



PLANNING AND DEVELOPMENT SERVICES

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

AGENDA

BANNOCK COUNTY

PLANNING & DEVELOPMENT COUNCIL MEETING

JANUARY 21, 2026 – 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.

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| 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)
b) Vote for Chair and Vice Chair |

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

Bannock County Planning & Development Council

January 21, 2026

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RPR4015006605 located off of N. Rapid Creek Road, a county-maintained road. The development proposes individual well and septic systems. **Type of action: Decision.**

AGENDA ITEM NO. 8. CONDITIONAL USE PERMIT – ACTION ITEM – EVENT VENUE: Randy Wheatley petitions for a conditional use permit for an event venue on approximately 10.12 acres. The affected property is known as parcel RPR4265025310 and is currently unaddressed. Proposed hours of operation are 6:00 a.m. to Midnight, seven days a week. At the hearing, Council shall evaluate the proposed use against criteria established in §530 of the Zoning Ordinance. **Type of action: Decision.**

AGENDA ITEM NO. 9. SUBDIVISION CONCEPT PLAN – DEER VALLEY RESERVE & DEER VALLEY RESERVE DIVISION 2 – ACTION ITEM: Pursuant to Section 302 of the Bannock County Subdivision Ordinance, Matt Baker proposes to replat Deer Valley Reserve and Deer Valley Reserve Division 2, combining the two (2) adjoining subdivisions into one subdivision from 15 lots down to 11 lots. The subject properties are parcels RPRRDVR000100, RPRRDVR000200, RPRRDVR000300, and RPRRDVR000400 located off of W. Bighorn Drive. RPRRDVR000500, RPRRDVR000600, and RPRRDVR000700 located off of N. Elk Road. RPRRDV2000800 located off of W. Autumn Lane. RPRRDV2000100, RPRRDV2000200, RPRRDV2000300, RPRRDV2000400, RPRRDV2000500, RPRRDV2000600, and RPRRDV2000700 located off of Deer Reserve Drive. The development proposes individual well and septic systems. **Type of action: Decision.**

BUSINESS ITEMS

AGENDA ITEM NO. 10. PRELIMINARY PLAT – TOM’S HOLLOW SUBDIVISION: Pursuant to Section 302 of the Bannock County Subdivision Ordinance, 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. **(ACTION ITEM)**

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) None

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 **January 13, 2026**. 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. 2

Preliminary Business

- a) Agenda Clarification and Approval
- b) Vote for Chair and Vice Chair

AGENDA ITEM NO. 3

Approval of Minutes

- November 19, 2025

BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL

DRAFT MEETING MINUTES | November 19, 2025

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

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

1. ROLL CALL AND DISCLOSURE OF CONFLICTS OF INTEREST:

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

2. PRELIMINARY BUSINESS AGENDA CLARIFICATION AND APPROVAL:

Hal Jensen, Planning Director, made recommendation to remove Agenda Item No. 9 regarding work session land use and development ordinance update. Do not have anything further from the last time discussed a month ago.

Selleneit makes motion to approve agenda as outlined and 2026 council meeting schedule. Dimick seconds. All in favor.

3. APPROVAL OF MINUTES:

Selleneit makes motion to approve minutes as written for October 22, 2025.

Madsen seconds. All in favor.

PUBLIC HEARING:

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

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

Conrad Jensen requests a variance for a side yard setback from 20’ to 10’ and a riparian setback from 100’ down to 50’ to build a detached garage. The affected property is labeled as parcel RPR4015029900 and is currently addressed as 228 N. Indian Creek Road, Inkom, ID 83245.

Conrad Jensen, 228 N. Indian Creek Road, Inkom, ID 83245. Here a couple months ago for the side yard setback. Ran into a small issue with where well head was located. Moving it a little bit

too clear that issue, pushed me under the power line. Talked to Idaho Power and had them come out and went through a couple different scenarios about maybe moving the power line. But because it is a main line, he said I would probably have better luck building over the creek than getting them to move that power line. Especially, because there are no recorded easements because the power line is so old. He said that financially it would be in the hundreds of thousands to move that main line down the canyon and get approvals and easements for neighbors. We are trying to do a detached garage and was not able to move it back because of steep slopes and the only place I could do was move it forward. Idaho Power said that I can be 10' away, but we decided on 13' because that is what they have written down. We decided to move it 13' in front of the power line. That puts it right in my driveway. We just wanted to be safe, legal, and redo as a detached garage. It does move it within 50' of the creek and that is about the only spot we can put it on the property. Any other spot that would be available is either over the septic or the drain field, or I would have to push it back again into my hill, which would give me almost a 30' foot retaining wall. The building would not even be 30' high.

STAFF

Annie Hughes, Zoning Planner, "I wanted to let you know that there have not been agency comments turned in for this variance. Do you have any questions regarding the staff report?"

No questions.

PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

FINDINGS

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

This is based on:

Topography of site, power line setback, well, septic, and drain field. This is the only feasible location for the structure.

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

This is based on:

No public comments were received. The location will not negatively impact public safety or utilities.

3. The variance will not adversely affect adjacent property.

This is based on:

A previous variance was granted for an attached garage with the same requested side yard setback. This application is for a detached garage.

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 significant cost to move power lines and grading into slope and cost to replace septic and well.

Ulrich, based on the record and discussion this evening, I move to approve the request by Conrad Jensen requesting a variance for a side yard setback from 20' to 10' and a riparian setback from 100' down to 50' to build a detached garage, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Dimick seconds.

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

Motion approved 5-0.

5. CONDITIONAL USE PERMIT – ACTION ITEM – CAMPGROUND:

Jane Dame requests a conditional use permit to have four (4) RV sites on her property. The affected property is known as parcel RPR4227018711 and is currently addressed as 10795 Dempsey Creek Road, Lava Hot Springs, ID 83246. Proposed hours of operation are 24 hours, seven days a week, 180 days per year; private well and septic are being proposed.

Jane Dame, 10795 Dempsey Creek Road, Lava Hot Springs, ID 83246. Five and a half years ago we got permitted to put it in a campground. Originally, it was family sites. My oldest son Zach, who is co-owner, he is on the deed for the property as well. We were approached about doing

monthly RV sites so we got a conditional use permit. They gave us a three-year permit and was granted at the end of 2020. It did not start until 2021. We did it for three years and decided we did not love doing the RVs so we brought in tiny homes on wheels. They are only big enough for two people. We have had zero complaints in the five and a half years from what I understand from the county. We live on site. We raise cattle and alfalfa. We are not interested in doing anything else. We have those four sites and are back to get another conditional use permit that is permanent. I was under the understanding that usually when you get a conditional use permit, it does not have a time limit on it. Council at the time did not understand that Zach was on the deed so they gave us a time limit. We have asphalted around for emergency, easy in, easy out. We work our tails off on it, trying to keep it looking nice, clean, and orderly. We have very strict rules that we do not do big parties. We have nothing but good reviews and really good feedback. People love how quiet it is. The septic and well were installed in 2020.

Selleneit, "Just to clarify, the four spots you are talking about you have used them for the long-term rental. So normally would be like a truck and trailer that would come in. So, you just took that away and put tiny homes in.

Jane Dame, "Correct."

Selleneit, "With water and sewer already and they are on wheels, so they are movable?"

Jane Dame, "You bet."

Selleneit, "So for clarification, the RVs are gone now, the trucks are gone now. The tiny homes are already in place. My only question for you is when people come rent these, even though it is a nightly rental, it is just a vehicle in front. You are not letting them bring in another RV in front of that?"

Jane Dame, "No, there is not room. There is just room for one vehicle and is big enough for two people."

STAFF

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

Ward, "Was the previous CUP only a three year?"

Tristan Bourquin, Assistant Planning Director, "I do not see it a lot. It is very unique. It is not common. It was for the reason that the applicant stated to council. The previous council was just concerned about who was going to manage the property. They did not realize that there was

somebody living on site. We are back to solidify because normally a conditional use permit will run with the land.”

Ward, “So once it is approved and in place, it runs with the land even upon transfer of ownership?”

Tristan Bourquin, “Right.”

Ward, “And the previous CUP was for a campground as well?”

Tristan Bourquin, “Correct.”

Ward, “So it is kind of just a renewal of that same CUP, essentially, instead of a truck and trailer, it is the tiny homes.”

Tristan Bourquin, “Yes, we are just making it permanent. We did transfer conditions over from the previous CUP minus the three-year limit.”

Ward, “So all the other conditions are the same as what they were on the original conditional use permit. That would explain some of the discrepancies.”

PUBLIC TESTIMONY

Public testimony in favor: Zachary Dame, 10795 S. Dempsey Creek, Lava Hot Springs, ID 83246. The backstory with me is I was a traveling nurse and saved enough money to be able to buy a piece of ground and put in these RV spots and developed them. There are five (5) spots and my house connects to it.

Megan Reno, 11242 S. Dempsey Creek, Lava Hot Springs, ID 83246. I live down the road from this property and have been their neighbor for years. They have been excellent neighbors, quiet, respectful, responsible and thoughtful about the land and people around them. I have never experienced any negative impacts from this property. No noise issues, no lighting problems, no traffic concerns, and no disturbances of any kind. This proposed use is exactly what the rec zone was created for. A campground is specifically listed as a conditional use in the rec district, which means the county has already determined it is a compatible and

appropriate use. This family already applied for a campground, and it is unfair that they even had to come and reapply for a use that they have already followed the process for. I respectfully ask that you approve this conditional use permit as submitted.

Nephi Reno, 11242 S. Dempsey Creek Road, Lava Hot Springs, ID 83246. Neighbor, friend, community member, and someone who cares about the health and growth of our area. Over the last several years, this campground has shown itself to be a positive asset that brings people together, promotes health and activity, and contributes to the kind of outdoor recreation that Bannock County is known for. The owners have worked hard to maintain the property. I respectfully ask for your support in approving this permit.

Public testimony neutral: Julie Hill, 10936 Westchester, Lava Hot Springs, ID 83246. I will go in support of what everybody in support has said. They have been great neighbors, had no problems with noise or any other issues. My only question or concern is the septic that is on the property was installed in 2020 and it is a thousand-gallon septic tank. They have four (4) proposed sites for the nightly rentals that will have a bathroom. They have a gym with a bathroom. They have an apartment attached to the gym that I assume has at least one bathroom. That is where the family members live. Then they have a house that has an apartment, apartment above the garage and the house itself. So, there are at least eight bathrooms that are attached to that septic. And as a neighboring property owner of the Thunder Canyon HOA with water concerns, we just have concerns that that septic is adequate.

Jane Dame, "My home, the custom home is on its own separate septic and we got approval through the Health Department."

