



# 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

AUGUST 20, 2025 – 5:15 PM

---

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.

---

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.

---

**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.

---

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.

---

AGENDA ITEM NO.	1.	ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST – EX-PARTE COMMUNICATION AND SITE VISIT 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 a) Agenda Clarification and Approval ( <b>Action Item</b> )

PLANNING & DEVELOPMENT COUNCIL MEETING  
AUGUST 20, 2025

AGENDA ITEM NO. 3. APPROVAL OF MINUTES (**ACTION ITEM**)  
a) July 16, 2025

**PUBLIC HEARING ITEMS**

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

AGENDA ITEM NO. 4. SUBDIVISION CONCEPT PLAN – CHESTNUT HILL  
SUBDIVISION: Pursuant to Section 302 of the Bannock County Subdivision Ordinance, Stewart Ward proposes a lot line adjustment to adjust a portion of the common line between Lots 3 and 4 in the Cinnamon Springs Subdivision. The subject properties are parcels RPRRCIN000401 and RPRRCIN000301. All lots will utilize existing individual culinary wells and septic systems. Type of action: Decision.  
**(ACTION ITEM)**

AGENDA ITEM NO. 5. VARIANCE FROM §475.13 – DRIVEWAYS: Dakota Worrell 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 10' width at all points. The affected properties are labeled as parcels RPR3851027600 and RPR3851027702, currently unaddressed. The procedures and standards for evaluating a variance petition are found in §540 of the Bannock County Zoning Ordinance; approval or denial of this request shall be in accordance with standards prescribed therein. Type of action: Decision.  
**(ACTION ITEM)**

AGENDA ITEM NO. 6. VARIANCE FROM §316 – BUILDING BULK AND PLACEMENT STANDARDS: Conrad Jensen requests a variance for side yard setbacks for an addition to the single-family dwelling. The current side yard setback is 20' and the applicant is proposing a 10' side yard setback. The affected property is labeled as parcel RPR4015029900 and is currently addressed as 228 N. Indian Creek Road, Inkom, ID 83245. The procedures and standards for evaluating a variance petition are found in §540 of the Bannock County Zoning Ordinance; approval or denial of

this request shall be in accordance with standards prescribed therein. Type of action: Decision.  
**(ACTION ITEM)**

AGENDA ITEM NO. 7. VARIANCE FROM §327 – BUILDING BULK AND PLACEMENT STANDARDS: Ted Van Horn requests a variance for right-of-way setbacks for a single-family dwelling and two (2) residential accessory structures. The current right-of-way setback is 30' and the applicant is proposing a 20' right-of-way setback off of Aubrey Lane and Utah Drive for the single-family dwelling. The current setback is 50' and the applicant has proposed 12' right-of-way setback from Old Hwy 91 for the two (2) residential accessory structures. The affected property is labeled as parcel RP RRSGP003202, currently addressed as 3670 Utah Drive, Inkom, ID 83245. The procedures and standards for evaluating a variance petition are found in §540 of the Bannock County Zoning Ordinance; approval or denial of this request shall be in accordance with standards prescribed therein. Type of action: Decision.  
**(ACTION ITEM)**

### **BUSINESS ITEMS**

None

---

AGENDA ITEM NO. 7. ITEMS OF INTEREST

- Update on recommendations to Commissioners
- Discussion of upcoming hearing items
- Announcements

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.

AGENDA ITEM NO. 9. WORK SESSION  
a) None

AGENDA ITEM NO. 10. ADJOURN

---

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 August 12, 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.

---

# AGENDA ITEM NO. 3

## Approval of Minutes

- July 16, 2025

## BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

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

**BANNOCK COUNTY STAFF PRESENT:** Hal Jensen, 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: Molly Dimick, Stewart Ward, and Ed Ulrich.

Stewart Ward recused from Agenda Item No. 5.

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

Hal Jensen, Planning Director, postpone Agenda Item No. 5 until August meeting.

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

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

Ulrich makes motion to approve minutes as written for June 18, 2025, with correction of Hollow spelling.

Dimick seconds. All in favor.

### **PUBLIC HEARING:**

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

### **4. CONDITIONAL USE PERMIT – PORTABLE PREBUILT SHEDS:**

JoAnn Hall petitions for a conditional use permit to sell portable prebuilt sheds. The facility proposes hours of operation to be Monday through Saturday from 9:00 a.m. to 6:00 p.m. Property owner will be operating the business. The affected property is known as parcel RPR4227019000 and is currently addressed as 10948 S. Dempsey Creek, Lava Hot Springs, ID 83246.

JoAnn Hall, 10948 S. Dempsey Creek, Lava Hot Springs, ID. Petitioning for permit for portable prebuilt sheds. Sell old hickory sheds that are rated for Lava Hot Springs area and elevation. Sales are completed online. Display models on property. No transactions are done directly with

applicant. Can buy sample off lot. Build and design online. Not an eyesore for the community. Closed all winter. Opened five (5) months depending on weather.

Ward, "how many units do you have?"

JoAnn Hall, "they have all been sold. Staged and waiting to be delivered to lots that were not ready for sheds. Normally, they would go directly to the lot from our build lot in Jerome. I think I have seven (7)."

Ward, "do you have room for just ten (10)?"

JoAnn Hall, "I have fourteen (14) acres so I could have more, but it is just a display lot. Custom build, but orders are done online. Come straight from Jerome up to the mountain."

#### STAFF

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

Ulrich, "this is an allowable use in the Recreational zone?"

Annie Hughes, "correct."

Hal Jensen, "correct with the conditional use."

#### PUBLIC TESTIMONY

Public testimony in favor: Jane Dame, 10795 S. Dempsey Creek Road, Lava Hot Springs, ID. Neighbor in support of conditional use permit. Quiet area. Good neighbors.

Zach Dame, 10795 S. Dempsey Creek Road, Lava Hot Springs, ID in support of conditional use permit and does not wish to testify.

Public testimony neutral: None.

Public testimony opposed: None.

Hal Jensen, Planning Director, as a clarification regarding previous comments, we had a similar application that was approved, but this application has to be approved on its own merits and in compliance with the ordinance for the record.

Ward, "have you read the recommended conditions and are you okay with all of those?"

JoAnn Hall, "yes, I did read through them and yes."

## FINDINGS

1. The proposed use **would not** adversely affect surrounding properties to a materially greater extent than would a permitted use in the district. The proposed use, business hours, season of operation, non-year-round use, and type of business would not greatly affect the surrounding areas.
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. The proposed business model, minimal foot traffic, and minimal automobile traffic would not cause undue disruption of travel.
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. There were no opposition for this conditional use permit. The site is for display models only and most sales will be drop-shipped to the buyers.
4. The proposed use **would** be consistent with the goals and policies of the Comprehensive Plan of the county. Goal 2.2 and Goal 3.2 both address economic growth in the county.
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. All structures are temporary and will be compatible with zoning requirements.

Dimick, based on the record and the discussion this evening, I move to approve the request by JoAnn Hall, for a Conditional Use Permit to sell portable prebuilt sheds, 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.

## CONDITIONS

1. Hours of operation 9:00 a.m. – 6:00 p.m., Monday – Saturday.
2. All signs must adhere to Zoning Ordinance Section 475.24.
3. Outdoor lighting must adhere to Zoning Ordinance Section 475.10.
4. Any customer parking must be contained on property and no street parking will be permitted.

Ulrich seconds.

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

Motion approved 3-0.

## **5. SUBDIVISION CONCEPT PLAN – CHESTNUT HILL SUBDIVISION:**

Postponed until August 20, 2025, public hearing.

## **6. REZONE:**

Bryan Moon proposes the redesignation of approximately 6.75 acres of land from Agricultural to Residential Suburban on the Zoning Map. The subject property is located in Section 4 of Township 6 South, Range 34 East of the Boise Meridian and identified as parcel RPRRMNL000500. Recommendation to County Commissioners.

Bryan Moon, 5089 Tree Valley Road, Chubbuck, ID. Own property at 11578 N. Philbin Road. Zoning in that area is Residential Suburban. Planning on splitting lot in half with 3.4 acres each and plan to build house in back and sell house in front.

### **STAFF**

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

Ulrich, “I do not see any recommendations, are there any?”

Annie Hughes, “no.”

### **PUBLIC TESTIMONY**

Public testimony in favor: Brett Carlsen, 11350 Buffalo Road, Chubbuck ID is in support of this application. Great neighbor. Discussed access for future development.

Public testimony neutral: None.

Public testimony opposed: None.

## FINDINGS

1. The uses allowed in the proposed district **would** be compatible with surrounding uses. Proposed zone is surrounded by residential uses on north, west, and south. Proposed zone is same as zone on the north.
2. The proposed zoning district **would not** adversely affect the surrounding neighborhood's stability and property values. The property touches residentially zoned properties and is currently used as residential.
3. The applicant has shown that there **is** a need for the proposed zoning district in the County or at the proposed location. This change will be compatible to the properties on the north and west and the proposed zone is better suited for the current use.
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. There would be no change in public cost.
5. Adequate public services, utilities, and facilities **would** be available to serve the changed land use. Utilities are available to the property and no change to public services.
6. The proposed zoning district **would not** allow uses that would be detrimental to the environment of the immediate neighborhood. Proposed district and use would be consistent with adjacent property.
7. The requested change **would** be in accordance with the goals and policies of the County Comprehensive Plan. The Future Land Use Map shows Residential Suburban in this area.
8. Ulrich, based on the record and the discussion this evening, the Council recommends approval to the Board of County Commissioners the request by Bryan Moon to rezone approximately 6.75 acres from Agricultural to Residential Suburban as described in the application 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.

Dimick seconds.

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

Motion approved 3-0.

Dimick makes motion to close public hearing.

Ulrich seconds.

**7. ITEMS OF INTEREST:**

Hal Jensen, Planning Director, items of interest, on Tuesday, July 22, second public hearing relative to rezone light industrial on that parcel on Chubbuck Road. Forgot second item for public hearing Upcoming hearing items for August 20, 2025, three Variances, Rezone, and Subdivision Concept Plan.

**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

Subdivision Concept Plan –

Chestnut Hill Subdivision



# PLANNING AND DEVELOPMENT SERVICES

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

## CONCEPT PLAN– CHESTNUT HILL SUBDIVISION

**PUBLIC HEARING: AUGUST 20, 2025**

### STAFF REPORT

**FILE #:** SCP-25-1

**LOCATION:** RPRRCIN000401, currently addressed as 9595 Chestnut Hill Drive, Pocatello, ID 83204 and RPRRCIN000301, currently addressed as 9498 Chestnut Hill Drive, Pocatello, ID 83204.

**APPLICANT:**

Dioptre  
Stewart Ward  
4880 Clover Dell Road  
Pocatello, ID 83202

**OWNER:**

Mark and Rose Selover  
9595 W. Chestnut Hill Drive  
Pocatello, ID 83204  
Jordan and Emily Driscoll  
9498 W. Chestnut Hill Drive  
Pocatello, ID 83204

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

1. At final plat, developer to provide documentation that power has been extended to the corner of each lot.
2. All dwellings must be no closer than 10' from the new proposed lot line.
3. At preliminary plat, provide and meet written comment requirements from Pocatello Valley Fire District. If no comments are received, the applicant may submit proof of at least two contact attempts.
4. All subsequent plats shall state that the 10' easement is for public utilities, roadway slopes, and drainage.

Council may wish to add additional conditions as needed.

**REQUEST & BACKGROUND:** Stewart Ward proposes a lot line adjustment to an existing platted subdivision, Cinnamon Springs Subdivision, to adjust approximately 3.43 acres and 3.48 acres into 3.34 acres and 3.55 acre lots, off of Chestnut Hill Drive, a county-maintained road. The development proposes individual septic systems and wells. This subdivision is located ~1.25 miles from the City of Pocatello boundary.

#### CONCEPT PLAN PROPOSAL SUMMARY:

TOTAL AREA: 6.98 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENSITY: 1 dwelling unit per 3.49 acres

BUILDING LOT SIZE: Approximately 3.34 acres to 3.55 acres

WATER & SEWER: Individual wells and septic

STAFF REPORT  
CONCEPT PLAN – Chestnut Hill Subdivision  
Page 1 of 8

STORMWATER SYSTEM: Retained on individual lots

UTILITIES: Power existing on the lots

FIRE PROTECTION: None

ROADS/ACCESS: Individual access via Chestnut Hill Drive, a county-maintained road

#### **SITE CHARACTERISTICS AND ZONING:**

ZONE: Residential Rural

PROPERTY SIZE: ~ 3.43 acres and 3.48 acres

VIEWS: The property is visible from all directions

IMPACT AREA: Not within impact area

FLOOD ZONE: X, Minimal

TERRAIN: Steep slopes

EXISTING STRUCTURES: Dwellings and residential accessory structures

OTHER: Located within Cinnamon Springs Subdivision

#### **SURROUNDING LAND USES AND ZONING**

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

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

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

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

#### **COMMUNITY IMPACT ANALYSIS:**

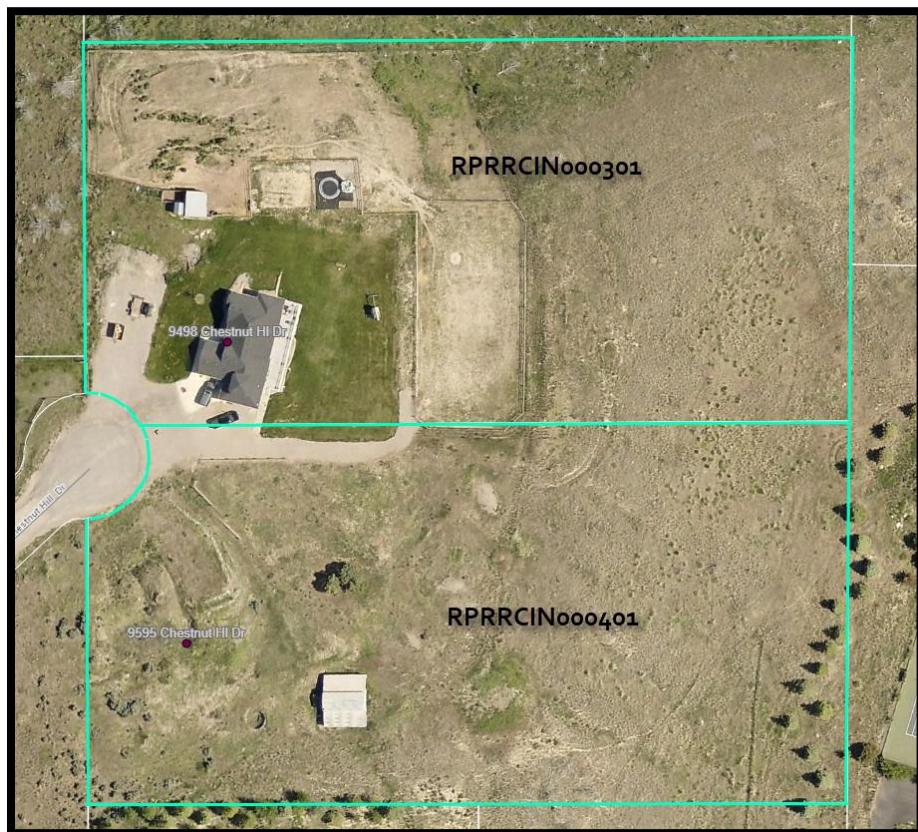
1. Total population at build-out will be a total of 6.4 (2 lots x 3.2 persons per household).
2. Population, 5 to 17 years of age, will be 1.536 (6.4 population x 24%).
3. Water usage will be 1,000 gal per day per household, with a total of 1,200 gallons per day per lot at build-out.
4. Sewage produced per unit will be 208 gallons a day and total for project will be approximately 2,500 gallons per day.
5. Tax generated for average size lot is estimated to be approximately \$4,600 per lot assuming a dwelling and land value of \$400,000.
6. Cost to provide services is unknown.

