is make it so the material could be sold.”

Does not have a business plan. Discussed parcels for gravel pit and future employees. One employee, one day a week right now. Discussed dust mitigation. Domestic well. Discussed daily one-way vehicle trips. Twenty trips at a maximum, but do not expect that anytime soon.

Ward, “you are asking for the conditional use permit now, but there are no immediate plans to start screening tomorrow?”

Jessop, “we would start screening tomorrow, if permit was approved.” “Already have plant set up there.”

Ward, “so you got all your permits from Department of Lands and DEQ?”

Jessop, “started process of getting permits.”

Madsen, “so you are currently operating?”

Jessop, “we have used some of it on these driveways.”

Dimick, “can we talk a bit about the planned berm in your application, which areas that will be around?”

Jessop, “I think that was answered within the application.” “It would be around the perimeter of that dark line so wherever that perimeter is.”

Ward, “your intent is to sell some of the gravel to the public so if a neighbor needed  $\frac{3}{4}$  road base, he could come to your pit and pick up  $\frac{3}{4}$  road base. That is your intent, right? Not planning to sell to big construction companies for road maintenance or road construction?”

Jessop, “well possibly, yes.”

Discussed access, truck traffic, and generating a different route. Property is currently farmed and irrigated. Discussed work hours from 8:00 a.m. – 6:00 p.m. Applicant is willing to shut down early to be a good neighbor. Water well will do 100 gallons per minute. Plenty of water. Road

safe for trucks and approach. Would there need to be improvements or widening to road? Not designed currently for truck traffic.

#### STAFF

Ward, “Is there anything in the staff report council should pay more attention to?”

Annie Hughes, Zoning Planner, “we have heard from Idaho Department of Lands that there has not been an application submitted or filled out.”

Tristan Bourquin, Assistant Planning Director, “you may consider adding a condition that we need written approval from Department of Water Resources to be able to use a domestic well for a commercial purpose.

Dimick, “if the mining area were to grow more than ten acres, would they need another application?”

Annie Hughes, Zoning Planner, “yes.”

Local county-maintained road. Use chloride to maintain road, some of road is graveled.

#### PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: David Tolman, Taylor Barnes, and Misty Lamborn submitted letters in opposition, but do not wish to testify.

Randy Cantaloup, Byron Denney, Larry Burden, Diana Burden, Tom Boyles, and Ryan Boyles oppose to application and do not wish to testify.

Rebecca Falcon, 3600 E. Elison Road, Downey, ID 83234. Provided video footage of pit. Video submitted shows that the pit has been operating for a long time and on a large scale. Large operation that does not show regard for the rule of law or the ordinances set forth by the County. Encroached onto neighbor’s property while operating at night. Concerned about roadway and safety for children catching school buses, horseback riders, and pedestrians. Quiet rural dirt road. No need for more gravel pits within the County.

Randy Bertagnole, 2864 E. Bowman Road, Downey, ID 83234. Neighbor to the South. Numerous gravel pits in the area. Plenty of gravel pits people can buy gravel. Operating without permits.

Dez Hauser, 20353 S. Tool Road, Downey, ID 83234. Provided video footage of pit. Video shows crusher in operation at 6:30 p.m. Discussed access. Project to close to residences. Property values decrease. Not enough shoulder space for truck traffic.

Bernie Cummins, Reece Creek Road, Downey, ID 83234. Provided video footage of pit dated March 6, 2025. Constant noise from rock crusher and miscellaneous equipment. Peace and quiet. Asking county officials to deny gravel pit.

Tejay Barnes, 267 Ray Road, Downey, ID 83234. Provided video footage of pit. Neighbor in opposition of gravel pit. Concerned about quality of life. Less than 200 yards from home. Concerned about truck traffic and safety of children. Would you want this in your backyard? Quiet country living.

John Crowder, 1550 Yellowstone Avenue, Pocatello, ID 83201. Opposition to gravel pit CUP. Concur with opponents. Increase of traffic and safety. No way to know how many trips per day and could have substantially more trips per day. Met with others who lived by gravel pits and the dust was everywhere and severely impacted their lives. Health risks.

Richard Jessop, 1395 E. Richards Road, Downey, ID 83234. Harsh accusations for operations in the night. There was some gravel hauled out of there onto some other properties. County stopped the operation of the gravel pit without a permit. Stopped operations immediately. Sensitive to any neighbors needs. Made out to be bad guy. Disagree. Have to have gravel to build a house and improve the county. Cannot just go buy gravel. Screening, no crushing. Has not seen conditions from staff report. No breaking of the rock, just screening.

Ward, "in your application you state that this would be less of a disturbance to the area than many of the permitted uses such as outdoor entertainment, sports and recreation, park, outdoor kennel, fire station or farm equipment sales. How is operation less intrusive than any of those to your neighbors?

Jessop, "the list was gardened off a zoning list. Zoning gives allowances for certain activities as it stands now and all those activities you mentioned are allowed."

Ward, “how is gravel pit less of a disturbance than any of the prohibited uses?

Jessop, “I don’t have that list. Was outdoor sports arena one of those?”

Ward, “outdoor entertainment, sports and recreation, park, outdoor kennel, fire station or farm equipment sales are the ones you listed in your application.”

Jessop, “well fire station, I suppose we have all had that experience when they leave out for a fire. That is extremely noisy.”

Ward, “that is a seldom noise. In rural Bannock County, that is once or twice a week, maybe. We are talking that noise for 10-12 hours a day.”

Jessop, “noise of this plant is not that loud. A tractor pulling brisk out to the field at full throttle will be a similar noise level.”

Ward, “understood, but that is a normal farm operation that happens at planting and harvest. You are talking six days a week, year-round, if I understand right, and that noise that we heard in the video 10 hours a day, six days a week, year-round to me is more disruptive to your neighbors than a fire station, a park, an outdoor kennel, or farm equipment sale.

Jessop, “a similar analogy is the farm tractor concept that happens planting season and harvest season, that’s it.” A real similar condition exists with the gravel pit, 10 hours a day, six days a week is never going to happen. If we need to have a condition based on that, if time needs to be addressed, that is fine.”

Madsen, “are you familiar with the bus stops in the area?”

Jessop, “yes, I follow that bus quite often.”

Madsen, “has there been or have you requested a traffic study?”

Jessop, “we haven’t looked at that.”

## FINDINGS

1. The proposed use **would** adversely affect surrounding properties to a materially greater extent than would a permitted use in the district. Permitted uses in the district include outdoor for-pay uses, agricultural support, kennels, public service facilities, and home occupations. This proposed use would affect the area to a materially greater extent

because a gravel pit would increase noise, dust and safety in the area to a far greater extent than the permitted uses listed. It was demonstrated by video and testimony that there would be an increase of noise, dust, and safety concerns.

2. The proposed use **would** cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use. There would be a significant increase in traffic with a cited 40 round trips per day, as shown on the application. According to the Road and Bridge Director, this use could double the amount of traffic in the area.
3. The proposed use **would** damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity. This proposed use would affect the area to a materially greater extent because a gravel pit would increase noise, dust and safety in the area. This was demonstrated by video and testimony submitted by the public.
4. The proposed use **would not** be consistent with the goals and policies of the Comprehensive Plan of the county. Policy 1.5.2 Ensure land use actions, decisions and regulations align with the County's responsibility to protect public health, safety, and welfare. This proposed use would not be in conformance with this policy due to the increase in dust, traffic, noise, and safety in the area.
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. The applicant will need to obtain proper permits from the county to be compatible with building height, bulk, scale, setbacks, open spaces, and landscaping.

Dimick based on the record and the discussion this evening, I move to deny the request by Richard Jessop, Jr., for a Conditional Use Permit to construct a rock and sand mining operation, 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.

Ward seconds.

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

Motion denied 5-0.

## 5. VARIANCE FROM §316 – BUILDING BULK AND PLACEMENT STANDARDS – ACTION ITEM:

Wade Christiansen requests a variance for side yard setbacks for one residential accessory structure. The current side yard setback is 20' and the applicant is proposing a 7' side yard setback. The affected property is labeled as parcel RPR4263020400 and is currently addressed as 3380 E. Virginia Road, Downey, ID 83234.

Wade Christiansen, 3380 E. Virginia Road, Downey, ID 83234. Request goes back to original house burning down four years ago. Given the constraints on property of 0.88 acres, it is very difficult to position the house and shop. Location picked was only solution to get garage/shop built. Setbacks constrain the property. Details are in the application.

### STAFF

Annie Hughes, Zoning Planning, do you have any questions regarding the staff report?

No questions.

### PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

### FINDINGS

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

This is based on:

As shown on the submitted site plan and due to the size of the lot, the location of the septic tank, well and existing structures, there are no alternative locations to place this structure.

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

This is based on:

There have been no public comments in opposition and the neighboring property also has structures in close proximity to the side yard property line.

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

This is based on:

There have been no public comments in opposition and the neighboring property also has structures in close proximity to the side yard property line.

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

This is based on:

This is the only location on the property to build the shop and maximize the potential for a future residential structure.

Ulrich based on the record and discussion this evening, I move to approve the request by Wade Christiansen requesting a variance for a 7' side yard setback, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Dimick seconds.

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

Motion approved 5-0.

## **6. VARIANCE FROM §475.13 – DRIVEWAYS – ACTION ITEM:**

Angela Keeling requests a variance from the driveway standards. The current standard requires the driveway to be built no less than 20' wide at all points. The applicant proposes a 13' width at all points. The affected properties are labeled as parcel RPR3853031100, currently unaddressed and parcel RPR3853031200, currently unaddressed.

Angela Keeling, 12959 W. White Road, Pocatello, ID 83204. Applied for variance because they cannot move existing buildings to widen the road. Talked with fire chief and he gave them a list of things to do. He said he would be able to get the fire truck in and out of the property. Discussed problem area of the road and structures. Fire code turnaround. Old dairy farm. Get water from BLM. Provide letter from fire district to Bannock County.

