



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

AGENDA

BANNOCK COUNTY

PLANNING & DEVELOPMENT COUNCIL MEETING

OCTOBER 22, 2025 – 5:15 PM

The public meeting will be held in Conference Room 1, Office of Planning and Development Services, 5500 S 5th 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, 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 (**Action Item**)

PLANNING & DEVELOPMENT COUNCIL MEETING
OCTOBER 22, 2025

AGENDA ITEM NO. 3. APPROVAL OF MINUTES (**ACTION ITEM**)
a) September 17, 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 – DEETER RIDGE
ESTATES: Pursuant to Section 302 of the Bannock
County Subdivision Ordinance, Stewart Ward proposes
development for ten (10) residential lots and one (1) open
space lot. The subject property is parcel RPR3803029304.
The affected lots total 23.21 acres generally located off of
2 1/2 Mile Road, a county-maintained road. The
development proposes individual well and septic systems.
Type of action: Decision. (**ACTION ITEM**)

AGENDA ITEM NO. 5. VARIANCE FROM §327 – BUILDING BULK AND
PLACEMENT STANDARDS: John Good requests a
variance for a side yard setback for a covered awning. The
current side yard setback is 20' and the applicant is
proposing a 0' side yard setback. The affected property is
labeled as parcel RPRRRB001500 and is currently
addressed as 131 E. Cindy Avenue, 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. 6. SUBDIVISION CONCEPT PLAN – TOM'S HOLLOW
SUBDIVISION: Pursuant to Section 302 of the Bannock
County Subdivision Ordinance, Stewart Ward proposes a
lot line adjustment / subdivision replat for two (2) parcels,
Lot 3 and Lot 4, Block 1 of Coyote Hollow Subdivision.
The subject properties are parcels RPRRCHS000400 and
RPRRCHS000300. The two affected lots total 10.16 acres
generally located off of Pidcock Road, a county-
maintained road. The development proposes individual
well and septic systems. Type of action: Decision.
(**ACTION ITEM**)

AGENDA ITEM NO. 7. **CONDITIONAL USE PERMIT – CAMPGROUND:** Bob Jones petitions for a conditional use permit to create a campground, restaurants, laundry facility, waterpark, housing, retail, and amphitheater, on approximately 118.11 acres. The affected property is known as parcel RPR4227019600 and is currently unaddressed. Proposed hours of operation are 24 hours, seven days a week; private well and septic are being proposed. At the hearing, the Council shall evaluate the proposed use against criteria established in §530 of the Zoning Ordinance. Type of action: Decision. **(ACTION ITEM)**

AGENDA ITEM NO. 8. **VARIANCE FROM §475.13 DRIVEWAYS & §490 RESOURCE AND NATURAL FEATURES PROTECTION DEVELOPMENT RESTRICTIONS:** Wyatt Radke requests a variance from the driveway standards to increase the maximum allowable driveway grade from 10% to 13% and increase the restriction of percentage of steep slopes that may be disturbed. The affected properties are labeled as parcel RPRRMNVO01000 and parcel RPRRMNVO00902 and are 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)**

BUSINESS ITEMS

AGENDA ITEM NO. 9. **PRELIMINARY PLAT APPROVAL – CHESTNUT HILL SUBDIVISION:** Stewart Ward requests preliminary plat approval for tax parcels RPRRCIN000401 and RPRRCIN000301 in accordance with procedures and standards established in the Subdivision and Zoning Ordinances. Type of action: Decision. **(ACTION ITEM)**

AGENDA ITEM NO. 10. **VARIANCE EXTENSION REQUEST:** Dustin Holsten requests an extension to a lot size variance that was approved by the Planning and Development Council on June 18, 2025. **(ACTION ITEM)**

PLANNING & DEVELOPMENT COUNCIL MEETING
OCTOBER 22, 2025

AGENDA ITEM NO.	11.	ITEMS OF INTEREST
	a)	Update on recommendations to Commissioners
	b)	Discussion of upcoming hearing items
	c)	Announcements
AGENDA ITEM NO.	12.	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.	13.	WORK SESSION
	a)	2026 Council Meeting Schedule
AGENDA ITEM NO.	14.	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. Written testimony of fewer than two (2) pages must be received by the Planning and Development Services office no later than October 14, 2025. Written testimony may also be sent to 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

- September 17, 2025

BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

DRAFT MEETING MINUTES | September 17, 2025

BANNOCK COUNTY STAFF PRESENT: Hal Jensen, Planning Director.

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

1. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:

Present Council Members: Stewart Ward, Ed Ulrich, and Chad Selleneit

2. PRELIMINARY BUSINESS AGENDA CLARIFICATION AND APPROVAL:

Hal Jensen, Planning Director, recommend approval of public hearing meeting being moved from October 15, 2025, to October 22, 2025.

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

Ulrich makes a motion to ratify the public hearing date to October 22, 2025. Selleneit seconds. All in favor.

3. APPROVAL OF MINUTES:

Ulrich makes motion to approve minutes as written for August 20, 2025.

Ward seconds. All in favor.

4. PUBLIC HEARING:

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

5. VARIANCE FROM §337 – BUILDING BULK AND PLACEMENT STANDARDS – ACTION ITEM:

Michael Hess requests a variance for a side yard setback for a shed. The current side yard setback is 10' and the applicant is proposing a 5' side yard setback. The affected property is labeled as parcel RP RR WE1000100 and is currently addressed as 14955 Kensington Ln., Chubbuck, ID 83202.

Michael Hess, 14955 Kensington Ln., Chubbuck, ID 83202. Would like to put up a 10x20 shed behind existing fence. Would like to place shed 5' from property line. Letter from neighbor south of applicant has no issues. Neighbor across the street did the same thing and has no issues. Provided copy of neighbor letter and City of Chubbuck letter.

STAFF

Hal Jensen, Planning Director, you have the staff report. If you have any questions, I will be glad to answer them. Property is located in Westfield Estates. We have a development agreement with the City of Chubbuck because of the connection to city sewer. Eventually, they will be annexed. The letter from the City of Chubbuck recognizes that their current ordinance is 5' from property line for a storage structure. Therefore, they are not opposed to this knowing that someday this will be in their jurisdiction.

Ward, "This is Phase 1, correct?"

Hal Jensen, "This is Phase 1."

Hal Jensen, so that council knows, we apologize that people in Phases 1, 2, and 3 continue to come to us for variances. Phases 4-8 in Westfield Estates now have a blanket exception of 5 feet. At one point, we talked with the developers and asked them if they would go and secure every neighbor and every property owner and have their name and come and have a public hearing and it became so cumbersome that we chose this is the best route.

PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Ward makes motion to close public hearing. Ulrich seconds. All in favor.

FINDINGS

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

This is based on:

This is in line with the City of Chubbuck ordinances and follows the blanket variance for phases 4 through 8 of the Westfield Subdivision.

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

This is based on:

The public interest is in the development of the subdivision per City of Chubbuck standards. This subdivision was built to those standards.

3. The variance will not adversely affect adjacent property.

This is based on:

Letters of support from the adjoining neighbor and the neighbor across the street. The variance request is in line with phases 4 through 8 of the subdivision and the City of Chubbuck ordinance.

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

This is based on:

Following Bannock County ordinance will unnecessarily incumber the back yard.

Selleneit, based on the record and discussion this evening, I move to approve the request by Michael G. Hess requesting a variance for a 5' 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.

Ulrich seconds.

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

Motion approved 3-0.

6. ITEMS OF INTEREST:

Hal, Jensen, Planning Director, Tristan and I will be going to commission on Tuesday with a progress report on the alternative energy component of the new ordinance that will include solar, wind, and nuclear. Discussed upcoming full docket on October 22, 2025, and council members are available for this hearing.

7. CITIZEN COMMENTS:

None.

8. WORK SESSION:

None.

9. MEETING ADJOURNED

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

PUBLIC HEARING ITEMS

AGENDA ITEM NO. 4

Subdivision Concept Plan –

Deeter Ridge Estates



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.gov

CONCEPT PLAN– DEETER RIDGE ESTATES PUBLIC HEARING: OCTOBER 22, 2025 STAFF REPORT

FILE #: SCP-25-2

LOCATION: A portion of RPR3803029304, currently addressed as 10961 W. 2 1/2 Mile Road, Chubbuck, ID 83202.

APPLICANT:	OWNER:	
Dioptre	Spring Creek Homes LLC	Spring Creek Homes LLC and
Stewart Ward	620 Pheasant Ridge Drive	BKKP Properties LLC
4880 Clover Dell Road	Pocatello, ID 83202	13104 W. Tyhee Road
Pocatello, ID 83202		Pocatello, ID 83202

RECOMMENDATION: Staff recommends approval with the following conditions:

1. All existing structures shall be removed or meet setback requirements. Setback measurements shall be depicted on Preliminary Plat.
2. Subdivision construction plans shall include structures being removed.
3. Provide written comments from North Bannock Fire District at Preliminary Plat.
4. All subsequent plats shall state "All lots shall access directly from Dundee Drive and are restricted from access off of 2 1/2 Mile Road."
5. All subsequent plats shall state "This subdivision is in area of concern for elevated levels of nitrate."
6. All subsequent plats shall depict the cul-de-sac right-of-way to be no less than a 60' radius.
7. All subsequent plats shall depict a 15' utility easement, outside of the right-of-way, on each side of Dundee Drive.
8. Proof of notification to vacate easements shall be provided with Preliminary Plat to meet Idaho Code 50-1306A.
9. Provide location of central mail boxes on the preliminary plat and final plat.
10. Provide location of school bus stop on the preliminary plat and final plat.
11. Provide written comments from DEQ resolving what method of septic discharge is being approved for this development.
12. Proof of irrigation rights shall be provided at Preliminary Plat. If irrigation rights exist, rights must be distributed to each lot and maintenance addressed within the CC&R's.
13. Right-of-way shall be 60 feet wide and shall have a cul-de-sac with a 60-foot radius. A 15-foot-wide utility easement shall be provided on all sides of the proposed right-of-way, located outside of the right-of-way boundaries.

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14. Detailed Base Flood Elevation Study provided at Preliminary Plat. All subsequent plats shall depict data from said study.

Council may wish to add additional conditions as needed.

REQUEST & BACKGROUND: Stewart Ward proposes development for ten (10) residential lots and one (1) open space lot. The subject property is a portion of parcel RPR3803029304. The affected lots total 23.21 acres generally located off of 2 1/2 Mile Road, a county-maintained road. The development proposes individual well and septic systems. There will be 10 buildable lots between 1.01 and 1.06 acres in size. This subdivision is located ~ 0.49 miles from the City of Chubbuck boundary.

CONCEPT PLAN PROPOSAL SUMMARY:

TOTAL AREA: 27.98 +/- acres

BUILDING LOTS: 10 residential dwelling lot

DWELING UNIT DENSITY: 1 dwelling unit per 2.798 acres

BUILDING LOT SIZE: ~ 1.01 acres to 1.03 acres

WATER & SEWER: individual well and septic systems

STORMWATER SYSTEM: To be determined

UTILITIES: Power located along 2.5 Mile Road

FIRE PROTECTION: North Bannock Fire District

ROADS/ACCESS: Interior subdivision road via 2 1/2 Mile Road, a county-maintained road

SITE CHARACTERISTICS AND ZONING:

ZONE: Multiple Use (MU)

DESIGNATION: Residential Suburban (RS)

PROPERTY SIZE: ~27.98 acres

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

IMPACT AREA: City of Chubbuck

FLOOD ZONE: A

TERRAIN: Sloped from north to south

EXISTING STRUCTURES: Accessory structures

SURROUNDING LAND USES AND ZONING

NORTH: The sites are within the Multiple Use zoning district and consist of residential uses.

EAST: The sites are within the Multiple Use zoning district and consist of interstate and bare ground.

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

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

COMMUNITY IMPACT ANALYSIS:

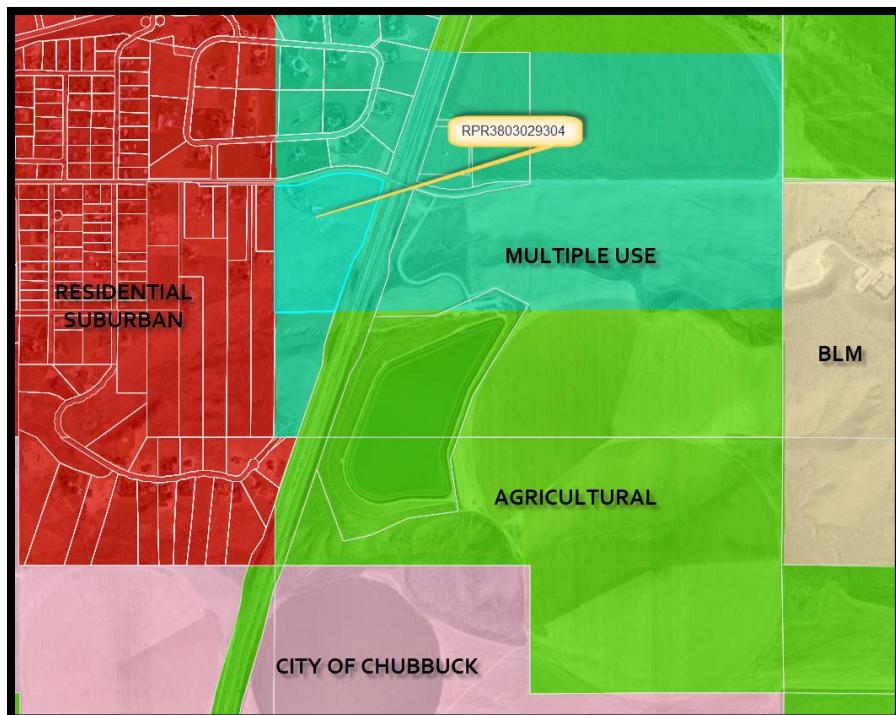
1. Total population at built out will be a total of 32. (10 lots x 3.2 persons per household.)
2. Population five to 17 years of age will be 7.68. (32 population x 24%)
3. Water usage will be 1,000 gal per day per household, total project at build out will be 1,200 gal. per day per lot.
4. Sewage produced per unit will be 208 gallons a day and total for project will be approximately 2,500 gallon per day.
5. Tax generated for average size lot is estimated to be approximately \$4,600 per lot assuming a dwelling and land value of \$400,000.
6. Cost to provide services is not known.

APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2040 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
 - a. §350 MULTIPLE USE DISTRICT
 - b. §330 RESIDENTIAL SUBURBAN DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
 - a. §302 CONCEPTUAL OR MASTER PLAN REVIEW

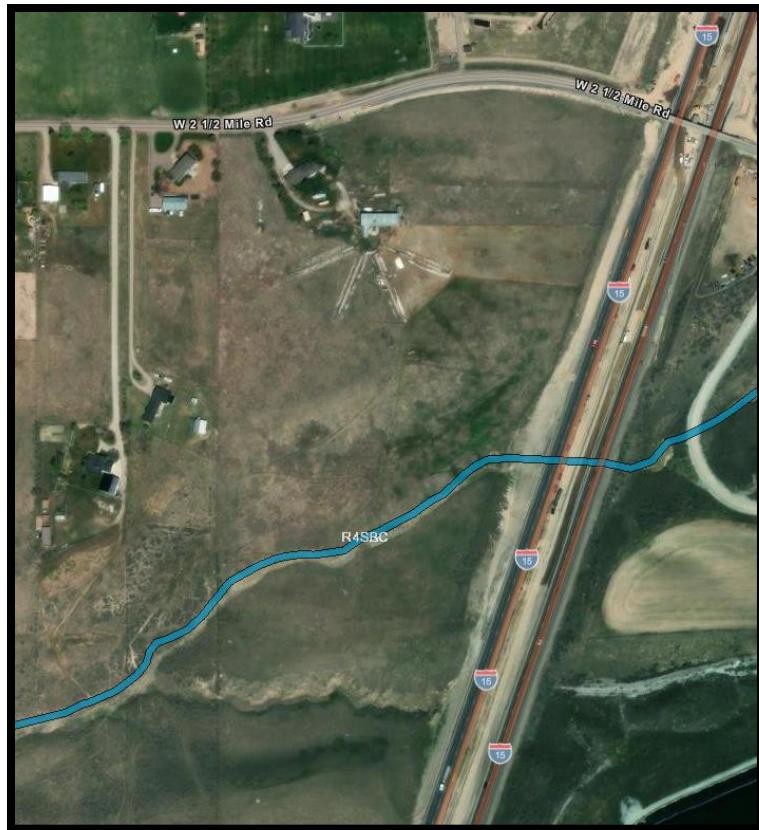


SITE MAP



ZONING MAP

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US FISH & WILDLIFE WETLANDS MAP

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FEMA MAP



EXPLORER CONTOUR MAP

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CONCEPT PLAN REVIEW CRITERIA §302.E

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

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

Staff Findings

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

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:

Although not required, the developer has proposed an open space subdivision. The land is currently zoned Multiple Use and designated as Residential Suburban through a minor land division, instrument number 22403372. Under the Residential Suburban zoning district, a maximum density of one dwelling per acre with an open space subdivision is permitted.

Applicant has proposed 10 residential building lots and one open space lot, resulting in an overall proposed density of one dwelling per 2.798 acres, which complies with the Residential Suburban density requirements.

There are existing concrete feed troughs located within the boundaries of the proposed subdivision. These structures should be removed or brought into compliance with setback requirements specified in §337.

Bannock County Subdivision Ordinance:

The proposed subdivision name "Deeter Ridge Estates" has been reviewed. The proposed road name "Dundee Drive" has been reviewed. No duplications 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 wetlands located within the proposed open space. Per §409.A.2: Wetlands shall not be filled nor dredged.

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 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. Applicant has proposed interior roads. Council should consider restricting access from 2 1/2 Mile Road.

Other Bannock County Ordinances and comments:

The proposed development is located within flood zone A. Per Bannock County Flood Damage Prevention Ordinance, a detailed base flood elevation study is required and must be provided to Staff. Elevation data is to be depicted on the plat.

South East Idaho Health Department indicated this development has elevated levels of nitrates. Council may require a note to be indicated on the plat. Council may consider requiring the applicant to show proof of further discussion with DEQ to resolve the type of septic system that will be installed for this development.

Idaho Code:

Developer will need to research Idaho Code to ensure all provisions have been met. The Concept 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 Findings

The applicant has proposed to create a new road via 2 1/2 Mile Road, a county-maintained road. The proposed right-of-way will need to be no less than 60' wide at all points with a 60' radius cul-de-sac. There will need to be a 15' public utility easement on each side of the proposed road, outside of the right-of-way.

No design deviations have been requested.

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.

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 Findings

The proposed subdivision will connect with 2 1/2 Mile Road, a county-maintained road. It does not appear there are any dedicated streets or roads that could be extended at this time. The parcel to the west is privately owned. Applicant may consider communicating with the owner to the west to see if there is a need for future access. The terrain would not allow the road to extend to the south. The interstate is located to the east of the proposed development.

- 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 existing record of survey, there is a 20' transmission line easement on the south boundary line. There are 10' access and irrigation mainline easement, a 40' pressure irrigation easement, and a 90' access and public utility easement along the east boundary line.

Applicant has proposed to vacate the 90' access and public utility easement. Council may require additional documentation from all utility companies to remove the existing utility easements. 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

Applicant has proposed one block that is laid out to maximize the buildable space, while preserving the natural drainage way. Many subdivisions in this area are designed in a similar fashion. The building lots are clustered with one interior road. The lots are proposed to be placed within close proximity to existing roads, other subdivisions, and utilities. Council may consider if a 90' access easement may be beneficial to allow growth and connectivity to the west for future development.

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

Staff Findings

The land is currently used as bare ground. The proposed buildable lots are relatively flat with sloping toward the south and are adjacent to other residential uses.

Per Bannock County Zoning Ordinance §333, single-family dwellings, duplex, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, and noncommercial recreational facilities are permitted uses in this district.

AGENCY COMMENTS:

1. Idaho Department of Water Resources – August 13, 2025

PUBLIC COMMENTS:

1. None received at the time of this report.

REPORT BY:

Alisse Foster, Subdivision Planner
alissef@bannockcounty.gov

REPORTED DATE: October 7, 2025

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

EXHIBITS:

1. Application and Concept Plan
2. Predevelopment Review Comments
3. Agency/Public Comments (if any)
4. Floodplain Engineering Study
5. Referenced Ordinance and Plans-on file

STAFF REPORT
CONCEPT PLAN – Deeter Ridge Estates
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EXHIBIT 1

Application & Site Plan



SCP-25-2	Primary Location	Applicant
Subdivision Concept	10961 W 2 45659 MILE	 Stewart Ward
Plan Application	POCATELLO, ID 83202	 208-237-7373
Status: Active	Owner	 [REDACTED]
Submitted On: 8/19/2025	[REDACTED]	 4880 Clover Dell Rd Pocatello, ID 83202

Owner/Developer Information

Are the Owner and Developer the same?

Owner Name*

Spring Creek Homes and BKKP Properties

Street Address*

[REDACTED]

City*

[REDACTED]

State*

[REDACTED]

Zip Code*

[REDACTED]

Email Address*

[REDACTED]

Phone Number*

[REDACTED]

Site Information

Proposed Subdivision Name*	Parcel Number(s)*
Deeter Ridge Estates	RPR3803029304
Number of Lots *	Quarter
11	SW
Section	Township
25	5 S
Range	
34 E	

Subdivision Information

Current zoning*	Proposed uses of the property*
Multiple Use	Residential Subdivision
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.*
Standard development improvements including new roadway, utility extensions etc. New access road will be from 2-1/2 Mile Road	N/A

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

Individual Wells and Septic

Proposed utilities and location/placement of utilities.*

Utilities are available in 2.5 Mile Road. Extension will be required in proposed interior access road.

Proposed fire suppression and prevention measures.*

TBD

Proposed road name(s)* 

Deeter Drive

Will this be an Open Space designed subdivision?* 

Yes

Will you be requesting any design deviations?*

No

Will this be a phased subdivision?*

No

Comments from Reviewing Agencies* 

Yes – See Attachment

Subdivision Pre-development Meeting

Pre-development Meeting Date

08/06/2025

Comments from Pre-development Meeting 

Yes – See Attached

Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name

Dioptre LLC

Email

[REDACTED]

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*

08/19/2025

Concept Plan

DEETER RIDGE ESTATES

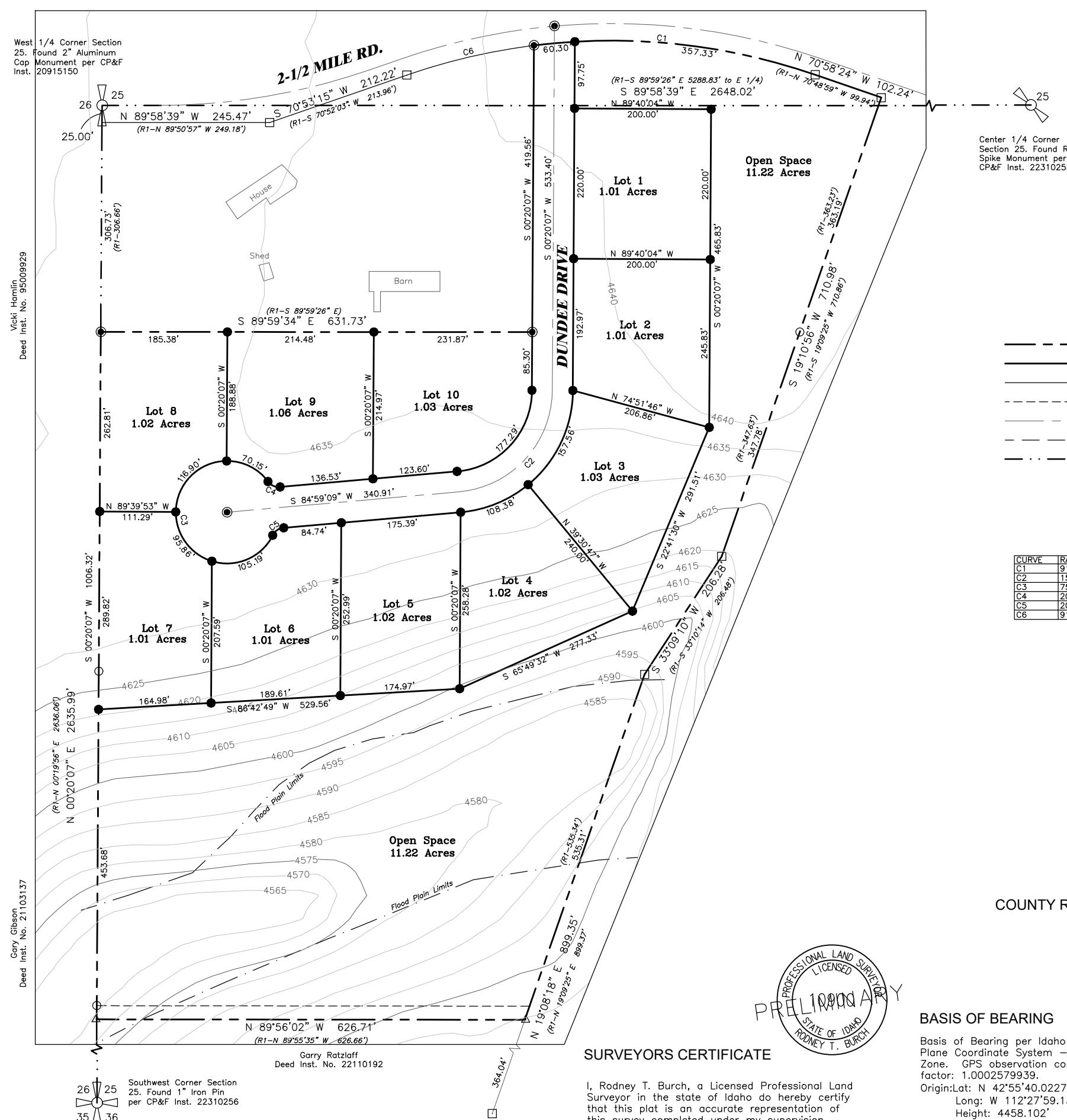
LOCATED IN SW 1/4 AND NW 1/4 SECTION 25, TOWNSHIP 5 SOUTH, RANGE 34 EAST, OF THE BOISE MERIDIAN, IN THE COUNTY OF BANNOCK.



LEGEND

- — — — — Parcel Boundary
- — — — — Lot Lines
- — — — — Adjoining Parcels
- — — — — Easements
- — — — — Road Centerline
- — — — — Deed Ties
- — — — — Section Line
- (R1-) Record Bearing and Distance per ROS Instr. #22403372

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	914.93'	417.62'	414.01'	N 84°02'59" W	26°09'10"
C2	150.00'	221.61'	202.00'	N 42°39'36" E	84°39'01"
C3	75.00'	388.10'	78.95'	S 05°00'51" E	296°29'11"
C4	20.00'	20.33'	19.47'	N 65°53'34" W	58°14'35"
C5	20.00'	20.33'	19.47'	N 55°51'51" E	58°14'35"
C6	914.93'	191.40'	191.06'	N 76°52'50" E	11°59'11"



COUNTY RECORDERS CERTIFICATE



BASIS OF BEARING

Basis of Bearing per Idaho State Plane Coordinate System – East Zone. GPS observation combination factor: 1.0002579939.

Origin: Lat: N 42°55'40.02279" Long: W 112°27'59.13559" Height: 4458.102' All distances are US Survey Feet.

DIOPTRA		4880 Clover Dell Rd. Chubbuck, ID 83202 Ph. 208-237-7373 www.dioptrageomatics.com
DEETER RIDGE ESTATES		
Drawn By: RTB	Scale: 1"=100'	Sheet: 1 OF 1
Date: July 2025	Project: 25047	

SURVEYORS CERTIFICATE

I, Rodney T. Burch, a Licensed Professional Land Surveyor in the state of Idaho do hereby certify that this plat is an accurate representation of this survey completed under my supervision.

Bannock County Planning & Development Council

EXHIBIT 2

Pre-Development Documents



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

August 19, 2025

Spring Creek Homes and BKKP Properties
13104 W. Tyhee Road
Pocatello, ID 83202

Spring Creek Homes LLC
620 Pheasant Ridge Drive
Chubbuck, ID 83202

Dioptra
Stewart Ward
4880 Clover Dell Road
Chubbuck, ID 83202

RE: TBD (Spring Creek) Subdivision
Pre-Development Conference – County Comments

Mr. Ward,

An application for the subdivision located on parcel #RPR3803029304 was submitted on July 8, 2025. The application proposes to subdivide approximately 27.98 acres of land into 11 lots. The buildable lots would range from 1.01 to 1.03 acres in size. The proposed subdivision is located within the Multiple Use (MU) zoning district and designated to Residential Suburban (RS) zoning district, which requires a minimum density of 1 dwelling per acre with an open space subdivision per the Bannock County Zoning Ordinance (ZO) No. 1998-1, §336. The process for determining the suitability of land for subdividing can be found in the Bannock County Subdivision Ordinance (SO) No. 1997-4, §300. The requirements for the Pre-Development Conference can be found in SO §301.

Pre-Development Proposal Summary:

Bannock County Application Number: SPD-25-3

Bannock County Tax Parcel Number: RPR3803029304 (RPR3803029308, RPR3803029309, RPR3803029310, and RPR3803029311)

TOTAL AREA: ~27.98 acres

BUILDING LOTS: 10 residential dwelling lot

DWELLING UNIT DENSITY: 1 dwelling unit per 2.798 acres

BUILDING LOT SIZE: ~ 1.01 acres to 1.03 acres

OPEN SPACE LOT SIZE: ~ 11.22 acres

WATER & SEWER: individual well and septic systems.

STORMWATER SYSTEM: To be determined.

UTILITIES: Power located along 2.5 Mile Road.

SPD-25-3
Page 1 of 7

FIRE PROTECTION: North Bannock Fire District.

ROADS/ACCESS: Interior subdivision road via 2 1/2 Mile Road, a county-maintained road.

SITE CHARACTERISTICS AND ZONING:

ZONE: Multiple Use (MU)

DESIGNATION: Residential Suburban (RS)

PROPERTY SIZE: ~27.98 acres

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

IMPACT AREA: City of Chubbuck

FLOOD ZONE: A

TERRAIN: Sloped from north to south

EXISTING STRUCTURES: accessory structures.

We discussed the proposed subdivision on August 6, 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
 - Nick Jensen
- Bannock County:
 - Tristan Bourquin, Planning and Development Assistant Director
 - Alisse Foster, Subdivision Planner
 - Annie Williams, Zoning Planner
 - Kiel Burmester, Road and Bridge Director
 - Buddy Romriell, Road and Bridge Assistant Director

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

- General Bannock County Subdivision Process:
 - The platting process currently consists of 4 applications:
 - Pre-Development Application (current application SPD-25-3).
 - 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.
 - City of Chubbuck stated no comment.
 - Fort Hall Irrigation stated no infrastructure within development.
 - Idaho Department of Environmental Quality provided general recommendations which include; elevated levels of nitrates, engineering, air quality, surface water quality, and hazardous material and petroleum storage.
 - Intermountain Gas states they ask for a PUE to be added for JUT.
 - School District 25 stated no comments.
 - Williams Pipeline stated the pipeline is clear of this development.
 - 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:

- a. **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:

Although not required, the developer has proposed an open space subdivision. The land is currently zoned Multiple Use and designated as Residential Suburban through a minor land division, instrument number 22403372. Under the Residential Suburban zoning district, a maximum density of one dwelling per acre with an open space subdivision.

Applicant has proposed 10 residential building lots and one open space lot, resulting in an overall proposed density of one dwelling per 2.798 acres, which complies with the Residential Suburban density requirements.

There are existing concrete feed troughs located within the boundaries of the proposed subdivision. These structures should be removed or brought into compliance with setback requirements specified in §337.

The applicant has indicated an intent to include home-based businesses within the proposed residential development. In the Residential Suburban zoning district, in order to operate a business, one of the following must apply:

- a. A Planned Unit Development (PUD) must be submitted and approved per § 510;
- b. The proposed use must be a permitted use as outlined in § 395;
- c. A Conditional Use Permit must be applied for and approved under § 395;
- d. A Home Occupation License must be applied for and approved in accordance with § 424.