#### **APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1
  - a. §320 RESIDENTIAL RURAL DISTRICT

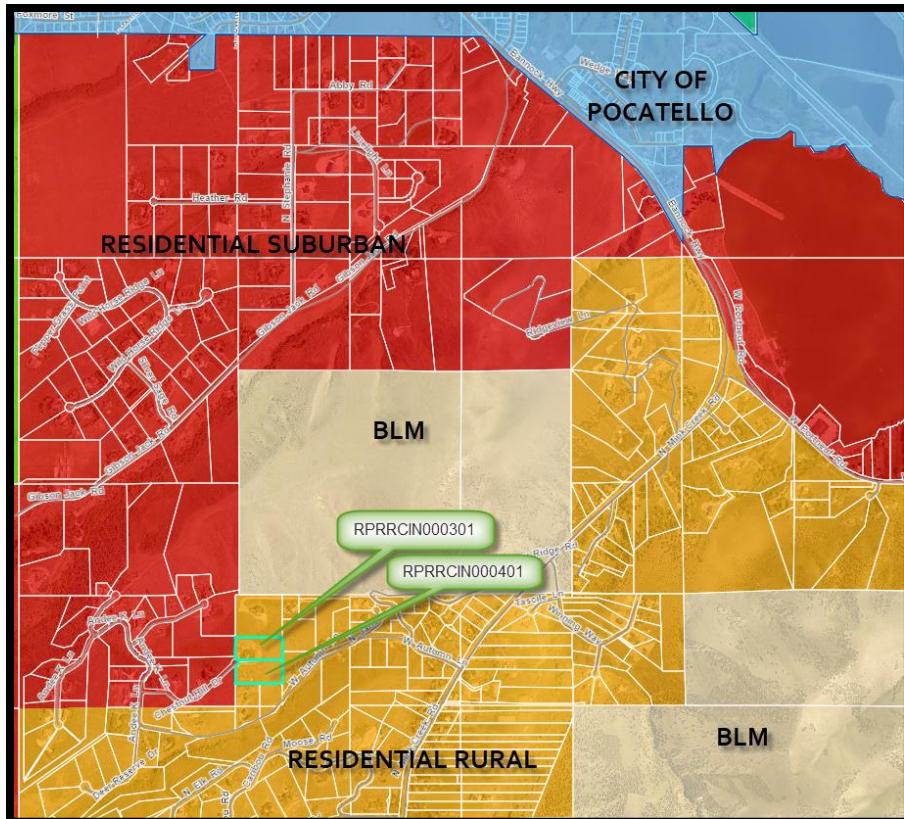
STAFF REPORT  
CONCEPT PLAN – Chestnut Hill Subdivision  
Page 2 of 8

4. Bannock County Subdivision Ordinance, 1997-4, specifically:  
a. §302 CONCEPTUAL OR MASTER PLAN REVIEW

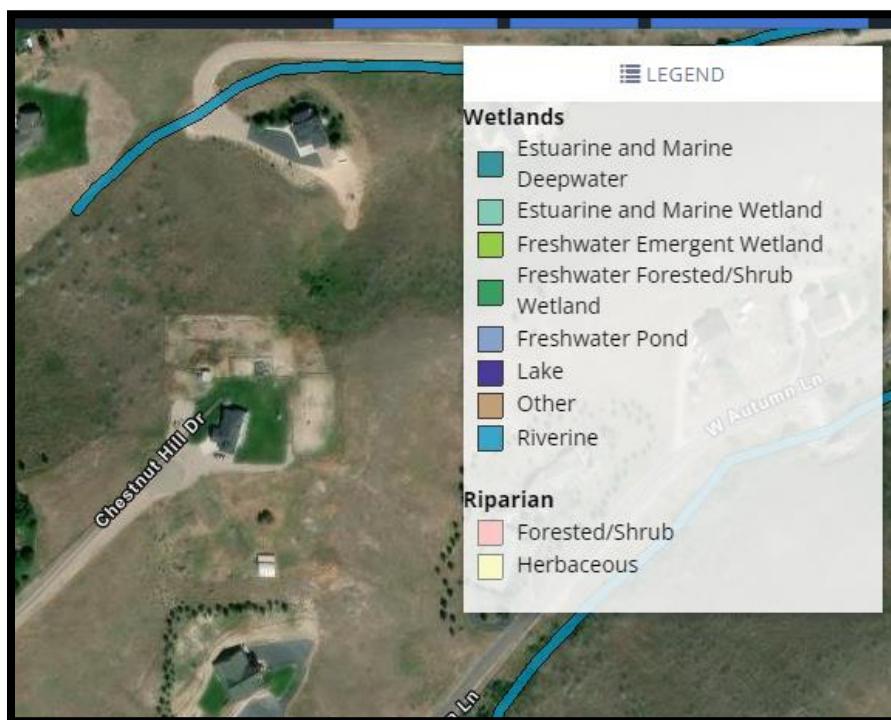


**SITE MAP**

STAFF REPORT  
CONCEPT PLAN – Chestnut Hill Subdivision  
Page 3 of 8

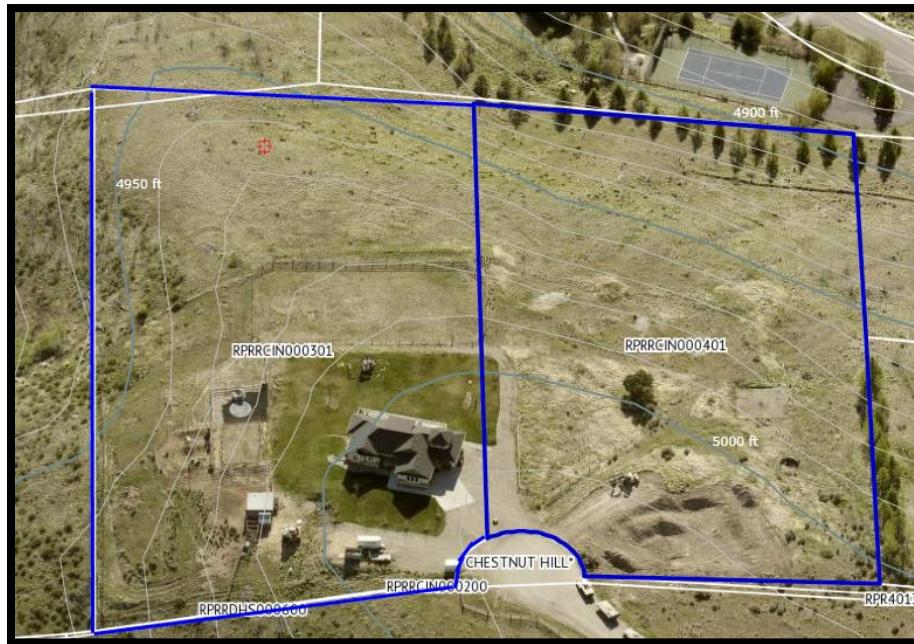


## ZONING MAP



#### US FISH & WILDLIFE WETLANDS MAP

**STAFF REPORT**  
**CONCEPT PLAN – Chestnut Hill Subdivision**  
**Page 4 of 8**



**EXPLORER CONTOUR MAP**

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

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

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

**Staff Findings**

**Comprehensive Plan:**

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

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

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

**Strategy 2.2.4:** Allow rural developments to offer a mix of lot sizes to support people with diverse incomes, uses, and needs.

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

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

Strategy 3.3.1: Manage density requirements where growth opportunities exist while considering the desire for open space.

Goal 4.4: Protected natural resources.

Strategy 4.4.2: Continue responsible natural resource management.

Strategy 4.4.3: Support responsible use and management of surface and ground water.

Bannock County Zoning Ordinance:

The land is currently zoned Residential Rural and is located within the existing platted subdivision, Cinnamon Springs Subdivision. At the time Cinnamon Springs Subdivision started the subdivision process, the land was zoned Residential Rural. The minimum lot size in the 1990 Ordinance was 2.5 acre in the Residential Rural Zoning District.

The proposal is to adjust the lot line to the north lot line of proposed Lot 2.

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

The proposed density is 1 dwelling per 3.49 acres.

There is an existing dwelling and accessory structures on RPRRCIN000301. There is a dwelling under construction on RPRRCIN000401. Setback requirements for the adjusted side yard lot line have been met

Bannock County Subdivision Ordinance:

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

The proposed subdivision name "Chestnut Hill Subdivision" has been reviewed for duplicity by staff. No duplications were found.

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

There are no wetlands found to be located within these parcels. There may be steep slopes over 15% located within the parcel.

Per §404.B: All lots which meet the following criteria shall be marked with an "R" and indicated by shading on the preliminary and final plats. An "R" placed next to the lot number and the reasons for the restrictions: floodplain, steep slope, subwater, drainage easement, etc., shall be noted on the plat.

Per §404.B.1: Steep Slopes: Lots with a slope in excess of 20 percent grade over 25 percent of the lot. Such areas will be shaded on the plat, with explanation of the restriction on the face of the plat.

Applicant has proposed no fire suppression and preventions measures. Council may consider requiring applicant to provide proof of further discussion with local fire district.

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). If power is not already existing, applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution power lines may be above ground with the Council's approval.

**Idaho Code:**

Developer will need to research Idaho Code to ensure all provisions have been met. The concept plan does not have enough information to ensure this has been met.

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

**Staff Findings**

Existing individual approaches have been proposed for each lot via Chestnut Hill Drive, a county-maintained road.

Subdivision Ordinance §402.B.7: Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, must be built to the standards in 402.A.

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

There was a no design deviation requested.

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

**Staff Findings**

It does not appear there are any dedicated streets or roads that could be extended other than Chestnut Hill Drive. The parcel to the east and north access from existing roads.

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

**Staff Findings**

Using Bannock County GIS maps and Cinnamon Springs Subdivision plat, there is a 10' easement dedicated for public utilities, roadway slopes, and drainage located along Chestnut Hill Drive. No other access easements were found. The developer should research to find all existing easements and depict them on the plat, according to Bannock County Subdivision Ordinance §302.A.2.b.

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

Staff Findings

The buildable lots are existing developed lots. The lot line is being adjusted to increase the lot size of proposed Lot 1 and correct setbacks for existing structures. The lots are proposed to be placed within close proximity to existing roads, other subdivisions, and utilities.

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

Staff Findings

Applicant has proposed two (2) existing residential building lots to be adjusted in size. It was determined that the lots met zoning standards at the time they were created. Per Bannock County Zoning Ordinance §333, single-family dwellings, duplexes, accessory uses which are customarily incidental to residential uses, and livestock on one acre or more are permitted uses in the district.

The land has steep slopes with flatter areas where development has occurred, providing building areas with minimal excavation.

Applicant has proposed lots to be approximately 3.34 acres and 3.55 acres. The minimum density in the Residential Rural Zoning District is one (1) dwelling to 2.5 acres.

**AGENCY COMMENTS:**

1. None received at the time of this report.

**PUBLIC COMMENTS:**

2. None received at the time of this report.

**REPORT BY:**

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

**REPORTED DATE:** June 30, 2025

*\*Staff comments in this report are based solely upon evidence available at the time of the report.*

*Additional information may be brought to light at or before the hearing.*

**EXHIBITS:**

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

STAFF REPORT  
CONCEPT PLAN – Chestnut Hill Subdivision  
Page 8 of 8

# EXHIBIT 1

## Application & Site Plan

**SCP-25-1**

Subdivision Concept  
Plan Application  
Status: Active  
Submitted On: 6/13/2025

**Primary Location**

9595 W CHESTNUT HILL DR  
POCATELLO, ID 83204

**Applicant**

 Stewart Ward

---

## Owner/Developer Information

Are the Owner and Developer the same?