STAFF

Annie Hughes, Zoning Planner, do you have any questions regarding the staff report?

No questions.

#### PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

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

This is based on:

Based on terrain and location of existing structures the driveway cannot be widened further.

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

This is based on:

There has been no opposition to this request, the fire district has already provided comment and this is a 40-acre parcel.

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

This is based on:

There has been no opposition to this request, the fire district has already provided comment and this is a 40-acre parcel. They also own all surrounding property.

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

This is based on:

Based on terrain and location of existing structures the driveway cannot be widened further.

Madsen based on the record and discussion this evening, I move to approve the request by Angela Keeling requesting a variance for the driveway to be built 13' at all points, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

## CONDITION

1. Submit the letter from the fire district to Planning and Development.

Ulrich seconds.

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

Motion approved 5-0.

Ward makes motion to close public hearing.

Selleniet seconds.

## 7. ITEMS OF INTEREST:

Tristan Bourquin, Assistant Planning Director, the Comprehensive Plan was approved and recorded on April 1, 2025. The gravel pit on Siphon Road was appealed last month and requested reconsideration from County Commissioner's. Upcoming hearing for May is a conditional use permit to sell portable buildings in Lava and an ordinance amendment to the Master Planned Community Zone of the ordinance.

## 8. CITIZEN COMMENTS:

None.

## 9. WORK SESSION:

Discussed conflict of interest and Idaho Code with County attorney, Jonathan Radford.

## 10. MEETING ADJOURNED

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

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

**DRAFT** MEETING MINUTES | May 21, 2025

**BANNOCK COUNTY STAFF PRESENT:** Hal Jensen, Planning Director, Tristan Bourquin, Assistant Planning Director, and Annie Hughes Williams, Zoning Planner.

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.

Dimick recused from Agenda Item No. 4.

### **2. PRELIMINARY BUSINESS AGENDA CLARIFICATION AND APPROVAL:**

Hal Jensen, Planning Director, no agenda clarification or modifications.

Dimick makes motion to approve agenda as outlined. Madsen seconds. All in favor.

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

Madsen makes motion to approve minutes as written for February 19, 2025. Correct spelling to names, Dan Harelson and Devin Hillam.

Selleneit seconds. All in favor.

### **PUBLIC HEARING:**

Selleneit makes motion to open public hearing. Madsen seconds. All in favor.

### **4. CONDITIONAL USE PERMIT – PORTABLE BUILDING SALES:**

Canda Dimick petitions for a conditional use permit to sell portable buildings. There will also be a 12x20 portable office building for home business to sell handcrafted outdoor furniture, home items, and farm/garden products. The facility proposes hours of operation from 11 a.m. to 6 p.m., Monday through Saturday. Property owners will be operating the business. The affected property is known as parcel RPR4227007300 and is currently addressed as 9303 S. Sunnyside, Lava Hot Springs, ID 83246. Type of action: Decision.

Canda Dimick, 8742 South Sunnyside Road, Lava Hot Springs, ID 83246 also owns second home at 9303 S. Sunnyside Road, Lava Hot Springs, ID 83246 where son lives. Operating business as a family business with son, Chance Dimick. Using around an acre of the 80 acres for business.

Portable buildings will not be on permanent foundations, they will be on gravel or grass. Culvert needs some maintenance and working with Bannock County Road & Bridge. Office will be connected to electricity. Solar lighting. Application indicated 30 units on property, if successful. There are 16 portable buildings. All buildings are in organized fashion. Selling handmade items out of office. Neighbors have been supportive and noise very minimal. Deliveries are going to be random. Purchase online.

Madsen, "what does delivery of items look like?"

Canda Dimick, "built in Utah and shipped directly to home."

#### STAFF

Annie Hughes, Zoning Planner, "do you have any questions regarding the staff report?"

Selleniet, "does solar lighting fall into the Zoning Ordinance?"

Tristan Bourquin, Assistant Planning Director, "yes it would, the Ordinance is going to have information to meet those requirements."

Ward, "is this considered a home improvement store and is that why we are doing the CUP?"

Tristan Bourquin, Assistant Planning Director, "that is what the applicant decided to use from the Use Chart, but will be less intense than a home improvement store."

Ward, "anything else you want to mention?"

Canda Dimick, 8742 South Sunnyside Road, Lava Hot Springs, ID 83246. Solar lighting will be a deck downward lighting. Solar lights do have covers so it is a protective lighting source.

#### PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

#### FINDINGS

1. The proposed use **would not** adversely affect surrounding properties to a materially greater extent than would a permitted use in the district. Permitted uses in the district include outdoor recreation, golf courses, skating rinks, parks, pools and the like. This use would not be any different than these permitted uses.

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 is a low impact operation that will be predominately online. There will not be a disruption or extraordinary increase in traffic in the area. The recreational traffic is more than this operation would cause.
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. All parking will be on the private property and it's a low traffic operation with most sales occurring online. The applicant is working with Road and Bridge to maintain the culvert on their existing approach.
4. The proposed use **would** be consistent with the goals and policies of the Comprehensive Plan of the county. Goal 3.2 - A strong and diverse economy. Strategy 3.2.3 - Support the development of economic incentives for business expansion and growth.
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. The structures won't exceed the building height and will meet all setback requirements.

Selleniet, based on the record and the discussion this evening, I move to approve the request by Canda Dimick, for a Conditional Use Permit to sell portable buildings, as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

With the following conditions of approval,

1. Hours of operation 11:00 a.m. – 6:00 p.m., Monday – Saturday.
2. All signs must adhere to Zoning Ordinance Section 475.14.
3. Outdoor lighting must adhere to Zoning Ordinance Section 475.10.
4. No more than 30 portable structures will be on site at any given time.
5. Any customer parking must be contained on property and no street parking will be permitted.
6. Make necessary improvements to existing culvert as recommended by Bannock County Road and Bridge.

Madsen seconds.

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

Motion approved 3-0.

## 5. REZONE:

REZONE – ACTION ITEM: Jeremy Maska proposes the redesignation of approximately 4.14 acres of land from Residential Suburban to Light Industrial on the Zoning Map. The subject property is located in Section 5 of Township 6 South, Range 34 East and is identified as parcel RPR3853006700. Type of action: Recommendation to County Commissioners.

Jeremy Maska, West Wind Construction, 1655 N. 2nd Avenue, Pocatello, ID 83201. Provided written testimonies from neighbors. Parcel has 40x80 building on it. There is a fabrication business that wants to operate out of building and are currently operating out of Spartan Steel, which has expanded and pushed them out. Looked at several sites and properties and have not found anything that is available. Owner of business is trying to find a new place to operate. Surrounding area is Residential Suburban and Light Industrial with gravel pits in area. Business is all done online or offsite so no customers will be coming to the building. Four employees on site and five employees offsite, including owners. Hours of operation: Monday-Friday, 6:00 a.m. – 5:00 p.m. No heavy machinery. Intend to improve approach to County standards. Discussed lighting. Approximately three deliveries per week.

## STAFF

Annie Hughes, Zoning Planning, “do you have any questions regarding the staff report?”

Ward, “is there anything we need to beware of?”

Annie Hughes, Zoning Planning, “we have not received any agency comments.”

## PUBLIC TESTIMONY

Public testimony in favor: Ward read written letters from Les Stahle and Thomas B. Neilsen in support of zoning change and business.

Public testimony neutral: None.

Public testimony opposed: None.

## FINDINGS

1. The uses allowed in the proposed district **would** be compatible with surrounding uses. Most surrounding uses are already in the light industrial zone and are being used as such.

2. The proposed zoning district **would not** adversely affect the surrounding neighborhood's stability and property values. Most surrounding uses are already in the light industrial zone and are being used as such. Based on the current surrounding uses, it will not adversely affect stability or property values because they are all established uses.
3. The applicant has shown that there **is** a need for the proposed zoning district in the County or at the proposed location. An existing truss manufacturer needs a place to house their business and there are very few areas to establish this use in the county. The future land use map shows this area as light industrial. There aren't many areas zoned as light industrial in the county and there is a need for these uses in the county.
4. The public cost resulting from the change in land use **would not** be excessive when compared with the public benefit derived from the change in land use. The cost is likely minimal. Sewer, water, power and gas are already existing at this site. There are already public services established in this area and the benefit of this business to the community economic tax base.
5. Adequate public services, utilities, and facilities **would** be available to serve the changed land use. Adequate public services area already established in this area.
6. The proposed zoning district **would not** allow uses that would be detrimental to the environment of the immediate neighborhood. This is based on written testimony read into the record and the fact that light industrial uses are already established in the area.
7. The requested change **would** be in accordance with the goals and policies of the County Comprehensive Plan. The Future Land Use Map designates this area as Light Industrial. Goal 3.2: A strong and diverse economy. Strategy 3.2.1: Appropriately zone locations within the county to allow for a variety of residential, agricultural, commercial, and industrial uses. Strategy 3.2.2: Continue to support Bannock Development Corp. and other economic drivers and their efforts. Strategy 3.2.3: Support the development of economic incentives for business expansion and growth.

Madsen, based on the record and the discussion this evening, the Council recommends approval to the Board of County Commissioners to the Board of County Commissioners, the request made by Jeremy Manska to rezone as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Selleniet seconds.

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

Recommended approval 4-0.

## **6. ORDINANCE CHANGE §394 – ZONING ORDINANCE AMENDMENT:**

Matt Loo proposes a change to §394.6 General Standards of the Master Planned Community (MPC) Zone to change the minimum area required from 750 acres to 550 acres. Type of action: Recommendation to County Commissioners.

Matt Loo, 377 Del Mar Drive, St. George, UT 84790. Discussed consideration of reducing the Master Planned Community Zone from 750 acres to 550 acres. Discussed access.