Bannock County Subdivision Ordinance:

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

A proposed subdivision name and road name will need to be reviewed for duplicity by staff at Concept.

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

There are wetlands located within the proposed open space. Per §409.A.2: Wetlands shall not be filled nor dredged.

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 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.

Other Bannock County Ordinances and comments:

The proposed development is located within flood zone A. Per Bannock County Flood Damage Prevention Ordinance, a detailed base flood elevation study is required. Elevation data is to be depicted on the plat. South East Idaho Health Department indicated this development has elevated levels of nitrates. Council may require a note to be indicated on the plat.

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.

- b. 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 create a new road via 2 ½ Mile Road, a county-maintained road. The proposed right-of-way will need to be no less than 60' wide at all points with a 60' radius cul-de-sac. There will need to be a 15' public utility easement on each side of the proposed road, outside of the right-of-way.

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.

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.

- c. 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 at this time. The parcel to the west is privately owned. Applicant may consider communicating with the owner to the west to see if there is a need for future access. The terrain would not

allow the road to extend to the south. The interstate is located to the east of the proposed development.

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

Staff Finds:

Using Bannock County GIS maps and existing record of survey, there is a 20' transmission line easement on the south boundary line. There are 10' access and irrigation mainline easement, a 40' pressure irrigation easement, and a 90' access and public utility easement along the east boundary line.

Applicant has proposed to vacate the 90' access and public utility easement. Council may require additional documentation from all utility companies to remove the existing utility easements. 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.

e. 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:

Applicant has proposed one block that is laid out to maximize the buildable space, while preserving the natural drainage way. Many subdivisions in this area are designed in a similar fashion. The building lots are clustered with one interior road. The lots are proposed to be placed within close proximity to existing roads, other subdivisions, and utilities. Council may consider if a 90' easement may be beneficial to allow growth and connectivity to the east for future development.

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

Staff Finds:

The land is currently used as bare ground. The proposed buildable lots are relatively flat with sloping toward the south and are adjacent to other residential uses.

Per Bannock County Zoning Ordinance §333, single-family dwellings, duplex, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, and noncommercial recreational facilities are permitted uses in this district.

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,

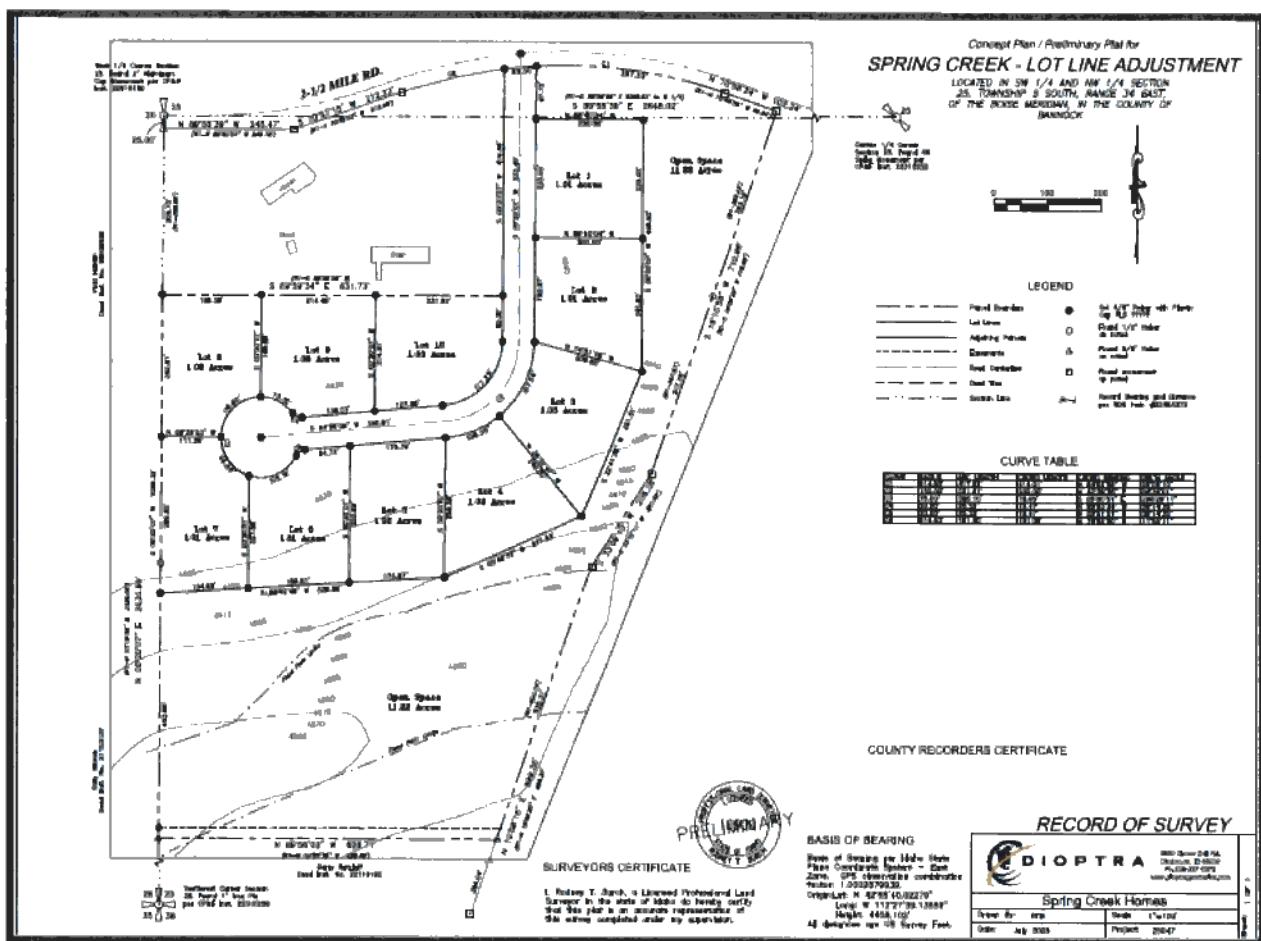
H. E. W. Johnson

Hal W. Jensen

Planning and Development Director

halj@bannockcounty.gov

Enclosed: Proposed Sketch Plan



Proposed Sketch Plan provided by Applicant

SPD-25-3
Page 7 of 7



Outlook

RE: Bannock County Lot Line Adjustment

From Sean Harris <sharris@cityofchubbuck.us>
Date Tue 2025-08-12 10:22 AM
To Rodney Burch <rodneyb@dioptrageomatics.com>

The City of Chubbuck has no comments.

Regards,



Sean Harris | Development Services Manager
290 E. Linden Avenue
Chubbuck, ID 83202
Office Voice: 208-237-2430 ext 108
Text Only: 208-221-4586

Community Services Department – Development Services Division

From: Rodney Burch <rodneyb@dioptrageomatics.com>
Sent: Monday, August 11, 2025 2:40 PM
To: anitah@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Mellisa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; lkniffin@tribes.com; Gary Billman <gbillman@IDL.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <allan.johnson@deq.idaho.gov>; Becky Johnsnos <becky.johnson@idfg.idaho.gov>; James Cafalo <james.cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghigina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Phillip Colborn <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske <michael.rieske@williams.com>; Brenda Marshall <brenda.marshall@williams.com>; Merlin Miller <mmiller@cityofchubbuck.us>; Brian Curtis <chief@northbannockfire.us>; Mori Byington <mori@bannockplanning.org>; Sean Harris <sharris@cityofchubbuck.us>; Richard Thompson <rthompson@sbtribes.com>; Timothy Gardner <timothy.gardner@bia.gov>; Martin Sorenson <Martin.Sorenson@bia.gov>; Jonathon Balls <ballsjo@sd25.us>; Dr. Douglas Howell <howelldo@sd25.us>; Holly Jackson <holly.jackson@portneuflibrary.org>; Josh Barnes <josh.barnes@portneuflibrary.org>



Outlook

Re: [EXTERNAL] RE: Bannock County Lot Line Adjustment

From Sorenson, Martin W <Martin.Sorenson@bia.gov>

Date Wed 2025-08-06 4:06 PM

To Rodney Burch <rodneyb@dioptrageomatics.com>

Cc David Bollinger <david.bollinger@bia.gov>; Timothy Gardner <timothy.gardner@bia.gov>

Good afternoon,

Fort Hall Irrigation has no infrastructure in this proposed development.

Thanks,

Martin Sorenson M.S., P.E.

Civil Engineer

DOI: BIA - Fort Hall Irrigation Project

From: Rodney Burch <rodneyb@dioptrageomatics.com>

Sent: Wednesday, August 6, 2025 4:00 PM

To: anitah@bannockcounty.us <anitah@bannockcounty.us>; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; Bollinger, David <David.Bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Davis, Melissa D <melissadavis@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; lkniffin@tribes.com <lkniffin@tribes.com>; Gary Billman <gbillman@IDL.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <allan.johnson@deq.idaho.gov>; Becky Johnsn <becky.johnson@idfg.idaho.gov>; James Cafalo <james.cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghigina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Phillip Colborn <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske <michael.rieske@williams.com>; Brenda Marshall <brenda.marshall@williams.com>; Merlin Miller <mmiller@cityofchubbuck.us>; Brian Curtis <chief@northbannockfire.us>; Mori Byington <mori@bannockplanning.org>; Sean Harris <sharris@cityofchubbuck.us>; Richard Thompson <rthompson@sbtribes.com>; Gardner, Timothy J <Timothy.Gardner@bia.gov>; Sorenson, Martin W <Martin.Sorenson@bia.gov>; Jonathon Balls <ballsjo@sd25.us>; Dr. Douglas Howell <howelldo@sd25.us>; Holly Jackson <holly.jackson@portneuflibrary.org>; Josh Barnes <josh.barnes@portneuflibrary.org>

Cc: Stewart Ward <stewart@dioptrageomatics.com>

Subject: [EXTERNAL] RE: Bannock County Lot Line Adjustment

RE: Bannock County Lot Line Adjustment

From Colborn, Phillip <phillip.colborn@intgas.com>
Date Tue 2025-08-12 8:33 AM
To Rodney Burch <rodneyb@dioptrageomatics.com>

Rodney,

IGC would ask for a PUE to be added for JUT.

Thanks

Phil

From: Rodney Burch <rodneyb@dioptrageomatics.com>
Sent: Monday, August 11, 2025 2:40 PM
To: anitah@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Mellisa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; lkniffin@tribes.com; Gary Billman <gbillman@IDL.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <allan.johnson@deq.idaho.gov>; Becky Johnson <becky.johnson@idfg.idaho.gov>; James Cafalo <james.cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghigina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; Murphy, James <james.murphy@intgas.com>; Colborn, Phillip <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske < michael.rieske@williams.com>; Brenda Marshall <brenda.marshall@williams.com>; Merlin Miller <mmiller@cityofchubbuck.us>; Brian Curtis <chief@northbannockfire.us>; Mori Byington <mori@bannockplanning.org>; Sean Harris <sharris@cityofchubbuck.us>; Richard Thompson <rthompson@sbtribes.com>; Timothy Gardner <timothy.gardner@bia.gov>; Martin Sorenson <Martin.Sorenson@bia.gov>; Jonathon Balls <ballsjo@sd25.us>; Dr. Douglas Howell <howelldo@sd25.us>; Holly Jackson <holly.jackson@portneuflibrary.org>; Josh Barnes <josh.barnes@portneuflibrary.org>
Cc: Stewart Ward <stewart@dioptrageomatics.com>
Subject: Re: Bannock County Lot Line Adjustment

Some people who received this message don't often get email from rodneyb@dioptrageomatics.com. [Learn why this is important](#)

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Dear agency contacts,

Re: Bannock County Lot Line Adjustment

From Douglas Howell <howelldo@sd25.us>
Date Mon 2025-08-11 2:44 PM
To Rodney Burch <rodneyb@dioptrageomatics.com>

The PCSD does not have any concerns related to this project.
Sincerely,
Douglas Howell, Superintendent

On Mon, Aug 11, 2025 at 2:40 PM Rodney Burch <rodneyb@dioptrageomatics.com> wrote:

Dear agency contacts,

Per Bannock County ordinance, I am attempting to contact you a second time related to a proposed 10 residential lot and 1 open space lot development on the same parcel located south of 2.5-mile road and west of I-15.

I have attached the Concept Plan for the proposed development.

Again, if possible, please return your comments by Wednesday, August 13th.

Thanks



Rodney Burch, PLS

Office: 208-237-7373

4880 Clover Dell | Chubbuck, ID 83202

www.dioptrageomatics.com

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



Outlook

RE: Bannock County Lot Line Adjustment

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

Date Thu 2025-08-07 8:51 AM

To Rodney Burch <rodneyb@dioptrageomatics.com>

Hi Rodney,

Williams Northwest Pipeline is clear of this development.

Brenda Marshall

Land Representative

Williams – Northwest Pipeline

1301 S. Locust Grove Road

Meridian, Idaho 83642

(208) 870-0149 mobile

From: Rodney Burch <rodneyb@dioptrageomatics.com>

Sent: Wednesday, August 06, 2025 4:01 PM

To: anitah@bannockcounty.us; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Mellisa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; lkniffin@tribes.com; Gary Billman <gbillman@IDL.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <allan.johnson@deq.idaho.gov>; Becky Johnsn <becky.johnson@idfg.idaho.gov>; James Cafalo <james.cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghigina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Phillip Colborn <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske <michael.rieske@williams.com>; Marshall, Brenda <Brenda.Marshall@williams.com>; Merlin Miller <mmiller@cityofchubbuck.us>; Brian Curtis <chief@northbannockfire.us>; Mori Byington <mori@bannockplanning.org>; Sean Harris <sharris@cityofchubbuck.us>; Richard Thompson <rthompson@sbtribes.com>; Timothy Gardner <timothy.gardner@bia.gov>; Martin Sorenson <Martin.Sorenson@bia.gov>; Jonathon Balls <ballsjo@sd25.us>; Dr. Douglas Howell <howelldo@sd25.us>; Holly Jackson <holly.jackson@portneuflibrary.org>; Josh Barnes <josh.barnes@portneuflibrary.org>

Cc: Stewart Ward <stewart@dioptrageomatics.com>

Subject: [EXTERNAL] RE: Bannock County Lot Line Adjustment

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

Dear agency contacts,



August 13, 2025

Rodney Burch, PLS
Dioptre Geomatics
4880 Clover Dell
Chubbuck, ID 83202
rodneyb@dioptrageomatics.com

Subject: Subdivision Concept Plan – 10-Lot Spring Creek Homes – Burch

Dear Mr. Burch:

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

The proposed site is directly adjacent to the North Pocatello Nitrate Priority Area, which indicates that groundwater in the area has elevated levels of nitrate.

The proposed site overlies the ground water capture zones for several nearby private wells and the following public water systems:

- D and M Water Association Wells #1, #2, #3, and #4
- Equestrian Estates Subdivision Wells #1 and #2
- Lacey Vista Water Corporation Wells #1 and #2
- Smith Road Water Users Association Wells #1 and #2
- Space Acres Water Users Association Wells #1S and #2N

The document provided indicates that the development is proposed to dispose of wastewater via individual septic systems. DEQ is concerned that the number of lots and the density of the lots has the potential to pollute groundwater and affect the nearby public water system wells, as well as nearby private wells and wells within this proposed subdivision. As such, the developer is required to meet Idaho Administrative Code 58.01.11.400.01 (Idaho Groundwater Quality Rule) which states:

Releases Degrading Ground Water Quality: No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that:

- a. Causes a ground water quality standard to be exceeded;
- b. Injures a beneficial use of ground water; or
- c. Is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method.

To demonstrate that the septic discharge from the subdivision will be in compliance with the above rule, the developer must choose to do one or more of the following:

- Perform a Level 1 Nutrient-Pathogen Evaluation to demonstrate that the combined septic systems from the subdivision will not cause a groundwater quality standard to be exceeded at the proposed lot density.
- Decrease lot and/or septic system density, according to modeling results, to a point where the data shows no significant impact on groundwater quality.
- Require individual septic systems to have additional treatment technology (extended treatment, aeration, evaporation, incineration, etc.) for nitrate reduction, upon the demonstration that such technologies will be effective and protective of groundwater.
- Construct a community wastewater treatment system, such as a community evaporative lagoon.
- Combine the individual homes to one or more community septic system(s) (Large Soil Absorption System or LSAS), which will also require groundwater modeling and engineering. A centralized system will provide infrastructure for future connection to sewer when sewer services are extended to the area.
- Other best management practices as approved upon consultation with DEQ.

Regarding drinking water, public water systems are generally more protective of the environment and public health and DEQ strongly recommends that the subdivision connect to an existing public water system or establish their own community water system. If the developer decides to create a new public water system, such system must be designed and constructed to meet the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). The developer should contact DEQ for information and direction regarding public drinking water systems.

Our general recommendations for land development projects are also attached. If you have questions or comments, please contact me at (208) 236-6160 or via email at Allan.Johnson@deq.idaho.gov.

Sincerely,



Regional Engineering Manager
DEQ Pocatello Regional Office

EDMS# 2025AGD3888

Attachments: DEQ General Recommendations for Land Development Projects.

c: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office
Ken Keller, Environmental Health Director, Southeast Idaho Public Health
Hal Jensen, 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 3

Agency Comments



Outlook

Proposed Deeter Ridge Estates Subdivision

From Cefalo, James <James.Cefalo@idwr.idaho.gov>

Date Thu 10/2/2025 9:36 AM

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

1 attachment (6 KB)

Outlook-horizontal;

This email is regarding the proposed Deeter Ridge Estates subdivision. The Department of Water Resources received notice of the proposed subdivision on September 29, 2025. According to the notice, the proposed subdivision will be comprised of 10 lots, with each lot approximately one acre in size. The development proposes individual well and septic systems. The Department provides the following comment:

Pursuant to the recent amendments to Sections 42-111 and 42-227, Idaho Code, which became effective on July 1, 2025, individual domestic wells in new subdivisions in the Upper Snake River Basin are limited to in-home use only. Individual domestic wells in new subdivisions cannot be used to water lawns, gardens, or other landscaping, unless the property owners acquire ground water irrigation rights authorizing such use. Currently, there is a moratorium on processing or approving new ground water irrigation rights in the Upper Snake River Basin. If Bannock County approves the proposed subdivision with individual domestic wells, it will be a dry subdivision (no lawns or other landscaping), unless the property owners hold irrigation water rights from some other source or are able to obtain and move existing ground water irrigation rights.

James Cefalo



James Cefalo | Regional Manager

900 N Skyline Drive, Idaho Falls, ID 83402

(208) 525-7161 | www.idwr.idaho.gov

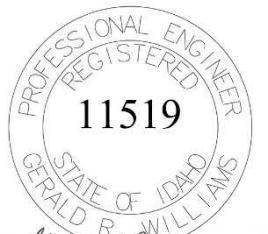
Memorandum

To: Stewart K. Ward
Dioptra LLC

From: Gerald R Williams, P.E.

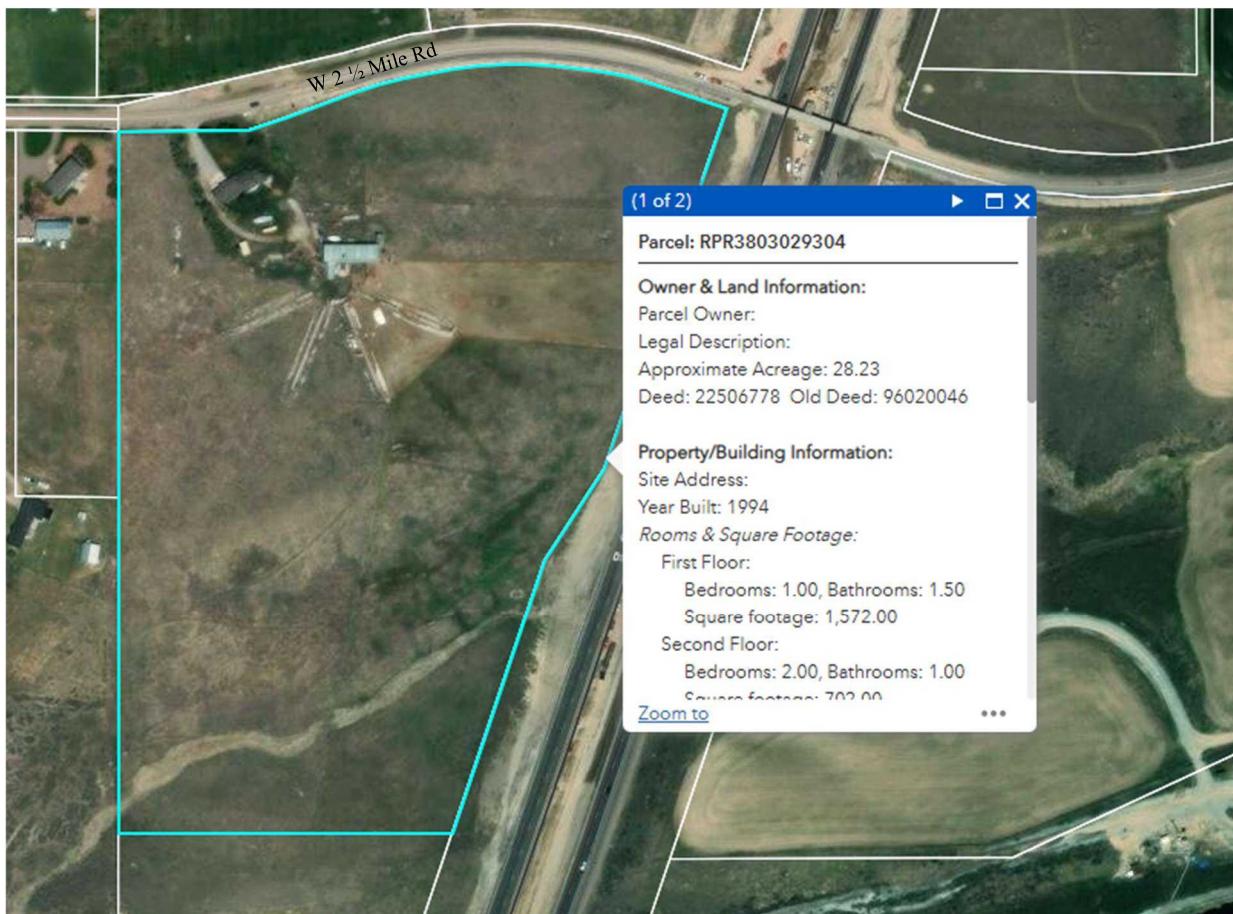
Date: September 24, 2025

Re: Floodplain on Parcel RPR3803029304,
10961 W 2 1/2 Mile Rd,
Pocatello, ID 83202



September 24, 2025

General Project Description and Purpose The project is located on the south side of W 2 1/2 Mile Rd just west of I-15 northeast of Chubbuck, ID. The desire is to subdivide the 26.64 acre parcel. However, a portion of it is mapped by FEMA as a Zone A floodplain without any 100-yr base flood elevations (BFEs). In order to subdivide a parcel larger than 5 acres, the BFEs must be established. Reference is made to the map below.





STUDIES - MASTERPLANS - DESIGNS - CONSTRUCTION SERVICES - REVIEWS

WILLIAMS ENGINEERING, INC.

Serving the Rocky Mountain Region Since 1992

100-Year Flood Rate Before modeling floodplain hydraulics on the site to establish BFEs, the 100-year flow rate, which was not determined in previous FEMA-approved studies, must be estimated. WEI used the USGS StreamStats program to identify the watershed, which is only 0.89 square miles. Reference is made to Exhibit 1. For this location, StreamStats regression analysis equations apply, and StreamStats provided a 1% annual chance (100-year) flow of 149 cfs. Reference is made to the StreamStats report attached to the end of this memorandum.

Upstream of the site is I-15, and upland of that a frontage road. The surfaces of both roads are elevated substantially above the natural grade and as such act as dams, impounding all runoff that is in excess of the culvert capacity. This is shown on Exhibit 2. The two impoundment areas act as detention basins and potentially act to reduce the peak flow reaching the site. Whether it does or not was not analyzed, as WEI instead, possibly conservatively, assumed the full 149 cfs passes through the frontage road and I-15 culverts.

Vertical Datum and Information FEMA flood information for this area is all on the NAVD 1988 vertical datum which is the datum used for all information provided below and on exhibits. Terrain data used was from a LiDAR digital elevation model (DEM).

Hydraulic Modeling The Army Corps of Engineer's HEC-RAS program was used to create a 2D model of flow on the site.

100-Year Flood Level The BFE flood levels per WEI's hydraulic floodplain modeling within the site is shown on Exhibit 3. This is NOT a LOMR remapping project, so the FEMA zone A floodplain mapping remains effective, but when establishing BFEs, the endpoints create the model floodplain limits, and so the limits are shown for information purposes only. In the future, anything outside of WEI's limits but inside FEMA's could, though a LOMA application to FEMA, be removed from the regulatory floodplain.

Exhibit 1: Watershed

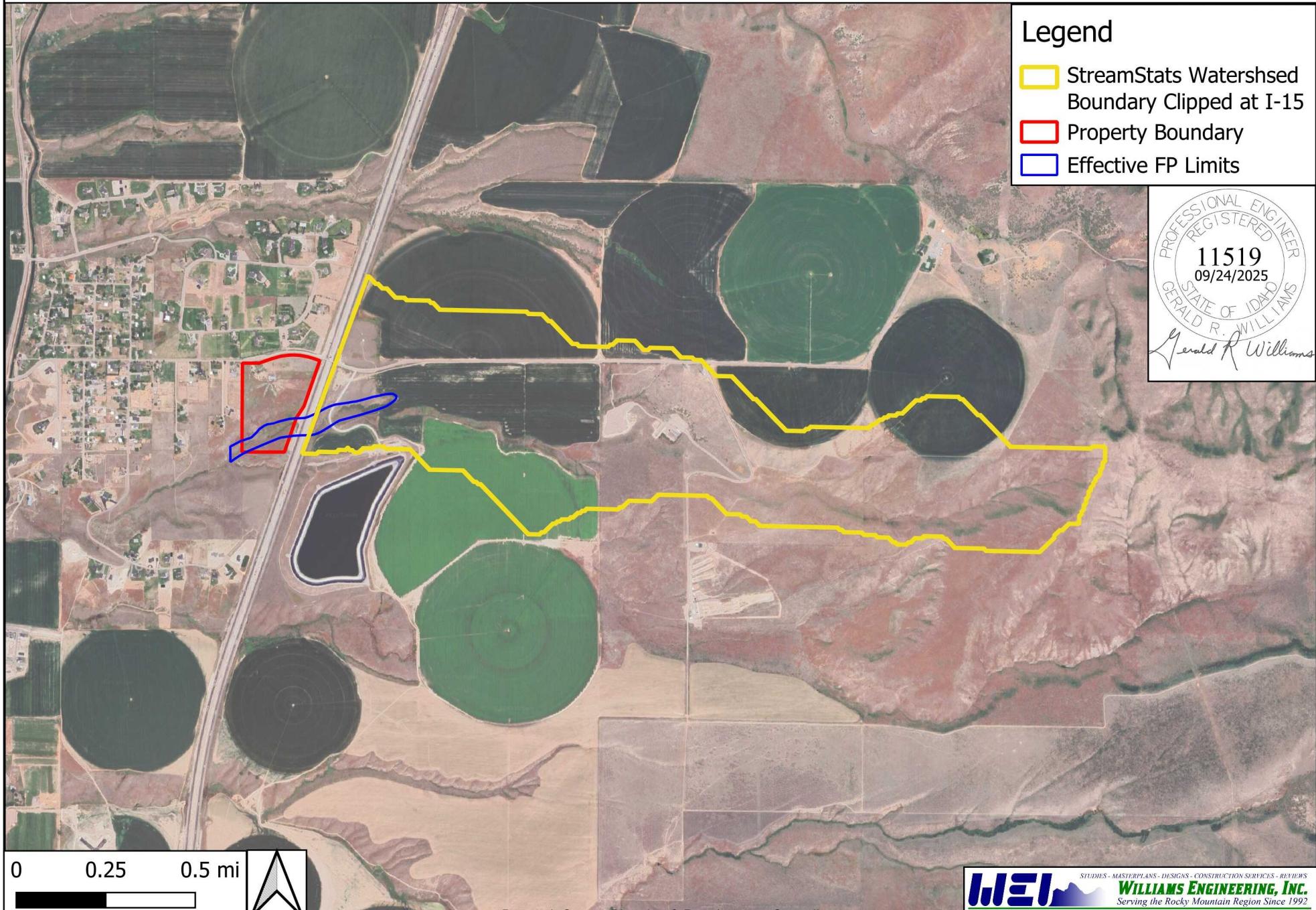


Exhibit 2: Impoundment

Both the frontage road and I-15 cross the drainageway and create substantial storage volume to detain and attenuate peak flows.