Public testimony opposed: None

FINDINGS

1. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district. Tiny homes have replaced RVs improving the overall appearance, safety, and compatibility with surrounding properties.

2. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use. Tiny homes have replaced RVs thus reducing traffic to smaller vehicles compared to trucks and trailers.
3. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity. No public testimony received that supports negative impact to surrounding area from previously issued Conditional Use Permit.
4. The proposed use would be consistent with the goals and policies of the Comprehensive Plan of the county. Section 530 uses of Recreational Zone, Goal 1.2 – Balance of urban and rural amenities to attract, Goal 3.2 – A strong and diverse economy.
5. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical. Tiny homes would meet county ordinances, bulk, scale, and height of a residential structure.

Madsen, based on the record and the discussion this evening, I move to approve the request by Jane Dame, for a Conditional Use Permit to have four (4) RV sites on her property, as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

Selleneit seconds.

CONDITIONS

1. Adequate trash collection and disposal will be provided by the owner.
2. All tiny homes must meet the standards of a recreational vehicle (RV), according to the Idaho Department of Motor Vehicles.
3. Quiet hours will be from 10:00 p.m. – 6:00 a.m.
4. Operation allowed April 15 – October 31, every calendar year.
5. No signage.

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

Motion approved 5-0.

6. CONDITIONAL USE PERMIT – ACTION ITEM - CAMPGROUND:

Bob Jones requests a conditional use permit to create a campground, housing, restaurants, gas station, grocery store, laundry facility, waterpark, clubhouse, shower facility, retail, and amphitheater on approximately 158.43 acres. The affected property is known as parcel RPR4227019500 and is currently unaddressed. Proposed hours of operation are 24 hours, seven days a week; private well and septic are being proposed.

Bob Jones, P.O. Box 446, Lava Hot Springs, ID 83246. Not a big developer. I am a developer and I came in originally to Lava City and made presentation of a much bigger project. My application has changed quite dramatically from the beginning. Just before I came here, I had a stroke. Then I moved here to Lava and I had a second. I moved to Blackfoot and then I had a third stroke. And the concept here has to do with me having the stroke and that is why I am bringing it up. So, I felt like I wanted to do something in rehabilitation for stroke victims. I felt like this was the perfect spot where you got the hot and mineral springs and you can bring in doctors and rehabilitation people and sit in the tubs and then do a water park next to it for the families and some RV parking. The property is 716 acres. There is plenty of space to do this, have a farm, which was my original concept, a community farming project. That is not part of this application. We are only applying for this one piece of property. It is not connected to Lava City in any way and it is zoned for the use.

I would like to point out on my site plan that to the south and the east is a huge mobile home RV park. Huge, massive and across the street, directly to the west is the Golf Course HOA, which has 53 lots currently that cannot be used because they cannot access any water or sewer. To the north is more of my property, but different parcels. And then Lava City. The golf course across the street, it is the perfect site for recreational project, which is what we are proposing. We are well within the limits of the law. I think that we would be a help to the community across the street. We are just proposing a little community that is self-sufficient. When we go into the farming and it has some rehabilitation things, some recreation with RVs, parks and fields and stuff like that. And it is really that simple. You can make it sound massive, but it is not.

Selleneit, “Maybe you misspoke, but you said my property and so on. You have the applicant and the owner on the application.”

Bob Jones, “I have a lease option. I own it through the lease and I have five (5) years to execute it. Dr. Cannon was very understanding about my strokes. In a nutshell, he has worked with me to get a lease with the owner, which would be Richard Cannon.”

Ward, “Based on the site plan, where is access actually coming from? I see a north and a south road, but I do not see Henderson Canyon Road.”

Bob Jones, "I have an easement and I own the rest of it. Some other people have easements. I will be paving that."

Ward, "I guess my concern is that this site plan you provided us does not fit the property you are showing. You are showing access to somebody else's property. You don't show access to Henderson Canyon."

Bob Jones, "That is correct, but it is not meant to be a platable site plan."

Ward, "But that is what we have to look at."

Bob Jones discussed why he moved original parcel that was in the Residential Rural zone to the Recreational zone.

Selleneit, "You stated on your application 110 RV spots. So, to me that is truck and trailer. On the two-lane road, Dempsey Creek, either coming right through town or they are coming around Merrick to get there. Only two lanes and 27 capsules. Also, you stated on your application, 50 employees. Have you had any conversations with who is maintaining the road, which would be the county?"

Bob Jones, "I think Lava City probably plows that section."

Selleneit, "You stated 24 hour, seven days a week, year-round use. Look at the added traffic. Have you had conversations with those agencies?"

Bob Jones, "I have been talking to Lava City for about a year and a half. The site is already used for recreation so there is constant traffic."

Discussed traffic, impact on the roads, traffic study, mitigation study, septic tank and well, and drainage.

Bob Jones indicated he is going to try to reclaim the water and pump it down to a station, remove the solids, and then use the affluent to clean it and use it.

Selleneit, "As far as storm water, storm drainage. Where is that water going? Is that going to dump down on the Dempsey, or do you have a way to contain that, what is your plan? I saw you have a water storage lake here."

Bob Jones, "That is after it is cleaned. We will use that for agricultural water. We are going to clean it. We are going to clean it to drinking quality, but we are not going to use it for human consumption. We are going to use it for agriculture on the rest of the farm."

Selleneit, "So if this gets approved, what is your timeline for construction for start in the spring? So, you have all your engineering ready to go to start in the spring?"

Bob Jones, "I don't. It is all preliminary stuff."

Krystal Madsen, "So, after reading through all the application material, due diligence, looking through everything that I have available to me that doesn't match with what you are sharing. So, could you just repeat back for me what you are intending to do with rehab? You said something about doctor visits."

Bob Jones, "It is in the water. It is in the mineral pool area."

Krystal Madsen, "So you stated that your purpose changed, is that correct?"

Bob Jones, "That is correct."

STAFF

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

Dimick, "How do we get proper feedback from DEQ on the water reuse idea, which I am a wastewater engineer. I know in Idaho that requires a reuse permit. How does DEQ have a chance to comment on this if that is not included in the application?"

Tristan Bourquin, Assistant Planning Director, "They were notified as one of the agencies for this public hearing and they did not submit comments."

PUBLIC TESTIMONY

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: Collin Petrum – Opposed application
Lora Gunter – Opposed application
Kaylee Sorensen – Opposed application

Dix Sorensen – Opposed application
Jennifer Jensen – Opposed application
Karley Mayne – Opposed application
Ashby Richardson – Opposed application
Cole Sanchez – Opposed application
Edward German – Opposed application
Jaden Mayne – Opposed application
Michael Edward Smith – Opposed application
Kristi Case – Opposed application
Jennifer Jensen – Opposed application
Brayden Case – Opposed application
Cam Salt – Opposed application
Brian Gines – Opposed application
Barbara Anderson – Opposed application
Maegan Sanchez – Opposed application
Julie Richards – Opposed application
Larry Burdem – Opposed application
JaDene Rooks – Opposed application
Dez Hauser – Opposed application
Dennis Pay – Opposed application
Amy Pay – Opposed application
George & Betty Katsilometes – provided letter – opposed application
Nancy Petrun – Opposed application – testified
Leah & Pat Navarro – Opposed application – testified
Henry & Kathy Etcheverry – provided written testimony
Riley Sorensen – Opposed application – testified
Sara Ries – Opposed application – testified
Mark Oyler – Opposed application – testified
Rebecca Falcon – Opposed application – testified
Victor Archibald – Opposed application – testified

Bob Jones – Rebuttal

“What you listened to tonight was a group of people saying, hey, our pie is only so big and Bob wants some of our pie and you shouldn't give it to him. The point is that 85% of the tourism that happens in Lava comes from Salt Lake City. And there is a lot more of it to access, you know, the market. Everybody loves Lava. Nobody stays there. When I say nobody, I mean they go to Pocatello for the night and come back to Lava. At least the group of people that I run with. Our intention is to create another pie. Second of all, infrastructure. Well, we have to do that with the

development. It is not an issue. We can't get the permits unless we provide the infrastructure. We do not need anything from Lava City. We have our own water shares, we have our own wells. We are going to reclaim the sewage on site. We can help the golf course, who does not have that now. We are solving problems, not creating them. I am still open to work with Lava, to talk with them on different parcels of property, as I was in the beginning. I am happy to share my solutions with them. However, the reason that the plan has changed so drastically. My stroke, number one and number two, is the feedback that I get from the City. They don't want to do this. Please do this, please do that. I make the changes, I come back to them. Oh, well, let's think about that. And, you know, it has just been ridiculous. And then the change here with the site plan is I designed it for the backwards L that touches Lava City. It is a whole different parcel. That is what I designed it for. And then the county came back to me and said that is RR, not recreational. That is a different zoning. You'd have to get a zoning change to do that plan. So, we moved it down. All we are doing is adapting to what the City tells us. So most of the people talked about not having their infrastructure. We are providing that with our development. Most of the people talk that Lava doesn't have water. I don't want Lava's water. I am allowed to access water for the shares that I have and the well permit that I have. So, we are going to hurt the groundwater. Actually, we are going to be economic or environmentally better for the area because we are not seeping sewage down into the ground. We are reclaiming it and making it usable water, which will then, as usable, clean water, percolate down to the ground back into the well system, giving us almost a zero footprint. So most of the complaints are about, hey, we want Lava to stay like it is. Well, then you shouldn't have zoned the property this way. I'm into it a half a million dollars already based on the fact that I'm allowed to do exactly what I want to do. I'm sorry for the people of Lava that think they're not going to gain from this, but I think that they will. And the area that I'm talking about is really flat compared to the rest of the site. Hardly any change to it at all. We are adding some water features. The trail system will stay intact the way it is. The whole thing stays. I've got moose on the property. We want the moose to stay. So, all we are going to do is add trees, some RV parking spots, some pools, which I'm already allowed to do. I don't need a CUP to do that. It is already zoned for it. And the group of people that spoke today are trying really hard to say, hey, this is going to negatively impact us. But what they're really saying is, hey, they're going to take my business and we want to bring new business, not steal the old business. That's my response."