Selleniet, “what are your plans for property usage as time goes on, ATV use, snowmobile use?”

Matt Loo, “the vision is what is permitted in that zone and we have a couple of options.”

Dimick, “do we have any examples of an MPC?”

Matt Loo, “I believe this will be the first with this current zone.”

Selleniet, “are you going for 5-acre parcels like Lava Ranch?”

Ward, “at this point, all he is asking for is to change the zone.”

Selleniet, “I understand that.

Ward, “if this goes through, and they proceed with a project, then we will see all the details. Our recommendation or decision tonight is not based on a future project.”

Hal Jensen, Planning Director, we do not have an example for Bannock County. This was added to ordinance back in 2016 anticipating that someone with large land holdings may come in and want to develop a small city or recreation. Flexibility.

Tristan Bourquin, Assistant Planning Director, discussed permitted uses.

Dimick, “Hal do you have any background of why 750?”

Matt Loo, “I do. Had an opportunity to visit with the author, Devon and he basically said, I just pulled a number that sounded good. No data behind numbers.”

Hal Jensen, Planning Director, the other item to consider, if and when someone came to us with the Master Planned Community, it doesn't require that we go through a future land use map amendment or rezoning process.

Ward, "how does change benefit entire County?"

Matt Loo, "that is our role to come forward and talk about job creation, economic benefits, and tax revenue for the County."

Discussed reduction as a whole for the County.

Master Planned Community proposal 640 acres (square mile) + or - 10%.

#### PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Selleniet, based on the record and the discussion this evening, I move to recommend approval to the Board of County Commissioners the proposed changes to the Master Planned Community Zone Ordinance of Bannock County, Idaho, from 750 acres to 640 acres + or - 10%.

Dimick seconds.

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

Recommended approval 4-0.

Selleniet makes motion to close public hearing.

Madsen seconds.

#### **7. ITEMS OF INTEREST:**

Tristan Bourquin, Assistant Planning Director, no update on recommendations to Commissioners. June 18, 2025, item meetings, three variances.

**8. CITIZEN COMMENTS:**

None.

**9. WORK SESSION:**

None.

**10. 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  
Variance – Jeremy Manska



# PLANNING AND DEVELOPMENT SERVICES

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

## VARIANCE PERMIT PUBLIC HEARING: JUNE 18, 2025 STAFF REPORT

**FILE #:** VAR-25-4  
**LOCATION:** RPRRCIN000301 is currently addressed as 9498 Chestnut Hill Drive, Pocatello, ID 83204

**APPLICANT:**

Jeremy Maska  
1655 N. 2<sup>nd</sup> Avenue  
Pocatello, ID 83201

**OWNER:**

Jordan Driscoll  
9498 Chestnut Hill Drive  
Pocatello, ID 83204

**RECOMMENDATION:** Bannock County Planning and Development recommends the following:

- Denial
- Approval

**REQUEST & BACKGROUND:** Jeremy Maska requests a variance for a side yard setback for one residential accessory structure. The current side yard setback is 20' and the applicant is proposing a 10' side yard setback.

### SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Rural

PROPERTY SIZE: ~ 3.48 acres

VIEWS: The property is visible from the road

EXISTING STRUCTURES: Residential dwelling and accessory structures

AREA OF CITY IMPACT: None

### SURROUNDING LAND USES AND ZONING

**NORTH:** The site is within the Residential Rural zoning district and consists of bare ground and residential uses.

**EAST:** The site is within the Residential Rural zoning district and consists of bare ground and residential uses.

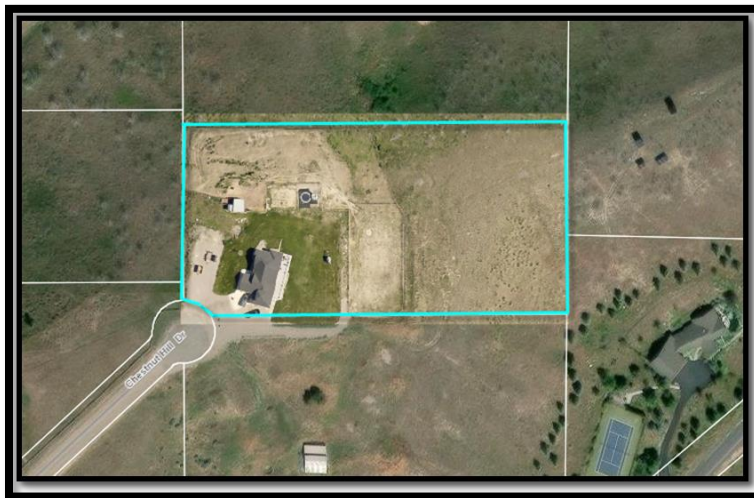
**SOUTH:** The site is within the Residential Rural zoning district and consists of bare ground and residential uses.

**WEST:** The site is within the Residential Suburban zoning district and consists of bare ground and residential uses.

STAFF REPORT  
VARIANCE PERMIT- MANSKA  
Page 1 of 5

### APPLICABLE LAWS AND PLANS:

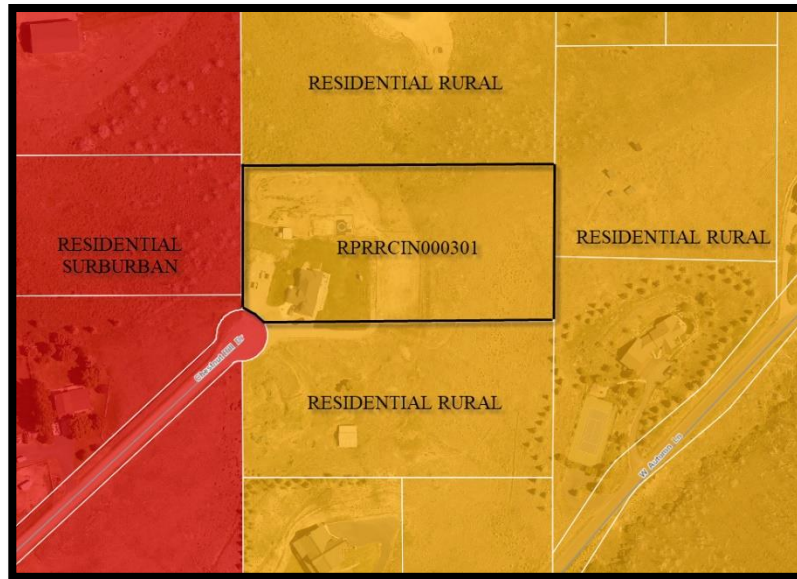
1. Idaho Code §67-6516, Variance – Definition – Application – Notice – Hearing.
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
  - a. §327 BUILDING BULK AND PLACEMENT STANDARDS
  - b. §540 VARIANCES



**SITE MAP**



**CONTOUR MAP**



## ZONING MAP

### **STANDARDS FOR GRANTING A VARIANCE (ZONING ORDINANCE §540.4)**

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

**A. The applicant has shown that there is no reasonable alternative.**

Staff Findings of Fact

The applicant states they are requesting a side yard setback of 10' due to the topography of the property being on a hill and the proximity to existing trees creates a constricted building pad that would not allow for a usable sized shop/garage. Staff finds there may be reasonable alternatives due to topography.

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

Staff Findings of Fact

The applicant has stated that the variance would meet the setback requirements for Residential Suburban, which this property abuts to and would not conflict with surrounding property owner's views. Staff finds that the variance does not appear to be in conflict with the public interest as no public comment has been received at the time of this report. The Council should determine if any aspect of the proposed variance is in conflict with the public interest based on information provided by the applicant and any public testimony.

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

Staff Findings of Fact

The applicant has stated that the variance would meet the setback requirements for Residential Suburban, which this property abuts to the east and is significantly separated from any other structures. Council should determine if any aspect of the proposed variance is in conflict with the adjacent property owner's interest based on information provided by the applicant and any public testimony.

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

Staff Findings

The applicant has stated that if the variance is not granted, there would be a significant expense in grading, tree removal, and landscaping removal that would directly affect the property owner and their ability to build said structure. Council should discuss the information provided by the applicant and determine if the variance is denied, if the applicant will suffer an undue hardship caused by the physical characteristics of the site.

**IDAHO CODE REGARDING VARIANCE PERMITS**

IC 67-6516: VARIANCE — DEFINITION — APPLICATION — NOTICE — HEARING. Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in section 21-501, Idaho Code. Denial of a variance permit or approval of a variance 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 the requirements established thereby.

**AGENCY COMMENTS:**

1. None at time of report

**PUBLIC COMMENTS:**

2. None at time of report

**REPORT BY:**

Annie Hughes Williams, Zoning Planner

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

208-236-7230

**REPORTED DATE:** June 10, 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



## VAR-25-4

### Variance Application

Status: Active


Submitted On: 5/6/2025

### Primary Location

9498 CHESTNUT HILL DR

POCATELLO, ID 83204

### Applicant

 Jeremy Manska

---

## Parcel & Variance Information

Parcel Number\*

RPRRCIN000301

My property is zoned:\*

Residential Rural

What variance are you requesting? Please select all that apply:

Rear yard setbacks

☐

Side yard setbacks

☒

Riparian area setbacks

☐

Right-of-way setbacks

☐

Lot size

☐

Other

☐

Please describe your variance request in detail:\*

Due to the topography of the property being on a hill and the proximity to existing trees we request a side yard set back of 10'. This falls in line with the zoning of adjacent properties to the east that are accessed off of the same street and within the same subdivision.

---

## Application for Variance

Narrative addressing how your application meets criterion 1: The applicant has shown there is no reasonable alternative.\*

Between the existing topography and existing established trees it creates a constricted building pad that would not allow for usable sized shop/garage.

**Narrative addressing how your application meets criterion 2: The variance is not in conflict with the public interest.\***

The variance would meet the set back requirements for Residential Suburban, which this property abuts to and would not conflict with surrounding property owner's views.