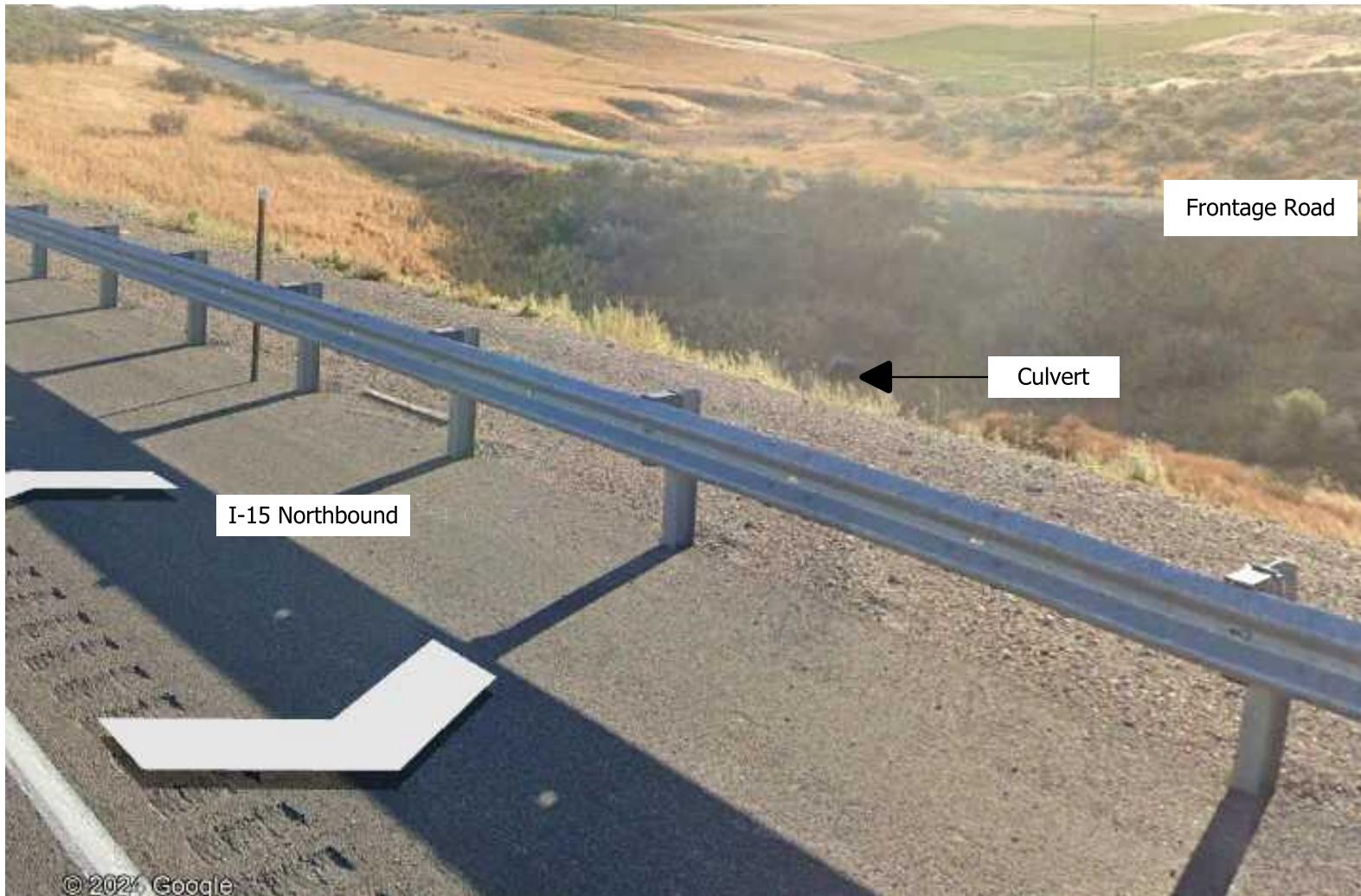


Exhibit 3: 100-Yr Base Flood Elevations

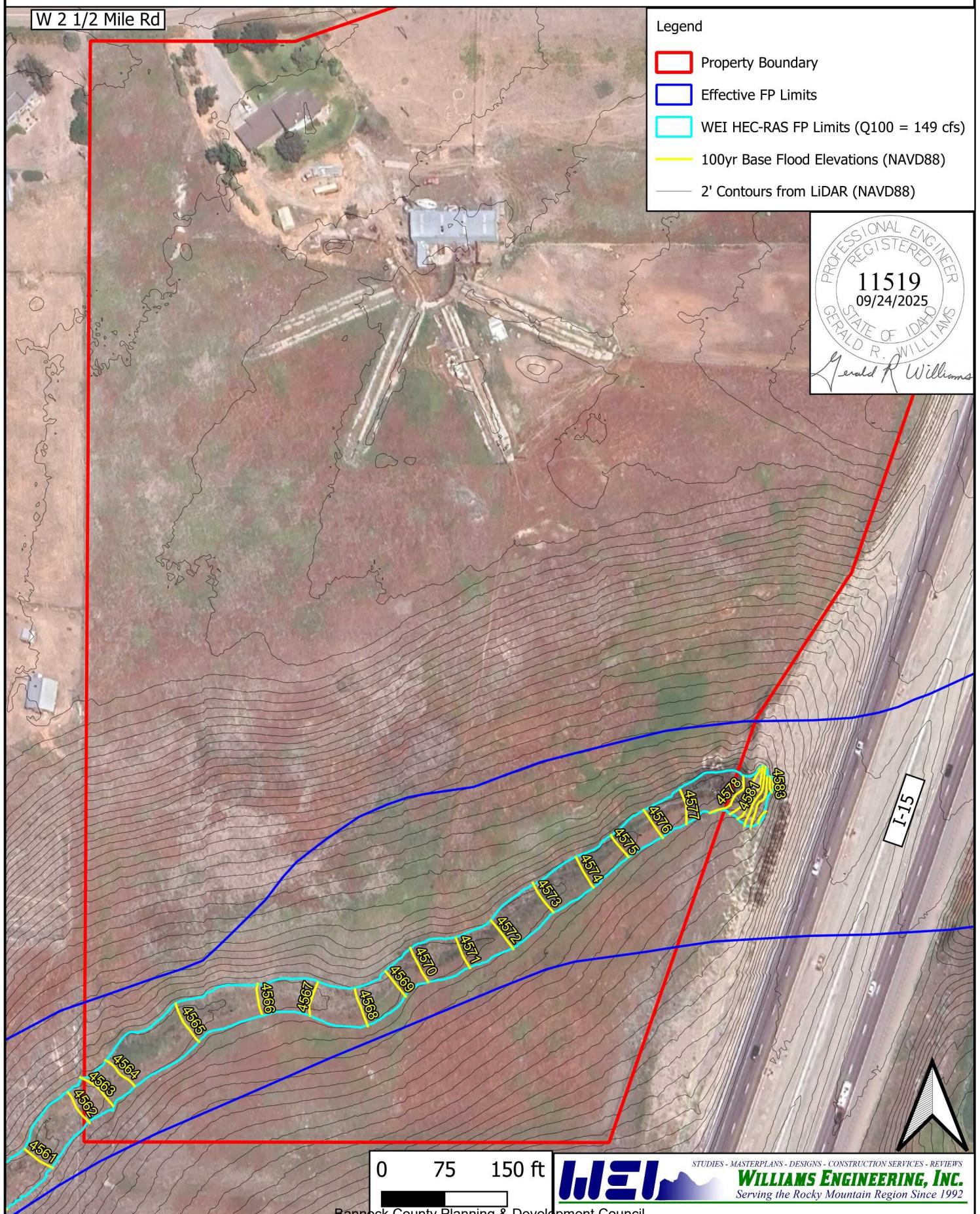


EXHIBIT 4

Ordinance Excerpts

350 MULTIPLE USE DISTRICT (MU)**351 PURPOSE:**

The Multiple Use district was established to provide a location for a mix of uses allowed in RS, CG, and LIW districts. This district has been applied to areas where a mix of these uses was established before the adoption of this Ordinance. The 2008 Comprehensive Plan recommended elimination of this zone over time. This zone will be redesignated to other zoning districts according to the predominate development, or as development occurs.

352 CHARACTERISTICS OF LAND IN THIS DISTRICT:

The MU district was located in areas where a significant mix of uses had already occurred and where there is direct access to roads which are capable of carrying the traffic generated by the uses allowed in this zoning district. Residential uses shall be protected from the effects of non-residential uses by adequate buffering and restraint of external effects. Non-residential uses that are incompatible with residential uses, or whose negative impacts on adjacent residential uses cannot be mitigated, shall not be permitted in this district.

353 USES PERMITTED:

Until land designated MU is redesignated, proposed uses will be permitted according to the surrounding uses as determined by the Planning Director. In example, a commercial use will be permitted if it is surrounded by commercial or more intense uses; a residence will be permitted where it is surrounded by residences, and a light industrial use where surrounded by light or heavy industrial uses. Those uses permitted only in the Industrial District shall not be permitted unless the land is designated Industrial.

Applicants may appeal the decision of the Planning Director to the Council. If the Council approves, the applicant may apply for a conditional use permit to which all provisions of Section 530 shall apply.

355 PERFORMANCE REQUIREMENTS:

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

A. Landscaped yards with full vegetative ground cover shall conform to the standards for the Residential Suburban district in terms of dimension. The rear yard requirement may be reduced by fifty percent if it abuts a commercial use. Front areas to be landscaped may be crossed by access drives or exits and sidewalks, but may not otherwise be paved. All landscaping must be maintained in a healthy, growing condition and conform to the following additional requirements:

1. Landscaped yard areas shall contain at least one tree for each fifty feet of road frontage for the business in question. This shall be in addition to the landscaping required for the parking area of the building in question.

B. *REPEALED (Amendment #31, Ordinance 2016-3)*

- C. Site plans shall be designed in such manner that they do not use local residential streets.
- D. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.
- E. Where a non-residential use abuts a residential use, the following standards shall be complied with concerning development of the non-residential use:
 1. The developer of any non-residential use shall provide between an abutting residential use or district and the developed portion of the non-residential use a landscaped buffer according to Section 485. It shall count as the required yard. All such buffer areas shall meet the requirements set forth in Section 435 and 436.
 2. Lighting of the site shall not exceed fifteen feet in height and shall be directed away from residences or residentially zoned land in the vicinity of the site.
 3. Mechanical equipment must be screened to limit its visibility.
 4. Noise-producing mechanical equipment must be located at least twenty feet from any common property line.
 5. Fences shall be maintained along residential property lines to provide privacy and to prevent the intrusion of unwanted light, dust, or blowing debris.
 6. Openings in buildings and activity centers on sites shall be located to minimize interference with neighboring uses.
 7. Drainage from buildings and parking lot areas shall be detained on site.
 8. Loading and delivery entrances shall be located to restrict visibility from residential uses, and/or roads or streets, and shall be screened to prevent the intrusion of the non-residential activities, such as light, sound, dust or traffic into any residential neighborhood.

356 **SUBDIVIDING IN THE MULTIPLE USE ZONE: RESIDENTIAL SUBDIVISION DEVELOPMENT SHALL BE REDESIGNATED TO THE RR OR THE RS ZONE, ACCORDING TO THE EXISTING DEVELOPMENT AND CHARACTERISTICS OF THE SITE. REGULATIONS FOR THE ZONE DESIGNATION SHALL APPLY.**

357 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

MULTIPLE USE DISTRICT**MINIMUM SETBACKS (FT)**

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.	MINIMUM % LANDSCAP ED	MAXIMUM FREE- STANDING SIGN HEIGHT
PERMITTED USES:							
Residential Uses	30	50	20	10	35	--	N/A
Res. Accessory Structure	30	50	10	10	--	--	N/A
Non-residential Uses	25	50	20	20	35	5%	20
Parking Lots	25	50	10	10	N/A	5%	5
Accessory Buildings, Non-residential uses	25	50	10	20	--	--	N/A
Agricultural Structures	30	50	10	10	--	--	N/A
Farm Animal Structures	30	50	30	30	15	--	N/A

(Amendment 63, Ordinance 2024-02)

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

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

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

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

332 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

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

operator's primary residence or a day care center.

J. Golf courses.

K. Private, noncommercial recreational facilities.

334 USES CONDITIONALLY PERMITTED:

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

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

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

C. Cemeteries.

D. Institutional housing.

E. Multi-family dwellings.

335 PARKING STANDARDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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337 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

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

	MINIMUM LOT AREA	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.
PERMITTED USES:						
Single-Family Residence	1 acre	30	50	20	10	35
Two-Family Residence	$\frac{3}{4}$ / 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.

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 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 – DEETER RIDGE ESTATES

PUBLIC HEARING: OCTOBER 22, 2025

FILE #: SCP-25-2
LOCATION: A portion of RPR3803029304, currently addressed as 10961 W. 2 1/2 Mile Road, Chubbuck, ID 83202.

APPLICANT:	OWNER:
Dioptra	Spring Creek Homes LLC
Stewart Ward	620 Pheasant Ridge Drive
4880 Clover Dell Road	Pocatello, ID 83202
Pocatello, ID 83202	Spring Creek Homes LLC and BKKP Properties LLC 13104 W. Tyhee Road Pocatello, ID 83202

REQUEST & BACKGROUND: Stewart Ward proposes development for ten (10) residential lots and one (1) open space lot. The subject property is a portion of parcel RPR3803029304. The affected lots total 23.21 acres generally located off of 2 1/2 Mile Road, a county-maintained road. The development proposes individual well and septic systems. There will be 10 buildable lots between 1.01 and 1.06 acres in size. This subdivision is located ~ 0.49 miles from the City of Chubbuck boundary.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONE: Multiple Use (MU)

DESIGNATION: Residential Suburban (RS)

PROPERTY SIZE: ~27.98 acres

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

IMPACT AREA: City of Chubbuck

FLOOD ZONE: A

TERRAIN: Sloped from north to south

EXISTING STRUCTURES: Accessory structures

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.

REQUIRED FINDINGS FOR DESIGN DEVIATION/VARIANCE:

- i. That literal interpretation and enforcement of the regulation [would] [would not] result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of these standards.

- ii. That there [are] [are not] extraordinary site characteristics applicable to the property involved or to the intended use of the property, which does not generally apply to other properties.

- iii. That literal interpretation and enforcement of the regulation [would] [would not] deprive the applicant of privileges enjoyed by the owners of other properties.

- iv. That the granting of the variance [will] [will not] constitute a grant of special privilege inconsistent with the limitations on other properties.

v. That the granting of the variance **[will]** **[will not]** be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvements in the vicinity.

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,

ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request for Deeter Ridge Estates 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 Deeter Ridge Estates 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 – John Good

Side yard setback



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.gov

VARIANCE PERMIT PUBLIC HEARING: OCTOBER 22, 2025 STAFF REPORT

FILE #: VAR-25-13
LOCATION: RPRRRB001500 and is currently addressed as 131 E. Cindy Avenue, Inkom, ID 83245

APPLICANT:
John R. Good
131 E. Cindy Avenue
Inkom, ID 83245

OWNER:
John R. Good
131 E. Cindy Avenue
Inkom, ID 83245

RECOMMENDATION: Bannock County Planning and Development recommends the following:

- Denial, or;
- Approval with the following conditions:
 1. The structure shall comply with all applicable fire separation and building code requirements for walls located on or near the property line, including fire-rated wall construction and restrictions on window and door openings.
 2. No windows, vents, or other wall openings shall be permitted within the zero-lot-line wall.
 3. Jackson Creek Fire District review and approval shall be required prior to issuance of a building permit.
 4. Roof eaves, gutters, and downspouts shall not encroach over the property line unless an easement or written consent from the adjacent property owner is provided and recorded.
 5. No structure or footing shall encroach across the property line.
 6. An engineered drainage plan shall be submitted and approved by the County Engineer ensuring that no runoff from roofs or impervious surfaces flows onto adjacent properties.
 7. A privacy fence or landscaping buffer shall be required along the property line to mitigate visual or privacy impacts to the neighboring property.

STAFF REPORT
VARIANCE PERMIT- GOOD
Page 1 of 6

REQUEST & BACKGROUND: John Good requests a variance for a side yard setback for a covered awning. The current side yard setback is 20' and the applicant is proposing a 0' side yard setback.

SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Rural

PROPERTY SIZE: ~ 1.60 acres

VIEWS: The property is visible from Cindy Avenue and Leta Drive

EXISTING STRUCTURES: Residential dwelling and residential accessory structure

AREA OF CITY IMPACT: Inkom

VARIANCE: Variance was approved for this shop in 2021 when it burned down. Variance was for 17' instead of 20'.

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 and bare ground.

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

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. §327 BUILDING BULK AND PLACEMENT STANDARDS
 - c. §540 VARIANCES

STAFF REPORT
VARIANCE PERMIT - GOOD
Page 2 of 6



SITE MAP

STAFF REPORT
VARIANCE PERMIT - GOOD
Page 3 of 6



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 approval to replace an awning on the west side of the shop, located directly on the property line. The original structure was destroyed by fire, and the proposed replacement will be constructed in the same location, but extended slightly in length. There is an existing covered awning on the east side of the garage, which limits alternative placement options. Additionally, the applicant indicates that the new awning will be constructed up against an existing retaining wall. Council should consider that the applicant has provided rationale, indicating no feasible alternative placement, and that the replacement is intended to restore a previously existing structure with minimal change in footprint.

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

Staff Findings of Fact

The applicant has stated that the placement of the awning does not impact the public interest. Applicant is willing to install a drain to prevent rain and snow runoff from encroaching on neighboring parcel to the west. Staff finds that the requested variance does not appear to be in conflict with the public interest, as no public comments have

STAFF REPORT
VARIANCE PERMIT - GOOD
Page 4 of 6

been received at the time this report was prepared. Council should consider the applicant's justification and any public testimony to determine whether any aspect of the proposed variance is inconsistent with the public interest.

C. The variance will not adversely affect adjacent property.

Staff Findings of Fact

The applicant has stated that a rain gutter and snow blockers will be installed to prevent runoff from impacting the neighboring property to the west. The rain gutter will be directed to drain entirely onto the applicant's property. Council should evaluate whether any aspect of the requested variance conflicts with the interests of the adjacent property owner, taking into consideration the applicant's proposed mitigation measures and any public testimony received.

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 the previous structure was lost due to a fire and that additional storage space is now needed. Due to site limitations, there are no alternative locations to construct the replacement awning without the requested variance. Council should consider the information provided and determine whether denial of the variance would result in an undue hardship, based on the physical characteristics and constraints 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:

1. None at time of report

REPORT BY:

Annie Hughes Williams, Zoning Planner
annieh@bannockcounty.gov
208-236-7230

REPORTED DATE: October 8, 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. VAR-21-2 Findings
4. Evidence of Notices (on file with Staff)
5. Agency/Public Comments (if any)

STAFF REPORT
VARIANCE PERMIT - GOOD
Page 6 of 6

EXHIBIT 1

Application & Site Plan

Variance Application**VAR-25-13**

Submitted On: Aug 26, 2025

Applicant John Good**Primary Location**131 E CINDY AVE
INKOM, ID 83245**Parcel & Variance Information****Parcel Number**

PRRRRBE001500

My property is zoned:

Residential Rural

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:

Building directly on the property line. Structure was existing before and burned down and now rebuilding it.

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

Yes. It will be in the same place as the previous structure. Just a little bit longer.

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

No it does not.

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

I am not sure. I am putting a rain gutter and snow blockers.

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.

Yes. Previous structure burned down and more storage space is needed.

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

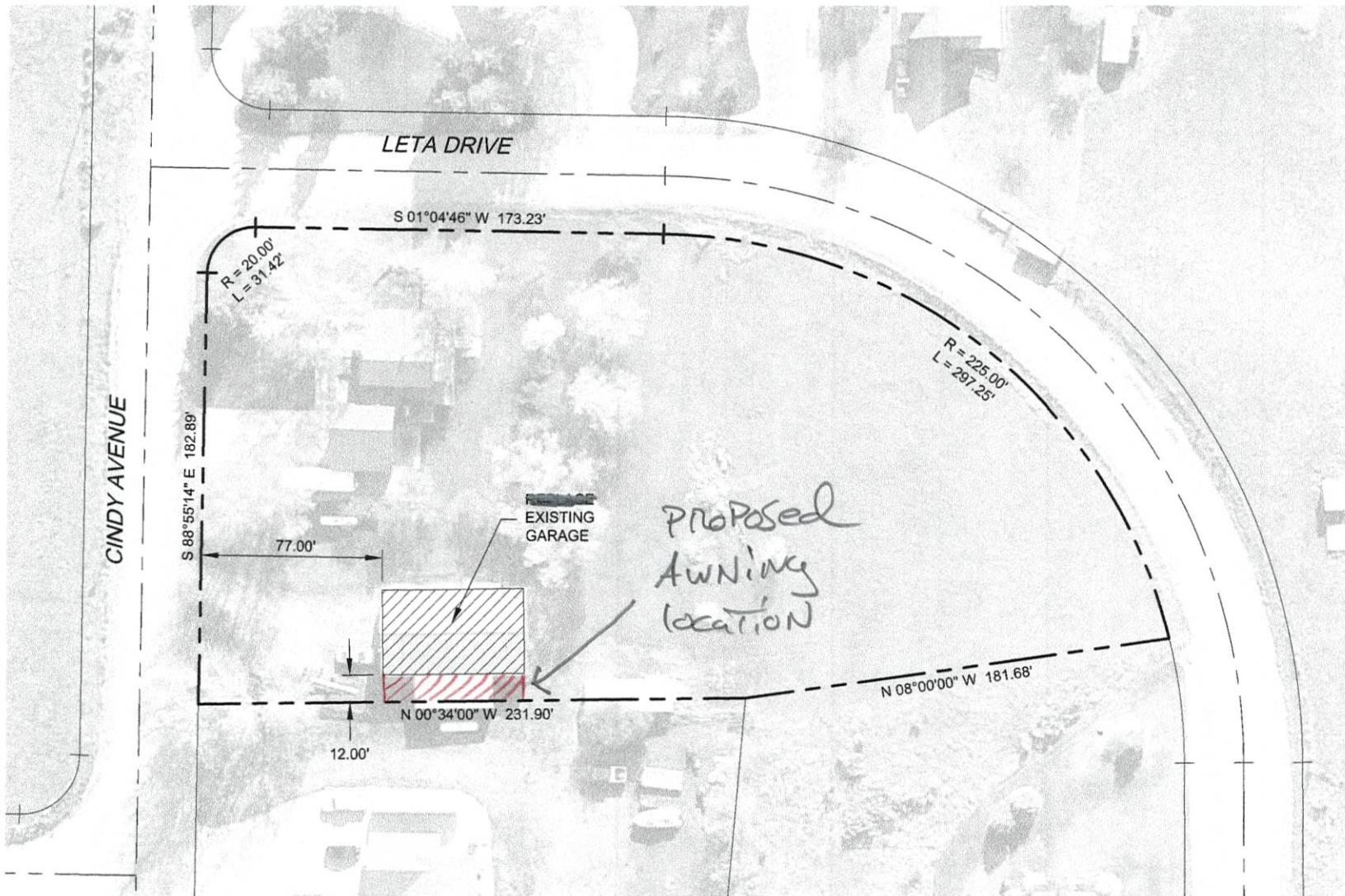
John Good

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

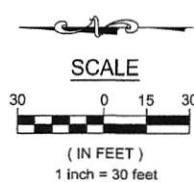
true

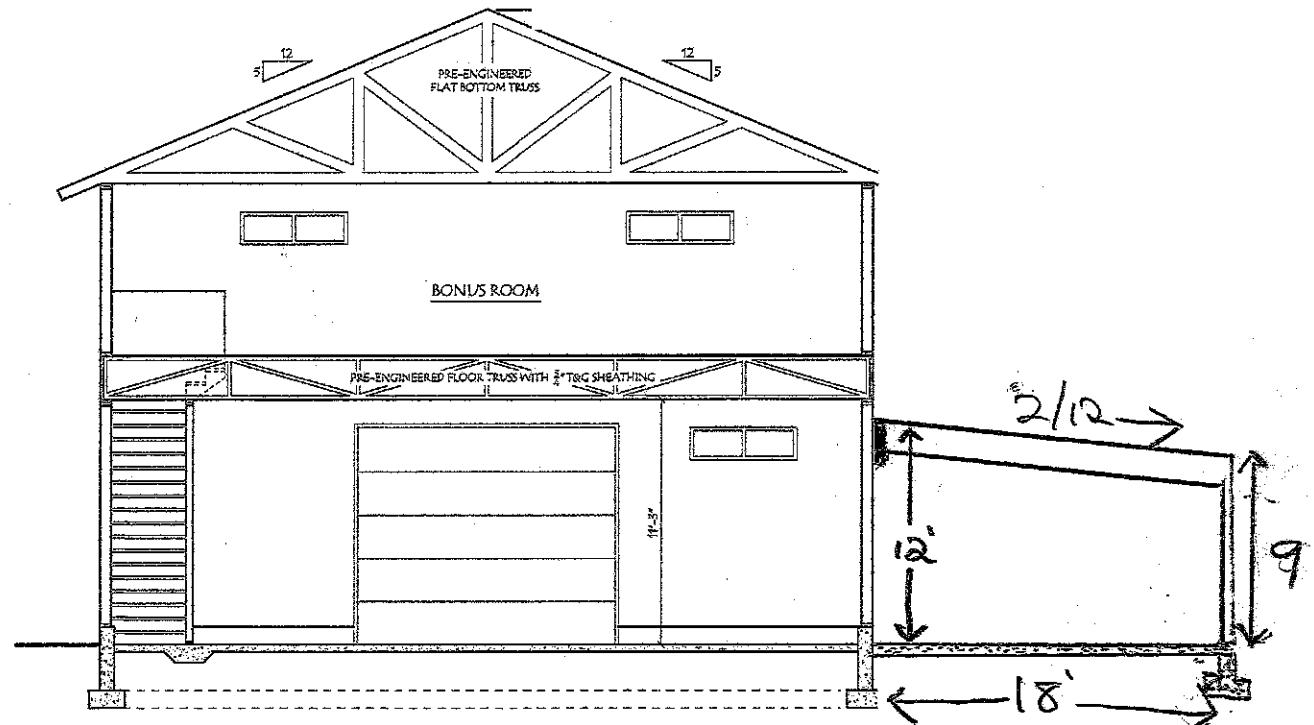
Date

08/26/2025



SITE PLAN
FOR LOT 1, BLOCK 4, REBECCA ESTATES, INKOM,
BANNOCK COUNTY, IDAHO
CONTAINING 1.59 ACRES





SECTION VIEW A-A

18" x 24" PAPER SIZE: 1/4" = 1'-0"

Bannock County Planning & Development Council

October 22, 2025

Page 83 of 254

DRAWN BY: DEREK KENNEDY
DATE: MARCH 1 2021

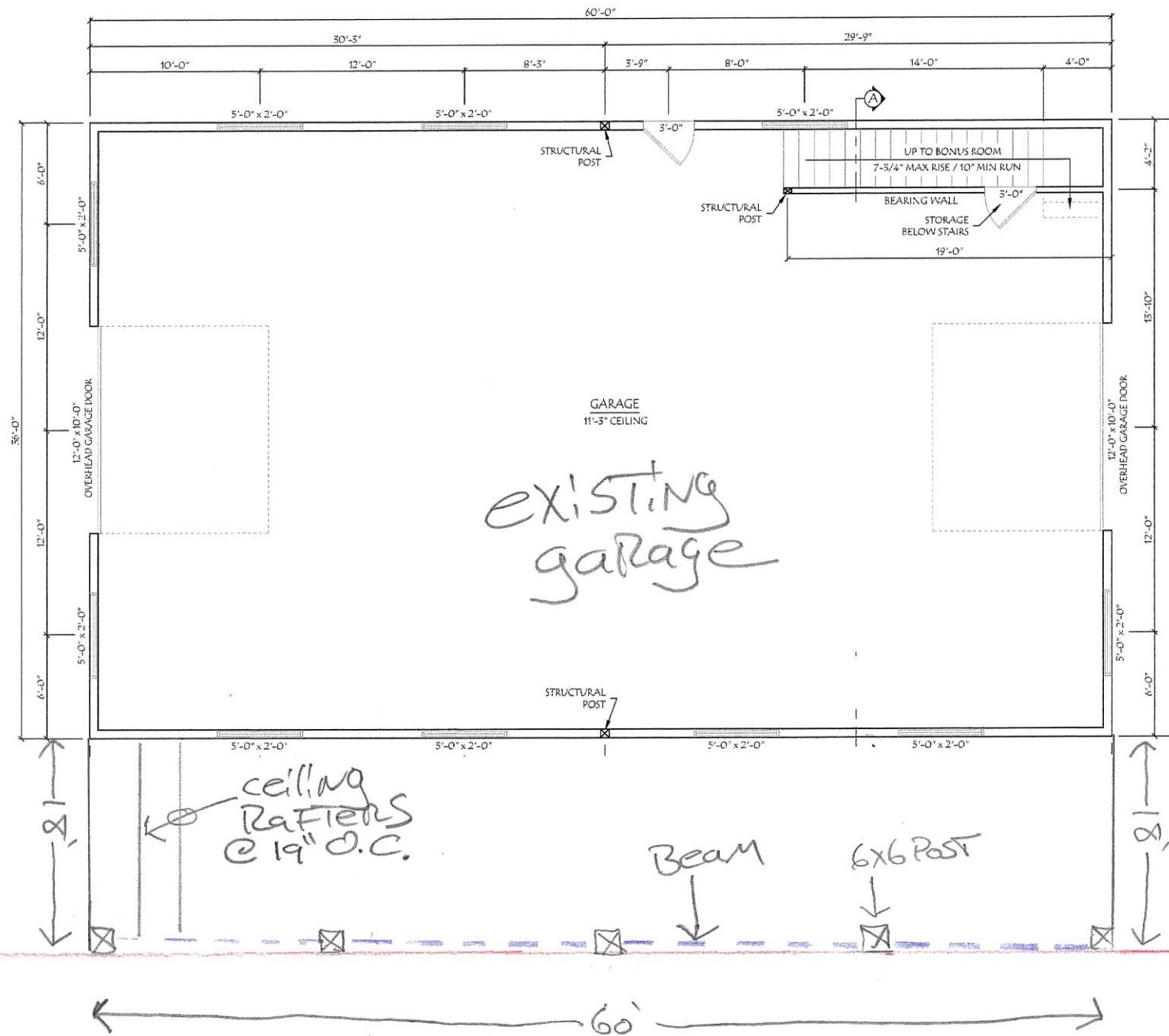
POLATELLA, MARY E.

DESIGN DEREK KENNEDY
SELL PHONE (2008) 254-8127

卷之三

131 E. DINDY, INKOM,
BANNOK COUNTY, IDAHO
CELL PHONE (208) 254-0177

A5 SHEET 5 OF 10



DRAWN BY: DEREK KENNEDY
DATE: MARCH 2021

GOOD

1131 E. CINDY, INKOM,
BANNOCK COUNTY, IDAHO

A3
SHEET 3 OF 10

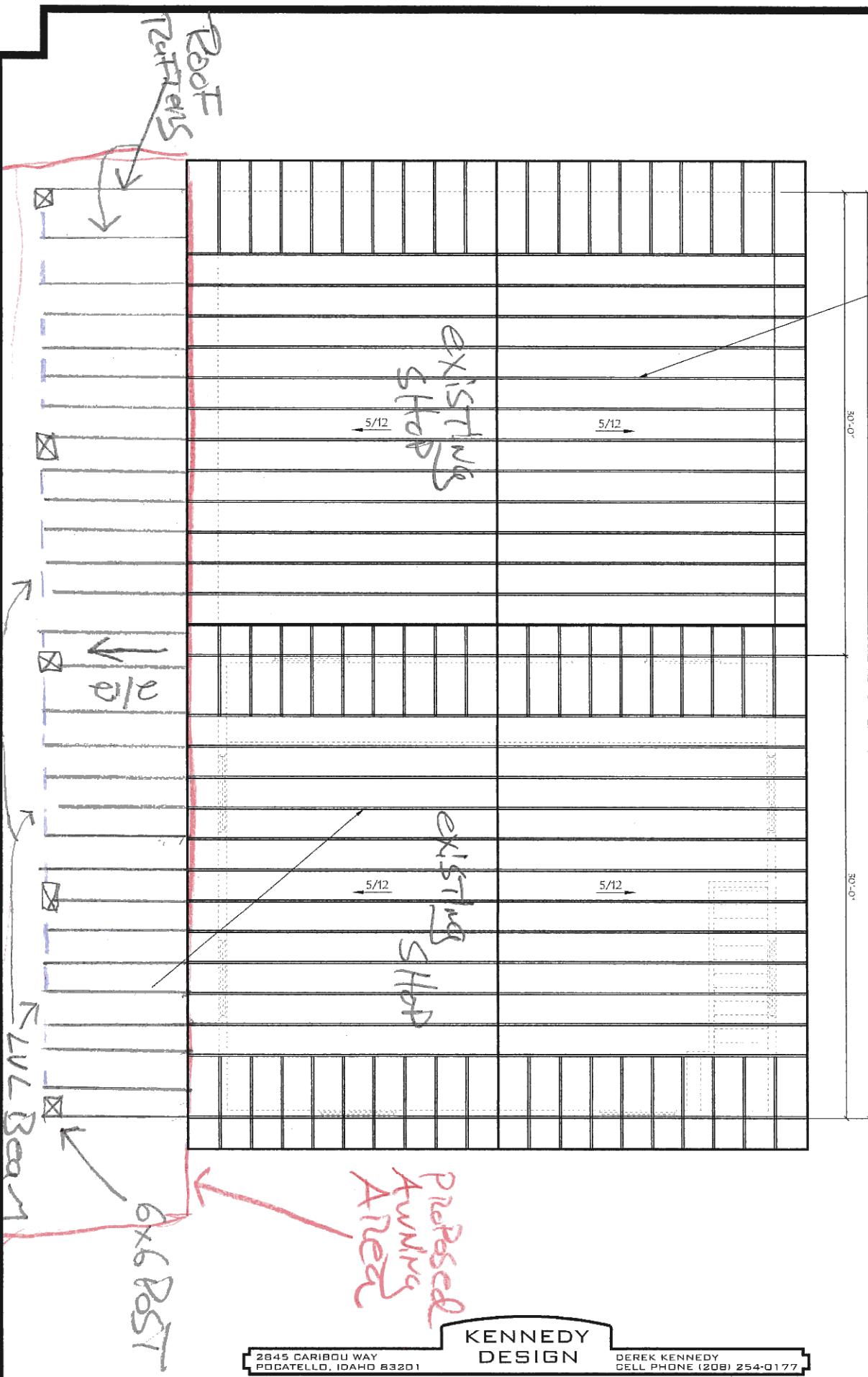
SCALE:
4" = 1'-0"

131 E. CINDY, INKOM,
BANNOCK COUNTY, IDAHO

131 E. CINDY, INKOM,
BANNOCK COUNTY, IDAHO

ROOF Framing

PRE-ENGINEERED FLAT
BOTTOM TRUSSES
SPACED @ 2'-0" O.C.