**Owner Name\***

Mark and Rosa Selover and Jordan and Emily Driscoll

**Street Address\***

9595 Chestnut Hill

**City\***

Pocatello

**State\***

ID

**Zip Code\***

83204

**Email Address\***

[REDACTED]

**Phone Number\***

[REDACTED]

## Site Information

Proposed Subdivision Name*	Parcel Number(s)*
Chestnut Hill Subdivision	RPRRCIN000401 and RPRRCIN000301
Number of Lots *	Quarter
2	
Section	Township
Range	

## Subdivision Information

Current zoning*	Proposed uses of the property*
Residential Rural	Residential
Description of improvements proposed to be made or installed, and the time such improvements are proposed to be made or completed.*	Proposed and/or existing deed restrictions, if any, including easements and rights-of-way.*
Lot 1 has an existing home and improvements, Lot 2 home is currently under construction	existing 10' wide utility easement along Chestnut Hill Dr from Cinnamon Springs Subdivision
Statement describing proposed water supply, sewage disposal, and drainage.*	Proposed utilities and location/placement of utilities.*
individual wells and septic systems will utilized. infrastructure for wells and septic systems are in place.	all available public utilities are in place and stubbed to the lots

Proposed fire suppression and prevention measures.\*  
none

Proposed road name(s)\*   
Chestnut Hill Dr is a currently platted road from 2000

Will this be an Open Space designed subdivision?  \*  
No

Comments from Reviewing Agencies\* 

See attached comments

---

## Subdivision Pre-development Meeting

Pre-development Meeting Date

06/09/2025

Comments from Pre-development Meeting 

add shading for slopes 20% or greater, add existing structures and setbacks,

---

## Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name

Stewart Ward, PLS - Dioptra LLC

Email

stewart@dioptrageomatics.com

Phone Number

208-237-7373

---

## Acknowledgement

I hereby acknowledge that I have read this application and state that the information on this application is correct to the best of my knowledge.\*



Electronic Signature [Typed Name of Applicant]\*

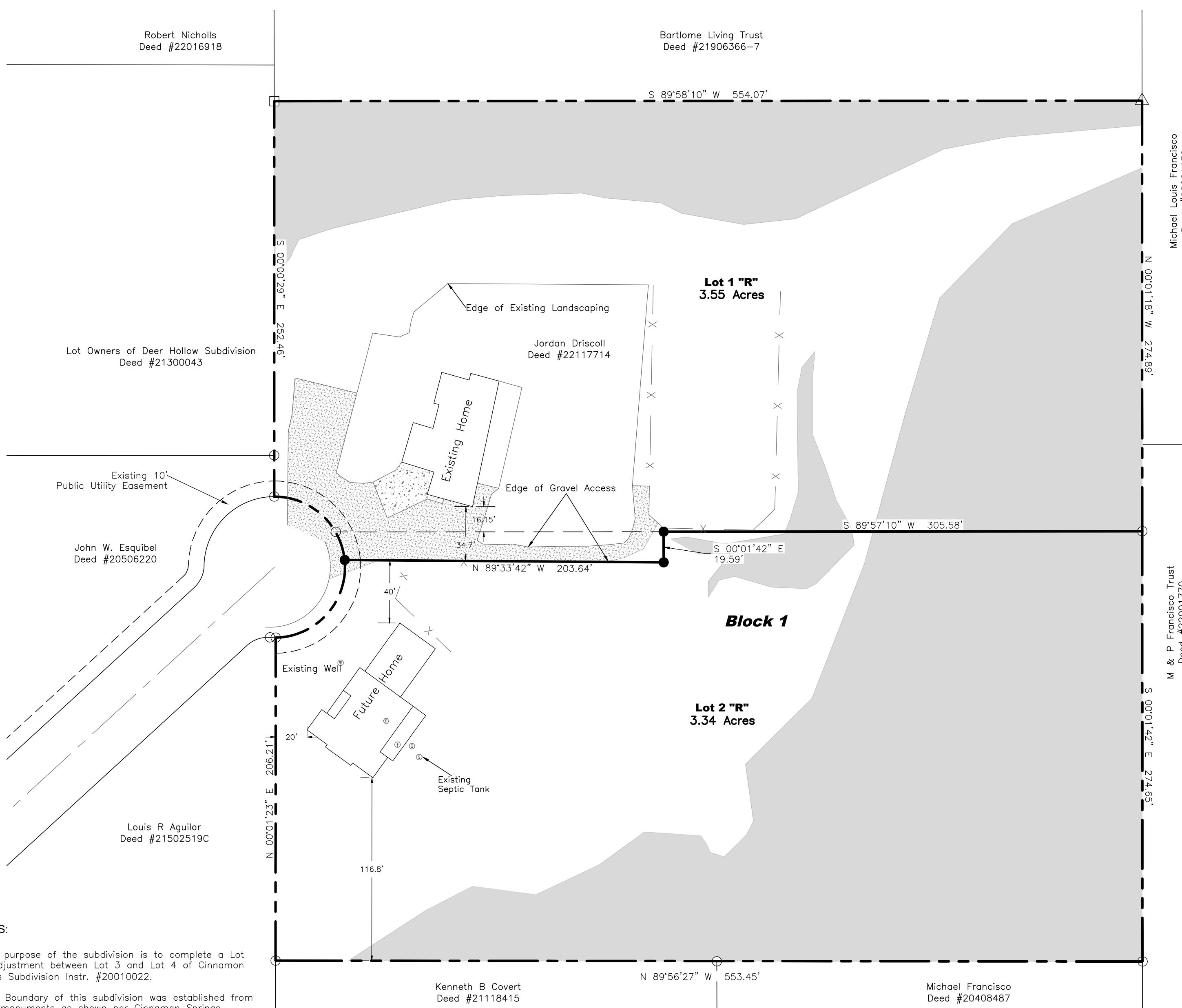
Stewart Ward

Date of Signature\*

06/13/2025

# CHESTNUT HILL SUBDIVISION

LOCATED IN SE 1/4 SECTION 19, TOWNSHIP 7  
SOUTH, RANGE 35 EAST, OF THE BOISE  
MERIDIAN, IN THE COUNTY OF BANNOCK.



## NOTES:

- The purpose of the subdivision is to complete a Lot Line Adjustment between Lot 3 and Lot 4 of Cinnamon Springs Subdivision Instr. #20010022.
- The Boundary of this subdivision was established from found monuments as shown per Cinnamon Springs Subdivision.
- The adjusted line was determined by the owners of the Lots 3 and 4.
- No Open Space is proposed for this subdivision.
- Lots labeled "R" are restricted due to steep slopes.
- Shaded area depict slopes greater than 20%.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	45.00'	140.80'	90.00'	N 00°34'32" W	179°16'00"
C2	45.07'	47.36'	45.21'	N 60°04'29" W	60°12'43"
C3	45.00'	18.91'	18.77'	N 17°52'50" W	24°04'37"
C4	45.00'	74.53'	66.30'	N 41°36'28" E	94°54'00"

Curve Table

## BASIS OF BEARING

Basis of Bearing per Idaho State Plane Coordinate System - East Zone. GPS observation combination factor: 1.0002722400. Origin: Lat: N 41°38'29.72885" Long: W 114°34'02.15448"

All distances are US Survey Feet.

<b>DIOPTRA</b>		4880 Clover Dell Rd. Chubbuck, ID 83202 Ph.208-237-7373 www.dioptrageomatics.com
<b>Chestnut Hill Subdivision</b>		
Drawn By: SKW	Scale: 1"=50'	Sheet: 1 of 1
Date: 5-1-25	Project: 25036	

# EXHIBIT 2

## Pre-Development Letter



# PLANNING AND DEVELOPMENT SERVICES

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

June 9, 2025

Mark and Rosa Selover  
9595 W. Chestnut Hill Drive  
Pocatello, ID 83204

Jordan and Emily Driscoll  
9498 W. Chestnut Hill Drive  
Pocatello, ID 83204

Dioptra  
Stewart Ward  
4880 Clover Dell Road  
Pocatello, ID 83202

RE: Chestnut Hill Subdivision  
Pre-Development Conference – County Comments

Mr. Ward,

An application for the subdivision located on parcel #RPRRCIN000401 and #RPRRCIN000301 was submitted on May 14, 2025. The application proposes a lot line adjustment to an existing platted subdivision to adjust approximately 3.43 acres and 3.48 acres into 3.34 acres and 3.55 acre lots, generally off of Chestnut Hill Drive, a county-maintained road. The proposed subdivision is located within the Residential Rural (RR) zoning district, which requires a minimum density of 1 dwelling to 2.5 acres with an open space subdivision per the Bannock County Zoning Ordinance (ZO) No. 1998-1, §346. The process for determining the suitability of land for subdividing can be found in the Bannock County Subdivision Ordinance (SO) No. 1997-4, §300. The requirements for the Pre-Development Conference can be found in SO §301.

## Pre-Development Proposal Summary:

**Bannock County Application Number:** SPD-25-1

**Bannock County Tax Parcel Number:** RPRRCIN000401 and RPRRCIN000301

**TOTAL AREA:** ~6.91 acres

**BUILDING LOTS:** 2 residential dwelling lot

**DWELLING UNIT DENSITY:** 1 dwelling unit per 3.46 acres

**BUILDING LOT SIZE:** ~ 3.34 acres to 3.55 acres

**WATER & SEWER:** Individual wells and septic systems.

**STORMWATER SYSTEM:** To be determined.

**UTILITIES:** Power exists.

**FIRE PROTECTION:** Pocatello Valley District.

SPD-25-1  
Page 1 of 7

**ROADS/ACCESS:** The subdivision has existing access via Chestnut Hill Drive, a county-maintained road.

**SITE CHARACTERISTICS AND ZONING:**

**DESIGNATION:** Residential Rural (RR)

**PROPERTY SIZE:** ~3.34 acres and 3.48 acres

**VIEWS:** The property is visible from all directions.

**IMPACT AREA:** Not within impact area

**FLOOD ZONE:** X, minimal

**TERRAIN:** Steep slopes

**EXISTING STRUCTURES:** Dwellings and accessory structures.

---

We discussed the proposed subdivision on June 9, 2025 in the Planning and Development department's conference room and online. The following individuals were present at the meeting:

- Owner and Applicant Representative:
  - Stewart Ward
  - Mark Selover
- Bannock County:
  - Tristan Bourquin, Planning and Development Assistant Director
  - Alisse Foster, Subdivision Planner
  - Annie Hughes, Zoning Planner
  - Buddy Romriell, Road and Bridge Assistant Director

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

- General Bannock County Subdivision Process:
  - The platting process currently consists of 4 applications.
    - Pre-Development Application (current application SPD-25-1).
    - Concept Application (public hearing item in front of Bannock County Planning and Development Council).
    - Preliminary Plat Application (business item in front of Bannock County Planning and Development Council).
    - Final Plat Application (public hearing item in front of Bannock County Commissioners). This application is a review of the final plat, surveyor review per Idaho Code, and construction plans.
  - Each application must be complete prior to applying for the next application.
- Agency Discussion Points: the applicant should be prepared to address each item with council during the Concept Plan.
  - Bannock County Transportation Planning states no comments.

- Idaho Department of Environmental Quality provided general recommendations which include; engineering, air quality, surface water quality, and hazardous material and petroleum storage.
- ITD Division of Aeronautics states no objection to the project.
- County Staff recognizes that many comments provided within agency review letters have been addressed during the current Pre-Development plan submittal. It is recommended that the developer continue working with agencies to address any concerns.

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

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

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

Staff Finds:

Comprehensive Plan:

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

Goal 1.2: A balance of urban and rural amenities to attract families.

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

Strategy 2.2.4: Allow rural developments to offer a mix of lot sizes to support people with diverse incomes, uses, and needs.

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

Goal 3.3: A rural atmosphere with a variety of housing and commercial development opportunities.

Strategy 3.3.1: Manage density requirements where growth opportunities exist while considering the desire for open space.

Goal 4.4: Protected natural resources.

Strategy 4.4.2: Continue responsible natural resource management.

Strategy 4.4.3: Support responsible use and management of surface and ground water.

Bannock County Zoning Ordinance:

The land is currently zoned Residential Rural and is located within the existing platted subdivision, Cinnamon Springs Subdivision. At the time Cinnamon Springs Subdivision started the subdivision process, the land was zoned Residential Rural. The minimum lot size in the 1990 ordinance was 2.5 acre in the Residential Rural zoning district.

The proposal is to adjust the lot line to the north lot line of proposed lot 2.

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

The proposed density is 1 dwelling per 3.46 acres.

There is an existing dwelling and accessory structures on RPRRCIN000301. There is a dwelling under construction on RPRRCIN000401. Setback requirements for the adjusted side yard lot line will need to be met.

Bannock County Subdivision Ordinance:

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

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

The proposed subdivision name "Chestnut Hill Subdivision" has been reviewed for duplicity by staff.

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

There are no wetland found to be located with these parcels. There may be steep slopes over 15% located within the parcel.

Per §404.B: All lots which meet the following criteria shall be marked with an "R" and indicated by shading on the preliminary and final plats. An "R" placed next to the lot number and the reasons for the restrictions: floodplain, steep slope, subwater, drainage easement, etc., shall be noted on the plat.

Per §404.B.1: Steep Slopes: Lots with a slope in excess of 20 percent grade over 25 percent of the lot. Such areas will be shaded on the plat, with explanation of the restriction on the face of the plat.

Applicant has proposed to use the existing measures from Cinnamon Spring Subdivision for fire suppression and preventions measures. Council may require applicant to provide proof of further discussion with local fire district.

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). If power is not already existing, applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution power lines may be above ground with the Council's approval.

**Idaho Code:**

Developer will need to research Idaho Code to ensure all provisions have been met. The pre-development submittal does not have enough information to ensure this has been met.

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

Staff Finds:

The applicant has proposed to use existing approaches via Chestnut Hill Drive, a county-maintained road.

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

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

Staff Finds:

The applicant will need to ensure this criterion of approval can be met. It does not appear there are any dedicated streets or roads that could be extended other than Chestnut Hill Drive. The parcels to the east and north access from existing roads.

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

Staff Finds:

Using Bannock County GIS maps, there is a 10' easement dedicated for public utilities roadway slopes, and drainage located along Chestnut Hill Drive. No other access easements were found. The developer should research to find all existing easements and depict them on the plat, according to Bannock County Subdivision Ordinance §302.A.2.b.

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

Staff Finds:

The buildable lots are existing developed lots. The lot line is being adjusted to increase the lot size of proposed lot 1 and correct setbacks for existing structures. The lots are proposed to be placed within close proximity to existing roads, other subdivisions, and utilities.

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

Staff Finds:

Applicant has proposed 2 existing residential building lots to be adjusted in size. It was determined by Commission in 1999 that the lots met zoning standards at the time they were created. Per Bannock County Zoning Ordinance §333, single-family dwellings,

duplexes, accessory uses which are customarily incidental to residential uses, and livestock on one acre or more are permitted uses in the district.

The land has steep slopes with flatter areas where development has occurred, providing building areas with minimal excavation.

Applicant has proposed lots to be approximately 3.34 acres and 3.55 acres. The minimum density in the Residential Rural Zoning district is one dwelling to 2.5 acres.