Ulrich, "I think there is some confusion amongst the folks here. This piece that he is now moved to is recreational. There is nothing in his proposal that is not in the recreational zone. But in my opinion, I think there is a lot of work that still has to be done here. Development is difficult. I commend him for working with the City of Lava. He needs to continue to do that. I think some of these things that he is suggesting would be something that could easily be worked out between him and Lava. Many folks said that they don't have enough sewer, they don't have enough water. I would encourage Lava to continue to work with him. I think there is a lot to the proposal that is still lacking on our side. I think two pages of conditions is a lot for us to move forward and improve

something like this. The growth coming to Lava is going to happen either way. Look at Inkom, you can't turn that corner now without the whole mountain getting lit up. I think responsible growth is important, but I think even more important is being open to help this kind of development happen. A lot of people said there's poor ambulatory service, it's all volunteer fire department. You know, all of county practically is and those can't improve without taxpayer base and increase. At the same time, I think that his approach to come to the county and work with the county, his approach to go to the City of Lava and work with them, even though this is out of Lava's jurisdiction, I think is the right way. Everything he is asking for is within the ordinance in the Recreational zone as a conditional use. There is a good number that said he is doing things illegally or asking for things illegal. Nothing he is asking for is outside of this ordinance. The two pages of conditions for something like this is concerning. I think there is a lot of things that are addressed in the conditions that we should have to make a good decision on this. And if we don't have that, I don't know how we can move it forward responsibly. It is not clear enough for me to make a decision that says let's move forward.

We have some very specific things in the recommendation from staff. If we are going to deny it, we need to tell the applicant why we denied it. Prior to granting a special use, require a study of social, economic, fiscal, and environmental effects.”

FINDINGS

1. The proposed use would adversely affect surrounding properties to a materially greater extent than would a permitted use in the district. No mitigation study was provided, no grading and drainage plan provided, no information was provided by the applicant to prove it would not adversely affect adjacent properties.
2. The proposed use would cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use. The proposal would create approximately 185 one-way trips in the area. A traffic study was not provided to show it would not cause an undue disruption.
3. The proposed use would damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity. Without comments from state and federal agencies or fire district or county along with extensive public comments.
4. The proposed use would be consistent with the goals and policies of the Comprehensive Plan of the county. Goal 4.2 – Expanded recreational opportunities.

5. The proposed use would not be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical. Does not provide enough detail to determine if buildings would meet these criteria.

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

Selleneit seconds.

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

Motion denied 5-0.

7. ITEMS OF INTEREST:

Tristan Bourquin, Assistant Planning Director, no updates from commissioners. The new areas of impact should be in place within the next couple of weeks. Discussed upcoming hearing items for January 2026. No December meeting. Consider dates and times for a second special meeting in January.

8. CITIZEN COMMENTS:

None.

9. WORK SESSION:

Land Use and Development Ordinance Update – Removed from agenda

10. MEETING ADJOURNED

The public meeting was held in Room 212, Bannock County Courthouse, 624 E. Center Street, Pocatello, ID 83201.

PUBLIC HEARING ITEMS

AGENDA ITEM NO. 4
Future Land Use Map – Kirk Jackson



PLANNING AND DEVELOPMENT SERVICES

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

FUTURE LAND USE MAP AMENDMENT PUBLIC HEARING: JANUARY 21, 2026 STAFF REPORT

FILE #: FLUM-25-2
LOCATION: RPR4433012501 and is currently addressed as 6598 E. Brush Creek Road, Downey, ID 83234 and RPR4433025408, currently unaddressed

APPLICANT/OWNER:

Kirk Jackson
6598 E. Brush Creek Road
Downey, ID 83234

REQUEST & BACKGROUND: Kirk Jackson proposes the redesignation of approximately 62.41 acres of land from Agricultural to Residential Rural on the Future Land Use Map.

SITE CHARACTERISTICS AND FUTURE LAND USE MAP DESIGNATION:

FUTURE LAND USE PLAN: Residential Rural

PROPERTY SIZE: ~ 62.41 acres

EXISTING STRUCTURES: Residential dwelling and accessory structures located on parcel RPR4433012501. No structures on parcel RPR4433025408.

SURROUNDING LAND USES AND FUTURE LAND USE MAP:

NORTH: Primarily agricultural use and is designated as Agricultural on the Future Land Use Map.

EAST: Primarily agricultural and residential uses and is designated as Agricultural on the Future Land Use Map.

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

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

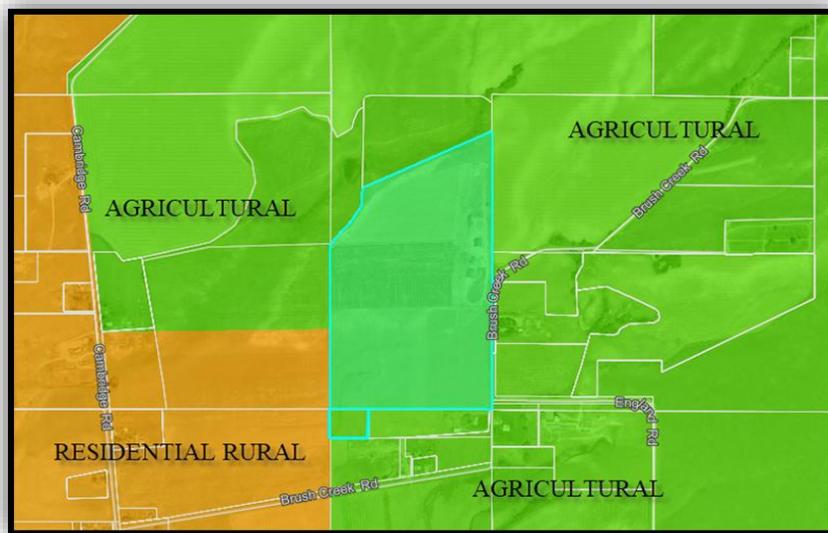
APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-6509 Local Land Use Planning, Recommendation and Adoption, Amendment, and Repeal of the Plan.
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
 - a. §310 AGRICULTURAL DISTRICT
 - b. §320 RESIDENTIAL RURAL DISTRICT

STAFF REPORT
FLUM - JACKSON
Page 1 of 5



SITE MAP



FLUM MAP

STANDARDS FOR GRANTING AN AMENDMENT TO THE COMPREHENSIVE PLAN

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

A. The existing 2040 Comprehensive Plan and/or any related element thereof is in need of the proposed Plan Amendment.

Staff Findings

The Comprehensive Plan Future Land Use Map is a guiding document and the lines are not absolute. The map designates the land in question as Agricultural. In Chapter 6, Figure 7, the 2040 Comprehensive Plan states that areas designated as Residential Rural should have rural characteristics such as low-density housing, agricultural uses, and transition between rural and suburban development. Council should consider if the existing 2040 Comprehensive Plan is in need of this proposed Plan Amendment.

B. The proposed Plan Amendment will have no major negative impacts on transportation, services, and facilities.

Staff Findings

The parcels to be amended are currently accessed by Brush Creek Road. This road is currently maintained by the Swan Lake Hwy District.

C. Strict adherence to the 2040 Comprehensive Plan would result in a situation neither intended nor in keeping with other key elements and strategies of the Plan.

Staff Findings

Strict adherence to the 2040 Comprehensive Plan is at the discretion of the Council and Commission. Adherence to the 2040 Comprehensive Plan would keep the proposed area Agricultural. The parcels in question are currently zoned Agricultural to the west. The proposed change would allow for continuity with the Residential Rural zoning of the parcels.

D. The proposed Plan Amendment will promote the public welfare and will be consistent with the goals and strategies of the 2040 Comprehensive Plan and the elements thereof.

Staff Findings

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

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

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

Strategies 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 2.2 – *Development that fosters economic growth while maintaining the rural character of the county.*

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

Goal 3.2 – *A strong and diverse economy.*

Strategies 3.2.1: *Appropriately zone locations within the county to allow for a variety of residential, agricultural, commercial, and industrial uses.*

Goal 3.3 – *A rural atmosphere with a variety of house and commercial development opportunities.*

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

Strategies 3.3.3: *Update ordinance that promotes residential clustering and protects sensitive areas.*

AGENCY COMMENTS:

- Idaho Department of Environmental Quality

PUBLIC COMMENTS:

- None at time of report

REPORT BY:

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

REPORTED DATE: January 14, 2026

**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 FLUM Sketch Plan
2. Applicable Laws (on file with Staff)
3. Evidence of Notices (on file with Staff)
4. Agency/Public Comments (if any)

EXHIBIT 1

Application & Site Plan

Future Land Use Map Change Application

Applicant

 Kirk Jackson

FLUM-25-2

Submitted On: Nov 3, 2025

Project Information

Current Use of Property

idle ground , farm crop

Surrounding Land Use

idle ground, farm crops, residential homes

Parcels Proposed for Map Change

Parcel Number	Current Designation
RPR4433012501, RPR4433025408	Agricultural
Proposed Designation	Section
Residential Rural	14
Property Owner	Township
KIRK JACKSON	11 S
Acres	Range
63	37 EAST
I have authorization to include the parcel(s) above for the map change.	
true	

Narrative Standards

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

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

This ground is not used for anything useful. There are no agriculture wells being permitted to be drilled. Dry farming in this area is almost a waste of resources because of dry climate. Crops do not grow well. Weed control is a problem. A few new homes have been constructed in the past 3 years within 1 mile that have added beauty and profitable property tax to Bannock County rural area and developments.

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

This area is growing very slowly. We need growth in Downey before this town becomes a ghost town.

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

..There is currently paved roads that are safe and accessible on 2 sides of this property for transportation. Services in South Bannock county are minimal. There is a post office and a dental clinic within 3 miles and a fire station.

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

..The future use will not create a big change or impact that would make a difference of services.

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

..The future use of this property may include one or two new homes to be constructed in years ahead. Strict adherence is important in this community and does not include hazardous or dangerous situations or an eyesore that would be offensive to neighbors homes nearby.

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

..The public Welfate is of my greatest concern. Many people find living in rural communities a safe and healthy way of life for families and home owners.