KENNEDY
DESIGN

2845 CARIBOU WAY
POCATELLO, IDAHO 83201

DEREK KENNEDY
CELL PHONE (208) 254-0177

DRAWN BY: DEREK KENNEDY
DATE: MARCH 2021

GOOD GARAGE

Bannock County Planning & Development Council

SCALE:
1/4" = 1'-0"

S4
SHEET 10 OF 10

ledger beam
For ceiling
Rafters



18" x 24" PAPER SIZE: 1/4" = 1'-0"

MacButch Construction LLC

9311 W Moose Rd

Pocatello, ID 83204

208-221-1566 State Lic#: RCE-50357

**ESTIMATE**

Date: 8/28/2025

Customer: John Good
208-251-2335
inkomdude@hotmail.com

Location: 131 E Cindy
Inkom ID 83245

Scope of Work: Framing for 18'x60' Awning

Item Description:	Amt:
<ul style="list-style-type: none">• 6x6 posts and post bases• LVL Beam between posts• TJI 360 11 1/8" Series Rafters @ 19.2 Centers• Sheet Rafters w/ 5/8" osb plywood,• Dry sheet roof w/ ice and watershield• All hardware included.	
Exclusions: Permits, engineering, roofing, siding, wall framing, fire rated wall/roof assemblies	

We propose to furnish all labor, materials, hardware, & equipment as specified per plans and specifications for the sum of.....\$14,970.00

Respectfully Submitted by: Riley MacButch

By: _____

Date: _____ 8/28/2025

ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature: _____

Date: _____

MacButch Construction LLC



*9311 W Moose Rd
Pocatello, ID 83204
208-221-1566 State Lic#: RCE-50357*

PROPOSAL CONDITIONS:

1. That all material and workmanship shall be first-class in every particular.
2. Prices in bid estimate are good for 15 days.
3. All work shall be performed in accordance with all applicable building codes.
4. Terms: A payment schedule shall be established and mutually agreed upon prior to entering into an agreement. Interest at the rate of 18% per annum shall be charged for accounts past due.
5. Changes in the above proposal, if any, shall be ordered by the purchaser in writing at a price agreed by MacButch Construction, and shall become part of this agreement.
6. This proposal contemplates that all labor is to be performed during straight time hours, if, at the request of the purchaser, work is requested during overtime hours, such extra labor shall be billed in addition to the contract price.
7. A 1 year workmanship & materials warranty shall be furnished at project completion.

EXHIBIT 2

VAR-21-2 Recorded Findings

22111536
RECORDED AT REQUEST OF
FEE O DEPUTY MF

h \
OFFICIAL RECORD SK#
BANNOCK COUNTY IDAHO

Pg 2
22111536 MAY 20 P 1:56

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL

FINDINGS AND ORDER

INTRODUCTION

REQUEST: Applicant, John Good, seeks a variance from §327 Table of Building Bulk and Placement Standards District in the Residential Rural Zone of the Bannock County Zoning Ordinance. Applicant requests to reduce the minimum side and back yard setbacks from 24' to 17'.

APPLICANT / OWNER:

John Good
131 E Cindy Ave
Inkom, Idaho 83245

PARCEL NUMBER AND LOCATION: The Bannock County tax parcel number is RPRRRBE001500 and is addressed as 131 E Cindy Ave., Inkom, Idaho 83246.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Rural
PROPERTY SIZE: ~ 1.60 acres

VIEWS: Property is visible from Cindy Ave.

EXISTING STRUCTURES: Residential
OTHER: Existing accessory structure foundation

NOTICE AND TESTIMONY REQUIREMENTS:

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

REQUIRED FINDINGS FOR VARIANCE:

22111536

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

This is based on: Adjacent owner has commented in favor. Existing slab would be a hardship to remove and restore.

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

This is based on: Neighbors are in favor and does not appear to be in conflict with any adjacent land owners.

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

This is based on: Neighbor testimony and staff review.

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

This is based on: This is true would like to use adjacent cement pad. Also redrawing plans and engineering would create an unnecessary hardship.

Conditions (if any): None

The Planning and Zoning Commission, pursuant to the aforementioned, finds that the request of John Good for a variance to reduce the minimum side yard setback from 24' to 17', in the Residential Rural zoning district, as described in the application, shall be **approved**.

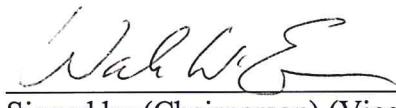
Motion by Chuck, seconded by Rory to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Egan	Voted Yes
Councilperson Erchul	Voted Yes
Councilperson Heisler	Voted Yes
Councilperson Hill	Voted Yes
Councilperson Ulrich	Voted Yes

Motion carried by a 5 to 0 vote.

Dated this 19th day of May, 2021.



Signed by (Chairperson) (Vice chair)

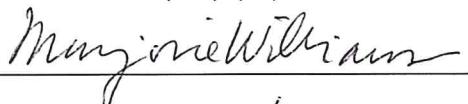
ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)

S.S.

County of Bannock)

On this 19th day of May, in the year of 20 21, before me Marjorie Williams, a notary public, personally appeared Wade Egan, 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.



Marjorie Williams

Notary Public

My Commission Expires on 5/31/2025

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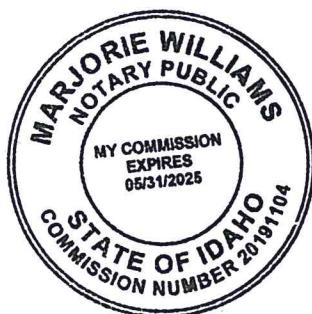


EXHIBIT 3

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.

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

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

RESIDENTIAL RURAL DISTRICTMINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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 DISTRICTMINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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

540 VARIANCES:

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

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

540.2 PUBLIC HEARING NOTICE:

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

540.3 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:

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

540.4 STANDARDS:

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

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

540.5 EFFECTIVE DATE OF VARIANCE:

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

540.6 APPEAL TO BOARD OF COUNTY COMMISSIONERS:

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

540.7 LAPSE OF VARIANCE:

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

540.8 SUSPENSION AND REVOCATION:

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

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

540.9 MINOR VARIANCES AND PROCEDURES:

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

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

550 APPEALS OF PLANNING AND DEVELOPMENT COUNCIL'S DECISIONS:

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

FINDINGS

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

VARIANCE PERMIT- JOHN R. GOOD PUBLIC HEARING: OCTOBER 22, 2025

FILE #: VAR-25-13
LOCATION: RPRRRBE001500 and is currently addressed as 131 E. Cindy Avenue, Inkom, ID 83245
APPLICANT: **OWNER:**
John R. Good John R. Good
131 E. Cindy Avenue 131 E. Cindy Avenue
Inkom, ID 83245 Inkom, ID 83245

REQUEST & BACKGROUND: John Good requests a variance for a side yard setback for a covered awning. The current side yard setback is 20' and the applicant is proposing a 0' side yard setback.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Rural

PROPERTY SIZE: ~ 1.60 acres

VIEWS: The property is visible from Cindy Avenue and Leta Drive

EXISTING STRUCTURES: Residential dwelling and residential accessory structure

AREA OF CITY IMPACT: Inkom

VARIANCE: Variance was approved for this shop in 2021 when it burned down. Variance was for 17' instead of 20'.

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-25-13

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 John R. Good for a variance for a 0' 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

JOHN R. GOOD VARIANCE EXAMPLE MOTION

Based on the record and discussion this evening, I move to [approve] [deny] [table] the request by John R. Good requesting a variance for a 0' 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. 6

Subdivision Concept Plan – Tom’s Hollow Subdivision



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.gov

CONCEPT PLAN– TOM'S HOLLOW SUBDIVISION PUBLIC HEARING: OCTOBER 22, 2025 STAFF REPORT

FILE #: SCP-25-3

LOCATION: RPRRCHS000300, currently unaddressed and RPRRCHS000400, currently addressed as 620 E. Pidcock Road Inkom, ID 83245.

APPLICANT:

Dioptre LLC
Stewart Ward
4880 Clover Dell Road
Pocatello, ID 83202

OWNER:

Thomas Nelson Homes LLC
P.O. Box 2373
Pocatello, ID 83206

RECOMMENDATION: Staff recommends approval with the following conditions:

1. Depict all current and proposed easements and rights-of-way located within the subdivision, on all subsequent plats, including measurements and instrument numbers (when available).
2. All subsequent plats shall state "Open Space is within individual lots as separate lots and is deed restricted from further development per Bannock County Subdivision Ordinance 1997-4, §401.C.3.b."
3. All subsequent plats shall state "90 foot x 45 foot easement for fire truck turn-a-round and 20,000 gallon underground fire suppression water tank."

Council may wish to add additional conditions as needed.

REQUEST & BACKGROUND: Stewart Ward proposes an amendment to Coyote Hollow Subdivision for the purpose of adjusting a lot line. The existing lots are 5.00 acres with 2.33 acres of open space and 5.16 acres with 1.91 acres of open space. After the proposed adjustment, the lots will be 6.10 acres with 2.34 acres of open space and 4.05 acres with 1.91 acres of open space. The development proposes individual well and septic systems. This subdivision is located ~ 1.19 miles from the City of Inkom boundary.

CONCEPT PLAN PROPOSAL SUMMARY:

TOTAL AREA: 10.15 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENSITY: 1 dwelling unit per 5.075 acres

STAFF REPORT
CONCEPT PLAN – Tom's Hollow Subdivision
Page 1 of 9

BUILDING LOT SIZE: Approximately 4.05 acres to 6.10 acres

WATER & SEWER: Individual well and septic systems.

STORMWATER SYSTEM: Retained on individual lots and within roadside swales.

UTILITIES: Power existing to the corner of lotsa.

FIRE PROTECTION: Existing fire suppression tank on block 1 lot 3 of Coyote Hollow Subdivision.

ROADS/ACCESS: Individual access via East Pidcock Road, a county-maintained road.

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural

PROPERTY SIZE: ~5.00 acres and 5.16 acres

VIEWS: The property is visible from E. Pidcock Road

IMPACT AREA: City of Inkom

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes with flat area and natural drainage

EXISTING STRUCTURES: Residential dwelling in progress

OPEN SPACE: 4.24 acres within lots

OTHER: Located within Coyote Hollow Subdivision

SURROUNDING LAND USES AND ZONING

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

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

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

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

COMMUNITY IMPACT ANALYSIS:

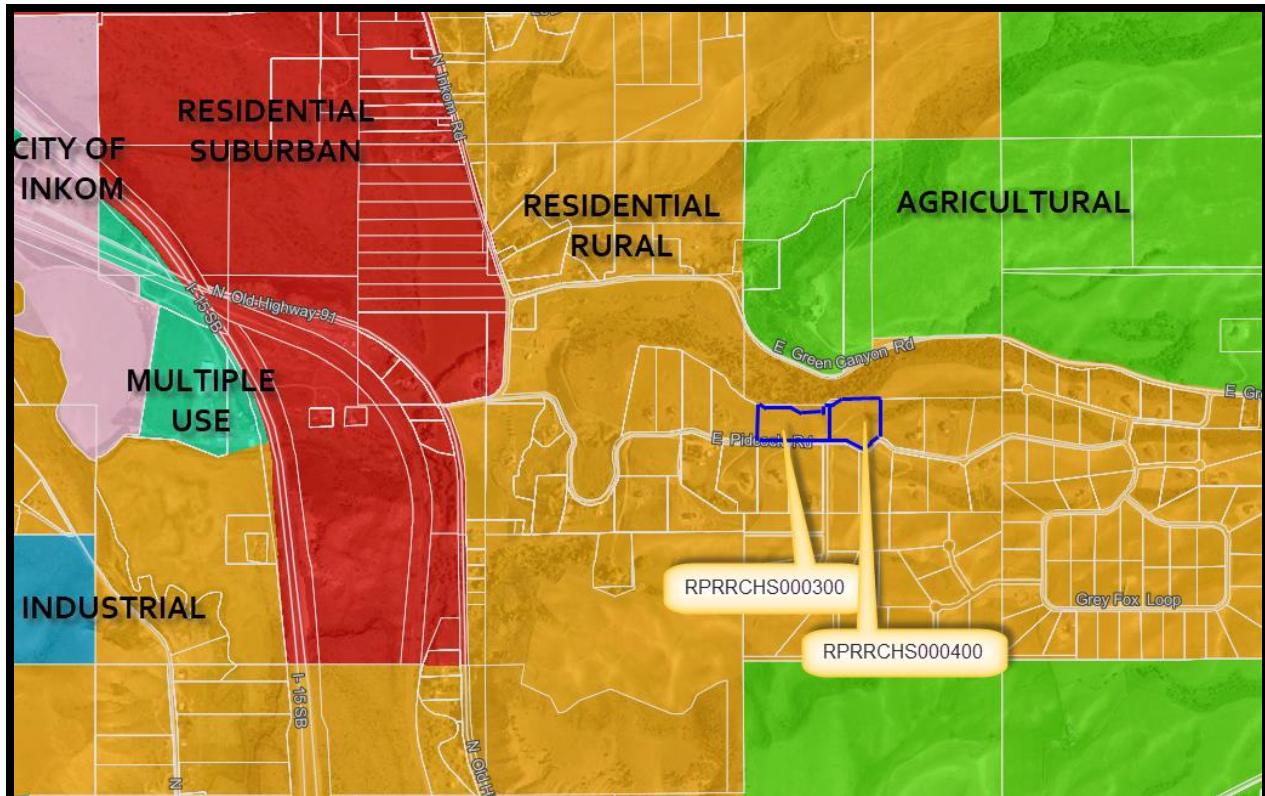
1. Total population at built out will be a total of 6.4. (2 lots x 3.2 persons per household.)
2. Population five to 17 years of age will be 1.536. (6.4 population x 24%)
3. Water usage will be 1,000 gal per day per household, total project at build out will be 1,200 gal. per day per lot.
4. Sewage produced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

APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2021 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
 - a. §320 RESIDENTIAL RURAL DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
 - a. §302 CONCEPTUAL OR MASTER PLAN REVIEW



SITE MAP

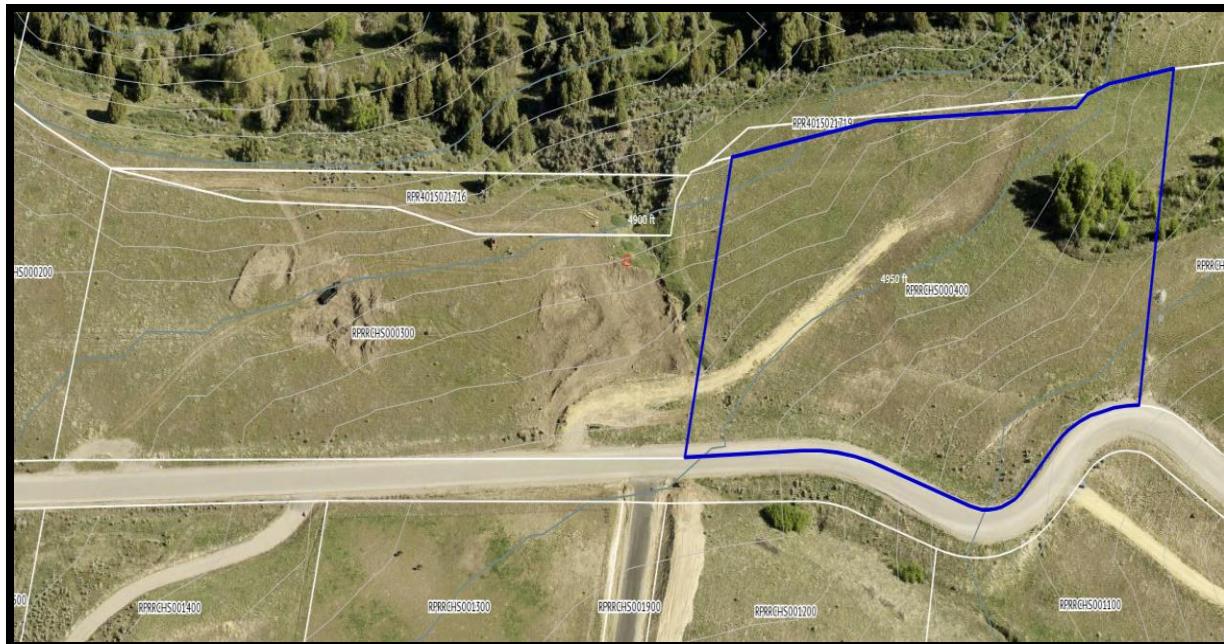


ZONING MAP



US FISH & WILDLIFE WETLANDS MAP

STAFF REPORT
CONCEPT PLAN – Tom's Hollow Subdivision
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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 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 zoned Residential Rural (RR), which allows one dwelling per 2.5 acres with an open space subdivision. The proposed density of this subdivision will be 1 dwelling unit per 5.0 acres. As this lot is located within an existing subdivision, the proposed density of Coyote Hollow Subdivision would become a density of 1 dwelling per 5.075 acres. The original subdivision was 101.53 acres /50% totaling 50.765 acres of required open space. The open space was dedicated in the original subdivision for a total of 56.66 acres. The open space was dedicated in the original subdivision on Lot 3 and Lot 4 for a total of 4.24 acres. Applicant has proposed open space on lot 4A to be 2.34 acres and lot 3A to be 1.91 acres, totaling 4.25 acres of open space.

There is a residential dwelling being construction on lot 4A. Setbacks for structure must meet the requirement of the Bannock County Zoning Ordinance §327, to the new proposed lot lines.

Bannock County Subdivision Ordinance:

Per §109.C., a replat is required in order realign lots within a recorded subdivision. The proposed subdivision name "Tom's Hollow Subdivision" has been reviewed for duplicity by staff. The proposed subdivision is currently located within a platted subdivision, Coyote Hollow Subdivision.

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.

The applicant has proposed separate approaches from Pidcock Road, a county-maintained road. Developer will need to ensure submittal requirements have been met per §302. With only two proposed lots, no interior subdivision road is required per §404.G, REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street. If a road is proposed, road must meet the standards of §402.

Applicant will need to ensure lot meets §404.C.1: Width to depth ratio shall not exceed 1 to 5; i.e., a 100 ft. width cannot exceed 500' in depth.

Applicant has proposed to use the existing 90' x 45' easement for fire truck turn-around and 20,000 gallon underground fire suppression water tank located on Lot 3 of Coyote Hollow Subdivision as the fire suppression and prevention measures. Council may require applicant to provide proof of further discussion with local fire district. Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). The subdivision applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution power lines may be above ground with the Council's approval. In any City's Area of Impact and where that City's Subdivision Ordinance requires all underground utilities, that City's Ordinance shall apply.

Idaho Code:

Developer will need to research Idaho Code to ensure all provisions have been met.

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

Staff Findings

The applicant proposes access from Pidcock Road for each lot.

Bannock County Subdivision Ordinance states lots in a subdivision of four or more lots shall access from an interior subdivision road.

As an open space designed subdivision is required, Bannock County Subdivision Ordinance §401.F: Open space designed subdivision applicants may apply for design deviations for sections 402, 403, and 404.

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.

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

Staff Findings

There does not appear to be any dedicated streets or roads that could be extended.

Pidcock Road is the only dedicated road at this time. No other roads have been proposed that would intersect with these parcels.

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 Coyote Hollow Subdivision plat, there is a 15' public utility easement along Pidcock Road, outside of the right-of-way. There is a 90'x45' easement for fire truck turn-a-round and 20,000 gallon underground fire suppression water tank on proposed lot 3A. There is a 5' public utility easement along all lot lines. If 5' utility easement is being adjusted with the lot line, the process per Idaho Code 50-1306A must be followed. Proposed Lot 4A appears to have a section easement that may be wider than 15'. This measurement should be depicted on the plat. 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

Lot 4A is an existing developed lot. Lot 3 was platted for residential development. The west lot line is being adjusted to increase the lot size of proposed lot 4A. The lots are proposed to be placed within close proximity to existing roads, other subdivisions, and utilities. The lots to the east and west vary in size, with residential structures present. The property to the north is bare ground. The property to the south has been proposed for a residential platted subdivision. Lots appear to be laid out in a manner that properly relate to the adjoining lots, parcel lines, utilities, streets, or other existing or planning facilities.

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

Staff Findings

Proposed lot 4A is currently used for residential with a well. Lot 3 was created for residential uses and is currently bare ground. The original division of Coyote Hollow Subdivision could have allowed a density of 40 lots.

Applicant has proposed lots to be approximately 4.05 acres and 6.10 acres. The minimum density in the Residential Rural Zoning district is one dwelling to 2.5 acres. Per Bannock County Zoning Ordinance §323, detached single-family dwellings, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, and noncommercial recreational facilities are permitted uses in the district.

The land is sloped with flat areas to build. The open space has been proposed to be placed over the steep slopes.

AGENCY COMMENTS:

1. None received at the time of this report.

PUBLIC COMMENTS:

1. None received at the time of this report.

REPORT BY:

Alisse Foster, Subdivision Planner
alissef@bannockcounty.gov

REPORTED DATE: October 9, 2025

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

EXHIBITS:

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

STAFF REPORT
CONCEPT PLAN – Tom's Hollow Subdivision
Page 9 of 9

EXHIBIT 1

Application & Site Plan



SCP-25-3
Subdivision Concept
Plan Application
Status: Active
Submitted On: 9/2/2025

Primary Location

0 NO STREET
, 00000

Owner**Applicant**

Stewart Ward
 208-237-7373
 @ [REDACTED]
 4880 Clover Dell Rd
Pocatello, ID 83202

Owner/Developer Information**Are the Owner and Developer the same?****Owner Name***

ТХОМАС НЕЛСОН ХОМЕС ЛЛЦ

Street Address***City*****State***

ID

Zip Code***Email Address*****Phone Number***

Site Information

Proposed Subdivision Name*	Parcel Number(s)*
Tom's Hollow	RPRRCHS000400 and RPRRCHS000300

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.*

Each lot will be residential construction. Lot 4A will begin construction of a new home in Fall 2025.

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

Coyote Hollow Subdivision included a 5' public utility easement along all lot lines, this easement will remain in place along the original lot line. The Public Utility and Slope easement along Pidcock Rd will remain, along with the fire suppression easement in Lot 3A

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

All lots are proposing individual wells and septic systems. Lot 4A contains a natural drainage on the westerly side of the lot.

Proposed utilities and location/placement of utilities.*

All lots have power, gas and other public utilities that were installed during construction of Coyote Hollow Subdivision.

Proposed fire suppression and prevention measures.*

Fire suppression will be provided by the underground fire suppression tank located on Lot 3A and installed during the Coyote Hollow Subdivision construction.

Proposed road name(s)* 

Pidcock Rd is a platted county maintained road

Will this be an Open Space designed subdivision?* 

Yes

Will you be requesting any design deviations?*

No

Will this be a phased subdivision?*

No

Comments from Reviewing Agencies* 

no comments from reviewing agencies

Subdivision Pre-development Meeting

Pre-development Meeting Date

08/19/2025

Comments from Pre-development Meeting

No comments

Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name

Dioptre LLC – Stewart Ward

Email

[REDACTED]

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

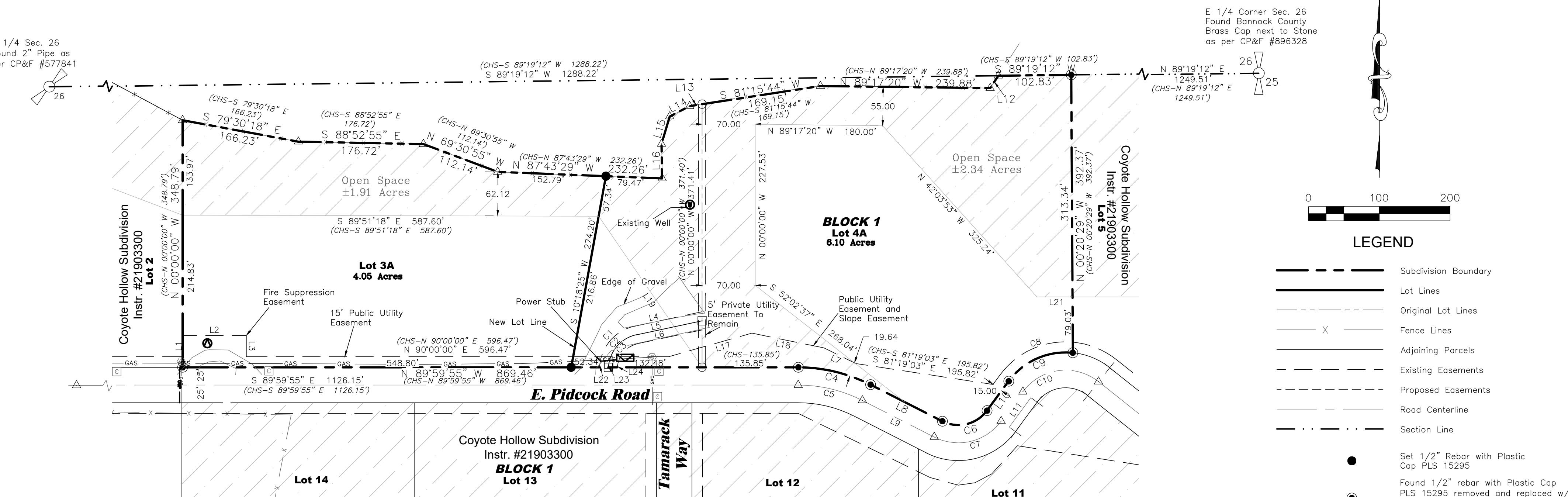


Date of Signature*

09/02/2025

OM'S HOLLOW SUBDIVISION

A REPLAT OF LOTS 3 & 4 BLOCK 1 OF
COYOTE HOLLOW SUBDIVISION INSTR. #21903300
LOCATED IN SE 1/4 SECTION 26, TOWNSHIP 7
SOUTH, RANGE 36 EAST, OF THE BOISE
MERIDIAN, IN THE COUNTY OF BANNOC.



SURVEY NARRATIVE

The purpose of this survey is to adjust the lot line between Lot 3 and Lot 4, Block 1 of Coyote Hollow Subdivision Instr. #21903300.

) The boundary of the existing lots was determined by found monuments at all corners and points of curvature as shown on Coyote Hollow Subdivision Instr. #21903300.

) Lot lines as established per Coyote Hollow Subdivision Instr. #21903300 are subject to a 5-foot public utility easement.

) All driveways servicing 2 or more structures shall be built to County standards.

) No changes to existing Open Space are proposed. Open Space is defined on Coyote Hollow Subdivision Instr. #21903300 and Instr. #22509794. Open Space is within individual lots as separate lots and is deed restricted from further development per Bannock County Subdivision Ordinance 1997-4, 401.C3.b.

) All stormwater generated on individual lots shall be retained per Bannock County Zoning Ordinance 1998-1, 495 and Bannock County Subdivision Ordinance 1997-4, 410.

) Driveways shall be built to meet standards of Bannock County Zoning Ordinance 1998-1, 475.13 and Bannock County Subdivision Ordinance 1997-4, 402.B.

) Development on individual lots is restricted by Bannock County Subdivision Ordinance 1997-4 Section 405 and Section 409.

) Open Space shall not be used for open storage or collection of refuse, junk, and garbage.

.) Private Access Easement per Instr. #22311923 shall be located upon the recording of this plat.

CURVE TABLE

E	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
	62.50'	75.66'	71.13'	N 43°14'45" E	69°21'44"
	50.00'	60.53'	56.90'	N 43°14'45" E	69°21'44"
	50.00'	60.53'	56.90'	N 43°14'51" E	69°21'44"
	37.50'	45.40'	42.68'	N 43°14'45" E	69°21'44"
	225.00'	105.92'	104.94'	S 76°30'34" E	26°58'20"
)	225.00'	105.92'	104.94'	S 76°30'34" E	26°58'20"
)	200.00'	94.15'	93.28'	S 76°30'34" E	26°58'20"
)	200.00'	94.15'	93.28'	S 76°30'34" E	26°58'20"
)	50.00'	70.35'	64.69'	S 76°40'19" W	80°36'34"
)	50.00'	70.35'	64.69'	S 76°40'19" W	80°36'34"
)	75.00'	105.52'	97.03'	S 76°40'19" W	80°36'34"
)	75.00'	105.52'	97.03'	S 76°40'19" W	80°36'34"
)	115.00'	184.81'	165.56'	S 82°24'21" W	92°04'40"
)	115.00'	184.81'	165.56'	S 82°24'21" W	92°04'40"
)	100.00'	103.76'	99.17'	S 66°05'30" W	59°26'56"
)	100.00'	103.76'	99.17'	S 66°05'30" W	59°26'56"
)	75.00'	120.53'	107.97'	S 82°24'21" W	92°04'40"
)	75.00'	120.53'	107.97'	S 82°24'21" W	92°04'40"

BASIS OF BEARING

BASIS OF BEARING
Basis of bearing per Idaho State
Plane Coordinate System – East
Zone. GPS observation
combination factor: 1.0002930163
Origin:Lat: N 42°46'45.82000"
Long: W 112°12'20.67000"
Height: 5040.293'
All distances are US Survey Feet.

SURVEYORS CERTIFICATE

I, Stewart K. Ward, a Licensed Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of this survey completed under my supervision.

COUNTY RECORDERS CERTIFICATE

SUBDIVISION CONCEPT PLAN

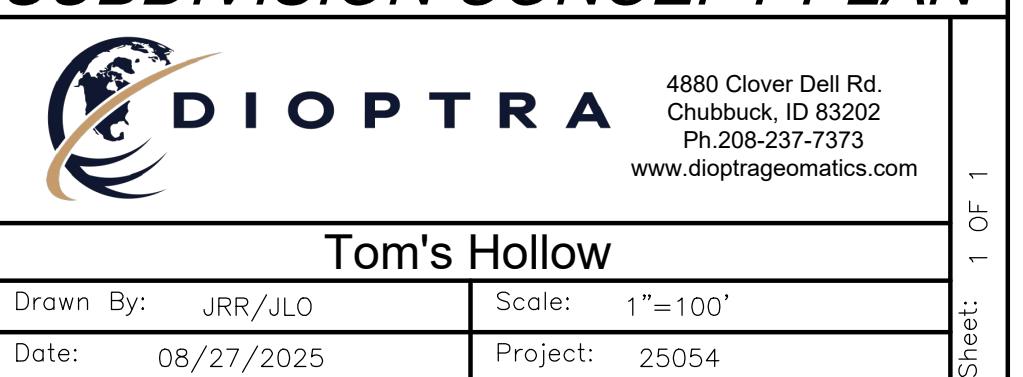


EXHIBIT 2

Pre-Development Documents



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.us

August 19, 2025

Thomas Nelson Homes, LLC
291 Tailwind Circle
Unit 101
Chubbuck, ID 83202

Thomas Nelson Homes, LLC
PO Box 2373
Pocatello, ID 83206

Dioptra
Stewart Ward
4880 Clover Dell Road
Chubbuck, ID 83202

RE: Tom's Hollow Subdivision
Pre-Development Conference – County Comments

Mr. Ward,

An application for the subdivision located on parcel #RPRRCHS000400 and RPRRCHS000300 was submitted on August 5, 2025. The application is requesting approval for a subdivision to adjust the lot line between Lot 3 and Lot 4, Block 1, within the Coyote Hollow Subdivision. The two affected lots total 10.16 acres generally located off of Pidcock Road, a county-maintained road. This adjustment will not alter the existing open space dedication. The proposed subdivision is located within the Residential Rural (RR) zoning district, which requires a minimum density of 1 dwelling per 2.5 acres with an open space subdivision per Bannock County Zoning Ordinance (ZO) N. 1998-1, §346. The process for determining the suitability of the 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-25-4

Bannock County Tax Parcel Number: RPRRCHS000400 and RPRRCHS000300

TOTAL AREA: ~10.16 acres

BUILDING LOTS: 2 residential dwelling lot

DWELLING UNIT DENSITY: 1 dwelling unit per 5.08 acres

BUILDING LOT SIZE: ~ 4.02 acres to 6.13 acres

OPEN SPACE LOT SIZE: ~ 4.24 acres within the lots

WATER & SEWER: individual well and septic systems

STORMWATER SYSTEM: To be determined

SPD-25-4
Page 1 of 6

UTILITIES: Power located along Pidcock Road

FIRE PROTECTION: Jackson Creek Fire District

ROADS/ACCESS: Individual approaches via Pidcock Road, a county-maintained road

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural (RR)

PROPERTY SIZE: ~5.16 acres and 5.00 acres

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

IMPACT AREA: City of Inkom

FLOOD ZONE: X

TERRAIN: Slopes and natural drainage

EXISTING STRUCTURES: None

We discussed the proposed subdivision on August 19, 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
- Bannock County:
 - Alisse Foster, Subdivision Planner
 - Annie Williams, Zoning Planner
 - Kiel Burmester, Road and Bridge Director
 - Buddy Romriell, Road and Bridge Assistant Director

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

- General Bannock County Subdivision Process:
 - The platting process currently consists of 4 applications.
 - Pre-Development Application (current application SPD-25-4).
 - 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.
 - ITD Division of Aeronautics states no comment.