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

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

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

Respectfully,



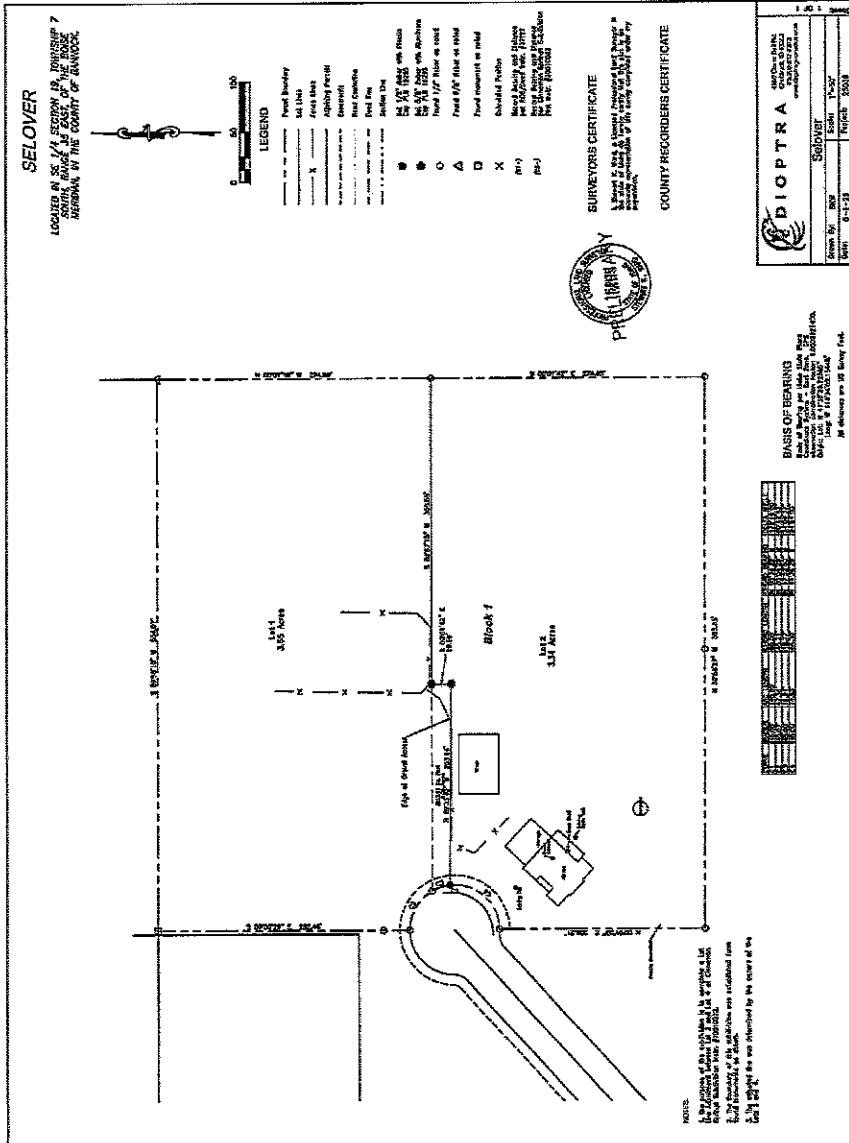
Hal W. Jensen

Planning and Development Director

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

Enclosed: Proposed Sketch Plan

SPD-25-1  
Page 6 of 7



## Proposed Sketch Plan provided by Applicant

# EXHIBIT 3

## Agency Comments

**From:** [Mori Byington](#)  
**To:** [Stewart Ward](#)  
**Cc:** [rosaselover@aol.com](#); [Alisse Foster](#)  
**Subject:** RE: Bannock County Subdivision Replat - Request for Agency Comment  
**Date:** Friday, May 2, 2025 8:29:20 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)

---

Bannock Transportation Planning Organization has no comments on the proposed subdivision at this time.

Mori Byington,  
Bannock Transportation Planning Organization  
[mori@bannockplanning.org](mailto:mori@bannockplanning.org)

---

**From:** Stewart Ward <[stewart@dioptrageomatics.com](mailto:stewart@dioptrageomatics.com)>  
**Sent:** Thursday, May 1, 2025 1:17 PM  
**To:** Stewart Ward <[stewart@dioptrageomatics.com](mailto:stewart@dioptrageomatics.com)>  
**Cc:** [rosaselover@aol.com](#); [Alisse Foster](#) <[alisef@bannockcounty.gov](mailto:alisef@bannockcounty.gov)>  
**Subject:** Bannock County Subdivision Replat - Request for Agency Comment

Reviewing Agency

Re: Proposed Subdivision Bannock County, ID

Please see the attached PDF for your agency's review of the proposed Subdivision, located in Sec 30, T. 7 S., R. 35 E.B.M. Bannock County, Idaho.

The proposed subdivision is a Lot Line Adjustment to adjust a portion of the common line between Lots 3 and 4 in the Cinnamon Springs Subdivision. The purpose of this replat is to adjust the common lot line to address an existing encroachment of a gravel access road. All lots will utilize existing individual culinary wells and septic systems.

Please review the attached PDF and reply with any comments, issues, or concerns with this proposed development via email by Wednesday, May 7, 2025. If you have any questions, please reach out to me via email or phone at [stewart@dioptrageomatics.com](mailto:stewart@dioptrageomatics.com) or 208-237-7373.

**Stewart Ward, PLS**  
Office: 208-237-7373  
4880 Clover Dell | Chubbuck, ID 83202  
[www.dioptrageomatics.com](http://www.dioptrageomatics.com)  
Land Surveying | 3D Scanning | Land Planning | Aerial Mapping

This communication (including attachments) contains private, confidential, privileged and/or proprietary information intended solely for the Recipient(s) named above. If you are not the intended Recipient, any use dissemination, distribution or copying of the communication is strictly prohibited. If received in error, we apologize and ask that you please notify the sender by calling 208-237-7373 or via return e-mail, permanently delete this communication from your computer and destroy any printed copies.

**From:** [Flo Ghighina](#)  
**To:** [Stewart Ward](#)  
**Subject:** RE: Bannock County Subdivision Replat - Request for Agency Comment  
**Date:** Tuesday, May 13, 2025 10:40:30 AM  
**Attachments:** [image002.png](#)  
[image004.png](#)  
[image001.png](#)

---

Hello Stewart,

The Idaho Div. of Aeronautics has received and reviewed your information regarding the Cinnamon Springs Subdivision and has no comments nor objections to your project. Have a great day.

Best regards,

**Flo Ghighina**  
**Airport Inspector/Obstructions Evaluator**  
ITD-Division of Aeronautics  
Ph: 208-334-8895  
Cell: 208-866-1558  
<http://www.itd.idaho.gov/aero>  
<https://www.facebook.com/idahoaeronautics>



---

**From:** Stewart Ward <[stewart@dioptrageomatics.com](mailto:stewart@dioptrageomatics.com)>  
**Sent:** Thursday, May 1, 2025 2:17 PM  
**To:** Stewart Ward <[stewart@dioptrageomatics.com](mailto:stewart@dioptrageomatics.com)>  
**Cc:** [rosaselover@aol.com](mailto:rosaselover@aol.com); [Alisse Foster <alissef@bannockcounty.gov>](mailto:alissef@bannockcounty.gov)  
**Subject:** Bannock County Subdivision Replat - Request for Agency Comment

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

---

Reviewing Agency

Re: Proposed Subdivision Bannock County, ID

Please see the attached PDF for your agency's review of the proposed Subdivision, located

in Sec 30, T. 7 S., R. 35 E.B.M. Bannock County, Idaho.

The proposed subdivision is a Lot Line Adjustment to adjust a portion of the common line between Lots 3 and 4 in the Cinnamon Springs Subdivision. The purpose of this replat is to adjust the common lot line to address an existing encroachment of a gravel access road. All lots will utilize existing individual culinary wells and septic systems.

Please review the attached PDF and reply with any comments, issues, or concerns with this proposed development via email by Wednesday, May 7, 2025. If you have any questions, please reach out to me via email or phone at [stewart@dioptrageomatics.com](mailto:stewart@dioptrageomatics.com) or 208-237-7373.

**Stewart Ward, PLS**

Office: 208-237-7373

4880 Clover Dell | Chubbuck, ID 83202

[www.dioptrageomatics.com](http://www.dioptrageomatics.com)

Land Surveying | 3D Scanning | Land Planning | Aerial Mapping

This communication (including attachments) contains private, confidential, privileged and/or proprietary information intended solely for the Recipient(s) named above. If you are not the intended Recipient, any use dissemination, distribution or copying of the communication is strictly prohibited. If received in error, we apologize and ask that you please notify the sender by calling 208-237-7373 or via return e-mail, permanently delete this communication from your computer and destroy any printed copies.

**From:** [Katie Shappart](#)  
**To:** [Stewart Ward](#); [Hal Jensen](#)  
**Cc:** [Katy Bergholm](#); [Allan Johnson](#); [Trina Burgin](#)  
**Subject:** DEQ Response to Dioptra Geomatics  
**Date:** Wednesday, May 14, 2025 9:42:33 AM  
**Attachments:** [2025 May Dioptra RFC Lot Line Adjustment Lots 3 & 4 of Cinnamon Springs Subdivision Ward Bannock County.pdf](#)

---

Good morning,

Attached is the DEQ response to Dioptra Geomatics regarding Lots 3 & 4 of Cinnamon Springs Subdivision. If further assistance is needed, please contact Allan Johnson at the IDEQ Pocatello Regional Office.

Sincerely,

*Katie Shappart*

**Katie Shappart | Technical Records Specialist II**  
Idaho Department of Environmental Quality  
444 Hospital Way, Suite 300, Pocatello, ID 83201  
Office: (208) 236-6160  
[www.deq.idaho.gov/](http://www.deq.idaho.gov/) - [Upload to DEQ Cloud](#)

**Our mission:** To protect human health and the quality of Idaho's air, land, and water.

444 Hospital Way #300  
Pocatello, ID 83201 • (208) 236-6160



Brad Little, Governor  
Jess Byrne, Director

May 14, 2025

Stewart Ward, PLS  
Dioptra Geomatics  
4880 Clover Dell  
Chubbuck, ID 83202  
[stewart@dioptrageomatics.com](mailto:stewart@dioptrageomatics.com)

Subject: Lot Line Adjustment – Lots 3 & 4 of Cinnamon Springs Subdivision – Ward

Dear Mr. Ward:

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

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

Sincerely,

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

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

EDMS# 2025AGD2649

Attachments: DEQ General Recommendations for Land Development Projects.

C: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office  
Hal Jensen, [halj@bannockcounty.us](mailto:halj@bannockcounty.us), Planning Director, Bannock County Planning and Development

## **General Recommendations**

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

### **Engineering**

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

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

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

### **Air Quality**

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

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

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

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

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

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

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

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

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

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

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

### **Surface Water Quality**

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

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

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

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

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

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

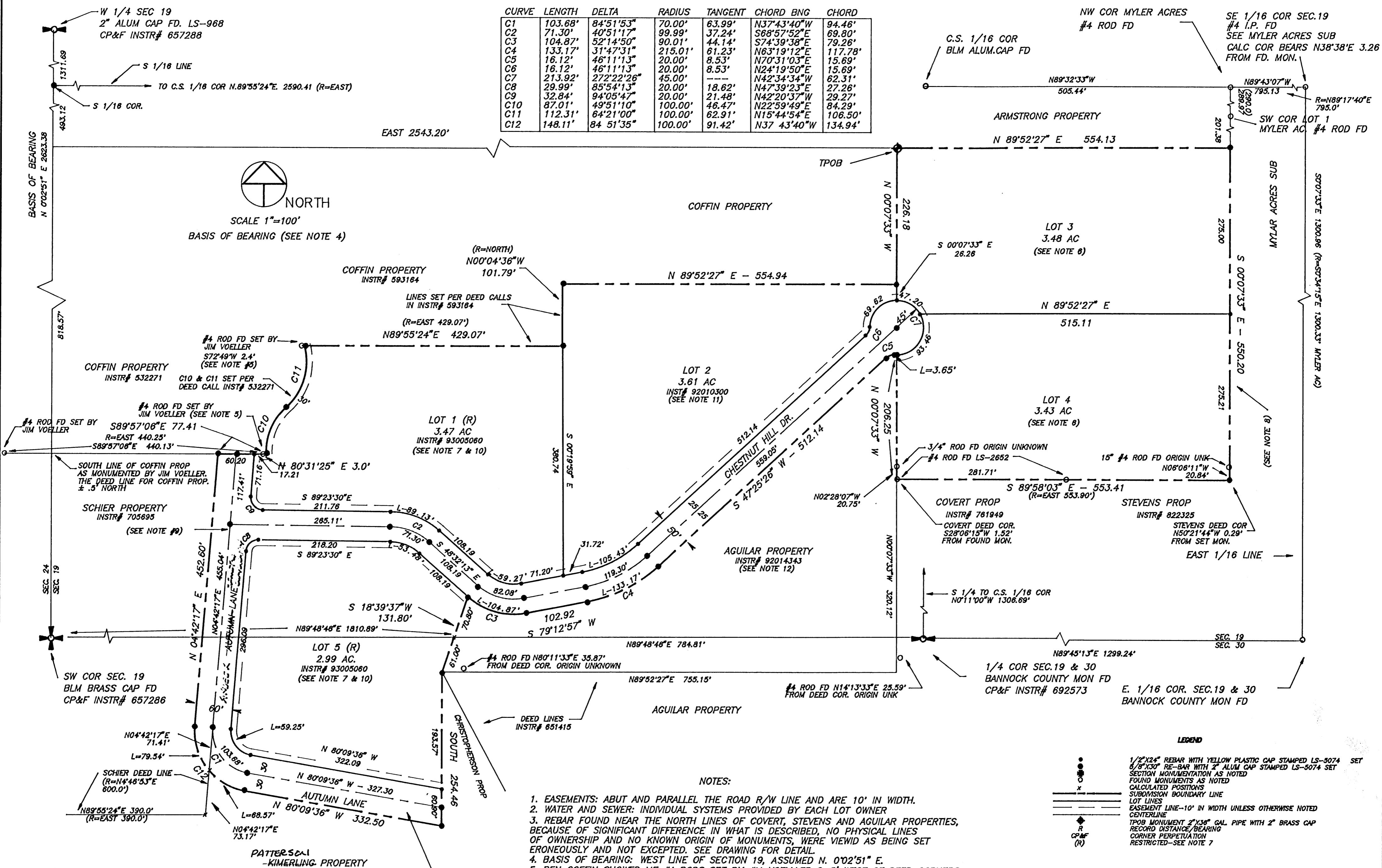
- Hazardous and Deleterious Material Storage IDAPA 58.01.02.800
- Hazardous Material Spills, IDAPA 58.01.02.850
- Rules and Standards for Hazardous Waste IDAPA 58.01.05
- Petroleum Release Reporting, Investigation and Confirmation IDAPA 58.01.02 .851
- Petroleum Release Response and Corrective Action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