**Narrative addressing how your application meets criterion 3: The variance will not adversely affect adjacent property.\***

The variance would meet the set back requirements for Residential Suburban, which this property abuts to the east and is significantly seperated from any other structures.

**Narrative addressing how your application meets criterion 4: If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.\***

If the variance is not granted, there would be significant expenses in grading, tree removal, and landscaping removal that would directly affect the propoerty owner and their ability to build said structure.

---

## Certification

**Electronic Signature [Typed name of applicant]\***

Jeremy Manska

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



**Date\***

05/06/2025



PROJECT DETAILS

JORDAN DRISCOLL SHOP  
 9498 CHESTNUT HILL DR, POCAATELLO, ID 83204  
 L3 CINNAMON SPRINGS SUB (RPRRCIN000301)

DATE:  
 05/06/2025

DRAWING BY:  
 J. MANSKA

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# EXHIBIT 2

## Ordinance Excerpts

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

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

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

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

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

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

**324 USES CONDITIONALLY PERMITTED:**

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

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

**325 PARKING STANDARDS:**

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

**326 SUBDIVIDING IN THE RESIDENTIAL RURAL DISTRICT: The following methods of subdividing are permitted in the RR zone:**

- A. Open Space Designed Subdivision (see design standards of Subdivision Ordinance) with

density of one dwelling to 2.5 acres.

Open Space designed subdivisions are required in the RR zone if one or more of the following apply:

1. A proposed subdivision's average net lot size is less than five acres;
2. If 25% or more of the subdivision is above 5000' elevation.
3. If the proposed subdivision includes important wildlife habitat.

B. Conventional: Five acre minimum lot size if individual well *or* septic systems are used. Such subdivisions are prohibited from further division.

C. Planned Unit Development provided that municipal water and sewer are provided and limited to locations within Area of City Impact; density may be up to one dwelling per ½ acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development. **(Amendment #19 Ordinance #2008-4)**

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

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

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

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

The following table sets forth building bulk and placement standards for the Residential Rural District:

**RESIDENTIAL RURAL DISTRICT**MINIMUM SETBACKS (FT.)(1)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT. (FT.)
PERMITTED USES:					
Single-family Residence	30	50	30	10	35
Two-family Residence	30	50	30	10	35
Residential Accessory Structures (see section 401.C.4)	30	50	20[a]	20[a]	35
Agricultural Structures	30	50	20	20	
Farm Animal Structures	30	50	30	30	15
Commercial Agriculture Accessory Structures for Farm Animals	100	100	100	100	-
Non-Residential Buildings	30	50	20(b)	20(b)	-

**CONDITIONAL USES  
TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL**

Minimum Lot Size: Five acres; see Section 326. Larger lot sizes may be required by the Health Department.

(1) Setback for all structures shall be 100' from any stream or riparian area.

(a) Or height of structure, whichever is greater.

(b) Or height of building, whichever is greater.

B. A conditional use permit shall be required for the reconstruction of a structure housing a pre-existing conditional use if the structure is destroyed by fire or other calamity, to a greater extent than 50 percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Building Inspector and shall be based on the minimum cost of construction in compliance with the Building Code.

#### 540 VARIANCES:

540.1 PURPOSE: A variance shall not be considered a right but may be granted to an applicant upon a showing of undue hardship related to physical characteristics of the site, and then only if the proposal is not in conflict with the public interest.

- A. Application for a variance shall be filed by the owner of the subject property with the Planning Director at least 30 days prior to the public hearing. The application shall include the information necessary to enable the Planning and Zoning Department to make a complete analysis of the variance request.
- B. The Planning Director may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
- C. The application shall be accompanied by a fee established by the Board of County Commissioners. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.
- D. The applicant shall also provide the Planning Director with the names and addresses of the owners of property that abuts the applicant's parcel.

#### 540.2 PUBLIC HEARING NOTICE:

Notice of the variance request shall be given to adjoining property owners at least seven days before the date of the public hearing.

#### 540.3 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:

- A. The Planning and Development Council shall act upon the application within forty-five days following the close of the public hearing on a variance. The Planning and Development Council may grant a variance as the variance was applied for or in modified form, or subject to conditions, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Planning and Development Council may prescribe.

**540.4 STANDARDS:**

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

1. The applicant has shown that there is no reasonable alternative.
2. The variance is not in conflict with the public interest.
3. The variance will not adversely affect adjacent property.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.

**540.5 EFFECTIVE DATE OF VARIANCE:**

A decision of the Planning and Development Council on a variance shall be effective ten (10) days after the date on which action is announced unless an appeal has been filed pursuant to Section 540.6.

**540.6 APPEAL TO BOARD OF COUNTY COMMISSIONERS:**

The appeal procedure is the same as the procedure in Section 550

**540.7 LAPSE OF VARIANCE:**

- A. Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse six months following the date on which the variance is issued, unless prior to the expiration of the six months, a building permit and a zoning permit are issued.
- B. A variance subject to lapse may be renewed by the Planning and Development Council for an additional period of six months, provided that prior to the expiration date, a written request for renewal is filed with the Planning and Development Council.
- C. The Planning and Development Council may grant or deny an application for renewal upon a showing by the applicant that circumstances beyond his control caused the delay.

**540.8 SUSPENSION AND REVOCATION:**

- A. Upon violation of any applicable provision of this Ordinance or, if granted subject to conditions, upon failure to comply with conditions, a variance shall be suspended upon notification to the owner of the use or property subject to the variance.

- B. The Planning and Development Council shall hold a public hearing within 40 days of such notification, in accord with Section 560, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the variance or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.

#### 540.9 MINOR VARIANCES AND PROCEDURES:

A minor variance may be approved by the Planning Director subject to the following limitations:

- A. A minor variance may not reduce a requirement by more than ten percent of its original standard, except in situations where proposed building additions would conform to established setbacks.
- B. The applicant shall furnish the Planning Director with written consent from abutting property owners before the Director approves a minor variance.
- C. If a minor variance request is denied, the applicant may appeal by proceeding through the regular variance process.

#### 550 APPEALS OF PLANNING AND DEVELOPMENT COUNCIL'S DECISIONS:

- A. The Board of County Commissioners shall serve as the decision-making body for appeals of decisions of the Planning and Development Council. The Planning and Development Council's decision may be appealed to the Board of County Commissioners by the applicant or any other aggrieved person within ten days after the date on which the decision is made. Notice of the appeal shall be filed with the Planning Director.
- B. A transcript of the Planning and Development Council's consideration of the request shall be provided by the County at the expense of the appellant. The Board of County Commissioners shall determine the fee per page to be charged for transcripts. The appellant shall pay the estimated cost of the transcript to the County in advance, and be refunded money or owe additional money when the transcript has been prepared, and the actual cost determined.
- C. Not more than 30 days following the preparation of transcripts, the Board of County Commissioners shall meet to consider the appeal. The hearing shall not be a public hearing, but shall be open to the public. The hearing shall be an "on the record review." During the hearing, County staff shall be available to present the application and answer questions; however, comments will not be received from the audience. The Board of County Commissioners shall consider such findings, reports, minutes, comments, and recommendations as are forwarded to them by the Planning and Development Council in rendering their decision. Any applicant or other affected person may request a reconsideration of the Board of County Commissioners'



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 65

##### LOCAL LAND USE PLANNING

67-6516. VARIANCE — DEFINITION — APPLICATION — NOTICE — HEARING. Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in section 21-501, Idaho Code. Denial of a variance permit or approval of a variance 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 the requirements established thereby.

#### History:

[67-6516, added 1975, ch. 188, sec. 2, p. 515; am. 1999, ch. 396, sec. 13, p. 1109; am. 2003, ch. 142, sec. 5, p. 414; am. 2014, ch. 93, sec. 8, p. 260.]

How current is this law?

# FINDINGS

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

**VARIANCE PERMIT- JEREMY MANSKA  
PUBLIC HEARING: JUNE 18, 2025**

**FILE #:** VAR-25-4  
**LOCATION:** RPRRCIN000301 is currently addressed as 9498 Chestnut Hill Drive, Pocatello, ID 83204

<b>APPLICANT:</b>	<b>OWNER:</b>
Jeremy Manska 1655 N. 2 <sup>nd</sup> Avenue Pocatello, ID 83201	Jordan Driscoll 9498 Chestnut Hill Drive Pocatello, ID 83204

**REQUEST & BACKGROUND:** Jeremy Manska requests a variance for side yard setback for one residential accessory structure. The current side yard setback is 20' and the applicant is proposing a 10' side yard setback.

**FINDINGS:**

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

**SITE CHARACTERISTICS AND ZONING:**

ZONING: Residential Rural

PROPERTY SIZE: ~ 3.48 acres

VIEWS: The property is visible from the road

EXISTING STRUCTURES: Residential dwelling and accessory structures

AREA OF CITY IMPACT: None

**NOTICE AND TESTIMONY REQUIREMENTS:**

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

REQUIRED FINDINGS FOR VARIANCE PERMIT, §540

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

This is based on:

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

This is based on:

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

This is based on:

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

This is based on:

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Conditions:

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**ORDER: CONCLUSION AND DECISION**

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Jeremy Manska for a variance for a 10' side yard setback, 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 \_\_\_\_\_ as chair/vice-chair on behalf of the Bannock County Planning and Development Council, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

S  
E  
A  
L

\_\_\_\_\_  
Notary Public  
My Commission Expires on \_\_\_\_\_ 20\_\_\_\_

# MOTION

### **JEREMY MANSKA VARIANCE EXAMPLE MOTION**

Based on the record and discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Jeremy Manska requesting a variance for a 10' side yard setback, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

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

AGENDA ITEM NO. 5  
Variance – Dustin Holsten



# PLANNING AND DEVELOPMENT SERVICES

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

## VARIANCE PERMIT PUBLIC HEARING: JUNE 18, 2025 STAFF REPORT

**FILE #:** VAR-25-6

**LOCATION:** RPR4227015901, currently unaddressed.

**APPLICANT:**

Dustin Holsten  
757 Pebble Creek Road  
Bancroft, ID 83217

**OWNER:**

Dustin Holsten  
757 Pebble Creek Road  
Bancroft, ID 83217

**RECOMMENDATION:** Bannock County Planning and Development recommends the following:

- Denial
- Approval

**REQUEST & BACKGROUND:** Dustin Holsten requests a variance to build a duplex on 1.0 acres. The current standard requires 1.5 acres.