- Jackson Creek Fire District stated no comment.
- Williams Pipeline stated no issues with the lot line adjustment.
- 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:

- a. 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 zoned Residential Rural (RR), which allows one dwelling per 2.5 acres with an open space subdivision. The proposed density of this subdivision will be 1 dwelling unit per 5.0 acres. As this lot is located within an existing subdivision, the proposed density of Coyote Hollow Subdivision would become a density of 1 dwelling per 5.64 acres. The original subdivision was 101.53 acres /50% totaling 50.765 acres of required open space. The open space was dedicated in the original subdivision for a total of 56.66 acres. The open space was dedicated in the original subdivision on Lot 3 and Lot 4 for a total of 4.24 acres.

Setbacks for structure must meet the requirement of the Bannock County Zoning Ordinance §327, to the new proposed lot lines.

Bannock County Subdivision Ordinance:

The applicant has proposed separate approaches from Pidcock Road, a county-maintained road. Developer will need to ensure submittal requirements have been met per §302. With only two proposed lots, no interior subdivision road is required per §404.G, REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street. If a road is proposed, road must meet the standards of §402.

The proposed subdivision name "Tom's Hollow Subdivision" has been reviewed and is a duplication. A new subdivision name will need to be proposed on the next application for review and approval.

Applicant will need to ensure lot meets §404.C.1:Width to depth ratio shall not exceed 1 to 5; i.e., a 100 ft. Width lot cannot exceed 500' in depth.

Applicant has proposed to use the existing 90' x 45' easement for fire truck turn-around and 20,000 gallon underground fire suppression water tank located on Lot 3 of Coyote Hollow Subdivision as the fire suppression and prevention measures. Council may require applicant to provide proof of further discussion with local fire district.

Applicant should be aware that per §407: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). The subdivision applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution power lines may be above ground with the Council's approval. In any City's Area of Impact and where that City's Subdivision Ordinance requires all underground utilities, that City's Ordinance shall apply.

Idaho Code:

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

- b. **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 proposes access from Pidcock Road for each lot.

Bannock County Subdivision Ordinance states lots in a subdivision of four or more lots shall access from an interior subdivision road.

As an open space designed subdivision is required, Bannock County Subdivision Ordinance §401.F: Open space designed subdivision applicants may apply for design deviations for sections 402, 403, and 404.

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.

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

Staff Finds:

Pidcock Road is the only dedicated road at this time. No other roads have been proposed that would intersect with these parcels.

The applicant will need to ensure this criterion of approval can be met.

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

Staff Finds:

Using Bannock County GIS maps and Coyote Hollow Subdivision plat, there is currently a 90'x45' easement for fire truck turn-a-round and 2,000-gallon underground fire suppression water tank. There is a 15' public utility easement along Pidcock Road, outside of the right-of-way. There is a 5' public utility easement along all lot lines. If 5' utility easement is being adjusted with the lot line, the process per Idaho Code 50-1306A must be followed. Proposed Lot 4A appears to have a section easement that may be wider than 15'. This measurement should be depicted on the plat. 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.

- e. **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 proposed lots are laid out to allow direct access from Pidcock Road. The existing utility easement along Pidcock Road will be located within each lot and aligned in the same direction as in the existing subdivision.

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

Staff Finds:

Lots are currently bare ground. The original division of Coyote Hollow Subdivision could have allowed a density of 40 lots.

Per Bannock County Zoning Ordinance §323, detached single-family dwellings, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, and noncommercial recreational facilities are permitted uses in the district.

The land is sloped with flat areas to build.

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.

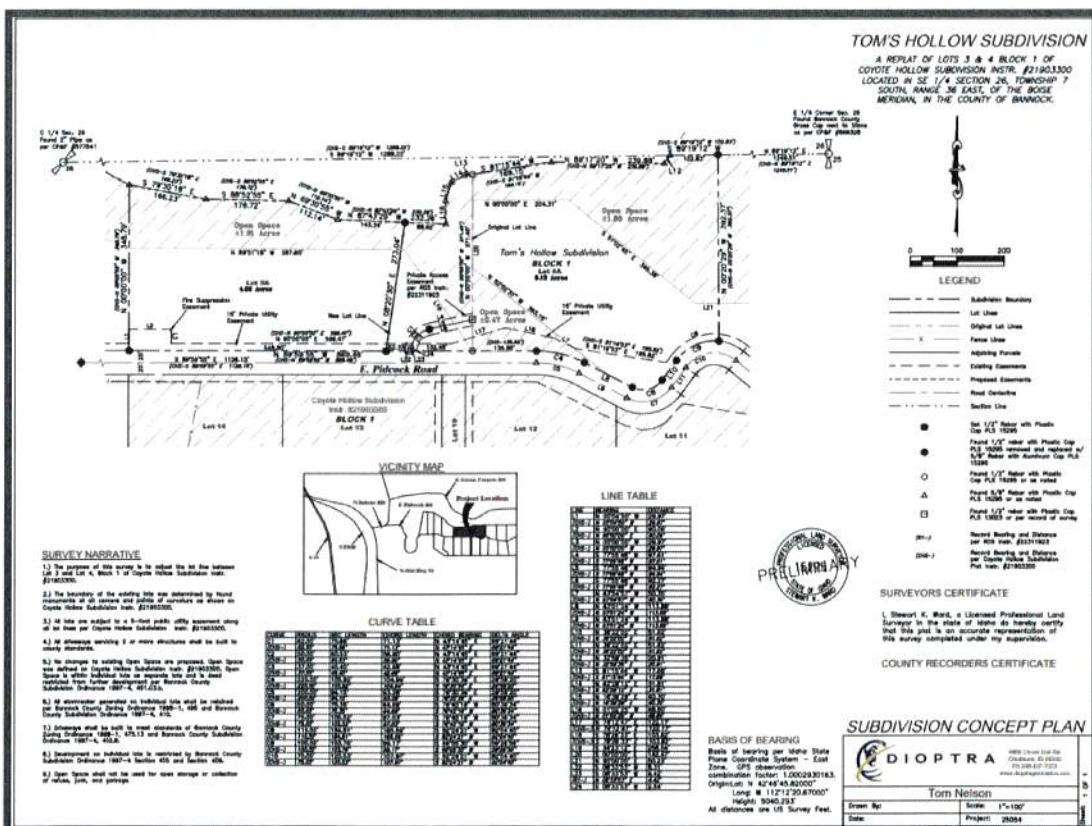
If you have questions, please contact us. Our office is open Monday through Thursday, 8:00 AM to 5:00 PM and Friday, 8:00 AM to 1:00 PM, or contact us at (208) 236-7230.

Respectfully,



Hal W. Jensen
Planning and Development Director
halj@bannockcounty.gov

Enclosed: Proposed Sketch Plan



Proposed Sketch Plan provided by Applicant

SPD-25-4
Page 6 of 6



RE: Bannock County lot line adjustment/subdivision replat

From Johnny Ketner <Johnny.Ketner@tax.idaho.gov>

Date Thu 7/31/2025 10:03 AM

To Jake Robinson <jake@dioptrageomatics.com>

No comment from Inkom FD

From: Jake Robinson <jake@dioptrageomatics.com>

Sent: Thursday, July 31, 2025 10:00 AM

To: Anita Hymas <anita@bannockcounty.us>; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Mellisa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; Gary Billman <gbillman@idl.idaho.gov>; Idaho Department of Lands <IDL_jurisdictional@idl.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <Allan.Johnson@deq.idaho.gov>; Johnson,Becky <becky.johnson@idfg.idaho.gov>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghignina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Phillip Colborn <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske <michael.rieske@williams.com>; Brenda Marshall <brenda.marshall@williams.com>; Derald Armstrong <mrfb62@aol.com>; Ron Jolley <rwbjolley@yahoo.com>; Chris Sorensen <downeyfirechief@gmail.com>; Johnny Ketner <Johnny.Ketner@tax.idaho.gov>; Mori Byington <mori@bannockplanning.org>; Tara Solomon <inkomcityoffices@cableone.net>; Mayor Shaffer <maxdshaffer@hotmail.com>; Inkom Land Use Board <inkomladams@cableone.net>; Gary Tucker <gtucker@mvsd21.org>

Cc: Stewart Ward <stewart@dioptrageomatics.com>

Subject: Re: Bannock County lot line adjustment/subdivision replat

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Dear agency contacts,

Please see the request for input below. As required by Bannock County, this is the 2nd request.

If you have previously commented, please disregard this request.

Thanks



Jacob Robinson
 Office: 208-237-7373
 4880 Clover Dell | Chubbuck, ID 83202
www.dioptrageomatics.com
 Land Surveying | 3D Scanning | Land Planning | Aerial Mapping

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From: Jake Robinson

Sent: Tuesday, July 22, 2025 11:14 AM

To: Anita Hymas <anita@bannockcounty.us>; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Mellisa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; Gary Billman <gbillman@IDL.idaho.gov>; Idaho Department of Lands <IDL_jurisdictional@idl.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <allan.johnson@deq.idaho.gov>; Becky Johnsnos <becky.johnson@idfg.idaho.gov>; James Cafalo <james.cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghigina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Phillip Colborn <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske <michael.rieske@williams.com>; Brenda Marshall <brenda.marshall@williams.com>; Derald Armstrong <mrfb62@aol.com>; Ron Jolley <rwbjolley@yahoo.com>; Chris Sorensen <downeyfirechief@gmail.com>; Johnny Kertner <johnny.kertner@tax.idaho.gov>; Mori Byington <mori@bannockplanning.org>; Tara Solomon <inkomcityoffices@cableone.net>; Mayor Shaffer <maxdshaffer@hotmail.com>; Inkom Land Use Board <inkomladams@cableone.net>; Gary Tucker <gtucker@mvsd21.org>

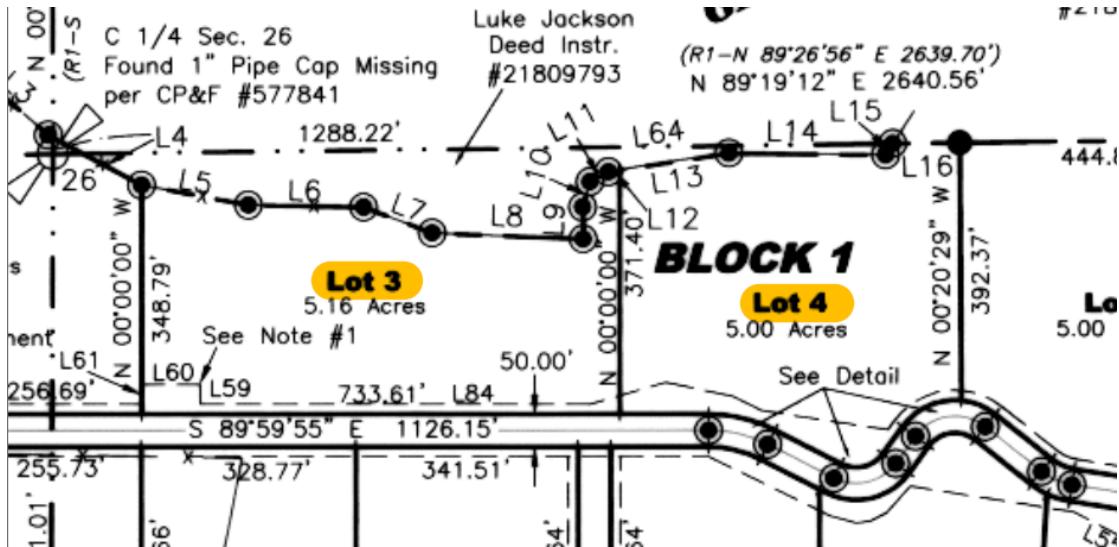
Cc: Stewart Ward <stewart@dioptrageomatics.com>

Subject: Bannock County lot line adjustment/subdivision replat

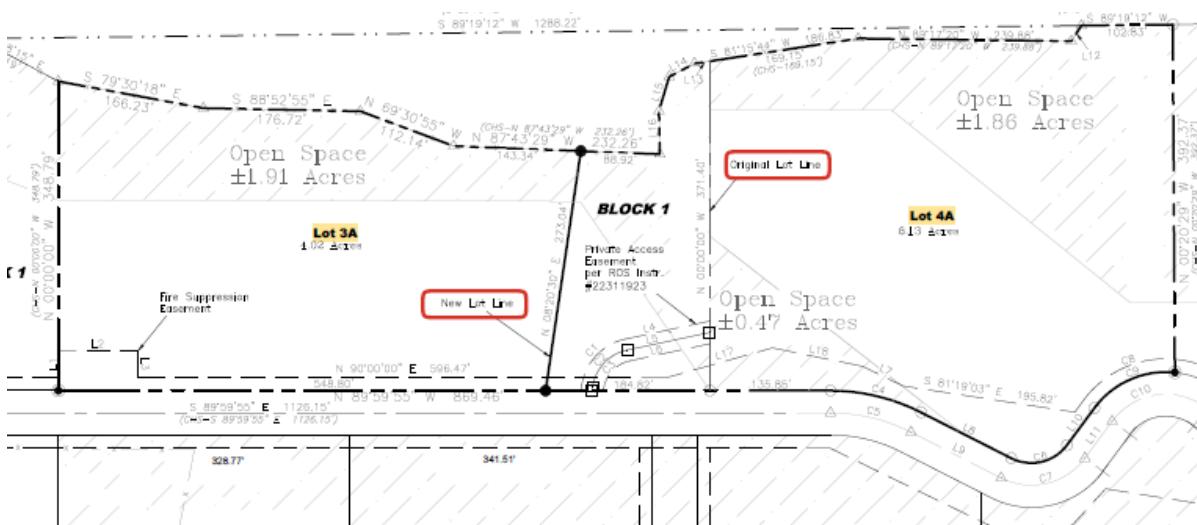
Dear agency contacts,

We are seeking your input on a proposed a lot line adjustment/subdivision replat for two parcels, Lot 3 and Lot 4 Block 1 of Coyote Hollow Subdivision, located just east of Inkom, ID and west of Pebble Creek Ski Area. The proposed adjustment does not alter the use of the two lots but does alter the lot sizes.

The existing lots were created by Coyote Hollow Subdivision Plat Instr. #21903300.



The proposal is an adjustment of the lot line between Lot 3 and Lot 4 to create a new parcel configuration as shown below. (proposed survey also attached)



Please provide any comments regarding this request by Tuesday, July 29th.

If you have any specific questions, please let me know.

Thanks



Jacob Robinson
Office: 208-237-7373
4880 Clover Dell | Chubbuck, ID 83202
www.dioptrageomatics.com
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RE: Bannock County lot line adjustment/subdivision replat

From Flo Ghighina <Flo.Ghigina@itd.idaho.gov>

Date Thu 7/31/2025 4:13 PM

To Jake Robinson <jake@dioptrageomatics.com>

The Idaho Div of Aeronautics has no comments. Thank you and have a great day.

Best regards,

Flo Ghighina
Public Airports 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: Jake Robinson <jake@dioptrageomatics.com>

Sent: Thursday, July 31, 2025 10:00 AM

To: Anita Hymas <anita@bannockcounty.us>; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Melissa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; Gary Billman <gbillman@IDL.idaho.gov>; Idaho Department of Lands <IDL_jurisdictional@idl.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <allan.johnson@deq.idaho.gov>; Becky Johnson <becky.johnson@idfg.idaho.gov>; James Cafalo <james.cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghigina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Phillip Colborn <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske <michael.rieske@williams.com>; Brenda Marshall <brenda.marshall@williams.com>; Derald Armstrong <mrfb62@aol.com>; Ron Jolley <rwbjolley@yahoo.com>; Chris Sorensen <downeyfirechief@gmail.com>; Johnny Kertner <johnny.kertner@tax.idaho.gov>; Mori Byington <Mori@bannockplanning.org>; Tara Solomon <inkomcityoffices@cableone.net>; Mayor Shaffer <maxdshaffer@hotmail.com>; Inkom Land Use Board <inkomladams@cableone.net>; Gary Tucker <gtucker@mvsd21.org>

Cc: Stewart Ward <stewart@dioptrageomatics.com>
Subject: Re: Bannock County lot line adjustment/subdivision replat

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Jacob Robinson

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From: Jake Robinson

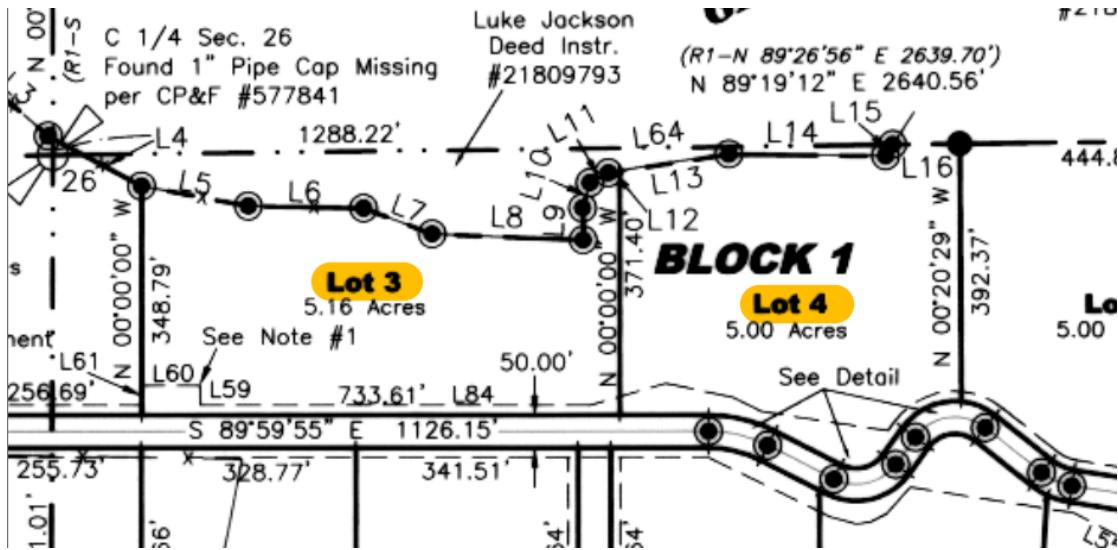
Sent: Tuesday, July 22, 2025 11:14 AM

To: Anita Hymas <anita@bannockcounty.us>; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Mellisa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; Gary Billman <gbillman@IDL.idaho.gov>; Idaho Department of Lands <IDL_jurisdictional@idl.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <allan.johnson@deq.idaho.gov>; Becky Johnson <becky.johnson@idfg.idaho.gov>; James Cafalo <james.cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghigina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Phillip Colborn <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske <michael.rieske@williams.com>; Brenda Marshall <brenda.marshall@williams.com>; Derald Armstrong <mrfb62@aol.com>; Ron Jolley <rwbjolley@yahoo.com>; Chris Sorensen <downeyfirechief@gmail.com>; Johnny Kertner <johnny.kertner@tax.idaho.gov>; Mori Byington <mori@bannockplanning.org>; Tara Solomon <inkomcityoffices@cableone.net>; Mayor Shaffer <maxdshaffer@hotmail.com>; Inkom Land Use Board <inkomladams@cableone.net>; Gary Tucker <gtucker@mvsd21.org>

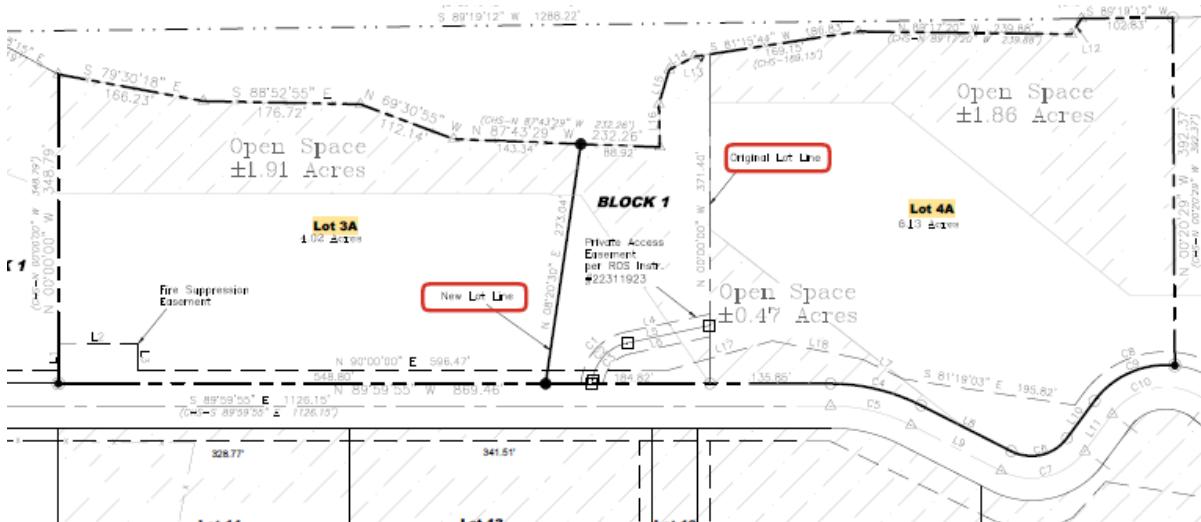
Cc: Stewart Ward <stewart@dioptrageomatics.com>
Subject: Bannock County lot line adjustment/subdivision replat

Dear agency contacts,

We are seeking your input on a proposed a lot line adjustment/subdivision replat for two parcels, Lot 3 and Lot 4 Block 1 of Coyote Hollow Subdivision, located just east of Inkom, ID and west of Pebble Creek Ski Area. The proposed adjustment does not alter the use of the two lots but does alter the lot sizes. The existing lots were created by Coyote Hollow Subdivision Plat Instr. #21903300.



The proposal is an adjustment of the lot line between Lot 3 and Lot 4 to create a new parcel configuration as shown below. (proposed survey also attached)



Please provide any comments regarding this request by Tuesday, July 29th.

If you have any specific questions, please let me know.

Thanks

**Jacob Robinson**

Office: 208-237-7373

4880 Clover Dell | Chubbuck, ID 83202

www.dioptrageomatics.comLand Surveying | 3D Scanning | Land Planning | Aerial
Mapping

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RE: Bannock County lot line adjustment/subdivision replat

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

Date Tue 7/22/2025 12:35 PM

To Jake Robinson <jake@dioptrageomatics.com>

Hi Jake,

Williams Northwest Pipeline has no issues with this lot line adjust

Brenda Marshall

Land Representative

Williams – Northwest Pipeline
1301 S. Locust Grove Road
Meridian, Idaho 83642
(208) 870-0149 mobile

From: Jake Robinson <jake@dioptrageomatics.com>

Sent: Tuesday, July 22, 2025 11:14 AM

To: Anita Hymas <anita@bannockcounty.us>; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Danny Miller <dkmiller@blm.gov>; Mellisa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Ken Keller <kkeller@phd6.idaho.gov>; Adam Hill <ahill@sbtribes.com>; Gary Billman <gbillman@IDL.idaho.gov>; Idaho Department of Lands <IDL_jurisdictional@idl.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@deq.idaho.gov>; Carolyn Weiler <Carolyn.Weiler@deq.idaho.gov>; Allan Johnson <allan.johnson@deq.idaho.gov>; Becky Johnson <becky.johnson@idfg.idaho.gov>; James Cafalo <james.cefalo@idwr.idaho.gov>; Gary Peck <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghigina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Phillip Colborn <phillip.colborn@intgas.com>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obele@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Michael Rieske <michael.rieske@williams.com>; Marshall, Brenda <Brenda.Marshall@williams.com>; Derald Armstrong <mrfb62@aol.com>; Ron Jolley <rwbjolley@yahoo.com>; Chris Sorensen <downeyfirechief@gmail.com>; Johnny Kertner <johnny.kertner@tax.idaho.gov>; Mori Byington <mori@bannockplanning.org>; Tara Solomon <inkomcityoffices@cableone.net>; Mayor Shaffer <maxdshaffer@hotmail.com>; Inkom Land Use Board <inkomladams@cableone.net>; Gary Tucker <gtucker@mvsd21.org>

Cc: Stewart Ward <stewart@dioptrageomatics.com>

Subject: [EXTERNAL] Bannock County lot line adjustment/subdivision replat

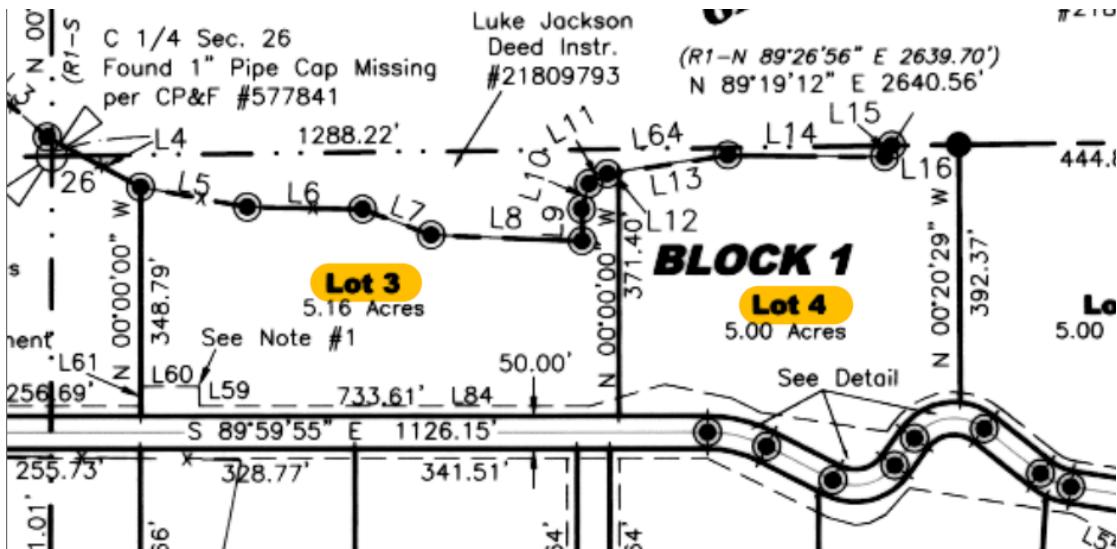
CAUTION! EXTERNAL SENDER STOP. ASSESS. VERIFY!! If suspicious, STOP and click the Phish Alert Button

Dear agency contacts,

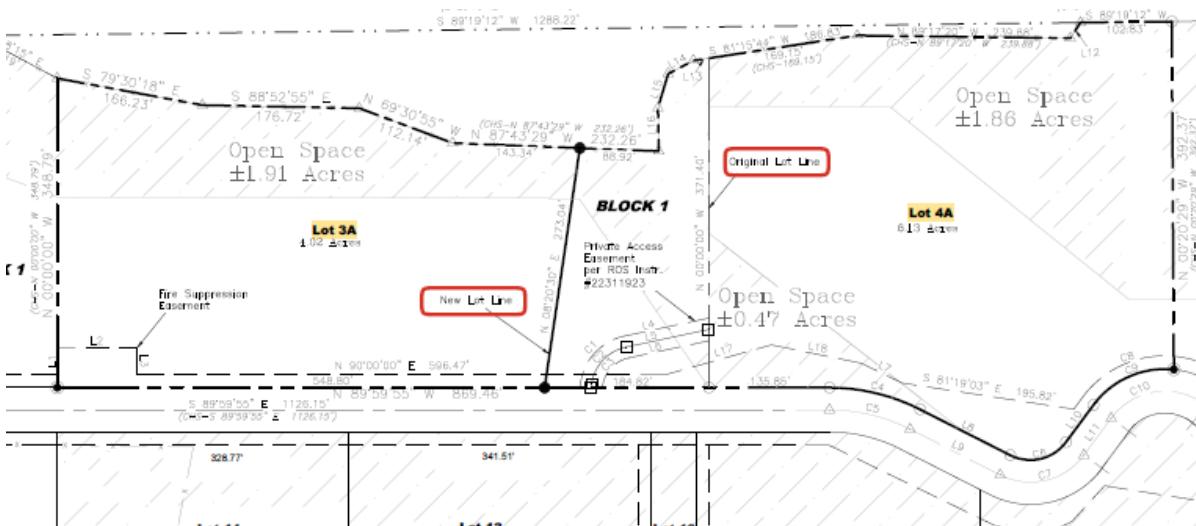
We are seeking your input on a proposed a lot line adjustment/subdivision replat for two parcels, Lot 3 and Lot 4 Block 1 of Coyote Hollow Subdivision, located just east of Inkom, ID and west of Pebble Creek

Bannock County Planning & Development Cofunc
<https://outlook.office.com/mail/sentitems/id/AAQkAGZmNjRlOWRiTczZDNtNG21Z8025YzgzLTljNDc3Nzc2NDM3MgAQAA10xiM%2B88Flu4%2BfgTh...>

Ski Area. The proposed adjustment does not alter the use of the two lots but does alter the lot sizes. The existing lots were created by Coyote Hollow Subdivision Plat Instr. #21903300.



The proposal is an adjustment of the lot line between Lot 3 and Lot 4 to create a new parcel configuration as shown below. (proposed survey also attached)



Please provide any comments regarding this request by Tuesday, July 29th.

If you have any specific questions, please let me know.

Thanks



Jacob Robinson
 Office: 208-237-7373
 4880 Clover Dell | Chubbuck, ID 83202
www.dioptrageomantics.com
 Land Surveying | 3D Scanning | Land Planning | Aerial Mapping

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EXHIBIT 3

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 DISTRICTMINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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 – TOM'S HOLLOW SUBDIVISION

PUBLIC HEARING: OCTOBER 22, 2025

FILE #: SCP-25-3
LOCATION: RPRRCHS000300, currently unaddressed and RPRRCHS000400, currently addressed as 620 E. Pidcock Road Inkom, ID 83245.

APPLICANT:	OWNER:
Dioptre	Thomas Nelson Homes LLC
Stewart Ward	P.O. Box 2373
4880 Clover Dell Road	Pocatello, ID 83206
Pocatello, ID 83202	

REQUEST & BACKGROUND: Stewart Ward proposes an amendment to Coyote Hollow Subdivision for the purpose of adjusting a lot line. The existing lots are 5.00 acres with 2.33 acres of open space and 5.16 acres with 1.91 acres of open space. After the proposed adjustment, the lots will be 6.10 acres with 2.34 acres of open space and 4.05 acres with 1.91 acres of open space. The development proposes individual well and septic systems. This subdivision is located ~ 1.19 miles from the City of Inkom boundary.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural

PROPERTY SIZE: ~5.00 acres and 5.16 acres

VIEWS: The property is visible from E. Pidcock Road

IMPACT AREA: City of Inkom

FLOOD ZONE: X, minimal

TERRAIN: Steep slopes with flat area and natural drainage

EXISTING STRUCTURES: Residential dwelling in progress

OPEN SPACE: 4.24 acres within lots

OTHER: Located within Coyote Hollow Subdivision

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL
FINDINGS AND ORDER: PERMIT SCP-25-3

Page 1

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,

ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request for Tom's Hollow 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____

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL
FINDINGS AND ORDER: PERMIT SCP-25-3

Page 3

MOTION

EXAMPLE MOTION

Based on the record and the discussion this evening, I move to [approve] [deny] [table] the request for the Tom's Hollow 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. 7

CANCELLED

AGENDA ITEM NO. 8

Variance – Wyatt Radke

Driveway standards



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.gov

VARIANCE PERMIT PUBLIC HEARING: OCTOBER 22, 2025 STAFF REPORT

FILE #: VAR-25-14

LOCATION: RPRRMNVO01000 and RPRRMNVO00902, currently unaddressed

APPLICANT:

Wyatt Radke
845 W. Center Street, Suite E
Pocatello, ID 83204

OWNER:

Johnson Olson Profit Shrg Plan
1744 Rainier Drive
Pocatello, ID 83201

RECOMMENDATION: Bannock County Planning and Development recommends the following:

- Denial, or;
- Approval with the following conditions:
 1. All disturbed areas shall be stabilized immediately upon completion of grading through seeding, mulching, or approved erosion-control matting.
 2. Retaining walls shall be designed and certified by a professional engineer, with heights minimized wherever feasible.
 3. Applicant shall submit and implement a stormwater / erosion control plan prepared by a licensed engineer and approved by the County Engineer prior to any land disturbance.
 4. Disturbed slopes shall be contoured to blend with natural topography.
 5. North Bannock Fire District, Bannock County Sheriff, and Bannock County Ambulance District shall review and approve the design for emergency access (including turnarounds and slope considerations).