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

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

# EXHIBIT 4

## Cinnamon Springs Subdivision



### CINNAMON SPRINGS SUBDIVISION

LOCATED IN THE S 1/2 SEC. 19 & N 1/2 SEC. 30 T.7S.R.35E. B.M.  
BANNOC COUNTY, IDAHO

PAGE 1 OF 2

DAVID KLATT SURVEYING SERVICE  
416 S. 4th AVE.  
POCATELLO, IDAHO 83201  
208-232-8396

## BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE S. 1/2 OF SEC 19 AND THE N. 1/2 OF SEC 30 T.7S., R.35E., B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE S.W. COR OF SEC. 19, THENCE, N.0°02'51"E. ALONG THE WEST LINE OF SEC. 19 A DISTANCE OF 818.57 FEET; THENCE, EAST 2543.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE, N.89°52'27"E. 554.13 FEET TO THE WEST LINE OF MYLAR ACRES SUB; THENCE, S.0°07'33"E. ALONG THE WEST LINE OF MYLAR ACRES SUB TO AN INTERSECTION WITH THE NORTH LINE OF THE STEVENS PROPERTY; THENCE, N.89°58'03"W. ALONG THE NORTH LINE OF THE STEVENS AND COVERT PROPERTIES 553.41 FEET TO A FOUND #4 ROD WITH I.D. CAP STAMPED LS-2652; THENCE N.0°07'33"W. 206.25 FEET TO A POINT ON A 45.00 FOOT RADIUS NON-TANGENT CURVE HAVING A CENTRAL ANGLE OF 4°39'11". THE RADIUS POINT OF WHICH BEARS N.1°02'31"W.; THENCE ALONG SAID CURVE TO THE RIGHT 3.65 FEET TO A POINT OF REVERSE CURVATURE; SAID POINT FALLS ON A 20 FOOT RADIUS CURVE HAVING A CENTRAL ANGLE OF 46°11'13" THE RADIUS POINT OF WHICH BEARS S.3°36'39"W.; THENCE ALONG SAID CURVE 16.12 FEET TO THE POINT OF TANGENCY; THENCE S.47°25'26"W. 512.14 FEET TO THE POINT OF CURVATURE OF A 240.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31°47'31". THE RADIUS POINT OF WHICH BEARS N.42°34'34"W.; THENCE ALONG SAID CURVE 133.17 FEET TO THE POINT OF TANGENCY; THENCE S.79°12'57"W. 102.92 FEET TO THE POINT OF CURVATURE OF A 115.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 52°14'50" THE RADIUS POINT OF WHICH BEARS N.10°47'03"W.; THENCE ALONG SAID CURVE 104.87 FEET TO THE POINT OF TANGENCY; THENCE ON A NON-TANGENT LINE TO THE LAST DESCRIBED CURVE S.18°39'37"W. 131.80 FEET; THENCE SOUTH 254.46 FEET; THENCE, N.80°09'36"W. 332.50 FEET TO THE POINT OF CURVATURE OF A 100.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 84°51'53"; THENCE, ALONG SAID CURVE 148.11 FEET TO THE POINT OF TANGENCY; THENCE N.04°42'17"E. 452.60 FEET TO THE SOUTH LINE OF THE COFFIN PROPERTY DESCRIBED IN INSTR# 532271; THENCE, S.89°57'06"E. ALONG SAID COFFIN PROPERTY LINE 77.41 FEET TO A FOUND #4 ROD; THENCE N.80°31'25"E. 3.00 FEET TO THE EAST LINE OF THE COFFIN PROPERTY, SAID POINT FALLS ON A 100.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 49°51'10" THE RADIUS POINT OF WHICH BEARS N.88°04'14"E.; THENCE ALONG SAID CURVE TO THE RIGHT 87.01 FEET TO THE POINT OF REVERSE CURVATURE OF A 100.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 64°21'00", THE RADIUS POINT OF WHICH BEARS N.42°04'36"W.; THENCE, ALONG SAID CURVE 112.31 FEET TO THE SOUTH LINE OF THE COFFIN PROPERTY DESCRIBED IN INSTR# 593164; THENCE ON A NON-TANGENT LINE TO THE LAST DESCRIBED CURVE S.89°55'24"E. ALONG THE SOUTH LINE OF THE COFFIN PROPERTY 429.07 FEET TO THE EAST LINE OF THE COFFIN PROPERTY; THENCE, N.0°04'36"W. ALONG THE EAST LINE OF THE COFFIN PROPERTY 101.79 FEET; THENCE N.89°52'27"E. 554.94 FEET; THENCE N.0°07'33"W. 226.18 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 19.78 ACRES

## OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS, AND DO HEREBY WARRANT AND SAVE THE CITY OF POCATELLO AND THE COUNTY OF BANNOCK HARMLESS FROM ANY EXISTING EASEMENTS OR ENCUMBRANCES. IT IS THE INTENTION OF WE THE OWNERS TO INCLUDE ALL OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION IN THIS PLAT. THE LOCATION AND DIMENSIONS OF THE LOTS AND STREETS ARE TO BE AS SHOWN ON THE ACCOMPANYING MAP OF THE PROPERTY. THE DONATION OF THE STREETS IS HEREBY DEDICATED TO THE PUBLIC. THE EASEMENTS SHOWN ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES, ROADWAY SLOPES, DRAINAGE, OR FOR ANY OTHER USE DESIGNATED ON THE PLAT, AND NO STRUCTURES OTHER THAN THOSE FOR SUCH UTILITY PURPOSES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS. IN WITNESS WHEREOF WE OWNERS DO HEREBUNTO SET OUR HANDS.

*Jack Christoperson*  
JACK CHRISTOPHERSON  
*Thomas C. Schiers*  
THOMAS C. SCHIERS  
*Herb Nickerson*  
HERB NICKERSON  
*Louis R. Aguilar*  
LOUIS R. AGUILAR  
*John Gietzen*  
JOHN GIETZEN  
*Donald P. Streubel*  
DONALD P. STREUBEL  
*Ben Coffey*  
BEN COFFEY

*Janet Christoperson*  
JANET CHRISTOPHERSON  
*Rebecca A. Schiers*  
REBECCA A. SCHIERS  
*Carla Nickerson*  
CARLA NICKERSON  
*Connie Y. Aguilar*  
CONNIE Y. AGUILAR  
*Rosemary De Meter Gietzen*  
ROSEMARY DE METER GIETZEN  
*Jane A. Streubel*  
JANE A. STREUBEL  
*Gregory G. Patterson*  
GREGORY G. PATTERSON  
*Gloria J. Patterson*  
GLORIA J. PATTERSON

STATE OF IDAHO  
COUNTY OF BANNOCK

ON THE 27 DAY OF MARCH 2000, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN SAID STATE, THE SIGNERS OF THE ATTACHED OWNERS DEDICATION, DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES HEREIN MENTIONED.

*David Klatt*12/24/2001  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON



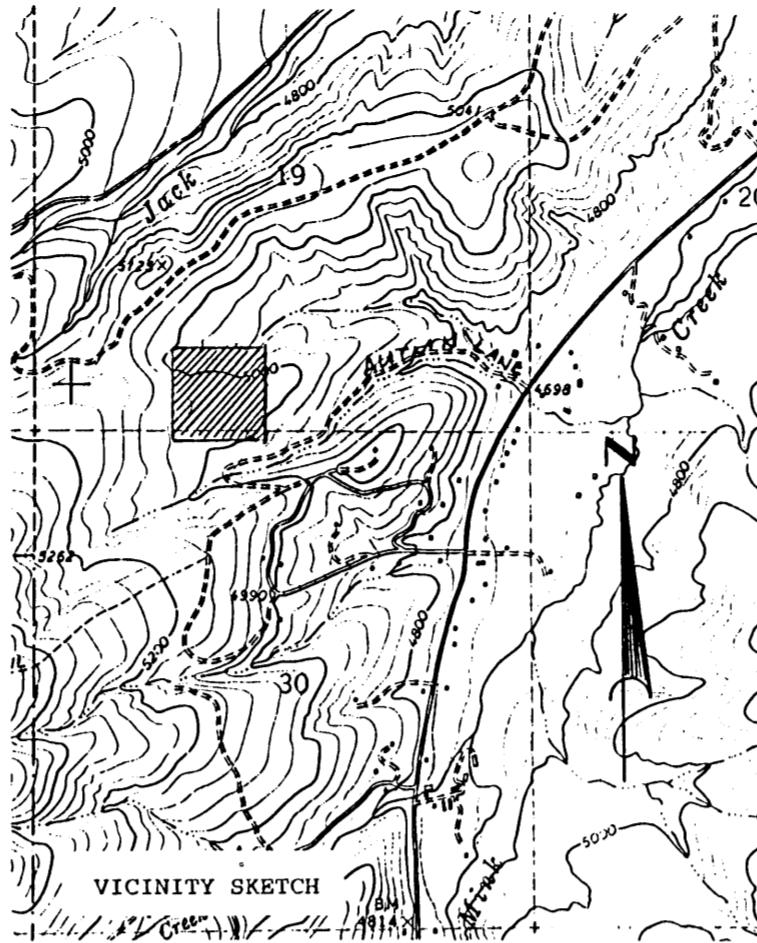
## COUNTY RECORDER

INSTRUMENT NO. 20010022  
STATE OF IDAHO  
COUNTY OF BANNOCK

RECORDED AT THE REQUEST OF DAVID KLATT

TIME: 10:44 DATE: 6/26/00 FEE: 11<sup>1/2</sup>  
BOOK: 761 PAGE: 1

COUNTY CLERK LARRY W. GHAN



## CITY SURVEYOR

THIS IS TO CERTIFY THAT I, RICHARD GREEN, A REGISTERED LAND SURVEYOR, REGISTERED BY THE STATE OF IDAHO, HAVE CHECKED THE PLAT CINNAMON SPRINGS SUBDIVISION AND THE COMPUTATIONS THEREON FOR MAKING THE PLAT, AND FIND NO DISAGREEMENTS WITH THE LAWS RELATING THERETO.

*Richard Green*  
CITY OF POCATELLO SURVEYOR,  
RICHARD GREEN PLS-942

## CITY OF POCATELLO

THE PLAT ON WHICH THIS CERTIFICATION APPEARS IS HEREBY APPROVED BY THE CITY OF POCATELLO, IDAHO, THIS 19 DAY OF DEC 1995.

*Bob Campbell* *City Engineer*  
MAYOR  
*Rhonda S. Johnson* *CITY CLERK Deputy*

## COUNTY COMMISSIONERS CERTIFICATE

PRESENTED TO THE BOARD OF BANNOCK COUNTY COMMISSIONERS THIS 14 DAY OF DEC 1995, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTESTED *Henry W. Green* CHAIRMAN *Larry W. Ghan* TOM KASILOMETES  
MEMBER *Carolyn Meline* SAROLYN MELINE  
MEMBER *J.O. Cotant* J.O. COTANT

## COUNTY SURVEYORS APPROVAL

I, TERRY BAILEY, COUNTY SURVEYOR FOR BANNOCK COUNTY, IDAHO, HEREBY CERTIFY THAT I HAVE CHECKED THE PLAT AND COMPUTATIONS AS SHOWN HEREON AND HAVE DETERMINED THAT THE REQUIREMENTS OF IDAHO CODE 50-1305 HAVE BEEN MET, AND I APPROVE SAME FOR FILING THIS 14 DAY OF December 1995.

*Terry Bailey*  
TERRY BAILEY, PLS-1812  
BANNOCK COUNTY SURVEYOR

## COUNTY TREASURER

PURSUANT TO 50-1308, IDAHO CODE, I SHELLEY SHANNON, HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE ON THIS SUBDIVISION, BOTH DELINQUENT AND CURRENT, HAVE BEEN PAID IN FULL AS OF 1999, ~~1999~~ TAXES.

*Shelley Shannon*  
SHELLEY SHANNON, COUNTY TREASURER 6-26-00

## SURVEYORS CERTIFICATE

I, DAVID KLATT, A LICENSED LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME OF THE PREMISES DESCRIBED IN THE ACCOMPANYING BOUNDARY DESCRIPTION AND THAT THE PLAT UPON WHICH THIS CERTIFICATION APPEARS WAS MADE BY ME. I FURTHER CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS THE LOTS AND BLOCKS AS MARKED UPON THE GROUND, THAT THE MONUMENTATION MARKING SAID LOTS AND BLOCKS CONFORMS WITH THAT DEPICTED ON SAID PLAT AND THAT THE PERTINENT PROVISIONS OF THE STATUTES OF THE STATE OF IDAHO, TOGETHER WITH ALL LOCAL ORDINANCES PERTAINING THERETO HAVE BEEN COMPLIED WITH.

*David Klatt*  
DAVID KLATT, PLS-5074  
6/12/95  
DATE



## CINNAMON SPRINGS SUBDIVISION

LOCATED IN THE S 1/2 SEC 19 & N 1/2 SEC 30 T.7S. R.35E. B.M.  
BANNOCK COUNTY, IDAHO

PAGE 2 OF 2

DAVID KLATT SURVEYING SERVICE  
416 S. 4th AVE.  
POCATELLO, IDAHO 83201  
208-232-8396

In the Matter of RESCINDING PLAT NOTE NO. 7 )  
CINNAMON SPRINGS SUBDIVISION)

R.S. No. 2011-65  
 July 20, 2011

RESOLUTION

WHEREAS, the Bannock County Planning & Zoning Commission approved the Conceptual Plan for a five lot subdivision called Cinnamon Springs Subdivision in July 1992 pursuant to Bannock County Ordinance No. 1984-3 [Subdivision Ordinance]; and

WHEREAS, Bannock County Ordinance No. 1984-3 provided for an approval process by the City of Pocatello for subdivisions within the Pocatello Area of City Impact; and

WHEREAS, the plat of Cinnamon Springs Subdivision was recorded on August 26, 2000, instrument #20010022 with the inclusion of plat note # 7 restricting residential building to lot 1 or lot 5 per Pocatello City Council subdivision approval; and

WHEREAS, the owner of lot 5, Cinnamon Springs Subdivision requested removal of plat note #7; and

WHEREAS, a public hearing was held May 18, 2011 by the Planning & Development Council to consider a request for an exception to the Subdivision Ordinance of Bannock County No. 1997-4; and

WHEREAS, the Planning & Development Council approved the exception request to the Subdivision Ordinance restoring the county approval of five buildable lots providing septic permitting requirements are met;

NOW THEREFORE, BE IT RESOLVED in a motion made by Commissioner Karl E. Anderson, seconded by Commissioner Howard Manwaring, that plat note #7 shall be rescinded from the Cinnamon Spring Subdivision Plat.