**SITE CHARACTERISTICS AND ZONING:**

ZONING: Recreational

PROPERTY SIZE: ~ 1.05 acres

VIEWS: The property is visible from the road

EXISTING STRUCTURES: None

AREA OF CITY IMPACT: None

**SURROUNDING LAND USES AND ZONING**

NORTH: The site is within the Recreational zoning district and consists of bare ground.

EAST: The site is within the Recreational zoning district and consists of bare ground.

SOUTH: The site is within the Recreational zoning district and consists of residential uses and bare ground.

WEST: The site is within the Recreational zoning district and consists of residential uses and bare ground.

**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-6516, Variance – Definition – Application – Notice – Hearing.
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:

STAFF REPORT  
VARIANCE PERMIT- HOLSTEN  
Page 1 of 5

- a. §347 BUILDING BULK AND PLACEMENT STANDARDS
- b. §540 VARIANCES



**SITE MAP**



## ZONING MAP

### **STANDARDS FOR GRANTING A VARIANCE (ZONING ORDINANCE §540.4)**

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

**A. The applicant has shown that there is no reasonable alternative.**

Staff Findings of Fact

The applicant has stated that he cannot change the size of the land and that there is not enough room to expand because of Fish Creek Pass and Fish Creek Road, which surround applicant's property to the north and south with a road that connects the two highways to the east. Applicant also stated that he does not own the lot to the west of property.

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

Staff Findings of Fact

The applicant has stated there is no conflict with the public interest. Applicant has talked to neighbors regarding plans for a duplex and has submitted a signed document from all neighbors with shared property lines. Applicant also states that it is in favor with the public interests of the nearby town of Lava Hot Springs due to small town businesses relying on tourism to stay open. With Lava growing, housing will be needed and this duplex can help provide housing. Staff finds that the variance does not appear to be in conflict with the public interest as no public comments have been received at the time of this report. The Council should determine if any aspect of the proposed variance is in conflict with the public interest based on information provided by the applicant and any public testimony.

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

Staff Findings of Fact

Applicant has a signed document from the only two (2) neighboring properties stating they are okay with the build and this variance should not affect adjacent properties. Council should determine if any aspect of the proposed variance is in conflict with the adjacent property owner's interest based on information provided by the applicant and any public testimony.

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

Staff Findings

The applicant has stated that he will lose money because he has already purchased the property and the physical characteristics of the property do not allow for an expansion of the property lines. Applicant also stated that he cannot afford to build a single-family dwelling with the price of building. Council should discuss the information provided by the applicant and determine if the variance is denied, if the applicant will suffer an undue hardship caused by the physical characteristics of the site.

**IDAHO CODE REGARDING VARIANCE PERMITS**

IC 67-6516: VARIANCE — DEFINITION — APPLICATION — NOTICE — HEARING. Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in section 21-501, Idaho Code. Denial of a variance permit or approval of a variance 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 the requirements established thereby.

**AGENCY COMMENTS:**

1. None at time of report

**PUBLIC COMMENTS:**

2. None at time of report

**REPORT BY:**

Annie Hughes Williams, Zoning Planner

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

208-236-7230

**REPORTED DATE:** June 10, 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



## VAR-25-6

Variance Application

Status: Active

Submitted On: 5/14/2025

### Primary Location

0 NO STREET  
, 00000

### Owner

DUSTIN HOLSTEN

### Applicant

 DUSTIN HOLSTEN

---

## Parcel & Variance Information

Parcel Number\*

RPR4227015901

My property is zoned:\*

Recreation

What variance are you requesting? Please select all that apply:

Rear yard setbacks

☐

Side yard setbacks

☐

Riparian area setbacks

☐

Right-of-way setbacks

☐

Lot size

☒

Other

☐

Please describe your variance request in detail:\*

We are asking for a variance to build a duplex on less than 1.5 acres. My lot is 1acre.

---

## Application for Variance

Narrative addressing how your application meets criterion 1: The applicant has shown there is no reasonable alternative.\*

I can't change the size of the land. There isn't enough room to expand because Fishcreek pass and Fishcreek Rd. Surrounds me to the north and south, with a road that connects the two highways to the east. I don't own the lot to the west of my property.

**Narrative addressing how your application meets criterion 2: The variance is not in conflict with the public interest.\***

No it does not conflict with public interests. If the public interest is my surrounding neighbors, I have talked with them about the plans for said duplex. And have submitted a signed document from all neighbors with shared property lines.

It IS in favor with the public interests of the nearby town of Lava Hot Springs because a lot of the town's small businesses rely on tourism to stay open. With an ever growing Lava, housing will be needed, and this can help provide for that.

All setbacks will be met.

It is in compliance with the recreational zoned ordinance which states " to encourage" a compatible "blend" of recreation and "tourist uses" with public recreational uses, in such a way as to preserve Bannock counties recreational resources. This falls in perfect for that. It allows housing for tourists to come check out our beautiful mountainous area all while stimulating bannock counties economy. Conditional permits are granted for buildings such as hotels even. Im not asking for anything like that and am keeping the footprint relatively small.

I also own a two family dwelling across the street from the build in question that I rent out in the same manner. We have house rules in place, and the small community stays quiet. We will implement the same house rules in the new build.

I have been in contact with Kathleen Price with the health department and had the ground tested for the septic system. The permit will be granted for the build in question.

**Narrative addressing how your application meets criterion 3: The variance will not adversely affect adjacent property.\***

No it will not adversely affect adjacent property. I have singed documentation from the only 2 neighboring properties stating they are okay with the build in question. All setbacks will be met. I have neighbors to the east and west of the property in question. They are the ones who have signed attached document. I own the lot to the south and Fishcreek pass is on the north side.

Also it's predetermined that I am able to build on this lot. I could build a single family dwelling the same footprint as what I'm asking to build. Which is only 2200 square ft.

**Narrative addressing how your application meets criterion 4: If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.\***

I have already purchased the lot with this plan in mind. If not granted I will lose money on a property that i have already purchased. This would hurt myself and my family's future. I'm surrounded by roads so I can't expand the property lines to get the extra 1/2 acre. With Fishcreek pass, Fishcreek rd., and the road that connects the 2, the physical characteristics don't allow me to expand property lines.

I'm not sure if this matters but I can't afford to build a single family dwelling with the price of building. If I can't do this small duplex, my family and I will lose a lot of money we have already spent.