Acknowledgement

Electronic Signature [Typed Name of Applicant]

Kirk Jackson

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

10/27/2025

Brush Creek

Wilding



Home

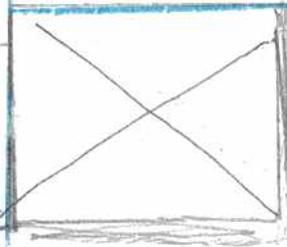
26'30"

270'



Neil West Place

50' E N²²



57.3'

5'066

320

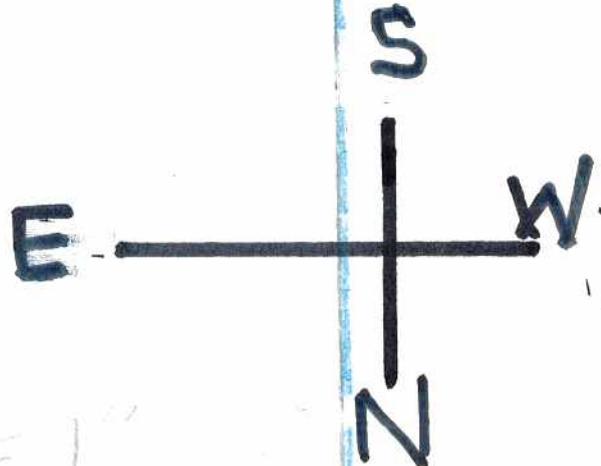
5 Acre

10 Acres

5 Acre

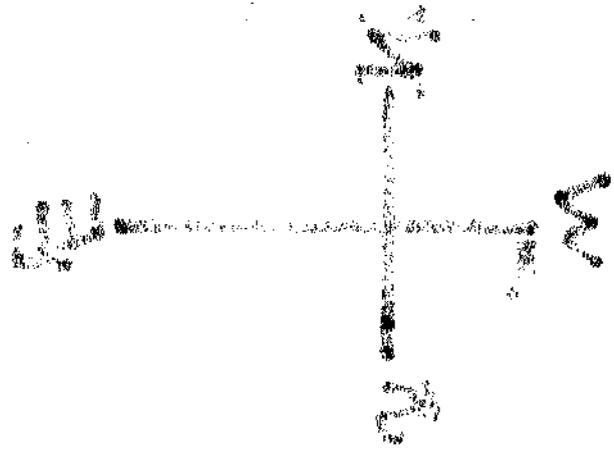
Jackson Property total 62.17

JACKSON Property



JACKSON HOME





2550
N
1804 W

EXHIBIT 2

Agency Comments



January 12, 2026

Mr. Hal Jensen, Planning Director
Bannock County Office of Planning & Development Services
5500 S. 5th Ave
Pocatello, ID 83204
development@bannockcounty.gov

Subject: Comprehensive Plan Future Land Use Map Amendment and Zoning Ordinance Map
Amendment/Rezone – Agricultural to Residential Rural – Jackson

Dear Mr. Jensen:

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

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

Sincerely,

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

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

EDMS# 2026AGD122

Attachments: DEQ General Recommendations for Land Development Projects.

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

General Recommendations

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

Engineering

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

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

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

Air Quality

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

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

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

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

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

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

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.

02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.
03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.
05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.
06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

Surface Water Quality

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

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

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

Waste Management - Hazardous Material - Petroleum Storage

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

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most commonly 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
Ordinance Excerpts

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

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

310 AGRICULTURAL DISTRICT (A)

311 PURPOSE:

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

312 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

- I. Commercial Stables.
- J. Kennels.
- K. Public service facilities (**Amendment No. 30 Ordinance #2015-5**)

314 USES CONDITIONALLY PERMITTED:

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

- A. All non-residential uses permitted as conditional uses in the Residential Suburban district.
- B. Mining.
- C. Rendering, butchering, slaughter, skinning or processing of animals.
- D. Feed lot.
- E. Zoo.
- F. Wildlife preserves.
- G. Shooting preserves.
- H. State licensed day care homes or centers with seven or more client children.

315 DIVISIONS OF AGRICULTURALLY ZONED LAND FOR RESIDENTIAL USE:

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

- A. One (1) dwelling unit shall be permitted for each forty (40) acres of land in single ownership up to one hundred and sixty (160) acres. (**Amendment No. 39 Ordinance #2018-03**)
- B. When more than one hundred and sixty (160) acres are held in a single ownership, then one (1) dwelling unit shall be permitted for each additional one hundred and sixty (160) acres. This amounts to one dwelling unit for approximately every additional 160 acres owned. (**Amendment No. 39 Ordinance #2018-03**)
- C. After the first two residences, each dwelling unit shall be located on its own separate lot, the size of which shall be equal to or larger than the Minimum Lot Area specified in the Building Bulk and Placement Standards for the Agricultural District.

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

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

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

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

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

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

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

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

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

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

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

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

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316 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

AGRICULTURAL DISTRICT

MINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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320 RESIDENTIAL RURAL DISTRICT (RR)

321 PURPOSE:

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

322 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

324 USES CONDITIONALLY PERMITTED:

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

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

325 PARKING STANDARDS:

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

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

A. Open Space Designed Subdivision (see design standards of Subdivision Ordinance) with density of one dwelling to 2.5 acres.

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

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

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

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

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

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

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

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327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

RESIDENTIAL RURAL DISTRICT

MINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

FINDINGS

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL
FINDINGS AND ORDER

FUTURE LAND USE MAP AMENDMENT – KIRK JACKSON
MEETING DATE: JANUARY 21, 2026

FILE #: FLUM-25-2
LOCATION: RPR4433012501 and is currently addressed as 6598 E. Brush Creek Road, Downey, ID 83234 and RPR4433025408, currently unaddressed

APPLICANT/OWNER:
Kirk Jackson
6598 E. Brush Creek Road
Downey, ID 83234

REQUEST & BACKGROUND: Kirk Jackson proposes the redesignation of approximately 62.41 acres of land from Agricultural to Residential Rural on the Future Land Use Map.

FINDINGS:

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

SITE CHARACTERISTICS AND FUTURE LAND USE MAP DESIGNATION:

FUTURE LAND USE PLAN: Residential Rural

PROPERTY SIZE: ~ 62.41 acres

EXISTING STRUCTURES: Residential dwelling and accessory structures located on parcel RPR4433012501. No structures on parcel RPR4433025408.

STANDARDS FOR GRANTING AN AMENDMENT TO THE COMPREHENSIVE PLAN:

1. The existing 2040 Comprehensive Plan and/or any related element thereof **(is) (is not)** in need of the proposed Plan Amendment.

2. The proposed Plan Amendment **(will) (will not)** have major negative impacts on transportation, services, and facilities.

3. Strict adherence to the 2040 Comprehensive Plan **(would) (would not)** result in a situation neither intended nor in keeping with other key elements and policies of the Plan.

4. The proposed Plan Amendment **(will) (will not)** promote the public welfare and will be consistent with the goals and policies of the 2040 Comprehensive Plan and the elements thereof.

ORDER: CONCLUSION AND DECISION

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

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

ROLL CALL:

Councilperson Dimick	Voted	[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 _____, 2026.

Signed by (Chairperson) (Vice chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this ____ day of _____, in the year of 2026, 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

MOTION

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

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

1.
2.

AGENDA ITEM NO. 5

Rezone – Kirk Jackson



PLANNING AND DEVELOPMENT SERVICES

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

REZONE PUBLIC HEARING: JANUARY 21, 2026 STAFF REPORT

FILE #: RZO-25-4
LOCATION: RPR4433012501 and is currently addressed as 6598 E. Brush Creek Road, Downey, ID 83234 and RPR4433025408, currently unaddressed

APPLICANT/OWNER:

Kirk Jackson
6598 E. Brush Creek Road
Downey, ID 83234

REQUEST & BACKGROUND: Kirk Jackson proposes the redesignation of approximately 62.41 acres of land from Agricultural to Residential Rural on the Zoning Map.

SITE CHARACTERISTICS AND FUTURE LAND USE MAP DESIGNATION:

FUTURE LAND USE PLAN: Residential Rural

PROPERTY SIZE: ~ 62.41 acres

EXISTING STRUCTURES: Residential dwelling and accessory structures located on parcel RPR4433012501. No structures on parcel RPR4433025408.

SURROUNDING LAND USES AND ZONING:

NORTH: Primarily bare ground within the Agricultural zoning district.

EAST: Primarily bare ground and residential uses within the Agricultural zoning district.

SOUTH: Primarily bare ground and residential uses within the Agricultural zoning district.

WEST: Primarily bare ground and residential uses within the Residential Rural zoning district.

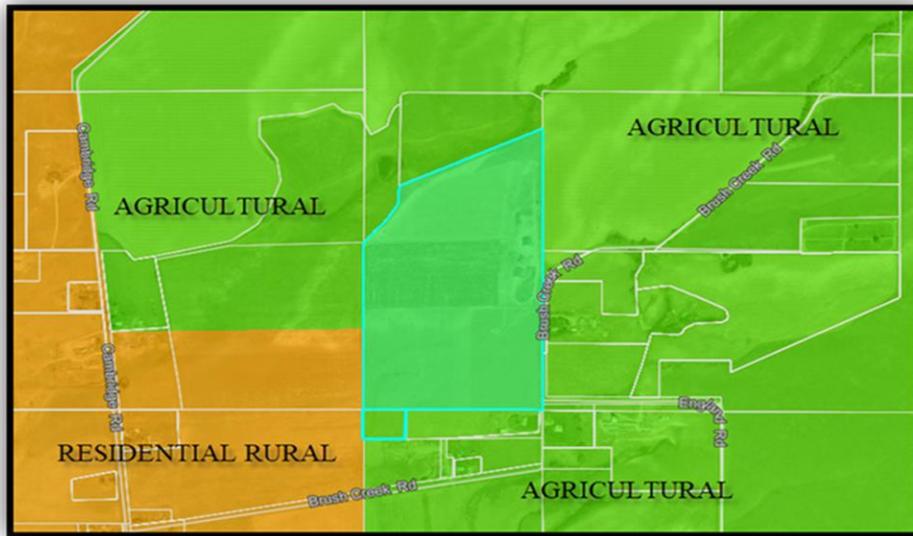
APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-6509, Recommendation and Adoption, Amendment, and Repeal of the Plan.
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
 - a. §520 REZONING
 - b. §310 AGRICULTURAL DISTRICT
 - c. §320 RESIDENTIAL RURAL DISTRICT

STAFF REPORT
REZONE - JACKSON
Page 1 of 6



SITE MAP



ZONING MAP

STANDARDS FOR GRANTING A REZONE (ZONING ORDINANCE §520.4)

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

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

Staff Findings

The subject property is currently used for agricultural purposes. Adjacent parcels to the south and west are designated and used as Residential Rural. The applicant indicates that the surrounding area is compatible and suitable for Residential Rural development, with lot sizes appropriate for single-family dwellings and small farm animals. Based on existing surrounding uses, the proposed rezone appears compatible. Council should consider whether the proposed use would adversely impact neighboring properties more than uses already permitted within the district.

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

Staff Findings

The applicant states that rezoning from Agricultural to Residential Rural may increase property values. Within the past five years, three well-maintained, stick-built homes have been constructed on Dewey Lane in Downey, approximately two miles from the subject property. The proposed zoning is consistent with surrounding residential uses and associated property values. Council should evaluate whether the proposed rezone could adversely affect neighboring properties or property values.

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

Staff Findings

The applicant states that the 63-acre property is currently zoned Agricultural but is not productive farmland due to dry-farm conditions and limited moisture in the Downey area. The applicant also notes that rezoning could support better management of noxious weeds. Council should review the applicant's information to determine whether a need exists for the proposed zoning change at this location.