REQUEST & BACKGROUND: Wyatt Radke requests a variance from the driveway standards to increase the maximum allowable driveway grade from 10% to 13% and increase the restriction of amount of steep slopes that may be disturbed.

SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Rural

PROPERTY SIZE: ~ 12.44 acres

VIEWS: The property is visible from W. Timberline Road

EXISTING STRUCTURES: None

AREA OF CITY IMPACT: None

STAFF REPORT
VARIANCE PERMIT- RADKE
Page 1 of 6

SURROUNDING LAND USES AND ZONING

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

EAST: The site is within BLM and consists of bare ground.

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

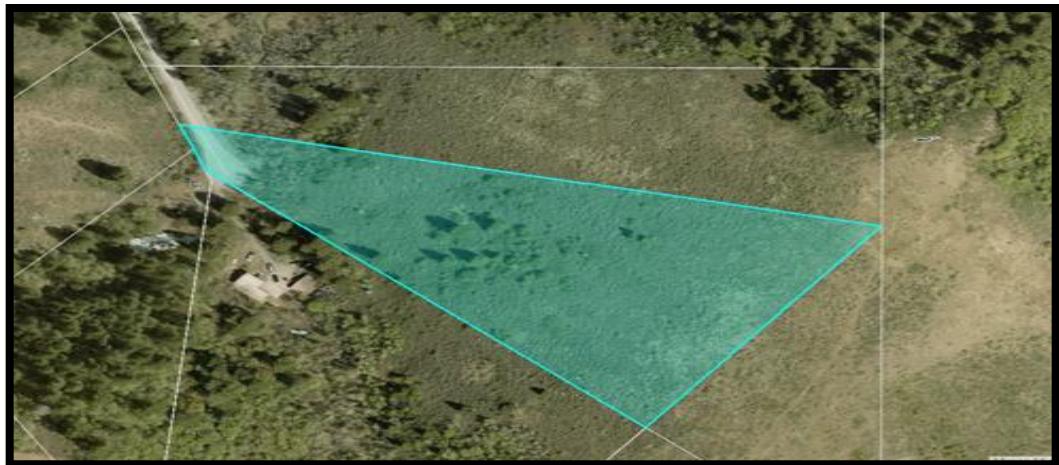
WEST: The site is within the Residential Rural zoning district and consists of residential uses and bare ground.

APPLICABLE LAWS AND PLANS:

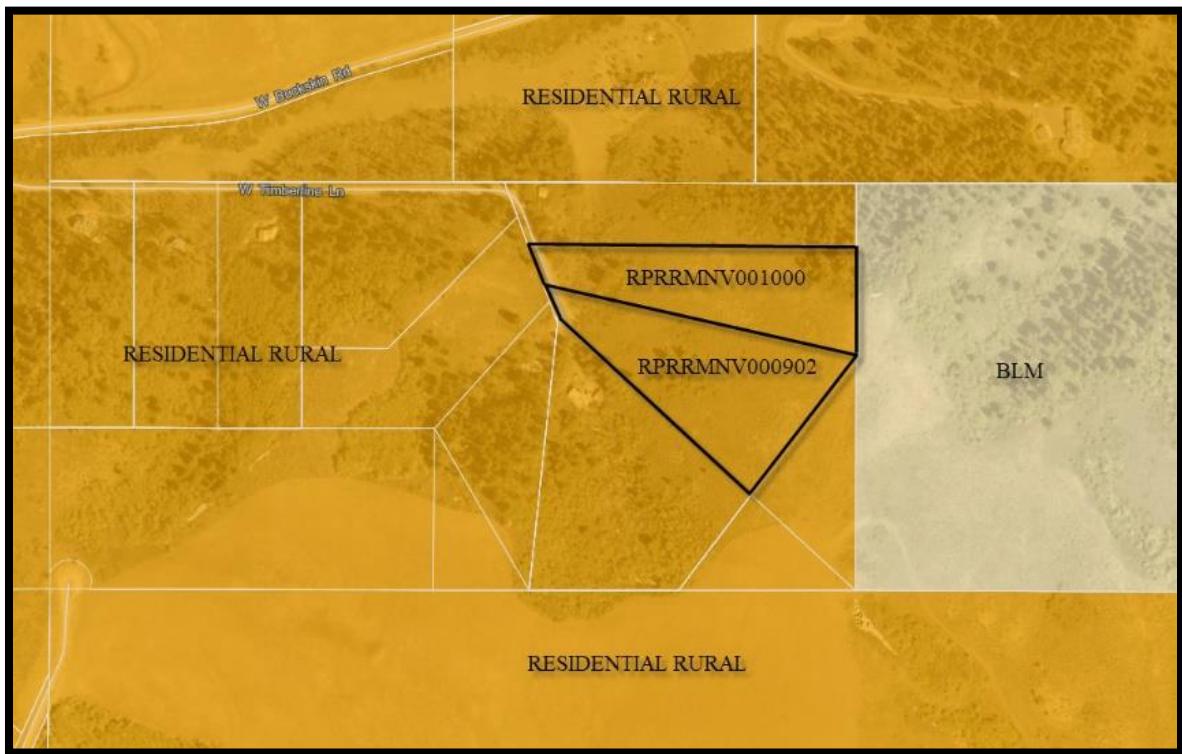
1. Idaho Code §67-6516, Variance – Definition – Application – Notice – Hearing.
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
 - a. §320 RESIDENTIAL RURAL DISTRICT
 - b. §327 BUILDING BULK AND PLACEMENT STANDARDS
 - c. §475.13 DRIVEWAYS
 - d. §490 RESOURCE AND NATURAL FEATURES PROTECTION DEVELOPMENT RESTRICTIONS
 - e. §540 VARIANCES



**STAFF REPORT
VARIANCE PERMIT - RADKE
Page 2 of 6**



SITE MAPS



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:

STAFF REPORT
VARIANCE PERMIT - RADKE
Page 3 of 6

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

Staff Findings of Fact

The applicant is requesting an increase in the maximum permitted driveway slope from 10% to 13%. This adjustment is necessary to make construction feasible and will allow for a shorter driveway, thereby reducing site disturbance. The applicant has stated that the western portion of the property adjacent to Timberline Road contains limited flat land, but is encumbered by a recorded drainage easement and dense forestation, making development impractical and potentially disruptive. In contrast, the eastern boundary offers the only viable area for building; however, accessing it requires a driveway over slopes that exceed the limits allowed by the Bannock County Zoning Ordinance. As shown in the supporting documentation, no feasible alternative access exists, making the requested variance necessary to allow reasonable access to the buildable area.

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

Staff Findings of Fact

The applicant has stated the requested variance does not conflict with the public interest and aligns with the intent of the Bannock County Zoning Ordinance to balance reasonable development with environmental and community considerations. The proposed driveway provides necessary access to the only feasible building site while minimizing disturbance to the natural landscape by reducing driveway length and preserving native vegetation and slopes. Design and construction will meet applicable safety and engineering standards, including proper drainage, erosion control, and fire-safe access. The variance will not impact adjacent properties, public infrastructure, or natural drainage patterns, including the existing drainage easement on the western portion of the parcel.

By allowing a modest increase in driveway slope, the variance enables efficient land use without compromising public health, safety, or welfare. It supports responsible development while protecting both the natural environment and surrounding community interests. 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 has stated the proposed variance will not adversely affect adjacent properties. The requested adjustment allowing increased driveway slope and relief from slope development restrictions is narrowly focused on providing access to a suitable building site within the applicant's property. The driveway will remain entirely within the subject parcels and will not encroach on neighboring properties or shared easements. The design will follow engineering standards for grading, drainage, and erosion control, preventing runoff or physical impacts to adjacent parcels. Construction will also be sensitive to existing vegetation and topography, helping preserve privacy and minimize visual and environmental disturbance.

Applicant also states that no changes are proposed that would increase traffic, noise, or intensity of use beyond what is typical for single-family residential development in this area. The variance supports reasonable use of the property while maintaining the character and integrity of the surrounding neighborhood. Council should determine if any aspect of the proposed variance is in conflict with the adjacent property owner's interest based on information provided by the applicant and any public testimony.

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

Staff Findings

The applicant has stated that if the requested variance is not granted, the applicant will face an undue hardship resulting directly from the unique physical characteristics of the property. While the eastern portion contains the only practical location for residential development due to its relatively flat terrain, access requires crossing slopes that exceed the maximum allowable limits under the Bannock County Zoning Ordinance.

The western portion of the property, although adjacent to Timberline Road, is constrained by a designated drainage easement and dense forestation, rendering it unsuitable for development or safe access. These physical constraints, including steep slopes, natural drainage patterns, and limited buildable area, substantially restrict the applicant's ability to make reasonable use of the property without relief through the requested variance. Council should discuss the information provided by the applicant and determine if the variance is denied, if the applicant will suffer an undue hardship caused by the physical characteristics of the site.

IDAHO CODE REGARDING VARIANCE PERMITS

IC 67-6516: VARIANCE — DEFINITION — APPLICATION — NOTICE — HEARING. Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Prior to granting a variance, notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration and the manager or person in charge of the local airport if the variance could create an aviation hazard as defined in section 21-501, Idaho Code. Denial of a variance permit or approval of a variance permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

AGENCY COMMENTS:

1. None at time of report

PUBLIC COMMENTS:

2. Charles Johnson

REPORT BY:

Annie Hughes Williams, Zoning Planner
annieh@bannockcounty.gov
208-236-7230

REPORTED DATE: October 8, 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 - RADKE
Page 6 of 6

EXHIBIT 1

Application & Site Plan

Variance Application**VAR-25-14**

Submitted On: Sep 10, 2025

Applicant Wyatt Radke**Primary Location**0 NO STREET
00000**Parcel & Variance Information****Parcel Number**

RPRRMNV001000

My property is zoned:

Residential Rural

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

Rear yard setbacks

--

Side yard setbacks**Riparian area setbacks**

--

--

Right-of-way setbacks**Lot size**

--

--

Other

true

Please describe your variance request in detail:

This variance request pertains to Parcel #RPRRMNV001000 as well as Parcel #RPRRMNV000902. The request seeks relief from current development slope restrictions in order to enable the feasible construction of a driveway connecting Timberline Road to the eastern boundary of the parcels. Specifically, we are requesting the following:

Modification of Slope Restrictions: A reduction of existing development slope limitations to allow for practical and safe driveway construction across the natural terrain.

Increase in Maximum Allowable Driveway Slope: An increase in the maximum permitted driveway slope from 10% to 13%. This adjustment is necessary to facilitate the feasibility of construction and will also result in a shorter driveway.

By allowing a steeper driveway slope, the overall length of the driveway can be reduced, which in turn helps preserve more of the natural ground and minimize disturbance to existing slopes and vegetation.

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

The western portion of the property adjacent to Timberline Road contains a limited area of relatively flat land; however, this area is encumbered by a designated drainage easement as recorded in the Mountain Vista Subdivision plat. This easement appears to function as an active drainage area and is further constrained by dense forestation, making development in this location impractical and potentially environmentally disruptive.

In contrast, the eastern boundary of the property contains the only viable area of relatively flat ground suitable for the construction of a dwelling. However, access to this buildable area requires the construction of a driveway across sloped terrain that exceeds the allowable slope thresholds established in the Bannock County Zoning Ordinance.

As demonstrated in the supporting documentation, no feasible access route exists that would avoid these slope limitations. Therefore, the requested variance is essential to permit reasonable access to the only suitable building site on the property.

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

The requested variance does not conflict with the public interest and is consistent with the intent of the Bannock County Zoning Ordinance to balance reasonable property development with environmental and community considerations. The proposed driveway will provide necessary access to the only feasible building area on the property, while minimizing overall disturbance to the natural landscape by reducing the length of the driveway and preserving more native vegetation and slopes.

The design and construction will be carried out in a manner that ensures proper drainage, erosion control, and fire-safe access, in compliance with applicable safety and engineering standards. The variance will not interfere with adjacent properties, public infrastructure, or natural drainage patterns, including the existing drainage easement on the western portion of the parcel.

By allowing a modest increase in driveway slope, the variance supports efficient land use without compromising the health, safety, or welfare of the surrounding community. Therefore, the proposed variance aligns with the public interest by enabling responsible development while protecting the natural and built environment.

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

The proposed variance will not have any adverse impact on adjacent properties. The requested adjustment—allowing for increased driveway slope and relief from slope development restrictions—is limited in scope and purpose, specifically to provide access to a suitable building site on the applicant's property. The proposed driveway will be located entirely within the subject parcels and will not encroach upon neighboring properties or shared easements.

The design will adhere to engineering standards to ensure proper grading, drainage control, and erosion prevention, thereby avoiding runoff or physical impacts to nearby parcels. Additionally, the construction will be sensitive to existing vegetation and topography to preserve privacy and minimize visual or environmental disruption.

No changes are proposed that would increase traffic, noise, or intensity of use beyond what is typical for a single-family residential development in this area. As such, the variance will enable reasonable use of the property while maintaining the character and integrity of the surrounding neighborhood.

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

If the requested variance is not granted, the applicant will face undue hardship directly resulting from the unique physical characteristics of the property. While the eastern portion of the property offers the only practical location for residential development due to its relatively flat terrain, accessing this area requires crossing sloped ground that exceeds the allowable limits outlined in the Bannock County Zoning Ordinance.

The western portion of the property, while adjacent to Timberline Road, is constrained by an active drainage easement and dense forestation, making it unsuitable for development or safe access. These physical limitations—steep slopes, natural drainage patterns, and limited

Certification

Electronic Signature [Typed name of applicant]

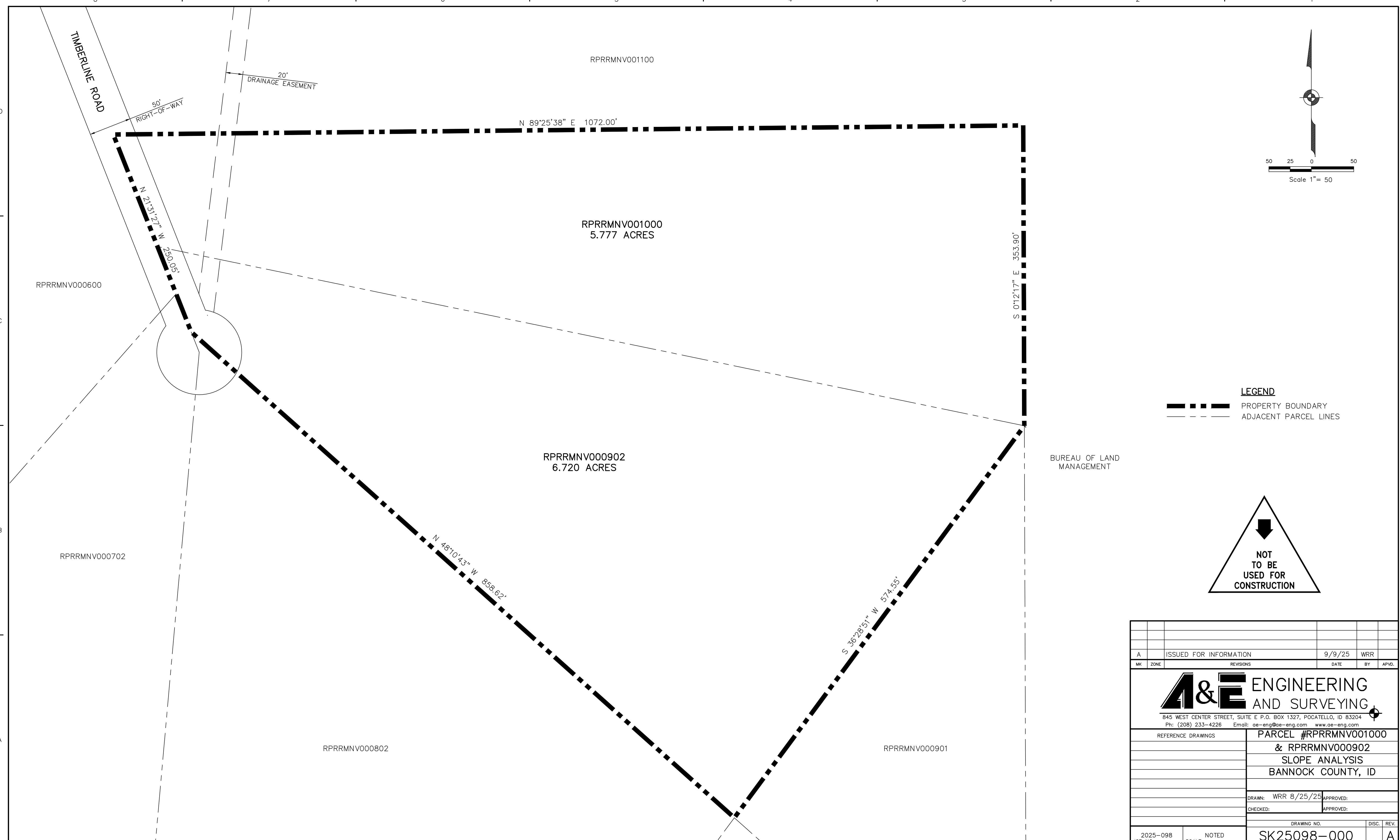
Wyatt Radke

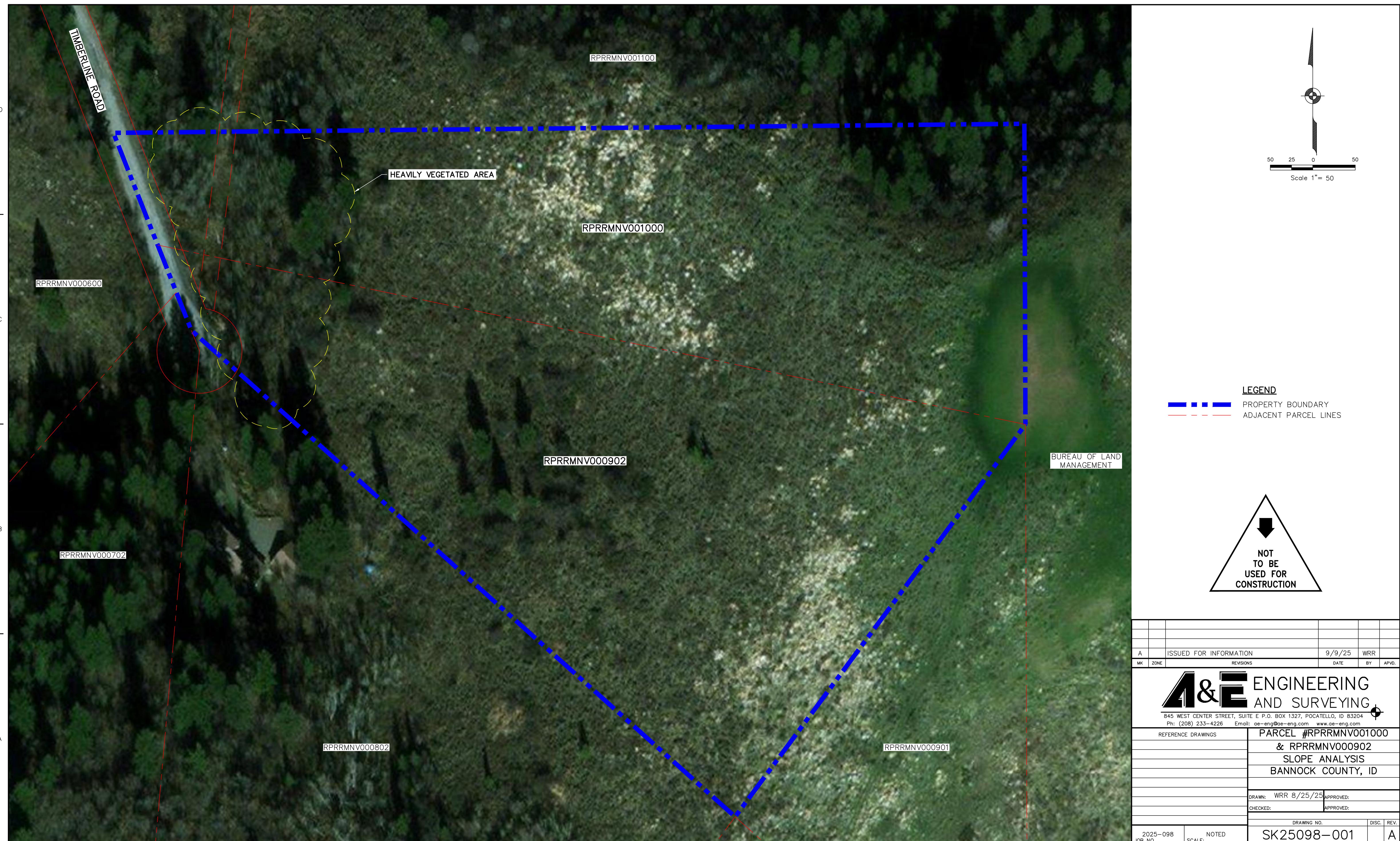
I agree that my electronic signature above is equivalent to a handwritten signature and is binding for all purposes related to this transaction

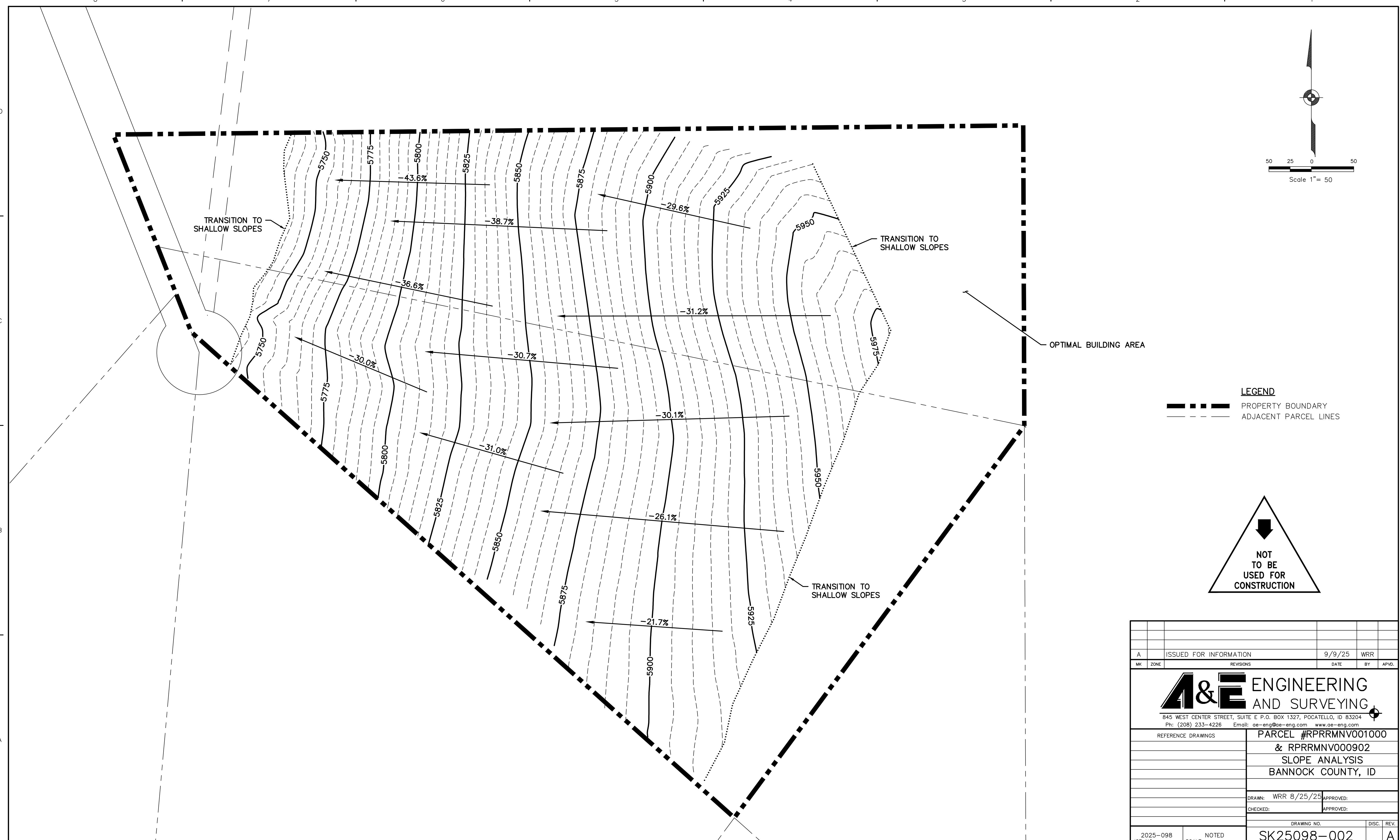
true

Date

09/10/2025







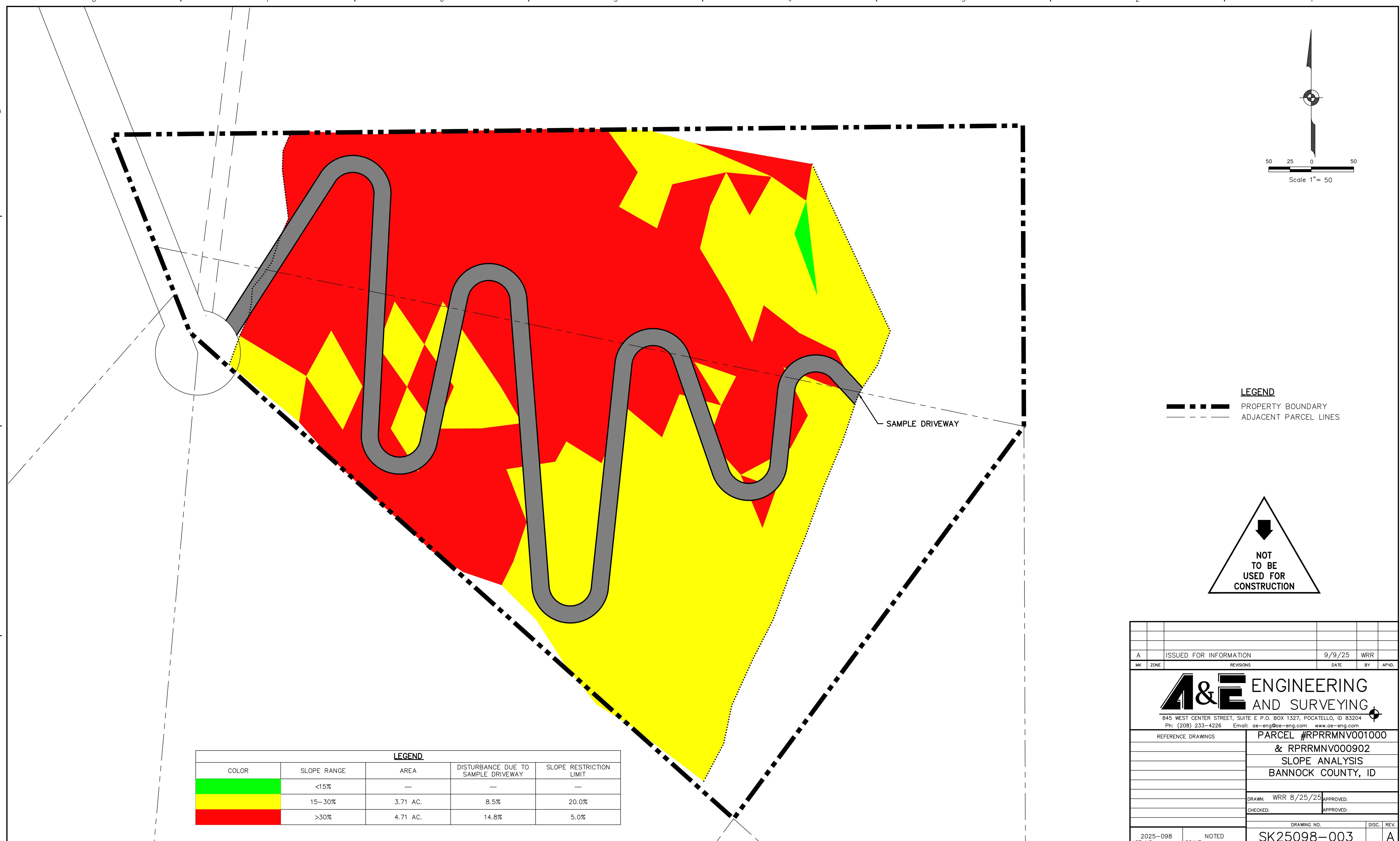


EXHIBIT 2

Public Comments

Fwd: Timberline Lane Mountain View, parcels RPRRMVN 000902 and 001000

From Charles Johnson <cjlawretired@gmail.com>
Date Mon 10/6/2025 1:31 PM
To Bannock County Planning and Development <development@bannockcounty.gov>

Sent from my iPad

Begin forwarded message:

From: Charles Johnson <cjlawretired@gmail.com>
Date: October 6, 2025 at 9:27:39 AM HST
To: developement@bannockcounty.gov
Cc: halj@bannockcounty.gov, Wyatt Radke <radke@ae-eng.com>
Subject: Timberline Lane Mountain View, parcels RPRRMVN 000902 and 001000

Dear Bannock County Planning and Development Services,

We received the enclosed notice from Planning and Development Services of Bannock County for the hearing set on October 22, 2025 on the Timberline Lane Mountain View Subdivision Variance, for parcels RPRRMVN 000902 and 001000. I will be out of town seeing a medical specialist on that date and probably will not be available for this hearing on that date. However, This matter is very important to me, so please make this email a part of the record in this case.

I purchased the lots in this platted subdivision about 30 years ago, based on the understanding that they had already been subdivided and approved by Bannock County for building construction. I lived in an adjoining property for almost 30 years with the intention of selling the lots when I retired, which I now desire to do.

I note that the slope of the lots is substantially similar to others in Mountain View subdivision. These other lots have homes on similar grades and there is no prejudice or harm to any of these neighbors from allowing the proposed construction on the lots to be completed.

Apparently, in the time since I purchased the lots, Bannock County has adopted a new zoning code that appears to restrict development of these lots based on the grade of the land, requiring certain grades for driveways and construction. This zoning ordinance was not in effect when the subdivision was approved, or when I purchased the lots.

The proposed purchasers of the lots have consulted A&E Engineering, who has apparently prepared a study showing that their proposed construction on the lots is feasible and can be accomplished with no harm to the neighbors. In my opinion, this would be the highest and best use of this parcel and clearly in conformance with the intention of the plat of this subdivision that was approved by Bannock County at the time I purchased the lots.

First, please accept this email as a letter of authorization for Wyatt Radke of A&E Engineering to represent the interests of the buyer and seller at any upcoming meeting Bannock County relating to this land. I will not be available on the October 15, 2025 meeting, but could be at a meeting in November, 2025.

Second, we would strongly argue for the removal of the present restrictions on the buyers plan totally as if this subdivision was "grandfathered" (Bannock County Zoning Ordinance Section 200, page 8) to allow this project to continue without these slope restrictions. We understand that other provisions of the building code would still apply and require County approval.