The motion passed and the voting was unanimous, as taken by roll call vote.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Steve Hadley  
 Steve Hadley, Chair

Karl E. Anderson  
 Karl E. Anderson, Member

Howard Manwaring  
 Howard Manwaring, Member

ATTEST: Dale Hatch  
 Dale Hatch, County Clerk

21110493

RS# 2011-65

RECEIVED REQUEST FOR  
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF  
BANNOCK COUNTY DEPUTY SHERIFF

21110493

201 JUL 20 A.M. 29

2-2

In the Matter to Change a Portion of Road) AS AMENDED  
Name of Autumn Lane in the Cinnamon )  
Springs Subdivision, Bannock County)

R.S. No., 2004- 104  
September 30, 2004

AS AMENDED

R.S. No. 2004-104

Page 2

20421536

## RESOLUTION

WHEREAS, a public hearing was heard on September 14, 2004, at the hour of 10:00 a.m. in the chamber of the Bannock County Commissioners to CHANGE A PORTION OF AUTUMN LANE IN THE CINNAMON SPRINGS SUBDIVISION RECORDED AS INSTRUMENT NUMBER 20010022 IN BOOK 761 AT THE OFFICE OF THE BANNOCK COUNTY RECORDER; and

WHEREAS, the Commissioners heard evidence concerning the Petition and having considered the file and all evidence presented, it hereby makes the following findings and conclusions;

### BANNOCK COUNTY BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT, CONCLUSIONS OF LAW AND

APPLICANT/PETITIONER: Bannock County

TYPE OF APPLICATION: Road Name Change

DATE OF PUBLIC HEARING BEFORE COUNTY COMMISSIONERS and

DECISION: September 14, 2004 10:00 a.m.

#### FINDINGS OF FACT – Road Name Change

1. The County has initiated a Road Name Change.
2. The change requested is within the Cinnamon Springs Subdivision located in the S ½ Section 19 and N ½ Section 30 T7S, R 35E B.M. Bannock County in accordance with Bannock County Ordinance 1997-4 and Idaho Code 50-1301 Notice of Public Hearing was published and notice was posted in the area of the road name change.
3. There are two existing developed lots that would be affected by the change in Road Name.
4. The change would rename a portion of Autumn Lane to Andee K Lane, approximately 500 feet in length, along the west boundary of lots 1 and 5 of Cinnamon Springs Subdivision .

#### CONCLUSIONS of LAW

1. Bannock County Commissioners are authorized by Idaho Code 50 Chapter 13 to grant change in Road Names.
2. Notification of the public and adjacent landowners has been made according to Idaho Code Title 50 Chapter 13 and applicable Bannock County Zoning and Subdivision Ordinances
3. The road name change is in the public interest.

## DECISION

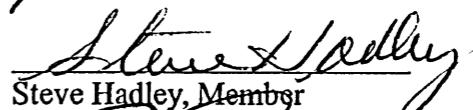
The Bannock County Board of Commissioners concludes based on the foregoing Findings of Fact and Conclusion of Law that the Road Name Change for the portion of Autumn Lane in the Cinnamon Springs Subdivision described above be renamed. This Resolution shall be recorded with the County Recorder.

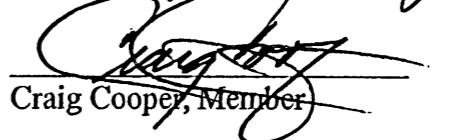
NOW, THEREFORE, BE IT RESOLVED, that a motion was made by Commissioner Craig Cooper seconded by Commissioner Steve Hadley, to approve the road name change as set forth in the Findings of Fact and Conclusions of Law above.

The motion passed and the voting was unanimous, as taken by roll call vote.

### BOARD OF COUNTY COMMISSIONERS

  
Jim Guthrie, Chairman

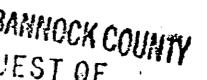
  
Steve Hadley, Member

  
Craig Cooper, Member

ATTEST: LARRY W. GHAN

Larry W. Ghan, Clerk

20421536

  
RECORDED AT REQUEST OF  
FEE 0 DEPUTY M

2004 OCT 1 PM 4 10

OFFICIAL RECORD BK# 856  
LARRY W. GHAN RECORDER  
BANNOCK COUNTY, IDAHO

# EXHIBIT 5

## 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  $\frac{1}{2}$  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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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

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

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

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.
<b>PERMITTED USES:</b>					
Single-family Residence	30	50	30	10	35
Two-family Residence	30	50	30	10	35
Residential Accessory Structures	30	50	20	20	35
Agricultural Structures	30	50	20	20	
Farm Animal Structures	30	50	30	30	15
Commercial Agriculture Accessory Structures for Farm Animals	100	100	100	100	-
Non-Residential Buildings	30	50	20	20	-

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

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

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

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

- a. The electric power provider (Utah Power or Light or Idaho Power Co.).
- b. Intermountain Gas.
- c. Telephone: U.S. West Engineering Department.
- d. Ditch or irrigation company when present or within  $\frac{1}{2}$  mile.
- e. Cable company - fiber optic or television.
- f. Pipelines, if any.
- g. Any other subdivision of government or private utility as applicable.

7. ARMY CORPS OF ENGINEERS: for determination of (1) wetlands or riparian areas (2) stream crossing needs, or (3) any additional issues the Corps may address.
8. PUBLIC LAND AGENCIES: such as Fort Hall Reservation, Forest Service, BLM, or State, without regard to location of proposed subdivision.

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

## 302 CONCEPTUAL OR MASTER PLAN REVIEW:

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

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

- d. Statement describing proposed water supply, sewage disposal, and drainage.
- e. Approximate location of blocks and number of lots in each.
- f. Legal description to quarter-quarter section, township and range.
- g. North arrow.
- h. Landscaping locations and general type of vegetation.
- i. Ownership and land use of subject development and within 300' beyond plat boundaries.
- j. Road names - subject to County Addressing Ordinance.
- k. Road design deviations if open space subdivision is proposed.

3. Comments from Reviewing Agencies, 301.D.

- a. If an agency does not comment, and applicant has proof of contact, staff will contact; if no response is forthcoming, the agency may testify at Concept phase. If no testimony nor written comments are presented at the public hearing, Council may proceed to review application without the agency's comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# FINDINGS

# BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL

## FINDINGS AND ORDER

### CONCEPT PLAN – CHESTNUT HILL SUBDIVISION

#### PUBLIC HEARING: AUGUST 20, 2025

**FILE #:** SCP-25-1  
**LOCATION:** RPRRCIN000401, currently addressed as 9595 Chestnut Hill Drive, Pocatello, ID 83204 and RPRRCIN000301, currently addressed as 9498 Chestnut Hill Drive, Pocatello, ID 83204.

<b>APPLICANT:</b>	<b>OWNER:</b>
Dioptra	Mark and Rose Selover
Stewart Ward	9595 W. Chestnut Hill Drive
4880 Clover Dell Road	9498 W. Chestnut Hill Drive
Pocatello, ID 83202	Pocatello, ID 83204

**REQUEST & BACKGROUND:** Stewart Ward proposes a lot line adjustment to an existing platted subdivision to adjust approximately 3.43 acres and 3.48 acres into 3.34 acres and 3.55 acre lots, off of Chestnut Hill Drive, a county-maintained road. The development proposes individual septic systems and wells. This subdivision is located ~1.25 miles from the City of Pocatello boundary.

#### FINDINGS:

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

#### SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural

PROPERTY SIZE: ~ 3.43 acres and 3.48 acres

VIEWS: The property is visible from all directions

IMPACT AREA: Not within impact area

FLOOD ZONE: X, Minimal

TERRAIN: Steep slopes

EXISTING STRUCTURES: Dwellings and residential accessory structures

OTHER: Located within Cinnamon Springs Subdivision

## NOTICE AND TESTIMONY REQUIREMENTS:

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

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

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

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

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT SCP-25-1

Page 2

---

---

---

## ORDER: CONCLUSION AND DECISION

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

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

### ROLL CALL:

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

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

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

---

Signed by (Chairperson) (Vice Chair)

### ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)

S.S.

County of Bannock)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.

S  
E  
A  
L

---

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

# MOTION

## EXAMPLE MOTION

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

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

1. ....

2. ....

# AGENDA ITEM NO. 5

## Variance – Driveways

Dakota Worrell



# PLANNING AND DEVELOPMENT SERVICES

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

## VARIANCE PERMIT PUBLIC HEARING: AUGUST 20, 2025 STAFF REPORT

**FILE #:** VAR-25-8

**LOCATION:** RPR3851027600, currently unaddressed and parcel RPR3851027702, currently unaddressed.

**APPLICANT:**

Dakota Worrell  
11601 N. Ross Avenue  
Oklahoma, OK 73120

**OWNER:**

DW Investors, LLC  
1402 Kenilworth Road  
Nichols Hills, OK 73120

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

- Denial, or;
- Approval

**REQUEST & BACKGROUND:** Dakota Worrell 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 10' width at all points.

**SITE CHARACTERISTICS AND ZONING:**

**ZONING:** Residential Suburban

**PROPERTIES SIZE:** ~ 49.94 acres

**VIEWS:** The properties are not visible from the road

**EXISTING STRUCTURES:** One accessory structure

**AREA OF CITY IMPACT:** None

**SURROUNDING LAND USES AND ZONING**

**NORTH:** The site is within Residential Suburban zoning district and BLM consisting of bare ground.

**EAST:** The site is within Residential Suburban zoning district and BLM consisting of bare ground.

**SOUTH:** The site is within Residential Suburban zoning district and consists of bare ground.

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

**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-6516, Variance – Definition – Application – Notice – Hearing.
2. Bannock County Comprehensive Plan, 2025-27

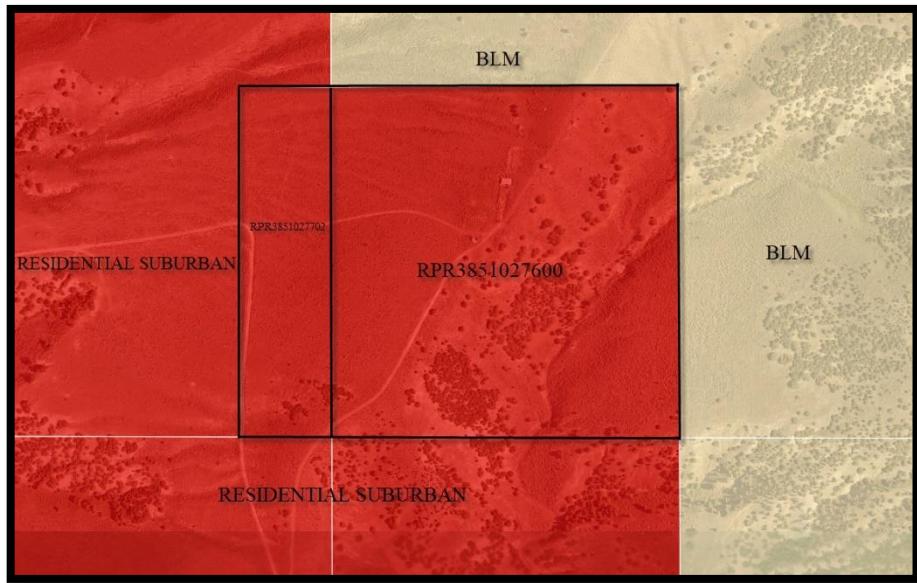
STAFF REPORT  
VARIANCE PERMIT- WORRELL  
Page 1 of 5

3. Bannock County Zoning Ordinance, 1998-1, specifically:
  - a. §330 RESIDENTIAL SUBURBAN DISTRICT
  - b. §475.13 DRIVEWAYS
  - c. §540 VARIANCES

#### **SITE MAP**



STAFF REPORT  
VARIANCE PERMIT - WORRELL  
Page 2 of 5



## 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 the land passes through several parcels with different owners and would cost a substantial amount to widen. Applicant also states there is a structure on his land and the road has been the same for years. The Council should determine that the applicant has shown there is no reasonable alternative.

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

**Staff Findings of Fact**

The applicant has stated the road is currently being used and widening it would expand the easement and impact neighbors. Applicant states existing road does not impact neighbors. 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 the variance would prevent the enlargement of the easement and the road that runs through adjacent property. 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 would not be able to develop his land due to the cost to widen the road. Staff finds that the area contains significant sloping and would be difficult to widen the driveway to meet ordinance standards. The 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

STAFF REPORT  
VARIANCE PERMIT - WORRELL  
Page 4 of 5

**REPORT BY:**

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

**REPORTED DATE:** August 13, 2025

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

**EXHIBITS:**

1. Application and Site Plan
2. Applicable Laws (on file with Staff)
3. Evidence of Notices (on file with Staff)
4. Agency/Public Comments (if any)

STAFF REPORT  
VARIANCE PERMIT - WORRELL  
Page 5 of 5

# EXHIBIT 1

## Application & Site Plan

## Variance Application

# VAR-25-8

Submitted On: Jun 16, 2025

### Applicant

 Dakota Worrell

### Primary Location

0 NO STREET  
00000

## Additional Locations

0 NO STREET, 00000

## Parcel & Variance Information

### Parcel Number

RPR3851027600

### My property is zoned:

Residential Suburban

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

true

### Please describe your variance request in detail:

I am seeking a variance from the requirement to widen the road to 25 feet in order to develop our property. The road runs through multiple properties with multiple owners. We would rather install fire suppression systems in our home. The fire chief agreed that this would be a suitable idea.

## Application for Variance

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

The land passes through several parcels with different owners and would cost probably close to a million dollars to enlarge. There is already a structure on our land and the road has been the same size forever.

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

The road is currently being used the way it is and enlarging it would actually expand the easement and impact neighbors if we complied with the code. This does not impact many people as the road exists to provide access to my property.

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

The variance I am requesting prevents the enlargement of the easement and road that runs through adjacent property. Complying with the code would adversely affect the neighbors.

### 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 would be unable to develop my land at all despite this road servicing the land for 70 years. The cost would be something close to a million dollars and upset the neighbors.