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

STAFF REPORT
REZONE - JACKSON
Page 3 of 6

Staff Findings

The applicant states that the proposed rezone would not create additional public costs. Council should evaluate whether the change in land use would result in any adverse impacts and whether public costs, if any, would be justified by the public benefit.

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

Staff Findings

The applicant states that existing public services, such as snow removal along Brush Creek Road are already in place and would not require modification. Rocky Mountain Power is able to provide electrical service to new residences, and the proposed change is expected to have minimal impact on fire services. Council should determine whether public services, utilities, and facilities are adequate to support the proposed land use.

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

Staff Findings

The applicant states that the proposed zoning would be consistent with surrounding uses and help maintain the quiet, rural character of the area. Based on existing conditions and compatible neighboring uses, staff does not anticipate that the rezone would be detrimental to the environment of the immediate neighborhood. Council should determine whether the proposed zoning district would be detrimental to the environment of the immediate neighborhood.

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

Staff Findings

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

The Bannock County 2040 Comprehensive Plan states:

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

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 3.2: A strong and diverse economy.

Strategy 3.2.1: Appropriately zone locations within the county to allow for a variety of residential, agricultural, commercial, and industrial uses.

IDAHO CODE REGARDING REZONING

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

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

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision

STAFF REPORT
REZONE - JACKSON
Page 5 of 6

providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

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

AGENCY COMMENTS:

None received at the time of this report.

PUBLIC COMMENTS:

None received at the time of this report.

REPORT BY:

Annie Hughes Williams, Zoning Planner
annieh@bannockcounty.gov
208.236.7230

REPORTED DATE: January _____, 2026

**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 Sketch Plan
2. Applicable Laws (on file with Staff)
3. Evidence of Notices (on file with Staff)
4. Agency/Public Comments (if any)

EXHIBIT 1

Application & Site Plan

Rezone Application

RZO-25-4

Submitted On: Nov 5, 2025

Applicant

 Kirk Jackson

Project Information

Current Use of Property

bare land

Surrounding Land Use

bare land , some farm, few homes

Parcels Proposed for Rezone

Parcel Number	Current Zoning
RPR4433025408, RPR4433012501,	Agricultural
Proposed Zoning	Section
Residential Rural	14
Property Owner	Township
Klrk Jackson	11 S
Acres	Range
63	47 East
I have authorization to include this parcel for rezoning.	
true	

Narrative Standards

Please address how the proposed rezone meets the following requirements:

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

The area around our 63 acres is an area that is compatible and desirable for use as Rural Residential zoning. Homes in this area are within 3 miles of the small town of Downey but would not detract from the quiet life that folks want when they build homes in the country. These lots are suitable for single family dwellings with just enough land to garden or keep small farm animals such as chickens.

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

A change of zoning from agriculture to rural residential would actually increase property values. In the last 5 years 3 new homes have been constructed on Dewey Lane in Downey Idaho about 2 miles from our proposed property. The homes are well maintained, stick frame, beautiful homes.

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

This 63 total acre property now zoned agriculture is not productive farm land because it is dry farm and moisture and rain are sparse in Downey, Idaho. Rezoning would also help curtail noxious weeds.

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

I do not believe there would be any public cost difference if rezoned.

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

Public services are already provided such as snow plowing this road along Brush Creek. Rocky Mountain Power company is on board in providing power for small and new residences. Minimal effect on fire services.

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

This zoning is optimal for this area to keep it quiet and beautiful.

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

This zoning is in accordance with the standards of the "Our Future" comprehensive plan.

Acknowledgement

Electronic Signature [Typed Name of Applicant]

Debbie Jackson

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

11/04/2025

Brush Creek

Wilding



Home

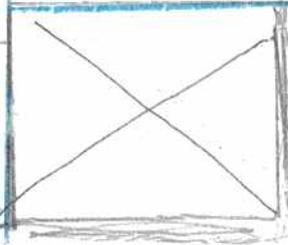
26'30"

270'



Neil West Place

50' E N²²



57.3'

5'066

320

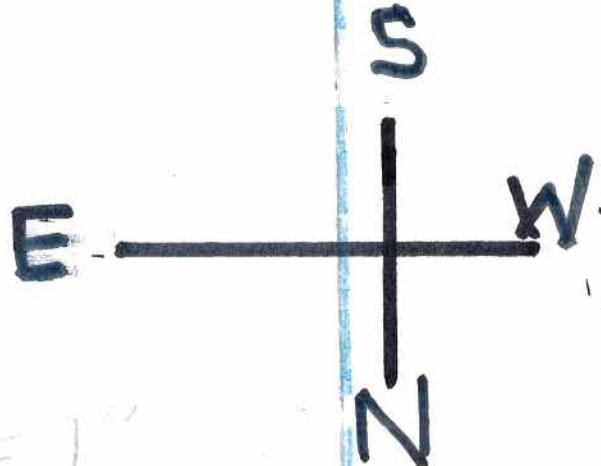
5 Acre

10 Acres

5 Acre

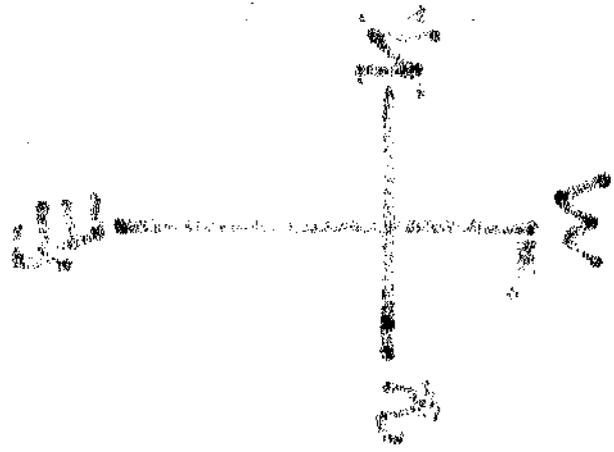
Jackson Property total 62.17

JACKSON Property



JACKSON HOME





2550 N
1804 W

EXHIBIT 2
Ordinance Excerpts

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

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

310 AGRICULTURAL DISTRICT (A)

311 PURPOSE:

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

312 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

- I. Commercial Stables.
- J. Kennels.
- K. Public service facilities (**Amendment No. 30 Ordinance #2015-5**)

314 USES CONDITIONALLY PERMITTED:

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

- A. All non-residential uses permitted as conditional uses in the Residential Suburban district.
- B. Mining.
- C. Rendering, butchering, slaughter, skinning or processing of animals.
- D. Feed lot.
- E. Zoo.
- F. Wildlife preserves.
- G. Shooting preserves.
- H. State licensed day care homes or centers with seven or more client children.

315 DIVISIONS OF AGRICULTURALLY ZONED LAND FOR RESIDENTIAL USE:

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

- A. One (1) dwelling unit shall be permitted for each forty (40) acres of land in single ownership up to one hundred and sixty (160) acres. (**Amendment No. 39 Ordinance #2018-03**)
- B. When more than one hundred and sixty (160) acres are held in a single ownership, then one (1) dwelling unit shall be permitted for each additional one hundred and sixty (160) acres. This amounts to one dwelling unit for approximately every additional 160 acres owned. (**Amendment No. 39 Ordinance #2018-03**)
- C. After the first two residences, each dwelling unit shall be located on its own separate lot, the size of which shall be equal to or larger than the Minimum Lot Area specified in the Building Bulk and Placement Standards for the Agricultural District.

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

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

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

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

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

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

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

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

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

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

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

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

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316 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

AGRICULTURAL DISTRICT

MINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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

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

322 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

324 USES CONDITIONALLY PERMITTED:

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

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

325 PARKING STANDARDS:

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

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

A. Open Space Designed Subdivision (see design standards of Subdivision Ordinance) with density of one dwelling to 2.5 acres.

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

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

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

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

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

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

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

RESIDENTIAL RURAL DISTRICT

MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.
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.

planned unit development process, terms of the Building Code concerning building construction and building separation shall be complied within their entirety.

510.11 MOBILE HOME PARKS:

Mobile home parks shall be developed as planned unit developments in conformity with the density requirements for the area involved. All requirements applicable to other planned unit developments shall govern the development of mobile home parks.

520 REZONING:

520.1 PROCEDURES FOR MAKING APPLICATION FOR A ZONING DISTRICT BOUNDARY CHANGE:

- A. Either representatives of the County or any person possessing ownership rights or an exclusive contractual right to possession of a parcel of land may petition the Planning and Development Council for a zoning district boundary change (rezoning). The applicant for a district boundary change shall provide such information as may be required by the Planning and Development Council in the form desired, at least thirty calendar days in advance of a regularly-scheduled meeting of the Planning and Development Council. Upon receipt of all materials required to complete the application, the clerk of the Planning and Development Council shall schedule a public hearing concerning the request, providing proper notice as required by the Idaho Code and application portion of this Ordinance.

- B. The Planning and Development Council shall complete the public hearing on a district boundary request within forty-five calendar days of its initiation. A formal recommendation on each request shall be transmitted to the Board of County Commissioners within forty-five calendar days of the completion of the public hearing. Extension of these time limits may be accomplished with consent of the applicant.

- C. Public hearings before the Planning and Development Council shall provide opportunities for all interested parties to testify in support of their points of view in accord with procedures and rules established by the Planning and Development Council. Written testimony may be accepted prior to a public hearing, during the public hearing, or until the Planning and Development Council deems the public hearing closed. The Planning and Development Council may vote to authorize the submission of appropriate written testimony for up to ten days following the conclusion of a public hearing. Final recommendations shall not be made until all testimony, oral or written, has been received by the Planning and Development Council. If a public hearing has been closed, additional public comment shall be received only after appropriate notice is provided in accord with the Idaho Code requirements and standards established by this Ordinance.

**520.2 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES—
TRANSMISSION OF RECORDS TO BOARD OF COUNTY COMMISSIONERS FOR
DETERMINATION:**

- A. The clerk of the Planning and Development Council shall compile the records of the Planning and Development Council concerning a request for a zoning district boundary change and transmit them to the Board of County Commissioners. An additional public hearing shall then be scheduled before the Board of County Commissioners. The Board of County Commissioners shall consider the record compiled by the Planning and Development Council and additional testimony submitted during the Board of County Commissioners' public hearing process. The Board of County Commissioners procedure for accepting testimony at public hearings shall be consistent with standards established for the Planning and Development Council. The Board of County Commissioners shall conclude actions on a zoning district boundary change within forty–five days of the completion of public hearings on the question.

- B. The recommendation of the Planning and Development Council to the Board of County Commissioners, and final decision of the Board of County Commissioners respectively shall be stated in the form of a formal findings of facts and conclusions which shall be adopted by a majority of members taking part in deliberations on the request. This document shall list facts taken into account in arriving at a recommendation or decision, and shall state the conclusions drawn from the facts, specifically as they concern the goals and policies of the comprehensive plan and this Ordinance.