---

## Certification

Electronic Signature [Typed name of applicant]\*

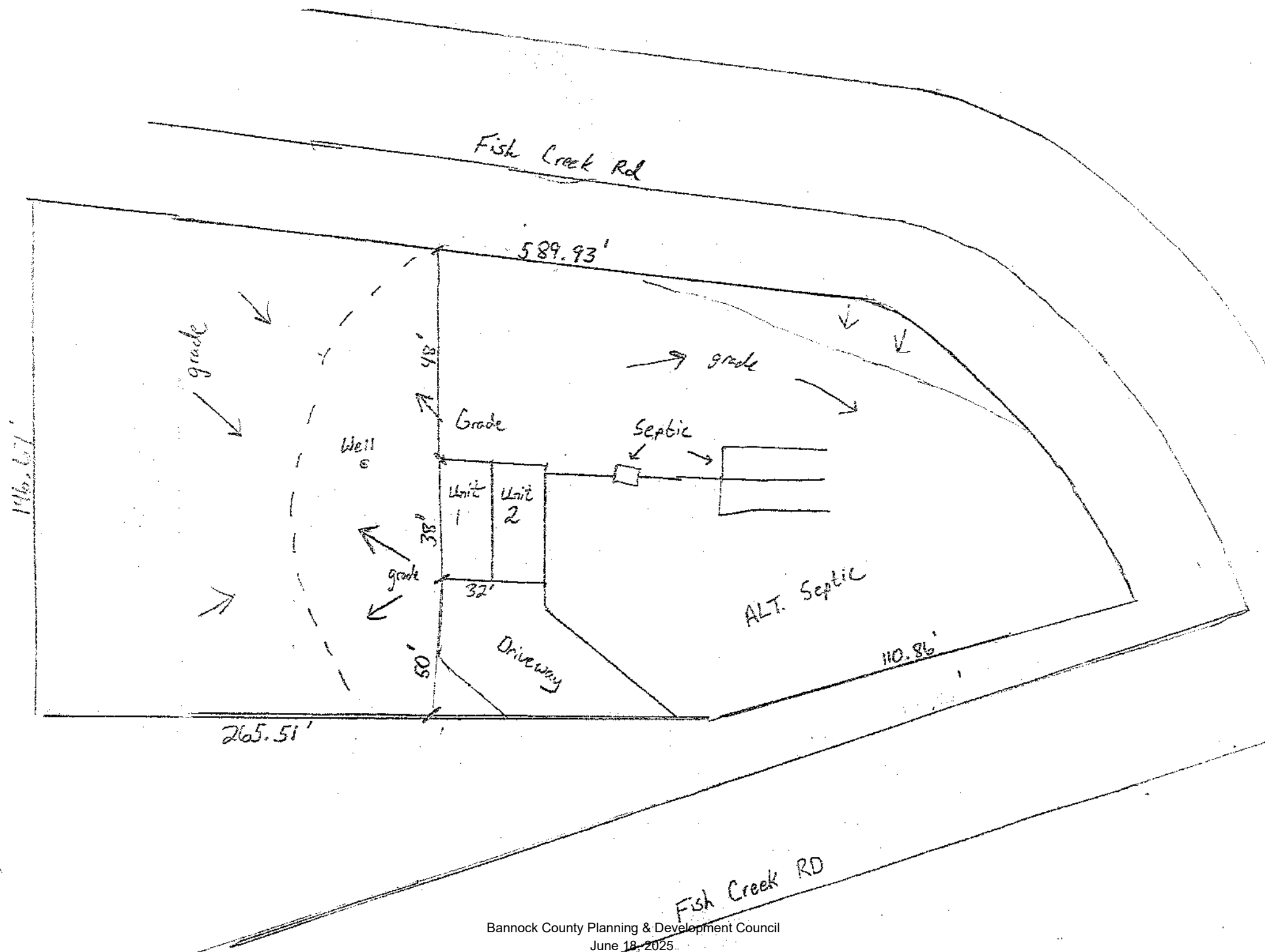
Dustin Holsten

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

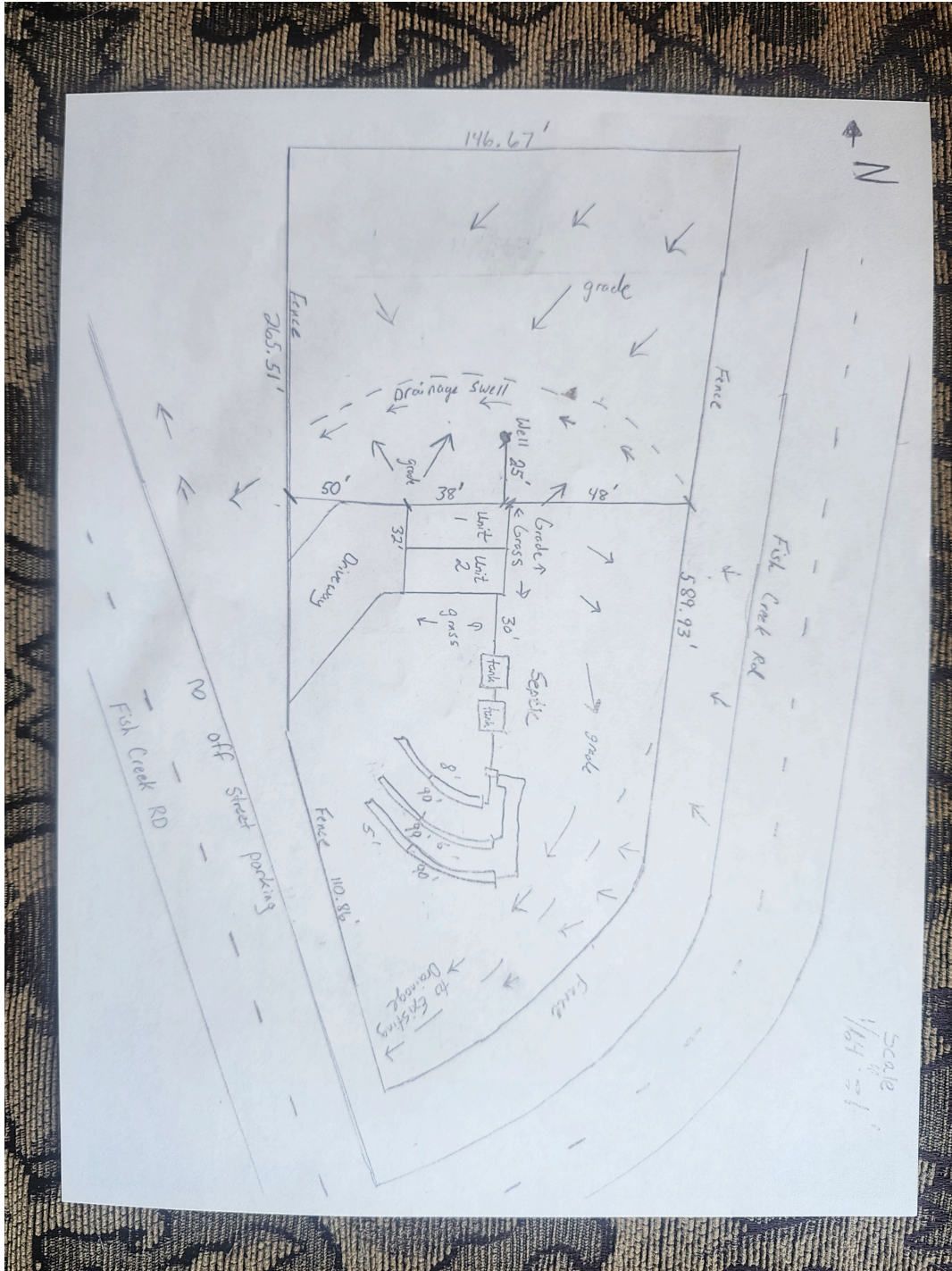


Date\*

04/30/2025

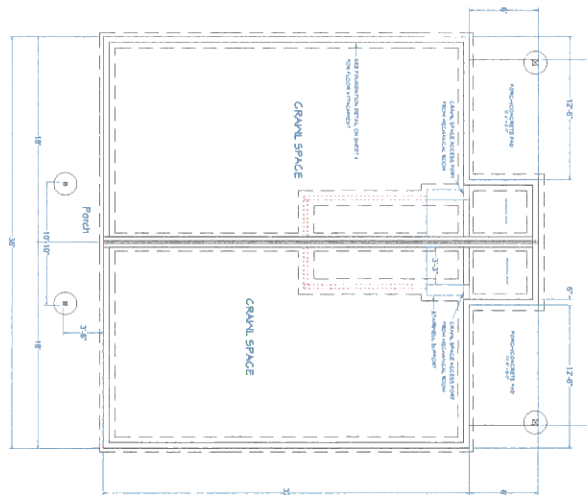






# EXHIBIT 2

## Foundation footprint of the proposed duplex



FOUNDATION LEVEL

A COPY OF SHEET #4  
"SPECIFICATION SHEET"  
SHOULD BE PROVIDED WITH  
THIS SHEET

Sheet No  
B-4

REVISIONS

DESIGN/  
DYNAMICS

LAYOUT  
FOUNDATION

SCALE  
WHEN PRINTED  
ON SIZE "D"  
24" X 36" PAPER

EXHIBIT 3

Southeastern Idaho Public Health:

Septic Permit

# PERMIT-Subsurface Sewage Disposal



**Public Health**  
Prevent. Promote. Protect.

Southeastern Idaho Public Health

1901 Alvin Ricken Dr

Pocatello ID 83201

(208) 239-5270

Permit #: 42693

Date: 05/14/2025

Parcel #: RPR4227015901

## Idaho Public Health Districts

Applicant's Name: Dustin Holsten  
Owners Name: Dustin Holsten  
Property Address: TBB Fish Creek Rd Lava Hot Springs ID 83246  
Legal Description: Township 9 S Range 38 E Section 24  
Subdivision: Lot Block Size(acres): 1.0

Type of Installation	Type of System (check all that apply)			Water Supply
<input type="checkbox"/> Tank Only	<input type="checkbox"/> Absorption Bed	<input checked="" type="checkbox"/> Gravelless Drainfield	<input type="checkbox"/> Pressurized DF	<input checked="" type="checkbox"/> Private <input type="checkbox"/> Shared <input type="checkbox"/> Public
<input checked="" type="checkbox"/> New System	<input type="checkbox"/> Capping Fill	<input type="checkbox"/> Gray Water Sump	<input type="checkbox"/> Recirculating GF	
<input type="checkbox"/> Expansion	<input type="checkbox"/> Central System	<input type="checkbox"/> Gray Water System	<input type="checkbox"/> RV Dump Station	
<input type="checkbox"/> Repair	<input type="checkbox"/> Composting Toilet	<input type="checkbox"/> Holding Tank	<input type="checkbox"/> Sand Mound	
<input type="checkbox"/> LSAS Repair	<input type="checkbox"/> Drip Distribution	<input type="checkbox"/> Incinerator Toilet	<input type="checkbox"/> Seepage Pit	
<input type="checkbox"/> LSAS New	<input type="checkbox"/> ETPS	<input type="checkbox"/> Individual Lagoon	<input type="checkbox"/> Steep Slope Drainfield	Water Source
<input checked="" type="checkbox"/> Basic System	<input type="checkbox"/> Experimental	<input type="checkbox"/> Intermittent SF	<input type="checkbox"/> Two Cell Lagoon	<input checked="" type="checkbox"/> Well <input type="checkbox"/> Spring
<input type="checkbox"/> Complex System	<input type="checkbox"/> Extra Drainrock	<input type="checkbox"/> Intrench SF	<input type="checkbox"/> Vault Privy	
	<input type="checkbox"/> Evapotranspiration	<input type="checkbox"/> Tank Only	<input type="checkbox"/> Other (see below)	
	<input checked="" type="checkbox"/> Gravel Drainfield	<input type="checkbox"/> Pit Privy		

### Conditions of Approval:

Inspection required before cover by SIPH. 48 Hours advanced notice required for inspection

\*\*\*Maximum depth of excavation 30 inches to stay with in B1 soil type. Minimum depth 24 inches. Trench

walls will be deeper on upslope side but trench bottoms must be level. Trenches must follow the contour

of slope and may curve to maintain elevation level.

834 sq ft of effective drainfield is required. 625 sq ft of drainfield is required if using gravelless

domes. Trenches for domes can be a maximum of 3 feet wide or entire effective drainfield sq ft must be

installed.

System is sized to receive 500gpd wastewater flow.