Third, if removal of the slope restrictions cannot be accomplished, then we would request a variance be issued (Bannock County Zoning Ordinance Section 200, page16 and §540.4) to allow this project to be completed. This ordinance provides as follows:

540.4 STANDARDS:

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

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

The variance requested is very a very minor less than 3% greater grade than the code. There does not seem to be any reason not to grant a variance under the exceptional circumstances of this case. There is no reasonable alternative and the buyer and seller will suffer undue hardship if the variance is not granted as to the lots. The variance does not conflict with the public interest, and will have substantial benefit to all the parties and the neighbors (who will suffer no harm).

Finally, if this project is not approved and Bannock County will not allow any construction on the lots, then this would be deemed to be a regulatory taking (like a condemnation) of this entire property that would require reasonable compensation to the owner under the constitutions of the United States and State of Idaho, and applicable common and statutory law.

In conclusion, Bannock County should allow this construction to take place in the best interest of all the parties and residents of Bannock County. If you have any questions or comments, please email. Sincerely,

Charles Johnson

EXHIBIT 3

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.

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 DISTRICTMINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

plans shall contain the following information for review and approval by Planning staff:

1. Location on the premises, height, and dimensions of proposed fixtures, lamps, supports, reflectors, and other related devices.

D.. Street lighting plans, whether for public or private roadways, if required shall be submitted with subdivision plats.

475.11 OTHER:

- A. Outdoor structures (bleachers, movie screens, permanent rides) and outdoor seating area shall be at least 25 feet from any lot line.
- B. Campsites and recreational vehicle campgrounds are subject to the building setback regulations of the district in which they are located.
- C. Any outdoor display of vehicles for sale or storage shall be at least 10 feet from any road right-of-way line.
- D. Any pumps, underground fuel storage tanks, and islands, including any canopies, shall be at least 20 feet from any road right-of-way.
- E. No more than one single-family house or duplex shall be permanently constructed on each building site except as set forth in Section 315.C. of this ordinance.

475.12 EXCEPTIONS TO MINIMUM SETBACK REQUIREMENTS:

The following structures may be allowed to project into, or be constructed in any minimum required setback area as follows: awnings and canopies, not to exceed three feet; bay windows, not to exceed two feet; clotheslines, driveways, fences, walls, and hedges may be constructed or placed in minimum setback areas, provided their installation does not violate any other provision of this Ordinance.

475.13 DRIVEWAYS (Amendment #31, Ordinance 2016-3):

All driveways shall meet the following standards:

- A. Driveways shall be constructed of an all-weather surface;
- B. Where the driveway meets a public road, the driveway shall match the construction material of that road up to the right-of-way line.
 1. Where curb and gutter are used, concrete may be used within the right-of-way.
- C. Driveways over one hundred and fifty feet (150') in length shall have a minimum width of twenty feet (20') at all points.
- D. Driveways over one hundred and fifty feet (150') in length shall include a fire code-approved turnaround. Such driveways are considered fire apparatus access roads and require Approval by the fire suppression district before a building permit may be

issued.

- E. Driveways over one hundred and fifty feet (150') in length shall not exceed ten percent (10%) grade.
- F. Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, shall be built to standards of Section 402.A of the Subdivision Ordinance.
- G. No driveway shall be closer than fifty feet (50') from the intersection of the pavement of two public roads unless at least one (1) of the roads is an arterial; if at least one (1) is an arterial, driveways shall be setback at least one hundred and fifty feet (150') from the intersection.

475.14 SIGNS (EXCEPT BILLBOARDS) (Amendment #31, Ordinance 2016-3):

A. No signs are allowed in any zone, unless otherwise authorized by the zone, without an approved administrative decision with the following exceptions:

- 1. Nonilluminated Signs: The following types of signs, when not illuminated, do not require an administrative decision:
 - i. Signs related to home occupations in accordance with Section 424 of this Ordinance.
 - ii. Directional or information signs bearing no advertising message located within a parcel, and signs not exceeding four (4) square feet in area erected for the convenience of the public, such as signs identifying restrooms, public telephones, walkways and similar features or facilities.
 - iii. Any sign which is visible only from the parcel on which it is located.
 - iv. Campaign signs, provided they are removed within seven (7) days after the election.
 - v. Property signs advertising the availability of property for sale, lease, or rent, but shall not be greater than thirty two (32) square feet.
 - vi. Home signs. An accessory sign or nameplate announcing the names of the owners or occupants of the premises.
 - vii. Memorial signs or tablets and names of buildings and dates of erection when cut into the surface or facade of the building.
 - viii. Signs placed by a public utility showing the location of underground facilities.
 - ix. Traffic or other county signs, signs required to be mentioned by law, railroad crossing signs, legal notices and such temporary emergency or non-advertising signs as may be authorized by the board.
- 2. Agricultural and Recreational Zone: Signs for any allowed or approved use not exceeding thirty two (32) square feet in area and not exceeding ten feet (10') in height, unless approved by an administrative decision from the director. Signs may be lighted, electric, or have moving parts but may not be a distraction to the public so as to be a traffic hazard.

6. Appeal by Affected Person: Any affected person who is aggrieved by the Director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with Section 503.4, APPEAL OF DECISION, of this Ordinance.

480 DRAINAGE WAYS:

- A. Where a lot is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space. Such areas shall be restricted from development of roads and structures, and the site plan shall so indicate.
1. ALTERATION: Regrading, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this Ordinance, and a plan is submitted to and approved by the County Engineer. Such plans shall insure that storage capacity and flow is not degraded.

485 BUFFERYARD AREA:

Residential and other types of development may conflict with existing or planned development. The following are minimum buffers and may be increased where deemed appropriate by the Planning Director.

Use or zone	Bufferyard Width (feet)
Agriculture, present use or zone.....	20
Forestry.....	Fire break at least 20' wide or as set by Council
Residential, existing or zoned.....	0
Commercial or retail, zone or use.....	50
Indoor Recreation,	50
Institutional Residential.....	50
Outdoor Recreation 50	
Agricultural Support 30	
Office and Professional uses, existing	30
Public Service.....	40
Road Service	40
Commercial Recreation	40
Light Industry.....	50
Extraction, Junkyard, or heavy industrial	75

490 RESOURCE AND NATURAL FEATURES PROTECTION DEVELOPMENT RESTRICTIONS:

A. The following natural features shall be restricted to development, including roads, as follows:

Feature Percent Restricted

Lakes, ponds, water courses	100....
Wetlands and riparian areas.....	100
Floodways	90 Floodplain Ordinance also applies
Slopes (15 to 30%)	80
Steep slopes (over 30%)	95

B. All development shall require identification of any environmental or natural features described above, and shall meet the standards of environmental protection as set forth below: Site alterations, regrading, filling, and clearing or planting vegetation prior to approval of the development permit shall be a violation of this Ordinance.

1. WETLANDS AND RIPARIAN AREAS:

- a. All such areas shall remain as permanent open space, except as noted in Paragraph c below.
- b. Wetlands shall not be filled nor dredged.
- c. Permitted uses: The following buildings or structures may be permitted within wetlands: PERMITS ARE REQUIRED FROM THE ARMY CORPS OF ENGINEERS AND IDAHO DEPARTMENT OF WATER RESOURCES, IN ADDITION TO A COUNTY ZONING PERMIT.
 - (1) Boat launching ramps, boat, piers, bridge and bridge approaches, marinas, picnic shelter, and stormwater detention facilities, provided that a licensed engineer has certified that such structures are designed to withstand the forces exerted by the 100-year storm event. Evidence of this certification shall be presented as precondition to issuance of a zoning certificate.
 - (2) Boat houses, boat buildings, and accessory structures (except boat or motor repair buildings) associated with uses permitted in the preceding paragraph, provided that a licensed engineer certifies that such structures are designed to allow free entrance of floodwater and to withstand structurally the forces exerted by the 100-year flood event at that location, and conformance with the County Flood Damage Control Ordinance. Evidence of this certification shall be presented as a precondition to issuance of a zoning certificate.

2. STEEP SLOPES In areas of steep slopes, the following standards shall apply:

- a. Fifteen percent to less than 30 percent slope: no more than 20 percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of

disturbed soils shall be reseeded to National Resource Conservation Service(NRCS) standards.

- b. More than 30 percent slope: no more than five percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to NRCS standards.
- c. Buildings are not permitted on slopes of 20% or greater.

C. LAKES AND PONDS:

1. All such areas shall be permanent open space. No development or diverting of these bodies of water shall be permitted. Filling shall not be permitted.

D. SHORELINES OF LAKES, PONDS, RIVERS:

1. No structures, animal runs or enclosures, or septic drainfields are permitted within 100 feet of the riparian area surrounding a body of water.

E. IMPORTANT AGRICULTURAL SOILS: In the Agriculture zoning district at least 90 to 95 percent of all such areas shall remain as permanent open space. Accessory farm structures (i.e., barns, silos) shall be permitted in the open space. This is to preserve and protect the important agricultural soils, crop lands and grazing areas of the County. Also, see NRCS definition of "important agricultural soils".

495 STORMWATER RUNOFF:

A. ON SITE DETENTION AND LIMITATION OF STORMWATER RUNOFF: No development shall cause downstream property owners, water courses, channels, or conduits to receive stormwater run-off from proposed developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped condition.

B. INSPECTION OF FACILITIES. The County Engineer and/or Building Official may inspect drainage facilities while under construction. If facilities are not constructed according to approved plans, the County has the explicit authority to compel compliance and require correction, including suspension of building permits, or by enforcement of this Ordinance (Section 570).

END OF SECTION

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

540 VARIANCES:

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

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

540.2 PUBLIC HEARING NOTICE:

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

540.3 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:

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

540.4 STANDARDS:

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

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

540.5 EFFECTIVE DATE OF VARIANCE:

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

540.6 APPEAL TO BOARD OF COUNTY COMMISSIONERS:

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

540.7 LAPSE OF VARIANCE:

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

540.8 SUSPENSION AND REVOCATION:

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

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

540.9 MINOR VARIANCES AND PROCEDURES:

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

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

550 APPEALS OF PLANNING AND DEVELOPMENT COUNCIL'S DECISIONS:

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

FINDINGS

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

VARIANCE PERMIT- WYATT RADKE PUBLIC HEARING: OCTOBER 22, 2025

FILE #: VAR-25-14

LOCATION: RPRRMNV001000 and RPRRMNV000902, currently unaddressed

APPLICANT: **OWNER:**

Wyatt Radke
845 W. Center Street, Suite E
Pocatello, ID 83204

Johnson Olson Profit Shrg Plan
1744 Rainier Drive
Pocatello, ID 83201

REQUEST & BACKGROUND: Wyatt Radke requests a variance from the driveway standards to increase the maximum allowable driveway grade from 10% to 13% and increase the restriction of amount of steep slopes that may be disturbed.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Rural

PROPERTY SIZE: ~ 12.44 acres

VIEWS: The property is visible from W. Timberline Road

EXISTING STRUCTURES: None

AREA OF CITY IMPACT: None

NOTICE AND TESTIMONY REQUIREMENTS:

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

REQUIRED FINDINGS FOR VARIANCE PERMIT, §540

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

This is based on:

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 Wyatt Radke for a variance to increase the maximum allowable driveway grade from 10% to 13% and increase the restriction of amount of steep slopes that may be disturbed, 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-25-14

Page 3

MOTION

WYATT RADKE VARIANCE EXAMPLE MOTION

Based on the record and discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Wyatt Radke for a variance to increase the maximum allowable driveway grade from 10% to 13% and increase the restriction of amount of steep slopes that may be disturbed, 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.

BUSINESS ITEMS

AGENDA ITEM NO. 9

Preliminary Plat Approval –

Chestnut Hill Subdivision



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.gov

PRELIMINARY PLAT– CHESTNUT HILL SUBDIVISION

MEETING DATE: OCTOBER 22, 2025

STAFF REPORT

FILE #: SPP-25-3

LOCATION: RPRRCINooo401, currently addressed as 9595 Chestnut Hill Drive, Pocatello, ID 83204. RPRRCINooo301, currently addressed as 9498 Chestnut Hill Drive, Pocatello, ID 83204.

APPLICANT:

Dioptre
Stewart Ward
4880 Clover Dell Road
Pocatello, ID 83202

OWNER:

Mark and Rosa 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, provide and meet written comment requirements from Pocatello Valley Fire District. If no comments are received, the applicant shall submit proof of at least two contact attempts.
2. Developer to research if there are any CC&Rs imposed on the existing lots. If existing CC&Rs are imposed on the lots, condition 3 is required.
3. As no CC&Rs were proposed by the developer, the CC&Rs from Cinnamon Springs Subdivision, updated to reflect the name of the new subdivision, shall be the CC&Rs used on this plat.

Council may wish to add addition conditions as needed.

REQUEST & BACKGROUND: Stewart Ward proposes an amendment to Cinnamon Springs Subdivision for the purpose of adjusting a lot line. The existing lots are 3.48 acres and 3.43 acres. After the proposed adjustment, the lots will be 3.55 acres and 3.34 acre. The development proposes individual septic systems and wells. This subdivision is located ~ 1.25 miles from the City of Pocatello boundary.

PRELIMINARY PLAT 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

PRELIMINARY PLAT – 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.

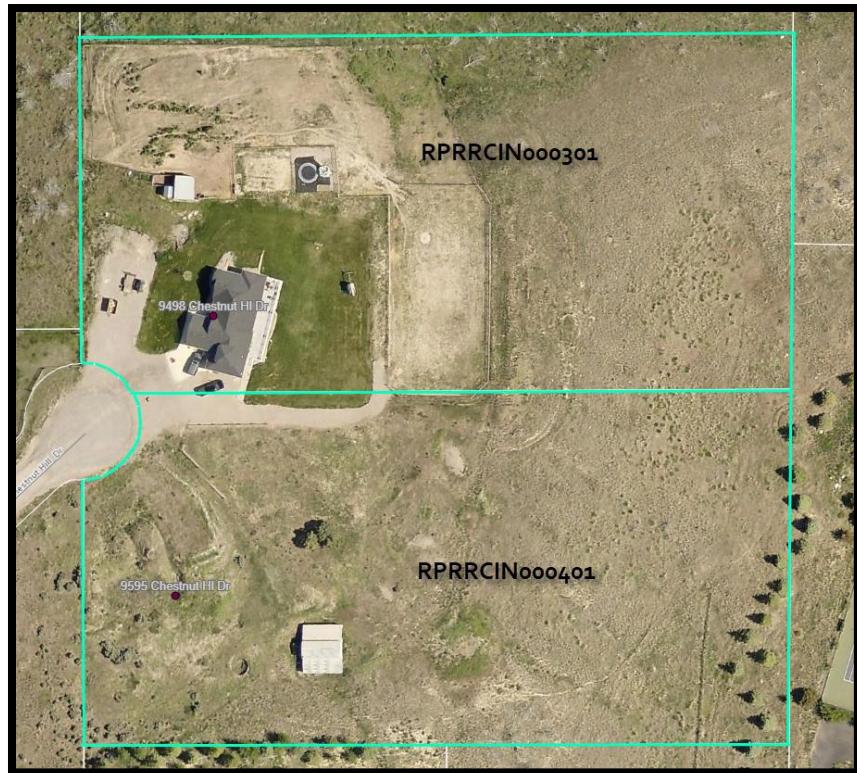
EAST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

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

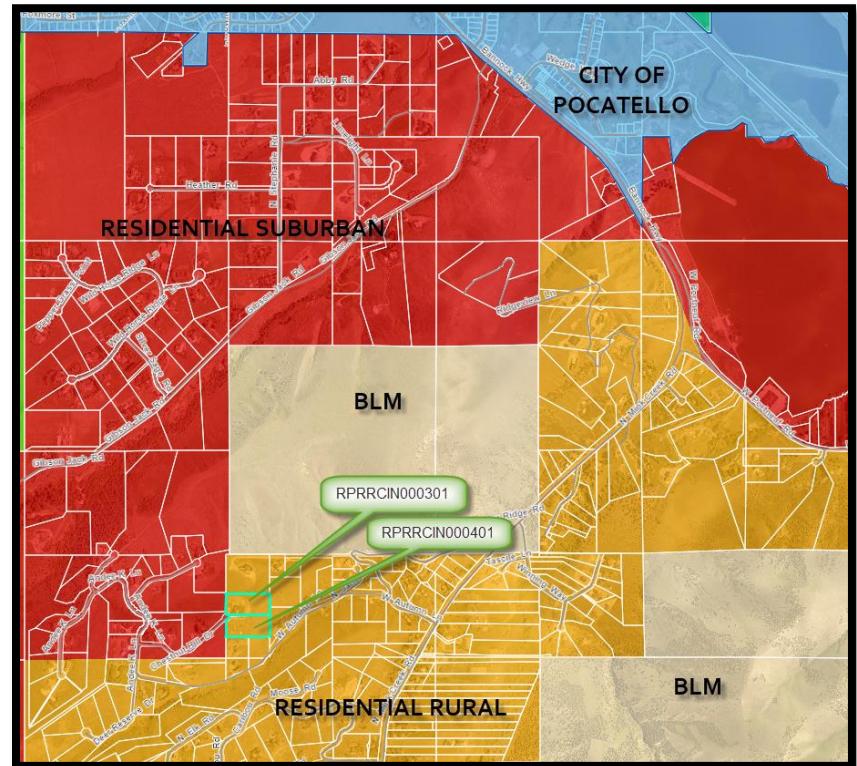
WEST: The sites are within the Residential Suburban zoning district and consist of residential uses and bare ground.

APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2021 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
 - a. §320 RESIDENTIAL RURAL DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
 - a. §303 PRELIMINARY PLAT REVIEW
 - b. §400 DESIGN STANDARDS

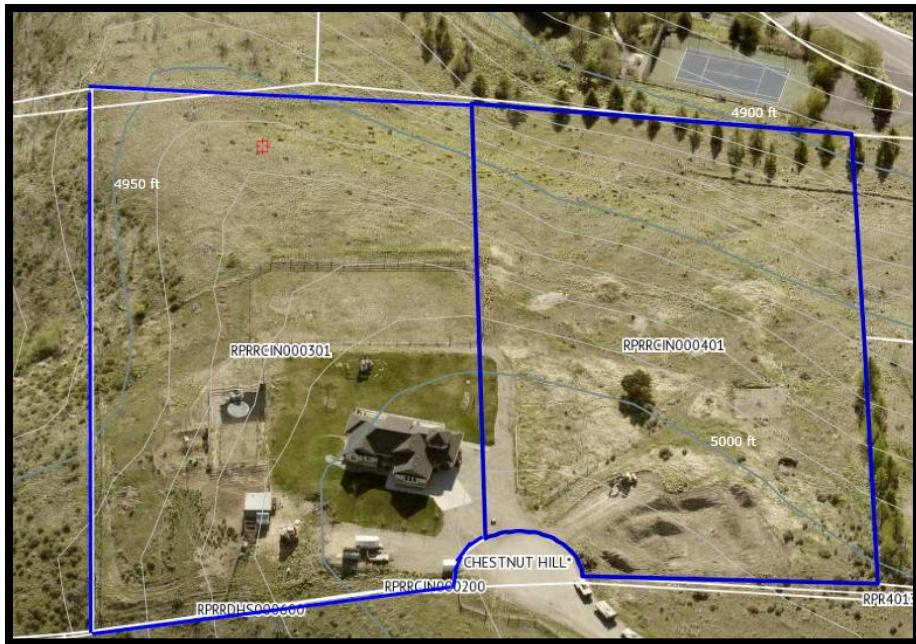


SITE MAP

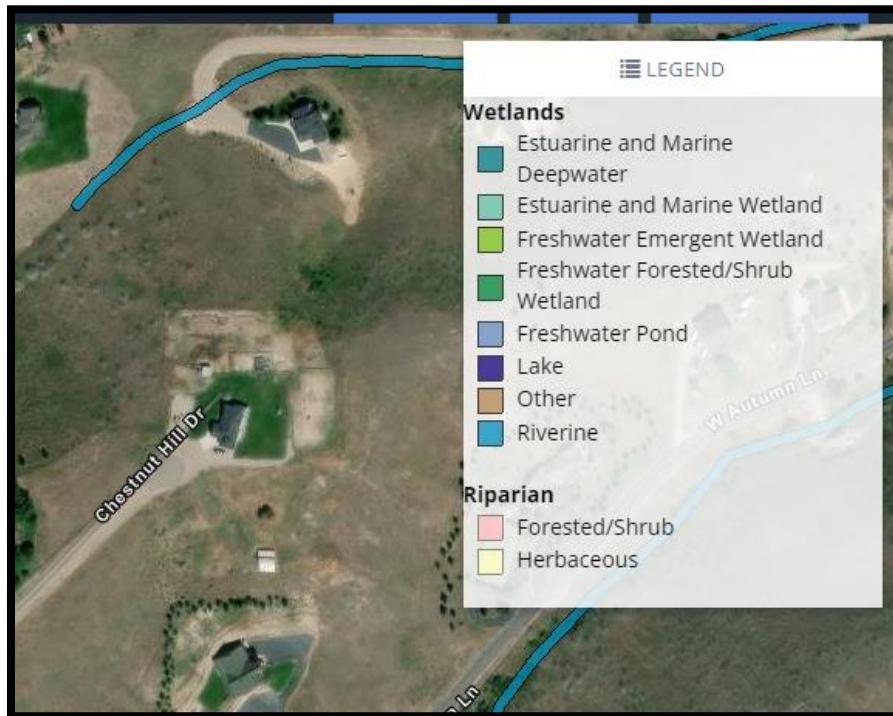


ZONING MAP

STAFF REPORT
PRELIMINARY PLAT – Chestnut Hill Subdivision
Page 3 of 8



CONTOUR MAP



US FISH & WILDLIFE WETLANDS MAP

STAFF REPORT
PRELIMINARY PLAT – Chestnut Hill Subdivision
Page 4 of 8

REVIEW – SECTION 303.B.

The Council will review the Preliminary Plat as a business item, considering the plat for:

- 1. Conformance to concept approval. Preliminary Plats which:**
 - a. Alter water sources or delivery systems, or other utilities including sewage treatment, as approved in concept;**
 - b. Increases the total number of lots by 10 percent or more, or**
 - c. Change access points to existing collector or arterial roads or streets by a distance greater than 50' and not recommended by Staff or Council during concept approval, shall require a new concept review and a new review fee as established by the Board.**

Staff Findings

There was no change in delivery systems or utilities, and the number of lots have not increased from concept approval.

- 2. Utility easements and facilities**

Staff Findings

Utility easements are shown on the preliminary plat submittal as 10' feet wide, located along Chestnut Hill Drive. There are no public facilities proposed.

- 3. Open space if required in concept approval: amount of land, location, use, ownership and management plan.**

Staff Findings

The land is currently zoned Residential Rural and is located within the existing platted subdivision, Cinnamon Springs Subdivision. At the time Cinnamon Springs Subdivision started the subdivision process, open space was not required. These lots were created under a previous ordinance and no new lots are being created, ordinance standards have been met.

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

Staff Findings

Applicant has not proposed any CC&Rs. Cinnamon Springs Subdivision does not have an CC&Rs referenced on the plat. Council may consider requesting the developer to research if CC&Rs are imposed on the lots.

There were no conditions placed by Council during the concept plan, regarding CC&Rs. The Comprehensive Plan does not require goals for the CC&Rs.

- 5. Street names. A street name must not duplicate an existing street name in the County or its cities; it must not be derogatory to any person or group.**

Staff Findings

No new street has been proposed.

STAFF REPORT
PRELIMINARY PLAT – Chestnut Hill Subdivision
Page 5 of 8

6. Water Users Association organization and function.

Staff Findings

The developer proposes existing individual wells and septic systems.

7. A Maintenance and Operation Plan for all commonly-owned improvements.

Staff Findings

There are no commonly-owned improvements proposed for this subdivision.

SECTION 303.C. – CRITERIA FOR APPROVAL

The Preliminary Plat may be approved only if the reviewing authority finds that it satisfies the following criteria:

1. The Preliminary Plat is in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of this Ordinance, other County Codes and Ordinances, and Idaho Code.

a. Conformance with the Council's approved concept plan

Applicant did not provide written comment requirements from Pocatello Valley Fire District or evidence of attempted contact at least twice.

The plat does indicate the 10' easement for public utilities, roadway slopes, and drainage.

Council should review if all conditions have been met.

b. Compliance with the Bannock County Subdivision Ordinance, other County Codes and Ordinances, and Idaho Code.

Bannock County Zoning Ordinance:

The land is currently zoned Residential 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 realign lots within a recorded subdivision.

The proposed subdivision name "Chestnut Hill Subdivision" has been reviewed and no duplication was found. The proposed subdivision is currently located within a platted subdivision, Cinnamon Springs Subdivision.

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

There are no wetlands located within the lots. There are steep slopes over 15% located within the lots that have been shaded and marked with an "R".

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. At concept, council did require applicant to provide proof of further discussion with local fire district that was not provided.

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

Idaho Code:

Developer will need to research Idaho Code to ensure all provisions have been met.

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

Applicant has proposed to use existing approaches via Chestnut Hill Drive, a county-maintained road. Due to less than 4 lots being proposed, no interior street is required per Bannock County Subdivision Ordinance §404.G.

3. **The street plan for the proposed subdivision will permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary.**

There is no street being proposed. Currently, Chestnut Hill Drive is the only street that the proposed subdivision has access to. Both lots have structures in place, not allowing for Chestnut Hill Drive to be extended to other parcels.

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

Lot lines and roads appear to relate to the land shape. All lots front Chestnut Hill Drive and public utility easement.

REPORT BY:

Alisse Foster, Subdivision Planner
alissef@bannockcounty.gov

REPORT DATE: October 10, 2025

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

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

EXHIBITS:

1. Application & Plat
2. Concept Findings
3. Cinnamon Springs Subdivision
4. Proposed CC&Rs
5. Agency Comments (if any)
6. Referenced Ordinances – On file

STAFF REPORT
PRELIMINARY PLAT – Chestnut Hill Subdivision
Page 8 of 8

EXHIBIT 1

Application & Site Plan

**SPP-25-3**

Subdivision

Preliminary Plat

Application

Status: Active

Submitted On:

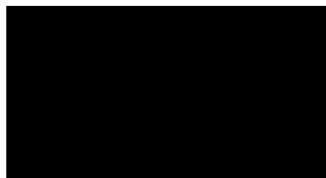
8/28/2025

Primary Location

9595 W CHESTNUT HILL

DR

POCATELLO, ID 83204

Owner**Applicant**

Stewart Ward

208-237-7373

[REDACTED]

 4880 Clover Dell Rd
Pocatello, ID 83202

Owner/Developer Information

Are the Owner and Developer the same?**Owner Name***

Mark and Rosa Selover

Street Address***City*****State*****Zip Code*****Phone Number*****Email***

Site Information

Proposed Subdivision Name* Chestnut Hill Subdivision **Parcel Number(s) *** RPRRCIN000401 and RPRRCIN000301

Proposed Number of Lots* 2 **Concept Plan Approval Date*** 08/20/2025

Quarter* SE Quarter **Section*** 19

Township* 7 South **Range*** 35 East

Total acreage of parcel(s)?* 6.89 **Zoning of parcel(s)?*** Residential Rural District

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

some steep slopes on the east side of the lots, no streams

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

Chestnut Hill Rd is a platted road, existing public utility easement along road right of way

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

both lots have existing well and septic from the previous homes

Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name*

Dioptre LLC - Stewart Ward

Phone Number*

208-237-7373

Email *

[REDACTED]

Preliminary Plat Criteria for Approval

1. The Preliminary Plat is in conformance with the Bannock County P&D Council's approved Concept Plan, all applicable provisions of this Ordinance, other County Codes and Ordinances, and Idaho Code. *

Yes. The Preliminary Plat complies with the Concept Plan and applicable ordinances. It is a replat (Lot Line Adjustment) rather than a new major subdivision, which makes it inherently consistent with the Concept Plan. The plat also acknowledges County slope regulations, indicating alignment with Title 16 provisions and Idaho Code

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

Yes. The street plan includes Chestnut Hill Dr. as the main access road, designed with centerline geometry, curves, and easements meeting Bannock County's roadway standards. Because no new public streets are proposed, the existing improved roadway supports development under the ordinance

3. Street plan for proposed subdivision will permit development of adjoining land by providing access to that land by right-of-way dedicated to the County, or a developed street to property boundary.*

Yes. The subdivision layout maintains right-of-way connectivity via Chestnut Hill Dr., which reaches the property boundary and connects with adjoining parcels. This satisfies the ordinance by preventing landlock of adjacent properties and ensuring future development access.

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

Yes. The plat demonstrates careful alignment of lot boundaries and public roads with terrain and existing neighboring development. By labeling steep-slope lots as restricted, the design responds to natural land shapes and respects development constraints of the area

Acknowledgement

I hereby acknowledge that I have read this ? Electronic Signature [Typed Name of Applicant]*
application and state that the information on this Stewart Ward
application is correct to the best of my knowledge.*

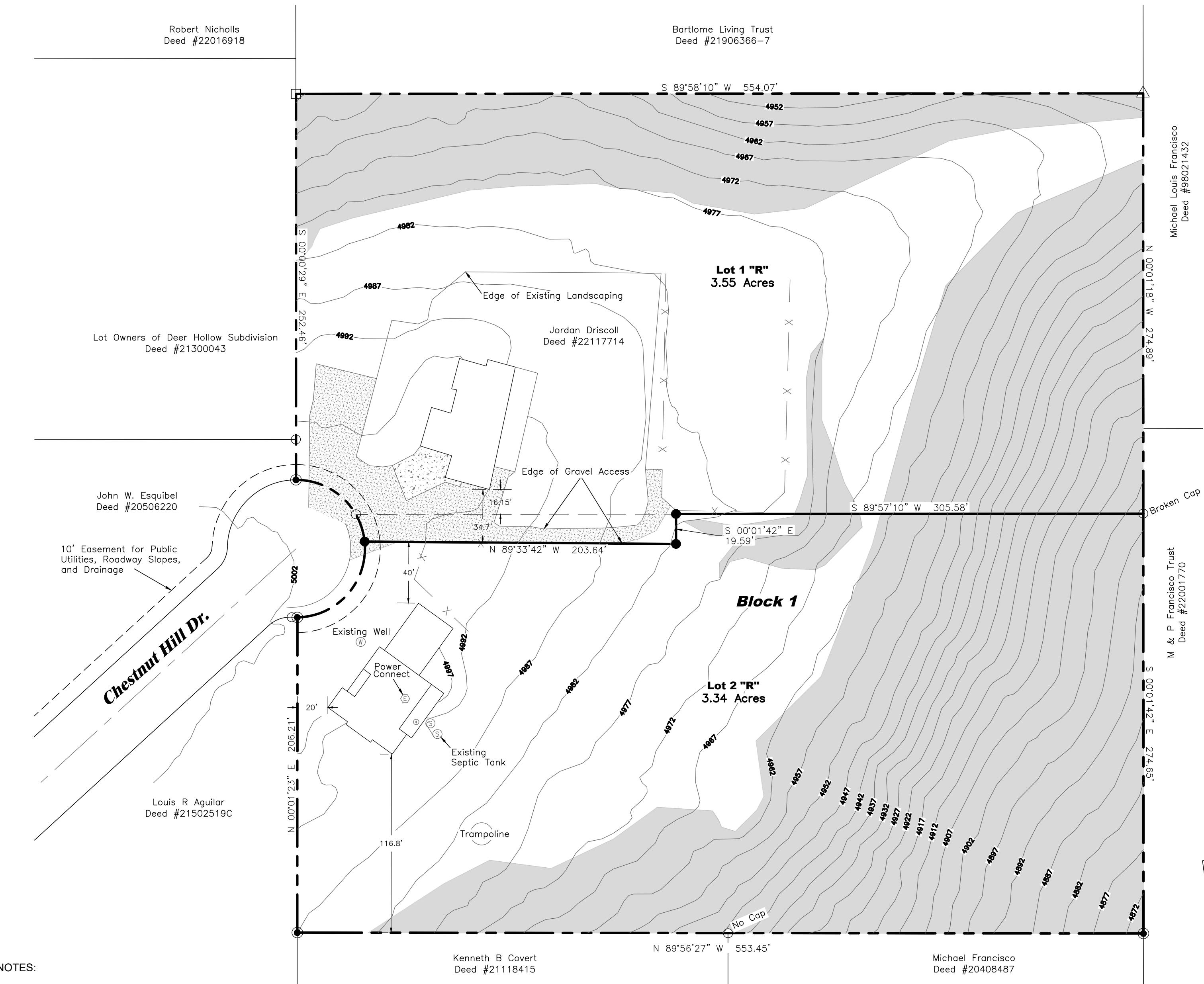


Date of Signature*

08/28/2025

CHESTNUT HILL SUBDIVISION

A REPLAT OF LOTS 3 & 4 BLOCK 1 OF
CINNAMON SPRINGS SUBDIVISION INSTR. #20010022
LOCATED IN SE 1/4 SECTION 19, TOWNSHIP 7
SOUTH, RANGE 35 EAST, OF THE BOISE MERIDIAN,
IN THE COUNTY OF BANNOCK.