**520.3 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES—NOTICES
OF PUBLIC HEARING:**

- A. Notice of public hearing shall be provided in accord with requirements of the Idaho Code and such other standards as this Ordinance may require. Where the names of landowners must be provided for mailing public hearing notices, the records of the county assessor's office shall serve as the official source.

- B. Names of parties to receive notice concerning applications made pursuant to provisions of this Ordinance shall be provided by applicants seeking a change in zoning district boundaries. All responsibility for provision of accurate mailing lists shall rest with the applicant.

- C. Notices of public hearing shall be prepared and mailed under supervision of the clerk of the Planning and Development Council.

- D. Should notice be alleged to be defective, the allegations shall be reviewed by the Planning Director, Prosecuting Attorney, and presiding officer of the body scheduled to conduct the hearing to determine the nature of the alleged problem and its potential effect upon the proceedings.

- E. Appeals concerning adequacy of notice may be made from the decision of the aforementioned committee to the entire membership of the Board of County Commissioners or Planning and Development Council involved.

**520.4 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES —
CONDITIONS FOR APPROVAL — RESUBMISSION OF APPLICATION:**

Changes in zoning district boundaries may be approved only if they are consistent with the goals and policies adopted in the County Comprehensive Plan. Zone changes may be achieved only by passage of an ordinance modifying the official zoning map of the county. The ordinance shall be accompanied by a map depicting the change to be made. Rezoning applications which have been rejected may not be refiled for twelve months following Board of County Commissioners action on them unless the rezoning application was rejected conditionally to permit reapplication.

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

- A. The uses allowed in the proposed district would be compatible with surrounding uses.
- B. The proposed zoning district would not adversely affect the surrounding neighborhood's stability and property values.
- C. The applicant has shown that there is a need for the proposed zoning district in the County or at the proposed location.
- D. The public cost resulting from the change in land use would not be excessive when compared with the public benefit derived from the change in land use.
- E. Adequate public services, utilities, and facilities would be available to serve the changed land use.
- F. The proposed zoning district would not allow uses that would be detrimental to the environment of the immediate neighborhood.
- G. The requested change would be in accordance with the goals and policies of the County Comprehensive Plan.

**520.5 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES —
NECESSITY FOR ORDINANCE — RESUBMISSION OF APPLICATION:**

Zone changes may be achieved only by passage of an ordinance modifying the official zoning map of the county. The ordinance shall be accompanied by a map depicting the change to be made. Rezoning applications which have been rejected may not be

refiled for twelve months following Board of County Commissioners' action on them unless the rezoning application was rejected conditionally to permit reapplication.

530 CONDITIONAL USES:

A conditional use may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the comprehensive plan. The allowance of a conditional use is discretionary with the Planning and Development Council and may be granted only in the best interests of the general public. The applicant for a conditional use permit shall carry the burden of proof in showing that the proposed use does not conflict with the spirit or purpose of the comprehensive plan of the county and the standards for conditional use permits set forth in this Ordinance.

530.1 JURISDICTION:

The Planning Director shall be responsible for administration of the Conditional Use Procedure, and the Planning & Zoning Commission shall be responsible for review, evaluation, and action on all applications for a Conditional Use Permit.

530.2 CONCURRENT APPLICATIONS:

Application for a Conditional Use Permit and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a conditional use permit and a rezoning. The Planning and Development Council may hold the public hearing on the rezoning and the conditional use permit at the same meeting and may combine the two hearings. In such cases, the date of the Planning and Development Council's decision on the Conditional Use Permit application shall be deemed to be the same as the effective date by the Board of County Commissioners of an ordinance changing the zone boundaries, provided that if the Board of County Commissioners modifies a recommendation of the Planning and Development Council on a concurrent zoning reclassification, the Conditional Use Permit application shall be reconsidered by the Planning and Development Council in the same manner as a new applications; provided, however, that no additional fee shall be required.

530.3 APPLICATION AND FEE:

Application for a Conditional Use Permit shall be filed with the Planning Director at least thirty days prior to the public hearing. The application shall include the following:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a written statement signed

FINDINGS

BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL
FINDINGS AND ORDER

REZONE – KIRK JACKSON
MEETING DATE: JANUARY 21, 2026

FILE #: RZO-25-4
LOCATION: RPR4433012501 and is currently addressed as 6598 E. Brush Creek Road, Downey, ID 83234 and RPR4433025408, currently unaddressed

APPLICANT/OWNER:
Kirk Jackson
6598 E. Brush Creek Road
Downey, ID 83234

REQUEST & BACKGROUND: Kirk Jackson proposes the redesignation of approximately 62.41 acres of land from Agricultural to Residential Rural on the Zoning Map.

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

SITE CHARACTERISTICS AND ZONING:

FUTURE LAND USE PLAN: Residential Rural

PROPERTY SIZE: ~ 62.41 acres

EXISTING STRUCTURES: Residential dwelling and accessory structures located on parcel RPR4433012501. No structures on parcel RPR4433025408.

REQUIRED FINDINGS FOR GRANTING A REZONE, §520:

1. The uses allowed in the proposed district **(would) (would not)** be compatible with surrounding uses.
-
-
-

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

3. The applicant has shown that there **(is) (is not)** a need for the proposed zoning district in the County or at the proposed location.

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

5. Adequate public services, utilities, and facilities **(would) (would not)** be available to serve the changed land use.

6. The proposed zoning district **(would) (would not)** allow uses that would be detrimental to the environment of the immediate neighborhood.

7. The requested change **(would) (would not)** be in accordance with the goals and policies of the County Comprehensive Plan.

ORDER: CONCLUSION AND DECISION

The Planning and Development Council, pursuant to the aforementioned, finds that the request by Kirk Jackson to rezone approximately 62.41 acres of land from Agricultural to Residential Rural, the Council recommends [approval] [denial] [table] to the Board of County Commissioners.

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 _____, 2026.

Signed by (Chairperson) (Vice chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this ____ day of _____, in the year of 2026, 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

MOTION

Based on the record and the discussion this evening, the Council [**recommend approval to the Board of County Commissioners**] [**recommend denial to the Board of County Commissioners**] [**tabled**] the request by Kirk Jackson to rezone approximately 62.41 acres from Agricultural to Residential Rural as described in the application with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

1.
2.

AGENDA ITEM NO. 6
Conditional Use Permit –
Indoor Dog Kennel – Kymberly Lish



PLANNING AND DEVELOPMENT SERVICES

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

CONDITIONAL USE PERMIT PUBLIC HEARING: JANUARY 21, 2026 STAFF REPORT

FILE #: CUP-25-11
LOCATION: RPR4227024606 and is currently addressed as 9104 Victory View Road, Lava Hot Springs, ID 83246

APPLICANT/OWNER:

Kymerly Lish
9104 Victory View Road
Lava Hot Springs, ID 83246

RECOMMENDATION: Staff recommends one of the following:

- Denial, or;
- Approval with the following conditions:
 1. Adequate trash collection and disposal will be provided by the owner.
 2. Hours of operation will be from 8:00 a.m. – 6:00 p.m.
 3. The operation shall not create a nuisance related to noise, odor, traffic, or visual impacts.
 4. No signage.

REQUEST & BACKGROUND: Kymerly Lish requests a conditional use permit for an indoor dog kennel on her property. Proposed hours of operation are 8:00 a.m. to 6:00 p.m., seven days a week. Private well and septic are being proposed.

SITE CHARACTERISTICS AND ZONING:

ZONING: Recreational

PROPERTY SIZE: ~ 3.01 acres

VIEWS: The property is visible from Moose Hollow Road and Victory View Road

EXISTING STRUCTURES: Residential dwelling and accessory structures

SURROUNDING LAND USES AND ZONING

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

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

STAFF REPORT
CONDITIONAL USE PERMIT- LISH
Page 1 of 5

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 §67-6512, Special Use Permits, Conditions, and Procedures
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
 - a. §340 RECREATIONAL DISTRICT
 - b. §395 USE REGULATIONS SUMMARY
 - c. §530 CONDITIONAL USE



SITE MAP



ZONING MAP

CONDITIONAL USES (ZONING ORDINANCE §530)

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

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

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

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

Staff Findings of Fact

The applicant states that the kennel building may enhance property value and dogs are kept quiet and cleaned up after daily. The applicant also resides on the property, allowing close monitoring to prevent nuisances or adverse impacts. Council should determine whether the proposed use would adversely impact neighboring properties to a materially greater extent than a permitted use.

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

Staff Findings of Fact

The applicant states that the proposed use will generate minimal traffic, as clients only visit the property a few times per year when litters reach eight weeks of age. Pickup times are scheduled, further limiting outside traffic. Therefore, the proposed use will not cause an undue disruption of travel or an extraordinary increase in traffic volume in the vicinity. Council should review these uses to determine whether this proposed use would cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.

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

Staff Findings

The applicant states that the proposed building will not harm public health, safety, or general welfare, and may positively influence surrounding property values. The applicant resides on the property and will manage the use responsibly to prevent adverse impacts. Council should evaluate whether the proposed use would affect public health, safety, or welfare, or be materially injurious to nearby properties or improvements.

- D. **The proposed use would be consistent with the goals and policies of the 2040 Comprehensive Plan of the county.**

Staff Findings

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

The Bannock County 2040 Comprehensive Plan states:

Goal 3.2 – A strong and diverse economy.

Strategies 3.2.3: Support the development of economic incentives for business expansion and growth.

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

Staff Findings of Fact

The applicant states that the new building will meet kennel needs while complying with all county building requirements and engineering standards. Based on this, the proposed use is considered as compatible and practical with adjacent development in terms of building height, bulk, scale, setbacks, open spaces, and landscaping.

Council should evaluate whether the proposed use meets compatibility standards with surrounding properties.

IDAHO CODE REGARDING CONDITIONAL USE PERMITS

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

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

AGENCY COMMENTS:

1. None received at the time of this report.

PUBLIC COMMENTS:

1. Jerome and Linda Chaffee
2. Gary Ross
3. Buck Walker
4. Lonnie J. Gunter
5. Steve & Debbie Christensen
6. Darla Jons
7. Michael Jons
8. Rowdy & Amy Johnson
9. Dale & Ivalue Hatch
10. Patti Farr

REPORT BY:

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

REPORTED DATE: January 14, 2026

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

EXHIBITS:

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

EXHIBIT 1

Application & Site Plan

Conditional Use Permit

CUP-25-11

Submitted On: Nov 5, 2025

Applicant

 Kymberly Lish

Primary Location

9104 VICTORY VIEW
LAVA HOT SPRINGS, ID 83246

Conditional Use Permit

Parcel #

RPR4227024606

Zoning

Recreational

Please describe your project.