58.01.03 Individual/Subsurface Sewage Disposal Rules must be met. The plot plan is a portion of the

permit. Any change must be approved by SIPH prior to installation.

☒ Residential permit

6

Bedrooms

500

Gallons Per Day

☐ Non-residential permit

Gallons Per Day

Soil Type:

B-1

USDA

The minimum septic tank capacity is:

2000

Gallons

The minimum effective drainfield absorption area is:

834

Square Feet

The drainfield can be no closer to permanent/intermittent surface water than:

200

Feet

**Note: Final approval of this permit requires inspection of the uncovered system.**

**See page 2 for additional terms and conditions.**

EHS Signature

05/14/2025

Date Issued

Revision Date 03/05/2021

Bannock County Planning & Development Council

June 18, 2025

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# PERMIT-Subsurface Sewage Disposal



**Public Health**  
*Prevent. Promote. Protect.*

Southeastern Idaho Public Health

1901 Alvin Ricken Dr

Pocatello ID 83201

(208) 239-5270

Permit # : 42693

Date : 05/14/2025

Parcel # : RPR4227015901

## Idaho Public Health Districts

Applicant's Name:	Dustin Holsten			
Owners Name:	Dustin Holsten			
Property Address:	TBB Fish Creek Rd Lava Hot Springs ID 83246			
Legal Description:	Township 9 S	Range 38 E	Section 24	
Subdivision:	Lot	Block	Size(acres):	1.0

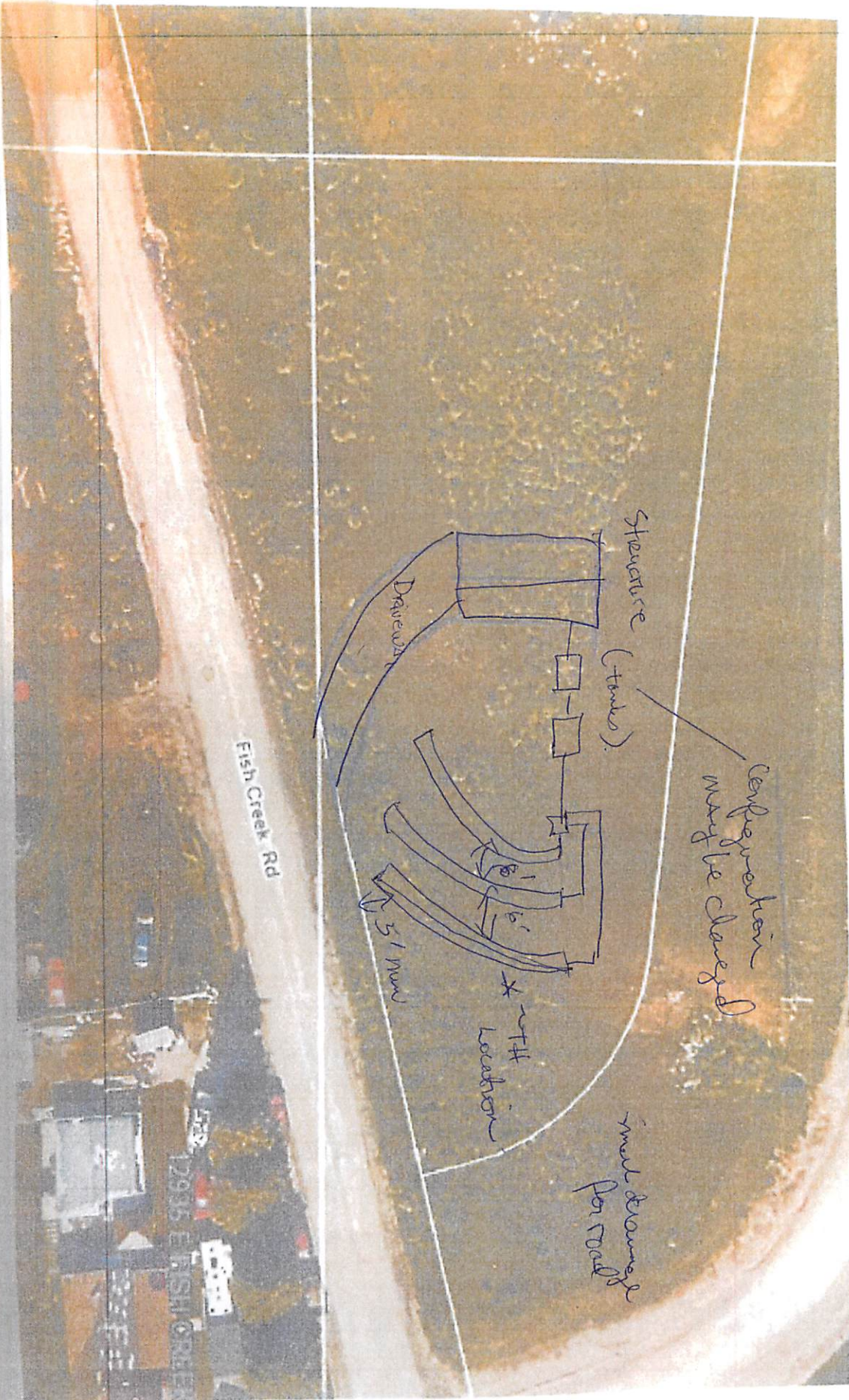
This permit expires if the system is not constructed as approved within two years from the date issued. Once the system is constructed and approved by the Health District, all requirements of the approved plans and specifications, permit and permit application (including operations, maintenance, monitoring, and reporting) are applicable indefinitely and convey through transfer of property ownership unless the system is abandoned, removed, replaced, or the permit is renewed. A permit may be renewed if the permit application is received on or before the expiration date of the previous permit. Prior to a transfer of property, the transferor must inform the transferee of all applicable requirements of the permit and application. Failure to satisfy the permit or application requirements may result in enforcement action.

Aug 34

Plot Plan ↑

5-14-25

Drain EHS #93





# EXHIBIT 4

## Public Comments

I am okay with the duplex that is in question being built by Dustin & Kaitlin Holsten on plot # RPR 4227015901. I have discussed plans with him on the date of 05/02/2025.

Jason Bexel  
12850 E Fish Creek Rd  
Hawa Hot Springs Tel  
83246  
Ph: 928-640-1124

Fawn Potter  
13163 Fish Creek Rd  
Hawa Hot Springs 83246

# EXHIBIT 5

## 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 and public service facilities, excluding distribution and service lines.
- 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. Signs for all non-residential uses shall be as follows:
  - 1. Building mounted. No higher than the building roof line, indirectly lighted, and not exceeding thirty-two square feet in size per sign face.
  - 2. Freestanding. Set back at least ten feet from any property line, no more than six feet in height, indirectly lighted, not exceeding thirty-two square feet in size per sign face, supported by two or more posts or resting directly on the ground, made an integral component of the landscaping plan for the use, and compatible in appearance with the building(s) on the site. All such signs shall be approved by the Planning Director prior to being erected.
- 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.

**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)<sup>(1)</sup>**

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

**CONDITIONAL USES  
TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL**

- (1) All structures shall be 100' from any stream or riparian area.
- (a) One acre minimum lot area; larger lot sizes may be required by the Health Department.
- (b) Or height of building, whichever is greater.

# FINDINGS

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

**VARIANCE PERMIT- DUSTIN HOLSTEN  
PUBLIC HEARING: JUNE 18, 2025**

**FILE #:** VAR-25-6  
**LOCATION:** RPR4227015901, currently unaddressed.

<b>APPLICANT:</b>	<b>OWNER:</b>
Dustin Holsten 757 Pebble Creek Road Bancroft, ID 83217	Dustin Holsten 757 Pebble Creek Road Bancroft, ID 83217

**REQUEST & BACKGROUND:** Dustin Holsten requests a variance to build a duplex on 1.0 acres. The current standard requires 1.5 acres.

**FINDINGS:**

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

**SITE CHARACTERISTICS AND ZONING:**

ZONING: Recreational  
PROPERTY SIZE: ~ 1.05 acres  
VIEWS: The property is visible from the road  
EXISTING STRUCTURES: None  
AREA OF CITY IMPACT: None

**NOTICE AND TESTIMONY REQUIREMENTS:**

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

REQUIRED FINDINGS FOR VARIANCE PERMIT, §540

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

This is based on:

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

This is based on:

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

This is based on:

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

This is based on:

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Conditions:

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## ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Dustin Holsten for a variance to build a duplex on 1.0 acres, as described in the application, shall be **[approved]** **[denied]** **[tabled]**.

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

### ROLL CALL:

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

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

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

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

## ACKNOWLEDGEMENT CERTIFICATE

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

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_ as chair/vice-chair on behalf of the Bannock County Planning and Development Council, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

S  
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\_\_\_\_\_  
Notary Public  
My Commission Expires on \_\_\_\_\_ 20\_\_\_\_

# MOTION

### **DUSTIN HOLSTEN VARIANCE EXAMPLE MOTION**

Based on the record and discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Dustin Holsten requesting a variance to build a duplex on 1.0 acres, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

1. ....

2. ....

AGENDA ITEM NO. 6  
Variance – Brandon Jackson



# PLANNING AND DEVELOPMENT SERVICES

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

## VARIANCE PERMIT PUBLIC HEARING: JUNE 18, 2025 STAFF REPORT

**FILE #:** VAR-25-5  
**LOCATION:** RPRRWE3000300 currently addressed as 14687 Berkshire Avenue, Chubbuck, ID 83202

### APPLICANT:

Brandon Jackson  
14687 Berkshire Avenue  
Chubbuck, ID 83202

### OWNER:

Brandon Jackson  
14687 Berkshire Avenue  
Chubbuck, ID 83202

**RECOMMENDATION:** Bannock County Planning and Development recommends the following:

- Denial
- Approval

**REQUEST & BACKGROUND:** Brandon Jackson requests a variance for rear yard and side yard setbacks for one residential accessory structure. The current rear yard setback is 20' and the applicant is proposing a 6' rear yard setback. The current side yard setback is 10' and the applicant is proposing a 4' side yard setback.