## Certification

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

Dakota Worrell - DW INVESTORS, LLC

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

true

**Date**

06/16/2025



[www.autodesk.com/revit](http://www.autodesk.com/revit)

Consultant  
Address  
Address  
Address  
Phone

# DOKOTA WORRELL

## LOG CABIN

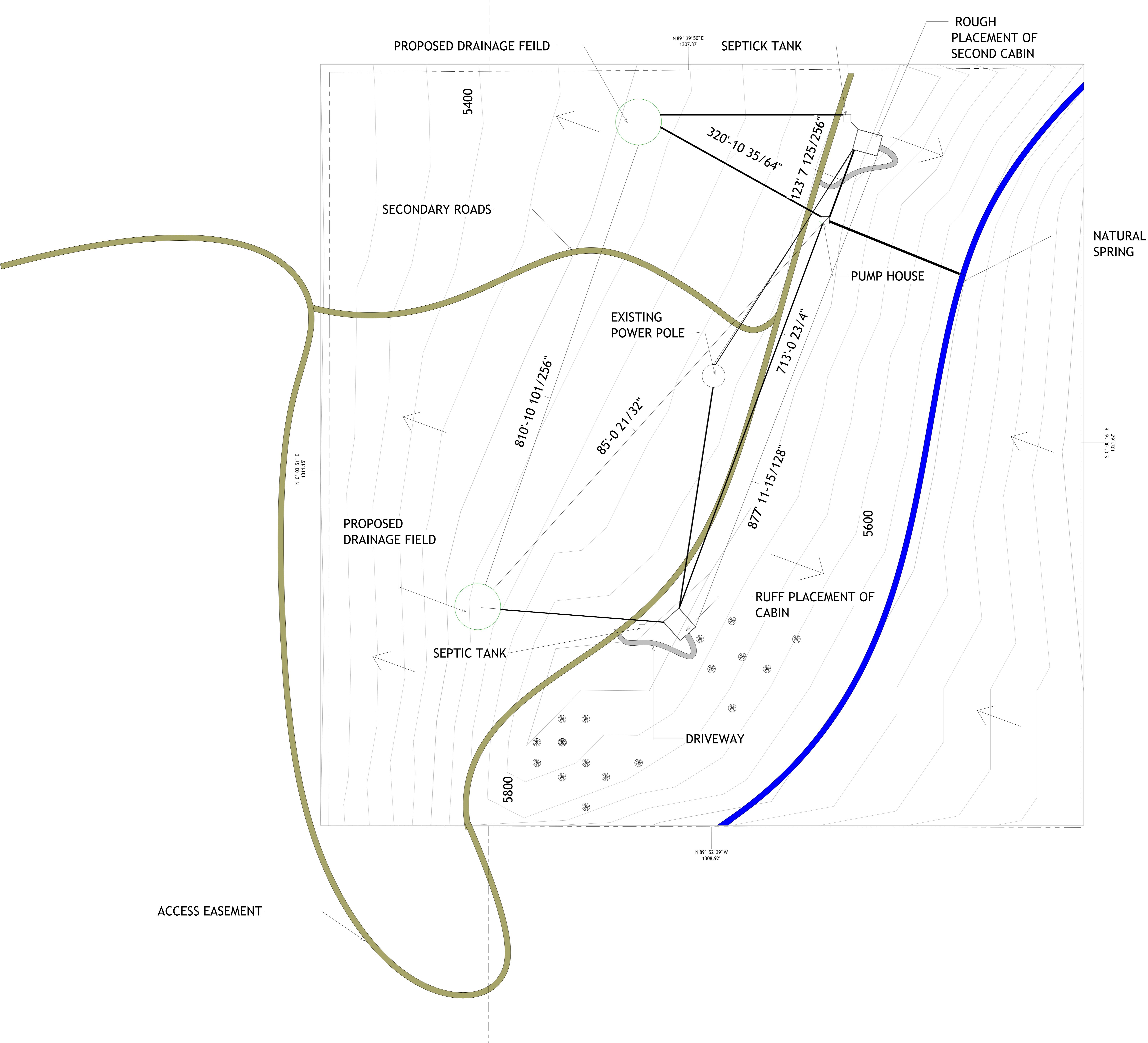
---

### Site Plan

Object Number	1
Date	5/19/2025
Drawn By	KENADEE T
Checked By	KT
<b>C101</b>	
Scale	1/64" = 1'-0"

# C101

scale 1/64" = 1'-0"



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

operator's primary residence or a day care center.

J. Golf courses.

K. Private, noncommercial recreational facilities.

### 334 USES CONDITIONALLY PERMITTED:

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

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

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

C. Cemeteries.

D. Institutional housing.

E. Multi-family dwellings.

### 335 PARKING STANDARDS:

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

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

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

Number of Bedrooms/Unit	1	2	3-6*	7 or more
1	2	2	1.6	1.5
2	2	2	1.8	1.6
3	2	2	2.0	1.8
4	3	3	2.2	2.0
5 or more	3	3	2.4	2.0

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

335.2 All congregate parking areas shall be separated from adjacent lands by a sight proof fence or hedge at least four feet in height. No paving for congregate parking areas shall be placed any closer than five feet from an adjacent residentially-zoned property line.

335.3 Landscaping for congregate parking lots in the Residential Suburban district shall contain at least one-and-one-half-inch caliper tree per fifty square feet for all required landscaping within the bounds of the parking lot.

335.4 Any trash collection or storage facilities for multi-family residential uses shall be located at least ten feet from adjacent residential property and at least ten feet from any windows in the walls of the buildings they serve.

335.5 Congregate parking lots shall be located behind the front setback line of the buildings they serve.

335.6 Congregate parking lots shall have direct driveway access to a public or private road.

335.7 Parking lots shall be maintained in a dust-free condition.

335.8 Parking lot landscaping equal to ten percent of the total parking lot area shall be provided in residential parking lots. Said landscaping shall be placed within the perimeter of the actual parking area.

335.9 Parking spaces shall have an effective width of nine feet and an effective length of eighteen feet. Maneuver space for parking spaces shall be provided on the site in question. Parking spaces shall be arranged in such fashion that circulation is convenient and well integrated with off-site traffic flow.

336 SUBDIVIDING IN THE RESIDENTIAL SUBURBAN DISTRICT: The following methods of subdividing are permitted in the RS zone:

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

1. OPEN SPACE designed subdivisions are required in the RS zone if 25% or more of the proposed development is 5000 feet elevation or more or if proposal includes lands designated important wildlife habitat.

B. Conventional Subdivision: (**Amendment #4 Ordinance # 2000-2**)

1. Within a city's area of impact, a minimum lot size of five acres is required where septic tank and drainfield sewage disposal systems are proposed. Such lots may not be further subdivided, and the plat and deeds must so indicate. Lots of less than five acres must employ municipal treatment of sewage or private sewage treatment systems which treat sewage such that the effluent is equal to or less contaminated than that of the City of

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

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

C. Planned Unit Development provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI); density may be up to one dwelling per 1/3 acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development. **(Amendment #19 Ordinance #2008-4)**

1. Developments for uses other than residential and neighborhood commercial shall not be permitted in the RS district.

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

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

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

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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

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

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

	MINIMUM LOT AREA	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.
PERMITTED USES:						
Single-Family Residence	1 acre	30	50	20	10	35
Two-Family Residence	$\frac{3}{4}$ / D.U.	30	50	20	10	35
Multi-Family Residence	$\frac{1}{2}$ / D.U.	30	50	30	20	35
Residential Accessory Structures (see section 401.C.4)	-	30	50	20	10	35
Farm Animal Structure		30	50	30	30	15
Non-residential Buildings	-	30	50	20	20	-

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

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

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

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

# FINDINGS

## BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

### VARIANCE PERMIT- DAKOTA WORRELL PUBLIC HEARING: AUGUST 20, 2025

**FILE #:** VAR-25-8  
**LOCATION:** RPR3851027600, currently unaddressed and parcel RPR3851027702, currently unaddressed.  
**APPLICANT:** Dakota Worrell  
11601 N. Ross Avenue  
Oklahoma, OK 73120  
**OWNER:** DW Investors, LLC  
1402 Kenilworth Road  
Nichols Hills, OK 73120

**REQUEST & BACKGROUND:** Dakota Worrell 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 10' width at all points.

#### **FINDINGS:**

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

#### **SITE CHARACTERISTICS AND ZONING:**

**ZONING:** Residential Suburban

**PROPERTIES SIZE:** ~ 49.94 acres

**VIEWS:** The properties are not visible from the road

**EXISTING STRUCTURES:** One accessory structure

**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.

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT VAR-25-8

Page 1

## REQUIRED FINDINGS FOR VARIANCE PERMIT, §540

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

This is based on:

---

---

---

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

This is based on:

---

---

---

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

This is based on:

---

---

---

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:

---

---

---

Conditions:

---

---

---

## ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Dakota Worrell for a variance from the driveway standards to be 10' wide at all points, as described in the application, shall be **[approved] [denied] [tabled]**.

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

### ROLL CALL:

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

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

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

---

Signed by (Chairperson) (Vice Chair)

## ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)

S.S.

County of Bannock)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_ 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\_\_\_\_

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT VAR-25-8

Page 3

# MOTION

## **DAKOTA WORRELL VARIANCE MOTION**

Based on the record and discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Dakota Worrell requesting a variance for the driveway to be built 10' 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.

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

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

AGENDA ITEM NO. 6

Variance – Side yard setback

Conrad Jensen



# 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: AUGUST 20, 2025 STAFF REPORT

**FILE #:** VAR-25-9

**LOCATION:** RPR4015029900 and is currently addressed as 228 N. Indian Creek Road, Inkom, ID 83245.

**APPLICANT:**

Conrad Jensen  
228 N. Indian Creek Road  
Inkom, ID 83245

**OWNER:**

Conrad Jensen  
228 N. Indian Creek Road  
Inkom, ID 83245

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

- Denial, or;
- Approval

**REQUEST & BACKGROUND:** Conrad Jensen requests a variance for a side yard setback for an addition to the single-family dwelling. The current side yard setback is 20' and the applicant is proposing a 10' side yard setback.

**SITE CHARACTERISTICS AND ZONING:**

**ZONING:** Agricultural

**PROPERTY SIZE:** ~ 1.16 acres

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

**EXISTING STRUCTURES:** Residential dwelling

**AREA OF CITY IMPACT:** None

**SURROUNDING LAND USES AND ZONING**

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

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

**SOUTH:** The site is within the Agricultural zoning district and consists of bare ground.

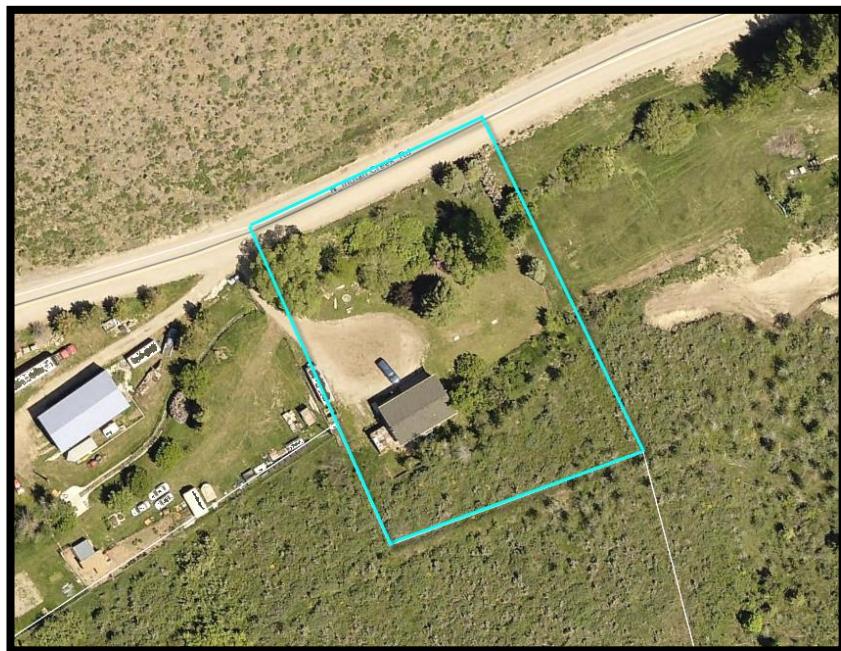
**WEST:** The site is within the Agricultural zoning district and consists of residential uses and bare ground.

**APPLICABLE LAWS AND PLANS:**

1. Idaho Code §67-6516, Variance – Definition – Application – Notice – Hearing.

STAFF REPORT  
VARIANCE PERMIT- JENSEN  
Page 1 of 5

2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
  - a. §310 AGRICULTURAL DISTRICT
  - b. §540 VARIANCES



**SITE MAP**

STAFF REPORT  
VARIANCE PERMIT - JENSEN  
Page 2 of 5



## 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 that due to the physical constraints of the property, including a stream requiring a 100' setback on the west side, a septic tank, and leach field preventing construction on the north side, and a steep slope rendering the east side unbuildable, the south side is the only feasible location for the garage. There is no reasonable alternative other than to place structure closer to the side yard.

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

**Staff Findings of Fact**

The applicant has stated there is no public interest involved with placement of garage being attached to existing residential dwelling. 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

The applicant states the 10' variance will not encroach on neighboring properties or obstruct their access, views, or privacy. The garage will be constructed on the south side, attached to the existing residential dwelling and will not alter drainage patterns or cause any adverse environment or visual impact to 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 without the variance, the physical characteristic on the site, stream setback, septic system, and steep slope restrict the garage to a 10' side yard setback. This limitation caused by the property's unique physical constraints, constitute an undue hardship. Since there are no other locations to place this structure without this 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

STAFF REPORT  
VARIANCE PERMIT - JENSEN  
Page 4 of 5

**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:** August 13, 2025

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

**EXHIBITS:**

1. Application and Site Plan
2. Applicable Laws (on file with Staff)
3. Evidence of Notices (on file with Staff)
4. Agency/Public Comments (if any)

STAFF REPORT  
VARIANCE PERMIT - JENSEN  
Page 5 of 5

# EXHIBIT 1

## Application & Site Plan

## Variance Application

### Applicant

### Primary Location

# VAR-25-9

 Conrad Jensen

Submitted On: Jun 22, 2025

## Parcel & Variance Information

### Parcel Number

RPR4015029900

### My property is zoned:

Agricultural

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

### Rear yard setbacks

--

### Side yard setbacks

true

### Riparian area setbacks

--

### Right-of-way setbacks

--

### Lot size

--

### Other

--

### Please describe your variance request in detail:

I would like to decrease my side yard set back from 20ft down to 10ft on the south side of the property in order to build an attached garage. I am unable to build a garage on any other part of my property because of the steep slope on the east side of the property and the stream that runs on the west side of the property. My septic tank and leach field are located on the north side of the property which also disqualifies me from building there.

## Application for Variance

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

Due to the physical constraints of the property, including a stream requiring a 100-foot setback on the west side, a septic tank and leach field preventing construction on the north side, and a steep slope rendering the east side unbuildable, the south side is the only feasible location for the garage. The current county setbacks limit the garage to an impractical 10-foot width, leaving no reasonable alternative without a variance.

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

The proposed 10-foot variance to the south side setback will not impact public safety, traffic, or community aesthetics. The garage will be attached to the existing house, maintaining the residential character of the area and complying with all other applicable regulations, ensuring no conflict with public interest.

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

The 10-foot variance will not encroach on neighboring properties or obstruct their access, views, or privacy. The garage will be constructed on the south side, attached to the house, and will not alter drainage patterns or cause any adverse environmental or visual impacts to adjacent properties.

### 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.

Without the variance, the physical characteristics of the site—stream setback, septic system, and steep slope—restrict the garage to an impractical 10-foot width, insufficient for standard vehicle storage or functional use. This limitation, caused solely by the property's unique physical constraints, constitutes an undue hardship not faced by other properties.