Dog Kennel

What product or service are you providing?

Puppy sales and breeding

Proposed hours of operation

8am to 6pm

Proposed days of the week operation will be in use

All

Method for Handling Waste

we pick up and dispose of waste

Proposed number of employees

1

Equipment and Machinery Use

no

Water Supply

Private

Sewage Disposal

Private

Will New Buildings be Required?

Yes

If yes, describe:

30' x 50' metal building

Will Existing Buildings be Utilized?

Yes

If yes, describe:

Existing 12' x 16'

Vehicles Used in Operation:

pick up truck, 4-wheeler

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

no

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

That of a normal household. Other than that, we only occasionally have visitors come.

Standards for Approval

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

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

The kennel building with help to further increase property values. Dogs are kept quiet and picked up after daily. We lived for the past 16 years in the city of Arimo and the kennel was located at the home residence. My dogs are good neighbors and we have a terrific rapport with our neighbors and the all of the city council memebers. We are attribute to the community and those that surround us.

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

We only have clients come to the home a couple times a year. When a litter reaches 8 weeks old and is ready to go to their new homes, I schedule for clients to come and pick up there puppy. Traffic to and from the kennel by outside clientel is minimal.

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

Again, we are bringing in a brand new, professionally constructed metal building. It will add to the surrounding property value and be a beuatiful, well cared for building. There is nothing being brought in that would damage public health, safety, or general welfare.

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

Dogs are very much part of most any recreation for many people. Being zoned recreational, the use of our kennel will not differ from that.

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

At our old home we had a barn and a seperate garage and a dog kennel. The new building will encompass all of those things for us. We are adhering to all the county building requirements as well as our engineering team that will be constructing the building to accunt for the approriations.

Acknowledgement

Electronic Signature [Typed Name of Applicant]

Date

Kymberly Lish

11/04/2025



9104 Victory view

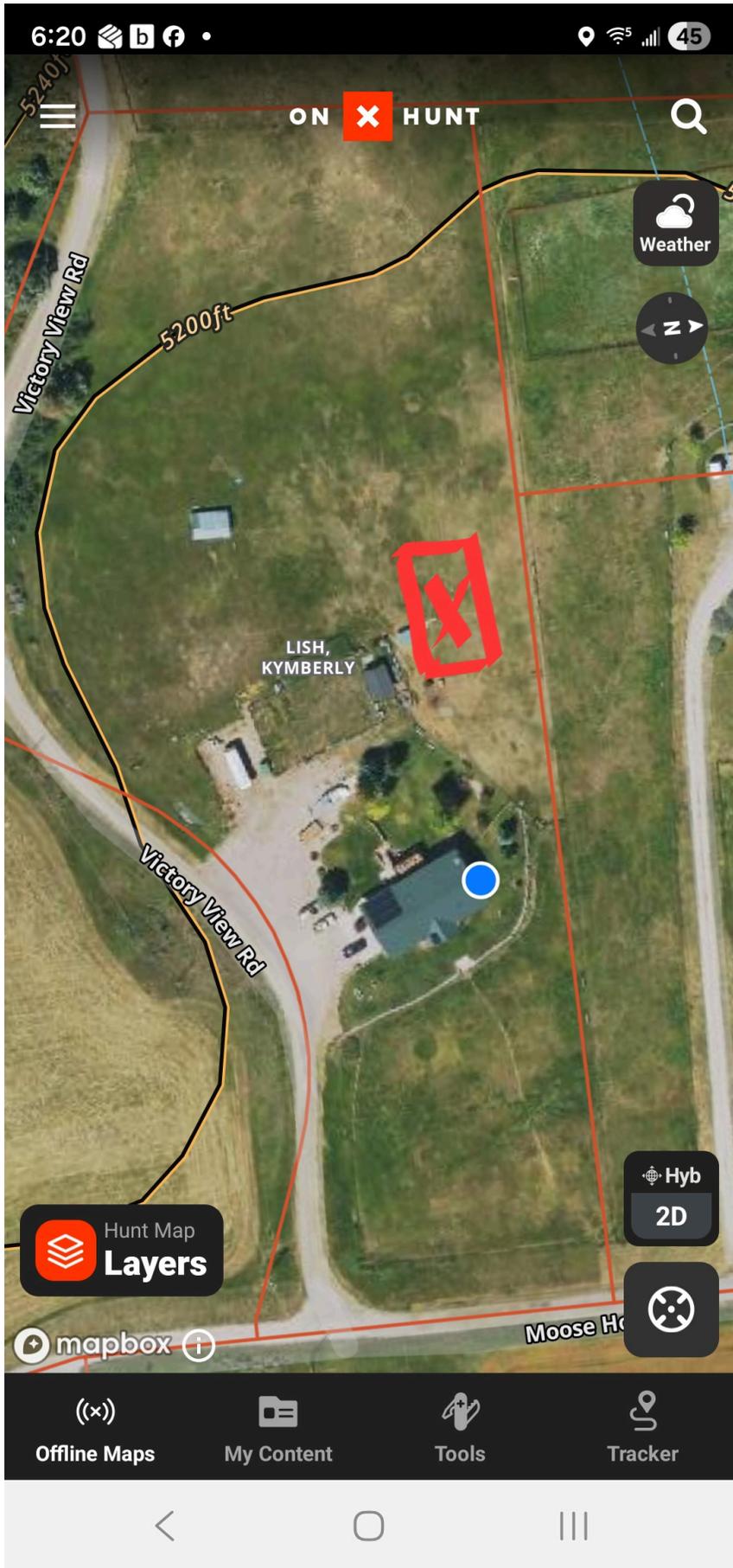




EXHIBIT 2

Public Comments

Kymerly Lish Jan 21 kennel CUP Public Hearing

From JEROME CHAFFEE <hyde476@msn.com>

Date Mon 1/12/2026 11:18 AM

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

To: Planning and Development Services
5500 S. Fifth Avenue
Pocatello, ID. 83204

Issue: Kymerly Lish Petition for Kennel Condition Use Permit
Public Hearing January 21, 2026
Parcel 4227024606
Address: 9104 Victory View Road
Lava Hot Springs, ID 83246

Written Testimony and Protest on Dog Kennel CUP:

1. Testimony

The only access to the kennel business is via a Private Road (Moose Hollow). The private road currently has limited usage by the residents of Cedar Ridge Estates and Moose Hollow subdivisions.

PROTEST: Do not want increased road usage in order to avoid additional wear and damage to the road, as well as an increase in noise.

2. Testimony

Cedar Ridge Estates is a quiet, rural subdivision that has a diverse wildlife habitat.

PROTEST: Do not want to set a zoning precedence for future commercial businesses that negatively impacts the rural, quiet neighborhood that supports an abundance of wildlife (including deer, moose, pheasants, foxes, and a variety of migratory birds).

Submitted by: Linda and Jerome Chaffee
Lot 13; Cedar Ridge Estates
8778 Victory View Road
Lava Hot Springs, ID 83246

Sent from my iPad

**Re: Conditional Use Permit – Proposed Indoor Dog Kennel Applicant: Kymberly Lish Parcel No. RPR4227024606
9104 Victory View Road, Lava Hot Springs, ID 83246**

From Moose Hollow HOA <moosehollowhoa@gmail.com>

Date Tue 1/6/2026 5:56 PM

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

Cc Stan Vogt <slvogt47@gmail.com>

 3 attachments (4 MB)

Moose Hollow Easement .pdf; Moose Hollow Easement .pdf; Moose Hollow CCRs and Articles of Incorporation.pdf;

Please review, forward, and reply with receipt confirmation.

Thanks

Gary Ross
President, Moose Hollow Land Owners Association
11795 Joyce Lane
Lava Hot Springs, Idaho 83246
Phone: (208) 606-0879
Moosehollowhoa@gmail.com

6 January 2026

Bannock County Planning & Development Council
5500 S. 5th Avenue
Pocatello, ID 83204

Re: Conditional Use Permit – Proposed Indoor Dog Kennel
Applicant: Kymberly Lish
Parcel No. RPR4227024606
9104 Victory View Road, Lava Hot Springs, ID 83246

Dear Bannock County Commissioners,

My name is Gary Ross, and I am the President of the Moose Hollow Land Owners Association. I submit this letter on behalf of the Association in response to the conditional use permit application filed by Kymberly Lish for an indoor dog kennel on approximately 3.01 acres located at 9104 Victory View Road, Lava Hot Springs, Idaho (Parcel RPR4227024606).

We acknowledge receipt of the CUP notification and confirm that we have reviewed and verified the applicable Bannock County Code provisions governing notice, review, and standards for conditional use permits.

It is our understanding that the applicant is a member of the Cedar Ridge Estates Road Maintenance Association, not Moose Hollow. The applicant has, however, been granted ingress and egress across the Moose Hollow easement, a privately held and recorded easement serving Moose Hollow property owners.

While the easement provides legal access, land use law clearly distinguishes between the existence of an access easement and access that is sufficient to support a public-facing commercial use, including reliable emergency ingress and egress. A gravel easement does not, by itself, establish that an access road is adequate for emergency vehicles, commercial traffic, or sustained public use.

The Moose Hollow easement and associated road were not designed, constructed, or historically used to accommodate the increased traffic, service vehicles, customer visits, and emergency response demands associated with a kennel operation. Seasonal weather conditions, road degradation, and structural limitations raise legitimate concerns regarding public safety and emergency access.

These concerns are directly relevant to the standards for approving a conditional use permit under Section 530.6 of the Bannock County Zoning Ordinance, including whether the proposed use would:

- Adversely affect surrounding properties to a materially greater extent than a permitted use;
- Cause undue disruption of travel or an extraordinary increase in traffic volume;
- Damage the public health, safety, or general welfare within the vicinity.

Further, Section 530.7 expressly authorizes the Planning and Development Council to impose conditions of approval, including but not limited to requirements for road improvements and maintenance, where necessary to minimize adverse impacts and ensure compliance with Section 530.6.

In addition, the Moose Hollow Covenants, Conditions, and Restrictions (CC&Rs) and the recorded easement documents establish expectations regarding access use and maintenance responsibilities. Moose Hollow property owners should not be required to subsidize, maintain, or assume risk associated with emergency access or road deterioration caused by a commercial operation conducted by a non-member association.

Accordingly, the Moose Hollow Land Owners Association respectfully requests that, if the conditional use permit is approved, the Planning and Development Council impose the following reasonable and necessary conditions:

1. Prior to commencement of any kennel operations, the applicant shall bring the ingress and egress easement and associated access road up to Bannock County road standards sufficient to support commercial traffic and emergency vehicle access, including appropriate width, surfacing, grading, drainage, and safety features; and
2. The applicant shall assume full and ongoing responsibility for all maintenance, repair, and upkeep costs associated with the access road attributable to the kennel operation, ensuring that Moose Hollow property owners are not financially burdened.