NOTES:

1. The purpose of the subdivision is to complete a Lot line Adjustment between Lot 3 and Lot 4 of Cinnamon Springs Subdivision Instr. #20010022.
2. The Boundary of this subdivision was established from ground monuments as shown per Cinnamon Springs Subdivision.
3. The adjusted line was determined by the owners of the lots 3 and 4.
4. No Open Space is proposed for this subdivision.
5. Lots labeled "R" are restricted due to steep slopes. Development on steep slopes must follow Bannock County development requirements.

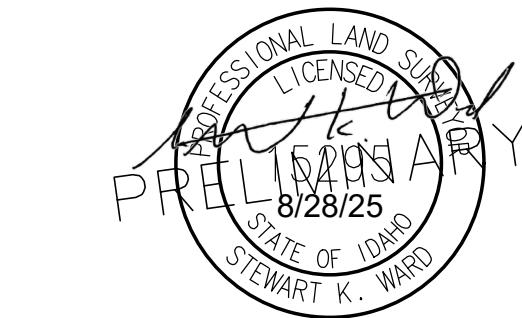
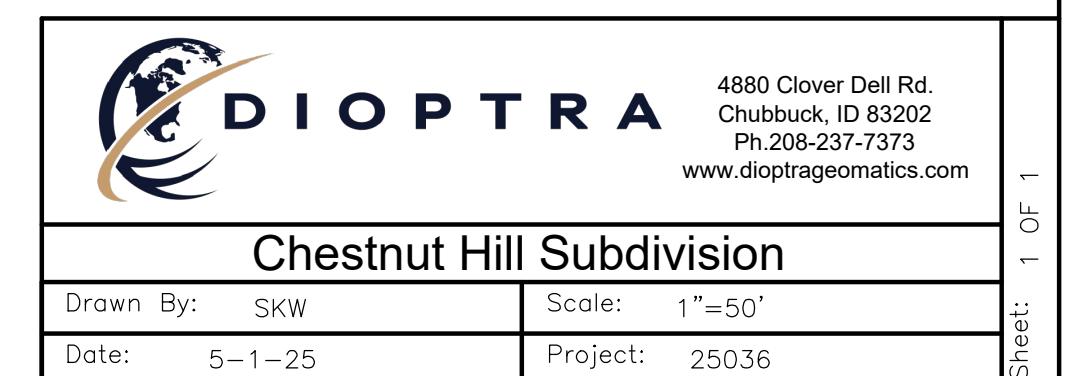
Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
1	45.00'	140.80'	90.00'	N 00°34'32" W	179°16'00"
2	45.07'	47.36'	45.21'	N 60°04'29" W	60°12'43"
3	45.00'	18.91'	18.77'	N 17°52'50" W	24°04'37"
4	45.00'	74.53'	66.30'	N 41°36'28" E	94°54'00"

BASIS OF BEARING

Basis of Bearing per Idaho State Plane
Coordinate System – East Zone. GPS
observation combination factor: 1.00027224
Origin: Lat: N 41°38'29.72885"
Long: W 114°34'02.15448"

All distances are US Survey Feet.



SURVEYORS CERTIFICATE

I, Stewart K. Ward, a Licensed Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of this survey completed under my supervision.

COUNTY RECORDERS CERTIFICATE

EXHIBIT 2

SCP-25-1 Recorded 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.

APPLICANT:	OWNER:	
Dioptre	Mark and Rose Selover	Jordan and Emily Driscoll
Stewart Ward	9595 W. Chestnut Hill Drive	9498 W. Chestnut Hill Drive
4880 Clover Dell Road	Pocatello, ID 83204	Pocatello, ID 83204
Pocatello, ID 83202		

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** in conformance with the Bannock County Comprehensive Plan; **is** in conformance with applicable provisions of this Ordinance, other County Ordinances, and Idaho Code. It meets goal 2.2.4 of the Comprehensive Plan and is in conformance with the provisions of the Idaho Code.
2. The proposed roads and bridges **are** designed and constructed according to Section 402 of the Subdivision Ordinance. A design deviation **was not** requested and **was not** granted to equal or exceed these standards for its purpose.
The roads are already existing to both lots with no requested changes.
3. The proposed partitioning of land **does not** prohibit the extension of dedicated streets or roads.
The roads are already existing to both lots with no requested changes.
4. The proposed partitioning **will not** conflict with legally established easements or access within or adjacent to the proposed land partition.
The 10 ft utility easement to the north will be addressed in the conditions.
5. The blocks of lots **are** located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.
The lots were already laid out in the previous subdivision and the concept is for a minor lot adjustment on the north side.
6. The proposed property **is** physically suitable for the type and proposed density of development and **does** conform to existing zone standards.
There no change in the proposed density and development other than a minor lot line adjustment.

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

Conditions 3 & 4 of the Staff Report:

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.

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**.

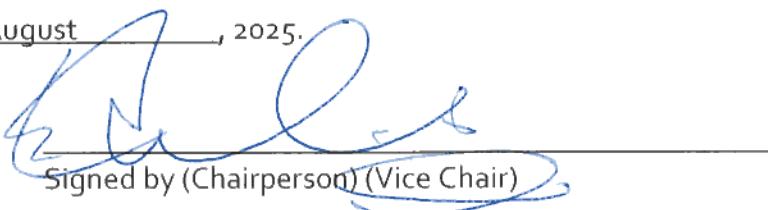
Motion by Chad Selleneit, seconded by Molly Dimick to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Dimick	Voted Yes
Councilperson Madsen	Voted Yes
Councilperson Selleneit	Voted Yes
Councilperson Ulrich	Voted Yes
Councilperson Ward	Voted Recused

Motion carried by a 4 to 0 vote.

Dated this 20th day of August, 2025.



Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

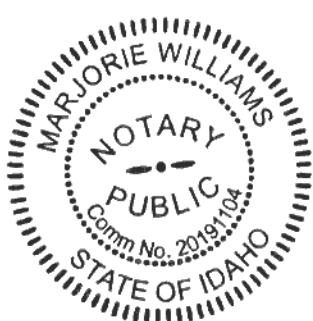
State of Idaho)

S.S.

County of Bannock)

On this 20th day of August, in the year of 2025, before me Marjorie Williams, a notary public, personally appeared Edward Ulrich, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.

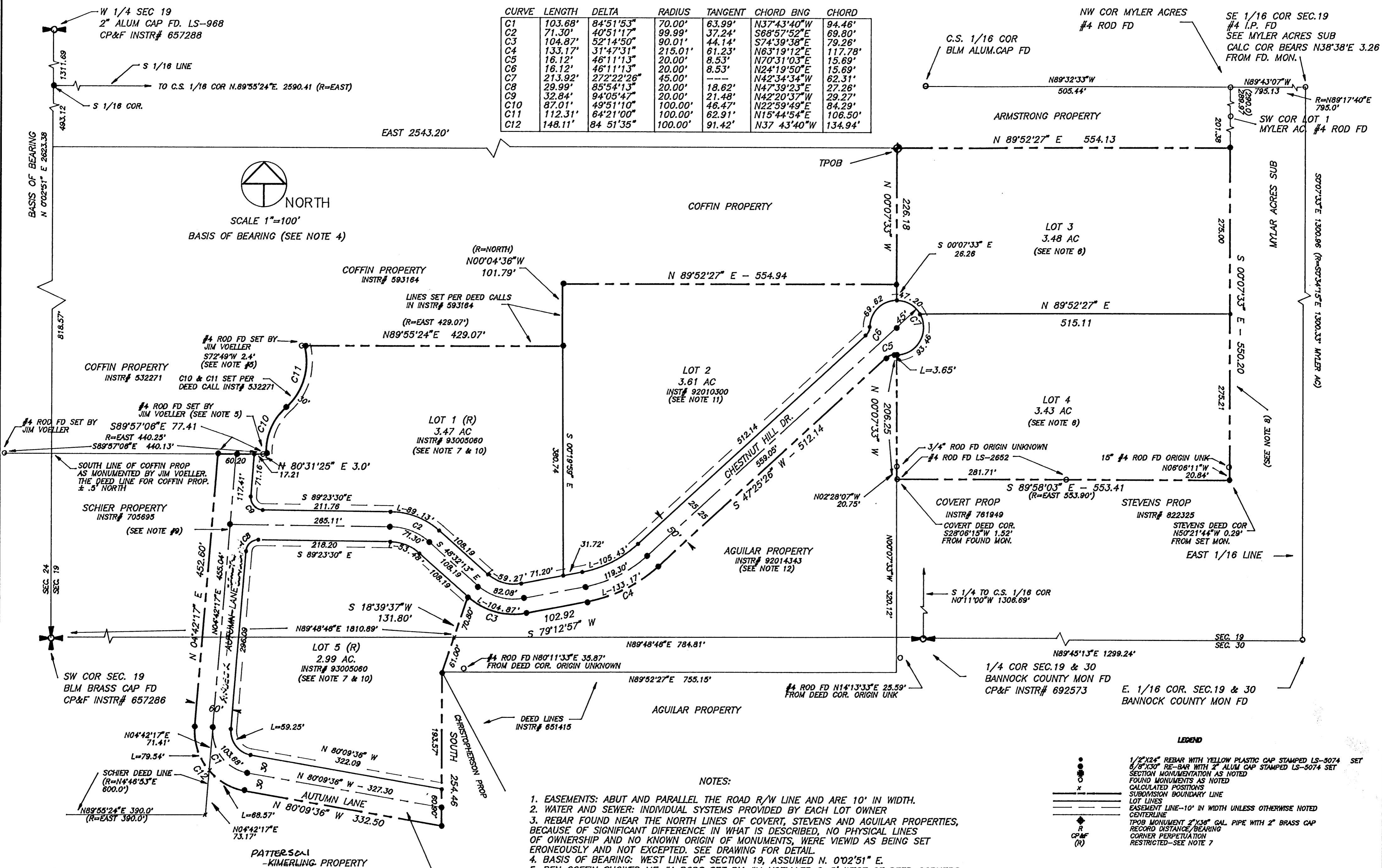
S
E
A
L



Marjorie Williams
Notary Public
My Commission Expires on 5/31/2031

EXHIBIT 3

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 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
NOTARY PUBLIC

MY COMMISSION EXPIRES ON



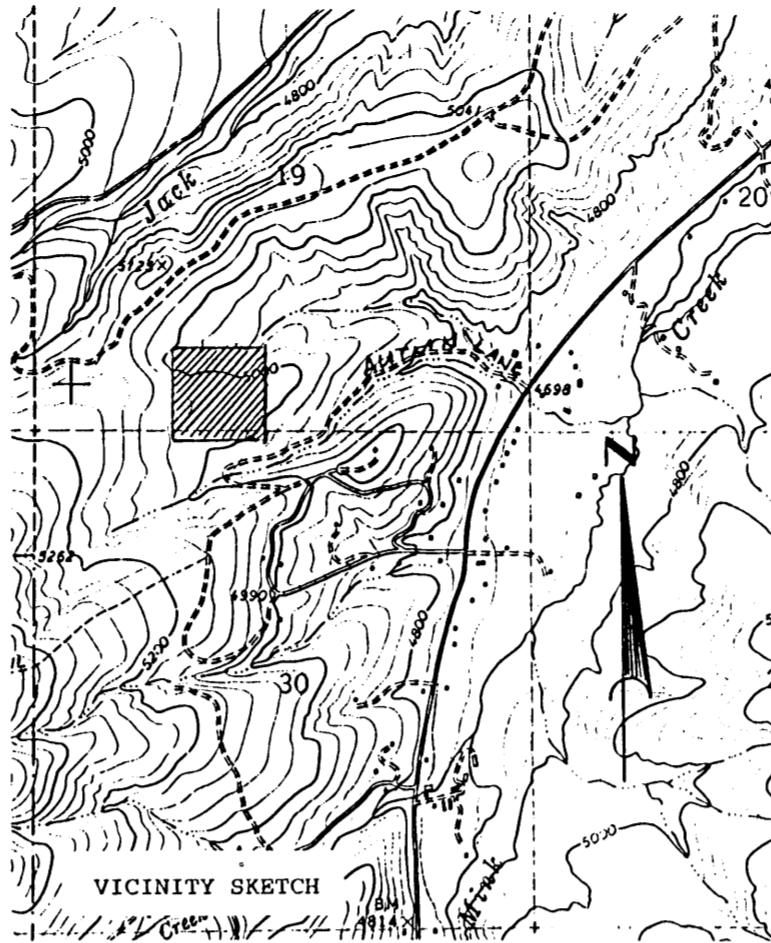
COUNTY RECORDER

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^{1/2}
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
DATE: 6/12/95



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 1/2 Section 19 and N 1/2 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

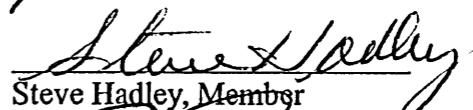
The Bannock County Board of Commissioners concludes based on the foregoing Findings of Fact and Conclusion of Law that the Road Name Change for the portion of Autumn Lane in the Cinnamon Springs Subdivision described above be renamed. This Resolution shall be recorded with the County Recorder.

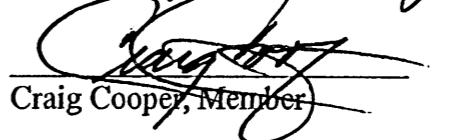
NOW, THEREFORE, BE IT RESOLVED, that a motion was made by Commissioner Craig Cooper seconded by Commissioner Steve Hadley, to approve the road name change as set forth in the Findings of Fact and Conclusions of Law above.

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 4

HOA/ CCRs

No HOA or CCRs

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.

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

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

RESIDENTIAL RURAL DISTRICTMINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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

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

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

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

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

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

303 PRELIMINARY PLAT REVIEW:

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

1. PLAT: The Preliminary Plat shall be drawn up to a scale of one inch equals 100 feet or one inch equals 200 feet, prepared by a land surveyor or engineer licensed to practice in Idaho. The scale may be increased or decreased provided such deviations obtain approval by the County.

A copy, reduced to 11" x 17" shall be provided also. Map shall show:

- a. TITLE BLOCK: Date of submittal; north arrow; scale of drawing; tax parcel number(s); legal description sufficient to define the location and boundaries of the proposed subdivision by Section, Township, and Range; identification clearly stating that the map is a Preliminary Plat; plat name; engineering or surveying firm and license number of the surveyor or engineer.
- b. The location, width, and names of all existing or platted streets, ways, or public ways in the proposed subdivision or within 660 feet of the proposed subdivision; easements; railroad rights-of-way; and other important survey features, such as section lines and corners, found monument, and city boundary lines.
- c. Contour lines of existing grade shall be shown at the following minimum intervals, and shall be related to some established bench mark or other datum as approved by the County Engineer: (1) Five foot contour intervals for ground slopes between five and ten percent; (2) Ten foot contour intervals for ground slopes exceeding ten percent; and (3) For a rural area, contour lines shall be at intervals necessary to properly indicate the ground contour and to design the street pattern and lot layout, and shall be related to some established bench mark or other datum as required by the County Engineer.
- d. The location and direction of all water courses including a delineation of the high water mark.
- e. Natural features, such as rock outcroppings, marsh lands, wooded areas, bodies of water, preservable trees.
- f. Existing uses of the property, including the location of all existing structures or fences on the proposed plat and within 660' of its boundary, and proposal for use or removal of the structures and fences on the proposed plat.
- g. Proposed streets showing the location, widths, names, approximate grades, and approximate radii of curves and the relationship of all streets to any projecting streets.
- h. The location and width of all existing and proposed easements, including the purpose of such easement.
- i. Lot layout showing approximate (to within 10') dimensions, lot sizes within 5% of actual at Final submittal, and proposed lot and block numbers.

- j. Any other information on plat requested by Council, Engineer or Planner during Concept review and approval.
2. Drainage Plan in same detail as contour for existing grade described above.
3. Other engineering or study data required by Council or County Engineer.

303.B. REVIEW: The Council will review the Preliminary Plat as a business item, considering the plat for:

1. Conformance to concept approval. Preliminary Plats which:
 - a. alter water sources or delivery systems, or other utilities including sewage treatment, as approved in concept;
 - b. increases the total number of lots by 10 percent or more, or
 - c. change access points to existing collector or arterial roads or streets by a distance greater than 50' and not recommended by Staff or Council during concept approval, shall require a new concept review and a new review fee as established by the Board.
2. Utility easements and facilities.
3. Open space if required in concept approval: amount of land, location, use, ownership and management plan.
4. Homeowners' Association Codes, Covenants and Restrictions which carry out conditions imposed by the Council or the goals of the Ordinance and Comprehensive Plan. After approval by Council, County Legal staff will also review prior to recording of plat and codes.

(a) Mainenance of facilities. The developer shall fund the Homeowners' Association as follows:

\$5.00 per lot for the water system, if any
\$5.00 per lot for the sewage treatment facility, if any
\$15.00 per lot for road maintenance and snow removal.

The number of lots in the total Master Plan shall be used to determine the funding. Funds may be held in an interest bearing account. At recordation of the plat or record of survey, the facilities will be transferred to the Homeowners' Association for maintenance. The Homeowners' Association will begin collecting an annual fee from all lot owners to add to initial funding. This fund will be used to repair and maintain utility systems and roads. Thereafter, all improvements shall be maintained by the Homeowners' Association in perpetuity or until connection to a municipal system.

All conditions imposed by the Council will be printed on the plat. All codes, covenants and restrictions applying to infrastructure or public facilities to be provided by the developer will be printed on the plat. A change of such conditions, codes, covenants or restrictions is deemed a replat and must be submitted and processed according to this Ordinance.

(b) Membership of Homeowner' Association: All lot owners shall be voting members of the Association. Owners of multiple lots shall have one vote.

5. Street names. A street name must not duplicate an existing street name in the County or its cities; it must not be derogatory to any person or group.
6. Water Users Association organization and function.
7. A Maintenance and Operation Plan for all commonly-owned improvements.

303.C. CRITERIA FOR APPROVAL: The Preliminary Plat may be approved only if the reviewing authority finds that it satisfies the following criteria:

1. The Preliminary Plat is in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of this Ordinance, other County Codes and Ordinances, and Idaho Code.
2. The street plan for the proposed subdivision will permit its development in accordance with this Code.
3. The street plan for the proposed subdivision will permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary.
4. Lot lines and roads relate to land shapes and existing development.

303.D. CONDITIONS ON PRELIMINARY PLAT: The Council may place conditions on the Preliminary Plat which enable the plat to meet criteria for approval. If the applicant accepts the conditions, he or she may proceed to Final Plat review.

303.E. TIME LIMITS ON APPROVAL: Preliminary Plats not recorded as a final plat in accordance with Section 304 within two years of the date of approval by the Council as evidenced by the Council's written decision shall become null and void unless a time extension is granted. Developer may apply to the Council for up to two time extensions of one calendar year each. The developer of any valid Preliminary Plat approved prior to the Subdivision Ordinance Amendment effective date may apply for up to two time extensions of one calendar year each from the date of Preliminary Plat approval.

Extension requests will only be granted if 100 percent of the engineering plans are submitted or upon a showing of "good cause." The Council has the sole discretion to determine whether a showing of good cause has been made. The maximum number of extensions shall not exceed two (2) requests, or two years total. The maximum time from

Preliminary Plat approval to the recording of the Final Plat shall not exceed four years total except for valid Preliminary Plats approved prior to the Subdivision Ordinance amendment effective date. Council shall consider the request for an extension of time as a business item.

304 FINAL PLAT:

The County Engineer and Planner shall review the proposal to insure that any conditions the Council placed on the plat have been complied with, and that the performance standards of this Ordinance, and requirements of Idaho Code have been complied with. The Engineer will compare the submitted plat to the approved Preliminary Plat, and if it conforms, applicant and staff shall proceed as follows:

304.A. SUBMITTAL REQUIREMENTS: In addition to the items required for the Preliminary Plat approval, the following must be submitted and approved by the County Engineer. See Section 400 also. **(Amendment No. 5 Ordinance 2022-03)**

1. As built engineering details for water delivery systems, both culinary and irrigation.
2. Landscaping detail and fence cross sections, if applicable.
3. Bridge, road and street cross sections and profiles, weight capacity calculations.
4. Engineering for any other improvements on plat.
5. Final Codes, Covenants and Restrictions.
6. Maintenance and Operation Plans for commonly owned utilities and open space.
7. Homeowner' Association incorporation documents; codes, covenants and restrictions.
8. A copy of the subdivision plat as approved with conditions, if any, will be submitted with a number assigned to every lot corner, and at all angle points and points of curvature compromising the boundary lines of said lots or the centerline of streets, roads and special easements.
9. The bearing and distance, or two parts of curve (radius, length of curve, delta, etc.) in the case of curved lines will be down between coordinate pairs which traverse lot boundary lines or street centerline.
10. Dedication statements on the plat.
11. Plans and engineering detail for all work required by design standards found elsewhere in this ordinance.

304.B. SIGNATURES and CERTIFICATIONS REQUIRED: County Engineer will have example dedication statements required on plat.

FINDINGS

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL

FINDINGS AND ORDER

PRELIMINARY PLAT–CHESTNUT HILL SUBDIVISION

MEETING DATE: OCTOBER 22, 2025

FILE #: SPP-25-3
LOCATION: RPRRCIN000401, currently addressed as 9595 Chestnut Hill Drive, Pocatello, ID 83204.
RPRRCIN000301, currently addressed as 9498 Chestnut Hill Drive, Pocatello, ID 83204.

APPLICANT:	OWNER:
Dioptra Stewart Ward 4880 Clover Dell Road Pocatello, ID 83202	Mark and Rosa Selover 9595 W. Chestnut Hill Drive Pocatello, ID 83204
	Jordan and Emily Driscoll 9498 W. Chestnut Hill Drive Pocatello, ID 83204

REQUEST & BACKGROUND: Stewart Ward proposes an amendment to Cinnamon Springs Subdivision for the purpose of adjusting a lot line. The existing lots are 3.48 acres and 3.43 acres. After the proposed adjustment, the lots will be 3.55 acres and 3.34 acre. 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

CRITERIA FOR APPROVAL:

1. The preliminary plat **[is]** **[is not]** in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of the Bannock County Subdivision Ordinance, other County Codes and Ordinances, and Idaho Code.

2. The street plan for the proposed subdivision **[will]** **[will not]** permit its development in accordance with the Bannock County Subdivision Ordinance.

3. The street plan for the proposed subdivision **[will]** **[will not]** permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary.

4. Lot lines and roads **[do]** **[do not]** relate to land shapes and existing development.

CONDITIONS (If any)

ORDER: CONCLUSION AND DECISION

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

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

ROLL CALL:

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

Motion carried by a _____ to _____ vote.

Dated this _____ day of _____, 2025.

Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)

S.S.

County of Bannock)

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

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Notary Public
My Commission Expires on _____ 20____

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL
FINDINGS AND ORDER: SPP-25-3
Page 3

MOTION

EXAMPLE MOTION

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

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

1.

2.

AGENDA ITEM NO. 10

Variance Extension Request –

Dustin Holsten



PLANNING AND DEVELOPMENT SERVICES

5500 S 5th Ave | Pocatello, Idaho 83204 | 208.236.7230 | www.bannockcounty.gov

VARIANCE EXTENSION

MEETING DATE: OCTOBER 22, 2025

STAFF REPORT

FILE #: VAR-25-6

LOCATION: RPR4227015901, currently unaddressed.

APPLICANT:

Dustin Holsten
757 Pebble Creek Road
Bancroft, ID 83217

OWNER:

Dustin Holsten
757 Pebble Creek Road
Bancroft, ID 83217

REQUEST & BACKGROUND: The applicant, Dustin Holsten, seeks a variance extension according to §540.7 of the Bannock County Zoning Ordinance. The original variance was approved on June 18, 2025, and the six-month approval expires on December 15, 2025. The applicant was approved a variance to build a duplex on a 1.0-acre parcel. He is now requesting a six-month extension of the variance due to weather and personal delays in construction.

SITE CHARACTERISTICS AND ZONING:

ZONING: Recreational

PROPERTY SIZE: ~ 1.05 acres

VIEWS: The property is visible from the road

EXISTING STRUCTURES: None

AREA OF CITY IMPACT: None

SURROUNDING LAND USES AND ZONING

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

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

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

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

APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-6516, Variance – Definition – Application – Notice – Hearing.
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
 - a. §540.7 LAPSE OF VARIANCE

STAFF REPORT
VARIANCE EXTENSION - HOLSTEN
Page 1 of 3



SITE MAP

STANDARDS FOR GRANTING AN EXTENSION (ZONING ORDINANCE §540.7)

- A. Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse six months following the date on which the variance is issued, unless prior to the expiration of the six months, a building permit and a zoning permit are issued.
- B. A variance subject to lapse may be renewed by the Planning and Development Council for an additional period of six months, provided that prior to the expiration date, a written request for renewal is filed with the Planning and Development Council.
- C. The Planning and Development Council may grant or deny an application for renewal upon a showing by the applicant that circumstances beyond his control caused the delay (Zoning Ordinance §540.7).

STAFF COMMENTS:

Dustin Holsten applied for a variance that was approved on June 18, 2025, and the six-month approval expires on December 15, 2025. However, Section 540.7.A states that unless a longer time period is specifically established as a condition of approval, a variance shall lapse six months

STAFF REPORT
VARIANCE PERMIT - HOLSTEN
Page 2 of 3

following the date on which the variance is issued unless a building permit and a zoning permit are issued prior to the six-month expiration.

Dustin Holsten submitted a written request for an extension on September 8, 2025. Section 540.7.B states a variance subject to lapse may be renewed by the Planning and Development Council provided that prior to the expiration date, a written request for approval is filed with the Planning and Development Council. As the ex officio clerk of the Council, Hal Jensen received written request for extension prior to expiration of the variance.

REPORT BY:

Annie Hughes Williams, Zoning Planner
annieh@bannockcounty.gov
208-236-7230

REPORTED DATE: October 8, 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. Original Variance Application
2. Facts & Findings – Planning and Development Council Meeting June 18, 2025
3. Letter from Applicant requesting extension
4. Zoning Ordinance Section 540.7 – Lapse of Variance

STAFF REPORT
VARIANCE PERMIT - HOLSTEN
Page 3 of 3

EXHIBIT 1

Application

Variance Application**VAR-25-6**

Submitted On: May 14, 2025

Applicant DUSTIN HOLSTEN**Primary Location**0 NO STREET
00000**Parcel & Variance Information****Parcel Number**

RPR4227015901

My property is zoned:

Recreation

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

Rear yard setbacks

--

Side yard setbacks**Riparian area setbacks**

--

--

Right-of-way setbacks**Lot size**

--

true

Other

--

Please describe your variance request in detail:

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

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

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

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

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

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

All setbacks will be met.

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

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

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

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

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

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

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

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

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

Certification

Electronic Signature [Typed name of applicant]

Dustin Holsten

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

true

Date

04/30/2025

EXHIBIT 2

Applicant Request

09-08-2025

10/15/25
DHS
TIN
Thank you

have a heavy snowfall winter.
enough time for the snow to melt we
to get started in spring thus giving it
started, without putting to much pressure
that would give me plenty of time to get
would put it expiring in June of 2026.
expires in December of this year. The extension
in the spring of 2026. The variance initially
we decided the best idea would be to start
summer. After consulting with my contractor
delayed me getting started on my build this
is because I had some issues with that
variance. The reason I'm making this request
I'm requesting a 6 month extension for the
Lava Hot Springs, Idaho. The file # is RPR42201592.
duplex on my property outside of
I was granted a variance to build a
Hello, my name is Dustin Holfstein.

EXHIBIT 3

Recorded Findings

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

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

FILE #: VAR-25-6

LOCATION: RPR4227015901, currently unaddressed.

APPLICANT: OWNER:

Dustin Holsten	Dustin Holsten
757 Pebble Creek Road	757 Pebble Creek Road
Bancroft, ID 83217	Bancroft, ID 83217

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

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONING: Recreational

PROPERTY SIZE: ~ 1.05 acres

VIEWS: The property is visible from the road

EXISTING STRUCTURES: None

AREA OF CITY IMPACT: None

NOTICE AND TESTIMONY REQUIREMENTS:

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

REQUIRED FINDINGS FOR VARIANCE PERMIT, §540

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

This is based on:

Based on the Health Department's approval of the septic permit, it is very comparable to a single-family home and current parcel size cannot be easily altered.

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

This is based on:

There were 2 written testimonies in favor that were submitted from his neighbors, also there were no public objections during the meeting.

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

This is based on:

There were no objections from adjacent property owners, also, the approval from the Health Department is the same as a single family.

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

This is based on:

The applicant will only be limited to a single-family home, he will not be able to use it as a duplex, and the current lot size cannot be easily altered.

Conditions: N/A

ORDER: CONCLUSION AND DECISION

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

Motion by Edward Ulrich, seconded by Molly Dimick to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Dimick	Voted Yes
Councilperson Madsen	Voted Yes
Councilperson Selleneit	Voted Yes
Councilperson Ulrich	Voted Yes
Councilperson Ward	Voted Yes

Motion carried by a 5 to 0 vote.

Dated this 18th day of June, 2025.



Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)

S.S.

County of Bannock)

On this 18th day of June, in the year of 2025, before me Marjorie Williams, a notary public, personally appeared Stewart Ward as chair/vice-chair on behalf of the Bannock County Planning and Development Council, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

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Marjorie Williams
Notary Public
My Commission Expires on 5/31/2031 20th 20th
5/31/2031

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL
FINDINGS AND ORDER: PERMIT VAR-25-6

Page 3

EXHIBIT 4

Ordinance Excerpts

540.4 STANDARDS:

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

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

540.5 EFFECTIVE DATE OF VARIANCE:

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

540.6 APPEAL TO BOARD OF COUNTY COMMISSIONERS:

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

540.7 LAPSE OF VARIANCE:

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

540.8 SUSPENSION AND REVOCATION:

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

FINDINGS

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL FINDINGS AND ORDER

VARIANCE EXTENSION - DUSTIN HOLSTEN MEETING DATE: OCTOBER 22, 2025

FILE #: VAR-25-6

LOCATION: RPR4227015901, currently unaddressed.

APPLICANT: **OWNER:**

Dustin Holsten	Dustin Holsten
757 Pebble Creek Road	757 Pebble Creek Road
Bancroft, ID 83217	Bancroft, ID 83217

REQUEST & BACKGROUND: The applicant, Dustin Holsten, seeks a variance extension according to §540.7 of the Bannock County Zoning Ordinance. The original variance was approved on June 18, 2025, and the six-month approval expires on December 15, 2025. The applicant was approved a variance to build a duplex on a 1.0-acre parcel. He is now requesting a six-month extension of the variance due to weather and personal delays in construction.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONING: Recreational

PROPERTY SIZE: ~ 1.05 acres

VIEWS: The property is visible from the road

EXISTING STRUCTURES: None

AREA OF CITY IMPACT: None

REQUIRED FINDINGS FOR VARIANCE EXTENSION

1. The proposal for extension [was] [was not] filed with the Planning and Development Council prior to the expiration date of the original variance.

ORDER: CONCLUSION AND DECISION

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

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

ROLL CALL:

Councilperson Dimick	Voted [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.

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Notary Public
My Commission Expires on _____ 20____

MOTION

DUSTIN HOLSTEN MOTION

Based on the record and discussion this evening, I move to [approve] [deny] [table] the request for a Variance Extension for Dustin Holsten, 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. 11

Items of Interest

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