---

## Certification

Electronic Signature [Typed name of applicant]

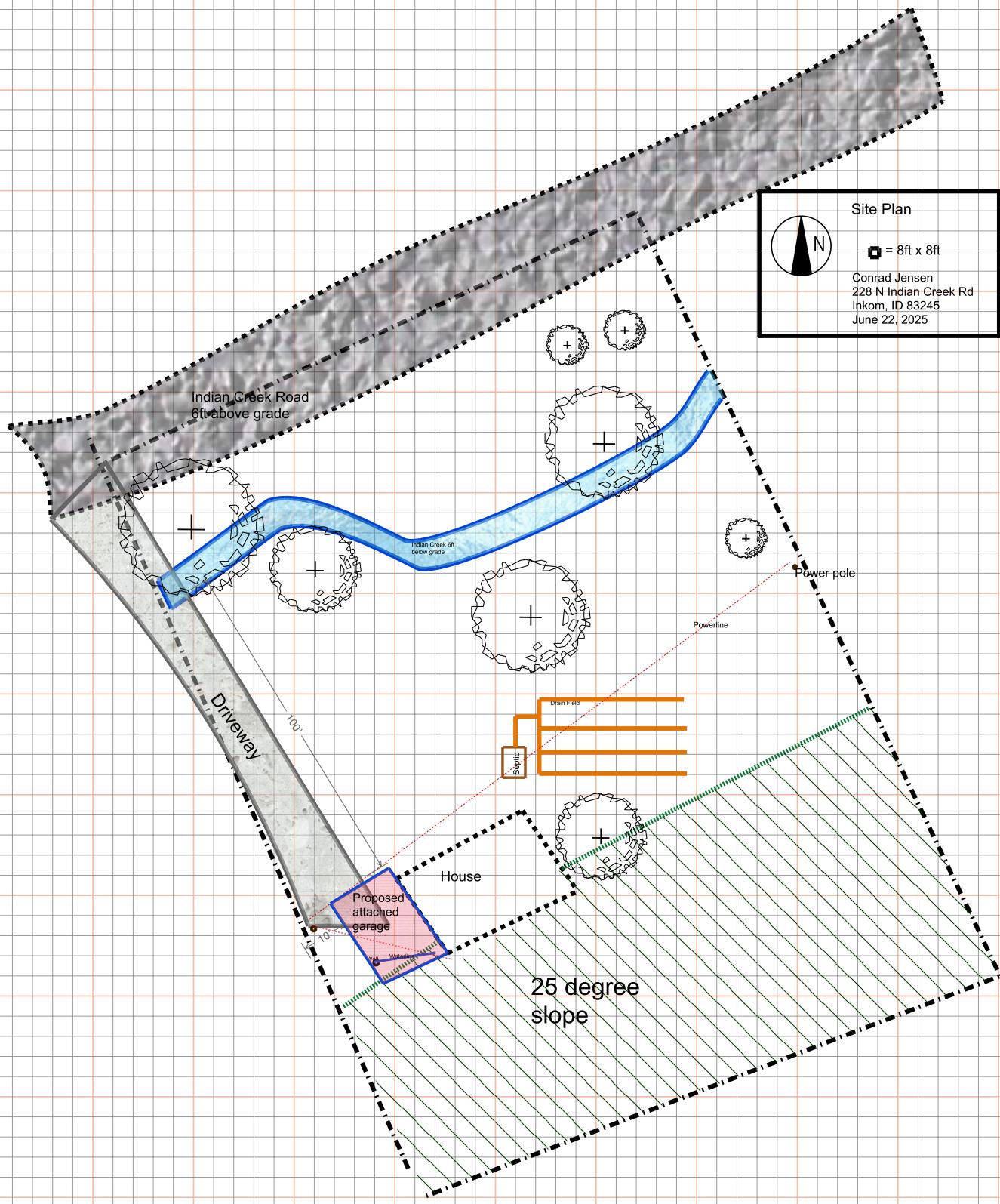
Conrad Jensen

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

true

Date

06/19/2025



# EXHIBIT 2

## Ordinance Excerpts

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

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

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

#### **311 PURPOSE:**

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

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

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

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

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

I. Commercial Stables.

J. Kennels.

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

### 314 USES CONDITIONALLY PERMITTED:

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

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

B. Mining.

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

D. Feed lot.

E. Zoo.

F. Wildlife preserves.

G. Shooting preserves.

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

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

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

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

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

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

- D. Building lots shall be created by following the requirements set out in the subdivision ordinance of Bannock County, as amended.
- E. Subdivision, as defined in the Bannock County Subdivision Ordinance, shall be permitted in the Agricultural District, according to Section 315.E.1. **(Amendment #3 Ordinance #1999-3)**
  - 1. SUBDIVIDING IN THE AGRICULTURAL ZONE. Open space subdivisions designed according to Section 401 of the Bannock County Subdivision Ordinance, No. 1997-4, shall be permitted with a density of one residence per 40 acres.
    - A. Requirements for sewage treatment and water systems shall not apply to lots over one acre.
    - B. Lots shall be clustered and may vary in size with a minimum of one acre.
    - C. Subdivision shall have a single access, built to county standards, to a county-maintained road.
    - D. The recorded plat must include all the land used to determine the number of lots, and all but the permitted lots be restricted from residential development.
    - E. All other requirements and standards of the Subdivision Ordinance shall apply.
- F. These regulations are to be regarded as limitations on the overall density of development in the Agricultural District, not as minimum building site or minimum lot size requirements.
- G. No more than four non-farm and/or farm dwellings or a combination thereof may be placed in the same quarter-quarter section.

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

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Page 21 of 151

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

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

**AGRICULTURAL DISTRICT**MINIMUM SETBACKS (FT)

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

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

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

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

# FINDINGS

## BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

### VARIANCE PERMIT- CONRAD JENSEN PUBLIC HEARING: AUGUST 20, 2025

**FILE #:** VAR-25-9  
**LOCATION:** RPR4015029900 and is currently addressed as 228 N. Indian Creek Road, Inkom, ID 83245.  
**APPLICANT:** Conrad Jensen  
228 N. Indian Creek Road  
Inkom, ID 83245  
**OWNER:** Conrad Jensen  
228 N. Indian Creek Road  
Inkom, ID 83245

**REQUEST & BACKGROUND:** Conrad Jensen requests a variance for a side yard setback for an addition to the single-family dwelling. 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:** Agricultural

**PROPERTY SIZE:** ~ 1.16 acres

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

**EXISTING STRUCTURES:** Residential dwelling

**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.

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT VAR-25-9

Page 1

## REQUIRED FINDINGS FOR VARIANCE PERMIT, §540

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

This is based on:

---

---

---

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

This is based on:

---

---

---

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

This is based on:

---

---

---

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:

---

---

---

Conditions:

---

---

## ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Conrad Jensen 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 [Yes] [No] [Absent/Recused]
Councilperson Madsen	Voted [Yes] [No] [Absent/Recused]
Councilperson Selleneit	Voted [Yes] [No] [Absent/Recused]
Councilperson Ulrich	Voted [Yes] [No] [Absent/Recused]
Councilperson Ward	Voted [Yes] [No] [Absent/Recused]

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

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

---

Signed by (Chairperson) (Vice Chair)

## ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)

S.S.

County of Bannock)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_ 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

## CONRAD JENSEN VARIANCE EXAMPLE MOTION

Based on the record and discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Conrad Jensen 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. 7

Variance – Right-of-Way Setback

Ted Van Horn



# 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: AUGUST 20, 2025 STAFF REPORT

**FILE #:** VAR-25-11  
**LOCATION:** RPRRSGP003202 and is currently addressed as 3670 Utah Drive, Inkom, ID 83245.

<b>APPLICANT:</b>	<b>OWNER:</b>
Ted Van Horn 3670 Utah Drive Inkom, ID 83245	Ted Van Horn 3670 Utah Drive Inkom, ID 83245

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

- Denial, or;
- Approval

**REQUEST & BACKGROUND:** Ted Van Horn requests a variance for right-of-way setbacks for a single-family dwelling and two (2) Connex structures. The current right-of-way setback for Aubrey Lane and Utah Drive is 30' and the applicant is proposing a 20' right-of-way setback for the single-family dwelling. The current setback for Old Hwy 91 is 50' and the applicant has proposed a 12' right-of-way setback for the two (2) Connex structures.

### SITE CHARACTERISTICS AND ZONING:

**ZONING:** Residential Rural

**PROPERTY SIZE:** ~ 1.00 acre

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

**EXISTING STRUCTURES:** One residential accessory structure and two (2) Connex structures

**AREA OF CITY IMPACT:** None

### SURROUNDING LAND USES AND ZONING:

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

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

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

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

STAFF REPORT  
VARIANCE PERMIT- VAN HORN  
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. §320 RESIDENTIAL RURAL DISTRICT
  - b. §540 VARIANCES



**SITE MAP**

STAFF REPORT  
VARIANCE PERMIT – VAN HORN  
Page 2 of 5



## 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 is requesting a variance from the local right-of-way of 20' instead of 30' as the size of the home would need to be at the 20' mark to allow the home to fit properly on the lot with adequate spacing from the septic tank and drain field. There is no reasonable alternative other than to place home closer to the right-of-way and storage containers 12' from north side of property.

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

**Staff Findings of Fact**

The applicant has stated there is no public interest involved with placement of home and storage containers. 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.

STAFF REPORT  
VARIANCE PERMIT – VAN HORN  
Page 3 of 5

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

Staff Findings of Fact

The applicant states the variance will allow the home to be built an additional 10' from adjacent property to the west and will not adversely 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 without the variance, the home would be built very close to the septic tank, drain field, and secondary drain field. This could cause undue hardship by causing issues with septic clearances, as well as placement of the home and access to the existing shop. Since there are no other locations to place the home and storage containers without this 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

STAFF REPORT  
VARIANCE PERMIT – VAN HORN  
Page 4 of 5

**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:** August 13, 2025

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

**EXHIBITS:**

1. Application and Site Plan
2. Applicable Laws (on file with Staff)
3. Evidence of Notices (on file with Staff)
4. Agency/Public Comments (if any)

STAFF REPORT  
VARIANCE PERMIT – VAN HORN  
Page 5 of 5

# EXHIBIT 1

## Application & Site Plan

## Variance Application

# VAR-25-11

Submitted On: Jul 21, 2025

## Applicant

 Ted Van Horn

## Primary Location

### Parcel & Variance Information

#### Parcel Number

PRRRSGP003202

#### 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

true

--

#### Other

--

#### Please describe your variance request in detail:

We are requesting a variance of 20 feet from local road right-of-way instead of the required 30 feet for minimum setback...

### Application for Variance

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

we are requesting a variance from ROW

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

We are requesting a variance of 20 feet from local road right-of-way instead of the required 30 feet for minimum setback...

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

We are requesting a variance of 20 feet from local road right-of-way instead of the required 30 feet for minimum setback...

#### 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.

We are requesting a variance of 20 feet from local road right-of-way instead of the required 30 feet for minimum setback...

### Certification

#### Electronic Signature [Typed name of applicant]

THEODORE W VAN HORN

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

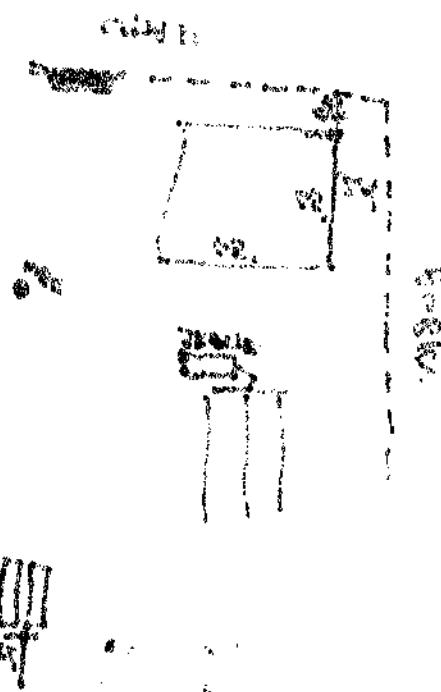
true

#### Date

07/21/2025

N  
↑





# 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  $\frac{1}{2}$  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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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

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

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

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.
<b>PERMITTED USES:</b>					
Single-family Residence	30	50	30	10	35
Two-family Residence	30	50	30	10	35
Residential Accessory Structures	30	50	20	20	35
Agricultural Structures	30	50	20	20	
Farm Animal Structures	30	50	30	30	15
Commercial Agriculture Accessory Structures for Farm Animals	100	100	100	100	-
Non-Residential Buildings	30	50	20	20	-

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

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

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

# FINDINGS

# BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

## VARIANCE PERMIT- TED VAN HORN PUBLIC HEARING: AUGUST 20, 2025

**FILE #:** VAR-25-11  
**LOCATION:** RPRRSGP003202 and is currently addressed as 3670 Utah Drive, Inkom, ID 83245.  
**APPLICANT:** **OWNER:**  
Ted Van Horn  
3670 Utah Drive  
Inkom, ID 83245      Ted Van Horn  
3670 Utah Drive  
Inkom, ID 83245

**REQUEST & BACKGROUND:** Ted Van Horn requests a variance for right-of-way setbacks for a single-family dwelling and two (2) Connex structures. The current right-of-way setback for Aubrey Lane and Utah Drive is 30' and the applicant is proposing a 20' right-of-way setback for the single-family dwelling. The current setback for Old Hwy 91 is 50' and the applicant has proposed a 12' right-of-way setback for the two (2) Connex structures.

### FINDINGS:

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

#### SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Rural

PROPERTY SIZE: ~ 1.00 acre

VIEWS: The property is visible from the road

EXISTING STRUCTURES: One residential accessory structure and two (2) Connex 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.

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT VAR-25-11  
Page 1

## REQUIRED FINDINGS FOR VARIANCE PERMIT, §540

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

This is based on:

---

---

---

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

This is based on:

---

---

---

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

This is based on:

---

---

---

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:

---

---

---

Conditions:

---

---

---

## ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Ted Van Horn for a variance for a 20' right-of-way setback off of Aubrey Lane and Utah Drive for the single-family dwelling and a 12' right-of-way setback from Old Hwy 91 for the two (2) Connex structures, as described in the application, shall be **[approved] [denied] [tabled]**.

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

ROLL CALL:

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

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

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

---

Signed by (Chairperson) (Vice Chair)

## ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)

S.S.

County of Bannock)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2025, before me \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_ 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\_\_\_\_

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL  
FINDINGS AND ORDER: PERMIT VAR-25-11

Page 3

# MOTION

## **TED VAN HORN VARIANCE EXAMPLE MOTION**

Based on the record and discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Ted Van Horn for a variance for a 20' right-of-way setback off of Aubrey Lane and Utah Drive for the single-family dwelling and a 12' right-of-way setback from Old Hwy 91 for the two (2) Connex structures, 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. 8

## Items of Interest

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