### SITE CHARACTERISTICS AND ZONING:

**ZONING:** Residential Suburban

**PROPERTY SIZE:** ~ 0.50 acres

**VIEWS:** The property is visible from the road

**EXISTING STRUCTURES:** Residential dwelling

**AREA OF CITY IMPACT:** Chubbuck

### SURROUNDING LAND USES AND ZONING

**NORTH:** The site is within the Residential Suburban zoning district and consists of bare ground and residential uses.

**EAST:** The site is within the Residential Suburban zoning district and consists of residential uses.

**SOUTH:** The site is within the Residential Suburban zoning district and consists of residential uses.

**WEST:** The site is within the Residential Suburban zoning district and consists of residential uses.

STAFF REPORT  
VARIANCE PERMIT- JACKSON  
Page 1 of 5

**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-6516, Variance – Definition – Application – Notice – Hearing.
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
  - a. §337 BUILDING BULK AND PLACEMENT STANDARDS
  - b. §540 VARIANCES



**SITE MAP**



## ZONING MAP

### **STANDARDS FOR GRANTING A VARIANCE (ZONING ORDINANCE §540.4)**

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

**A. The applicant has shown that there is no reasonable alternative.**

Staff Findings of Fact

The applicant has stated when purchasing lot, applicant was under the impression that a blanket variance had been granted and that would allow a shed to be built in the proposed location. Only after pouring the thickened slab for the shed, it was discovered that the lot is outside of that blanket variance area. A 5' side lot and 5' back lot variance has been granted for all properties north of property. Additionally, several similar side and back lot variances have been granted in Phase 1 of Westfield Estates that are adjacent to property.

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

Staff Findings of Fact

The applicant has stated that after reviewing plans, there should be no conflict in public interest. Property is bordered by private property on all sides. No approach angles or vision obstructions would occur after this shed is built. Staff finds that the variance does not appear to be in conflict with the public interest as no public comment has been

received at the time of this report. The Council should determine if any aspect of the proposed variance is in conflict with the public interest based on information provided by the applicant and any public testimony.

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

Staff Findings of Fact

The Applicant states that rainwater and snow melt from this structure will be towards the south and north. On the north property line, applicant intends to install gutters along the north drain and the north roof run off to the front of the structure on the west. With the gutters installed, there would be no drainage towards the north or the east properties. The north property line will have a solid vinyl fence obstructing view from the residential lot. Council should determine if any aspect of the proposed variance is in conflict with the adjacent property owner's interest based on information provided by the applicant and any public testimony.

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

Staff Findings

The applicant has stated if the variance is not granted, applicant will lose approximately \$7,000.00 worth of concrete. Applicant acknowledges that the loss would be applicant's responsibility for not making sure lot was included in the blanket variance. Council should discuss the information provided by the applicant and determine if the variance is denied, if the applicant will suffer an undue hardship caused by the physical characteristics of the site.

**IDAHO CODE REGARDING VARIANCE PERMITS**

IC 67-6516: VARIANCE — DEFINITION — APPLICATION — NOTICE — HEARING. Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in section 21-501, Idaho Code. Denial of a variance permit or approval of a variance 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 the requirements established thereby.

**AGENCY COMMENTS:**

1. None at time of report

**PUBLIC COMMENTS:**

2. None at time of report

**REPORT BY:**

Annie Hughes Williams, Zoning Planner  
[annieh@bannockcounty.gov](mailto:annieh@bannockcounty.gov)  
208-236-7230

**REPORTED DATE:** June 10, 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



## VAR-25-5

Variance Application

Status: Active


Submitted On: 5/9/2025

## Primary Location

14687 BERKSHIRE AVE

CHUBBUCK, ID 83202

## Applicant

 Brandon Jackson

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## Parcel & Variance Information

Parcel Number\*

RPRRWE3000300

My property is zoned:\*

Residential Rural

What variance are you requesting? Please select all that apply:

Rear yard setbacks



Side yard setbacks



Riparian area setbacks



Right-of-way setbacks



Lot size



Other



Please describe your variance request in detail:\*

Requesting setback variance along the north property line and east property line. property for a shed with lean-to. Property on the east is bordered by pasture and on the north by a residential lot. Structure on the north property line is a lean to. Also requesting overall height variance. Total height 14'. On the north the drip line for the lean to will be 4' off the property line and on the east the eve of the shed will be 6' from the property line.

## Application for Variance

**Narrative addressing how your application meets criterion 1: The applicant has shown there is no reasonable alternative.\***

When purchasing our lot we were under the impression that a blanket variance had been granted that would allow a shed to be built in the proposed location. Only after pouring the thickened slab for the shed, it was discovered that our lot is one lot outside that blanket variance area. A five foot side lot and five foot back lot variance has been granted for all properties north of our property. Additionally, several similar side and back lot variances have been granted to phase 1 lots that are adjacent to our property.

**Narrative addressing how your application meets criterion 2: The variance is not in conflict with the public interest.\***

After reviewing our plans there should be no conflict in public interest. Property is bordered by private property on all sides. No approach angles or vision obstructions would occur after this shed is built.

**Narrative addressing how your application meets criterion 3: The variance will not adversely affect adjacent property.\***

Rainwater and snow melt from this structure will be towards the south and north. Where we are close to the north property line we intend to install gutters along the north and down the north roof run off to the front of the structure on the west. With the gutters installed there would be no drainage towards the north or the east properties. North property line will have a solid vinyl fence obstructing view from the residential lot towards the lean to.

**Narrative addressing how your application meets criterion 4: If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.\***

If the variance is not granted loss of about \$7000 worth of concrete would be realized. I acknowledge that loss would be my sole responsibility for not making sure our lot was included in the blanket variance.

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## Certification

**Electronic Signature [Typed name of applicant]\***

Brandon Jackson

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



**Date\***

05/08/2025





# EXHIBIT 2

## 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.
- C. Parks.
- D. 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.
- E. Accessory buildings, structures and uses which are customarily incidental to residential uses.
- F. Home occupations as defined in this Ordinance.
- G. Public Schools – primary and secondary.
- H. Fire Stations.
- I. Churches.

J. 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.

K. Golf courses.

L. Private, noncommercial recreational facilities.

### 334 USES CONDITIONALLY PERMITTED:

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

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

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

C. Cemeteries.

D. Institutional housing.

E. Multi-family dwellings.

### 335 PARKING STANDARDS:

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

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

**PARKING SPACES REQUIRED PER UNIT  
DWELLING UNITS/STRUCTURE (read across)**

<b>Number of Bedrooms/Unit</b>	<b>1</b>	<b>2</b>	<b>3-6*</b>	<b>7 or more</b>
<b>1</b>	2	2	1.6	1.5
<b>2</b>	2	2	1.8	1.6
<b>3</b>	2	2	2.0	1.8
<b>4</b>	3	3	2.2	2.0
<b>5 or more</b>	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.

**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)<sup>(1)</sup>**

	MINIMUM LOT AREA (a)	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT. (FT)
PERMITTED USES:						
Single-Family Residence	1 acre*	30	50	20	10	35
Two-Family Residence	3\4 D.U.*	30	50	20	10	35
Residential Accessory Structures (see section 401.C.4)	-	30	50	20(c)	10(c)	35
Farm Animal Structure		30	50	30	30	15
Non-residential Buildings	-	30	50	20(b)	20(b)	-

**CONDITIONAL USES  
TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL**

(1) Setback for all structures shall be 100' from any stream or riparian area.

\*Five acres is minimum lot size where well and or septic tank/drainfield system is used within a city's area of impact. See Section 336.B.1.

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

(b) Or height of building, whichever is greater.

(c) Or height of structure, whichever is greater.

# FINDINGS

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

**VARIANCE PERMIT- BRANDON JACKSON  
PUBLIC HEARING: JUNE 18, 2025**

**FILE #:** VAR-25-5  
**LOCATION:** RPRRWE3000300 currently addressed as 14687 Berkshire Avenue, Chubbuck, ID 83202

<b>APPLICANT:</b>	<b>OWNER:</b>
Brandon Jackson 14687 Berkshire Avenue Chubbuck, ID 83202	Brandon Jackson 14687 Berkshire Avenue Chubbuck, ID 83202

**REQUEST & BACKGROUND:** Brandon Jackson requests a variance for rear yard and side yard setbacks for one residential accessory structure. The current rear yard setback is 20' and the applicant is proposing a 6' rear yard setback. The current side yard setback is 10' and the applicant is proposing a 4' side yard setback.

**FINDINGS:**

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

**SITE CHARACTERISTICS AND ZONING:**

ZONING: Residential Suburban  
PROPERTY SIZE: ~ 0.50 acres  
VIEWS: The property is visible from the road  
EXISTING STRUCTURES: Residential dwelling  
AREA OF CITY IMPACT: Chubbuck

**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 VARIANCE PERMIT, §540

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

This is based on:

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

This is based on:

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- 3. The variance **[will]** **[will not]** adversely affect adjacent property.

This is based on:

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

This is based on:

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Conditions:

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**ORDER: CONCLUSION AND DECISION**

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Brandon Jackson for a variance for a 4' side yard setback and 6' rear yard setback, 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 \_\_\_\_\_ as chair/vice-chair on behalf of the Bannock County Planning and Development Council, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

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L

\_\_\_\_\_  
Notary Public  
My Commission Expires on \_\_\_\_\_ 20\_\_\_\_

# MOTION

## **BRANDON JACKSON VARIANCE EXAMPLE MOTION**

Based on the record and discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Brandon Jackson requesting a variance for a 4' side yard setback and 6' rear yard setback, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

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

# AGENDA ITEM NO. 7

## Items of Interest

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