These conditions are reasonable, directly related to the impacts of the proposed use, and squarely within the Council's authority to ensure compatibility with surrounding uses and to protect public health, safety, and welfare.

We respectfully request that this letter, along with the Moose Hollow CC&Rs and recorded easement documents, be included in the official record for this application.

Thank you for your consideration.

Sincerely,

Gary Ross
President
Moose Hollow Land Owners Association
Phone: (208) 606-0879

E A S E M E N T

THIS AGREEMENT, made and entered into this 25th day of August, 1971, by and between NATHAN M. CASPERSON and BETH G. CASPERSON, husband and wife, of Bannock County, Idaho, the Parties of the First Part, which expression shall include his, her, or their heirs, executors, administrators, agents, or assigns where the context so requires or admits, and CLINTON COLE and RUSSELL M. WICKS, JR., and their respective wives, Parties of the Second Part, which expression includes his, her or their heirs, executors, administrators, agents, or assigns, where the context so requires or admits;

WITNESSETH:

WHEREAS, the Parties of the First Part own and have title to that real estate and real property located in Bannock County, State of Idaho; and

WHEREAS, the Parties of the Second Part desire an ingress and egress easement;

NOW THEREFORE, it is hereby agreed as follows:

The Parties of the First Part do hereby grant, assign and set over to the Parties of the Second Part an ingress and egress easement as follows:

Starting at the junction of the county (Merrick) road and the Nathan M. Casperson ~~PROPERTY~~ and Arthur Fagnant property and on the Nathan M. Casperson property along the East property line fence a fifty foot wide ingress and egress easement from said county (Merrick) road Southward to the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 9 South, Range 38 East Boise Meridian. This right-of-way easement starts on the East property line of Nathan M. Casperson property and extends to the West 50 feet in width and is between said county (Merrick) road, and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 9 South, Range 38 East Boise Meridian.

M.M. G.H.C.

The Parties of the Second Part agree as consideration for said easement to pay all survey costs incurred or to be incurred from the purchase of any property from the parties of the First Part, up to \$400.00. Parties of the Second Part agree to pay to Parties of the First Part an amount equal to \$150.00 per acre for total land involved in aforesaid easement.

The Parties of the First Part shall fully use and enjoy the aforesaid premises, except as to the rights herein granted; and the Parties of the Second Part hereby agree to hold and save the said Parties of the First Part harmless from any and all damage arising from his use of the right, easement and right-of-way herein granted and agree to pay any damage or damages which may arise to the property, premises, or rights of the Parties of the First Part through Second Parties' use, occupation, and possession of the rights herein granted.

To have and to hold the said easement, right, and right-of-way unto the Parties of the Second Part, their successors, or assigns for a period of in perpetuity, and under the specific conditions, restrictions and considerations as follows: Fencing (installation or maintenance thereof) of the right-of-way is necessary, that expense shall be the sole responsibility of the Parties of the Second Part.

IN WITNESS WHEREOF, we do hereby set our hands and seals.

Nathan M. Casperson

N.M. G.H.C.

These Easements are documented
 on existing Record of Survey (ROS) *



* To Add a ROS easement a ROS must be filed and recorded.
 All easements in deeds are not shown on this plan



BYLAWS ⁷⁻¹
OF
THE MOOSE HOLLOW
OWNERS ASSOCIATION



Be it known to all persons that the bylaws of the Moose Hollow Owners Association have been accepted by written ballot by over two-thirds of its membership. The following bylaws are a supplement to the **Articles of Association of Moose Hollow Owners Association** as authorized under Articles VI & VIII. Hereafter the article of association will be referred to as "*Articles*" and The Moose Hollow Owners Association will be referred to as the "*Association*".

These Bylaws supersede any motions or previous Bylaws that have been passed by the *Association*. In the case where a motion is in conflict with these bylaws, the motion will be invalid unless these bylaws are amended as per Article VIII

Article I Association Office

The official office and principle address of the Moose Hollow Owners Association shall be established and maintained at an address determined by the officers or by post office box in the City of Lava Hot Springs, County of Bannock, State of Idaho. The address shall be made available to all property owners.

Article II Membership in the Association.

Section 1. Membership

As stated in Article V of the *Articles*, the membership shall be limited to owner(s) of parcels of land in the Moose Hollow Subdivision. Owners shall be admitted as members in the *Association* upon acquiring such parcels. Upon selling or transferring ownership of a parcel the previous owner(s) shall be removed as member(s) of the *Association*.

Section 2. Voting Rights

The owner(s) of each parcel shall constitute one (1) membership. Each membership shall be entitled to one (1) vote on all substantial matters to be voted upon. If the owner(s) of a parcel are not current in the payment of *Association* assessed fees, their voting rights shall be suspended until such payments are current. Hereafter, "member" refers to any owner and a "membership" refers to all the owner(s) of a parcel that constitutes one (1) vote. The vote of each membership may not be broken into fractional parts when voting. At a business meeting, if any

owner of a parcel is present, they are recognized as representing all of the owner(s) and may cast their membership vote. In a ballot requiring signatures, all owner(s) of a parcel are required to sign.

Section 3. Transfer of Voting Privileges

Voting privileges may not be transferred nor assigned by one membership to another membership except as indicated by a written proxy signed by all owner(s) of the transferring membership and delivered to the board of directors prior to any meeting and will apply only to that meeting.

Article III. Assessment

Section 1. Assessment Use

A fee shall be assessed to the owner(s) of each parcel for the maintenance of roads, operating expenses, and other expenses related to the common services provided to the owners and the *Association*. The fee shall be assessed by parcel and will be the same for all parcels.

Section 2. Assessment Determination

These fees shall be assessed annually. The amount of the fee will be suggested by the Board of Directors at the annual business meeting. The final amount will be determined as set out in Article IV Section 2. If a new fee is not determined for given year, it will be at the same level as the previous year. All owner(s) will be notified of the fee amount prior to 1 July of each year.

Section 3. Payment of Assessment

Payment of the fee is due to the treasurer by 1 July of each year. *Association* assessments will be considered in the arrears 60 day after the due date. All landowners are required to pay these fees. If legal action is required to obtain fees from owner(s), the owner(s) will also assume the legal cost associated with the action.

Article IV Meetings

Section 1. Meetings

The *Association* shall have at least one business meeting each calendar year to provide a financial report, and operational report, to vote on the Board of Directors as needed, to determine the annual fee, to vote on any other substantial matters, and to provide a forum for discussion of matters important to the members. Special meetings of the *Association* may be called at the discretion of either the Board of

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Directors or the membership of the *Association*. All members should be notified by phone or in writing at least seven (7) days prior to any business meeting.

Section 2. Quorum

A meeting has a quorum if more than 50% of the memberships (votes) are present. A membership is considered present at a meeting if one or more of the owners are present. A Quorum is required when voting on all matters except as listed below. A majority of the quorum will carry the motion. If a quorum is not realized, the Board of Directors as elected officials are authorized to act as they deem appropriate, taking into account the view of the members present.

The following are exceptions to the above section:

1. The election of the Board of Directors requires a simple majority of the memberships present at the meeting. (Article V, Section 1)
2. The recall of the Board of Directors requires a majority of the membership of the *Association* to vote in writing. (Article V, Section 4)
3. The changing of these bylaws require a two-thirds majority of membership of the *Association* to vote in writing. (Article VII)

Article V Board of Directors and officers

Section 1. Board of Directors

The affairs of the *Association* shall be managed by a Board of Directors that shall consist of three (3) officers. The Board of Directors shall hereafter be referred to as the "Board". These directors must be members of the *Association* and shall be elected by simple majority of the memberships present at the annual business meeting. The process of electing the board of directors shall determine its officers. The first person elected to the board shall be the President, the second person elected shall be the Vice-President, and the third person elected shall be the Secretary/Treasurer.

Section 2. Term of Office

The term of office of each officer shall be for approximately two years beginning and ending at the business meeting held in each odd year.

Section 3. Succession

In the event that the president cannot carry out his/her duties, the vice-president shall become president. In the event the vice-president cannot carry out his/her duties, the president shall assume the duties of the vice president until a new vice-president is elected. In the event the secretary/treasurer can not carry out his/her duties, the president shall assume the duties of the secretary/treasurer or shall

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assign them to the vice-president until such time a new secretary/treasurer is elected. In the event of a vacancy on the board a replacement shall be elected at the next business meeting to finish the two year term.

Section 4. Removal of Officers

If, for any reason, a majority of the *Association* membership does not want the Board to continue as it is constituted, a special business meeting shall be called and a vote for recall taken. The recall requires a majority of the memberships of the Association agree in writing. The election of a new Board follows the guidelines under Section 1 of this Article.

Section 5 Duties of the Board of Directors

The Board of Directors are authorized to operate as the representative of the *Association* and can act on any matter concerning the *Association*. Action requires a simple majority of the Board and shall be in accordance with the resolutions previously passed by the membership at a business meeting, with these bylaws, and with the *Articles*. The Board may choose to refer any matter to a general vote of the membership of the *Association* either by a written mail vote, by delaying the matter until the annual business meeting, or calling a special business meeting. The determination of a quorum and voting procedures are in Article IV, Section 2. Any vote satisfying Article IV Section 2 shall supersede any decision made by the Board and must be considered as a mandate by the Board unless determined to be illegal under county, state, or federal laws. If a quorum is not realized when referring the matter to the membership, the board shall act as it deems appropriate.

Section 6. Duties of the President

The president shall supervise all business activities of the *Association*. The president or his/her appointed deputy (usually the vice president) shall preside over all meetings of the Board and *Association*. With the vice president or secretary, he/she may sign contracts or other instruments, which the *Association* has authorized to be executed, except where prohibited by the *Articles*, these bylaws, county laws, state laws, or federal laws.

Section 7. Duties of the Vice-President

The vice-president shall perform the duties of the president in his/her absence, incapacity, or death. When acting as the president, he/she shall have all the powers of the president and be subject to all the restrictions upon the president. In general, the vice-president shall perform such duties as the president, Board or *Association* may assign.

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Section 8. Duties of the Secretary/Treasurer

The secretary/treasurer shall keep all minutes of the regular business meeting and any special meeting of the *Association* and the Board; prepare and mail all notices to comply with the provisions of these bylaws or as required by county, state, or federal laws; maintain the records of the *Association*; keep an up to date record of *Association* members; receive all monies due and payable to the *Association* and deposit such monies in the name of the *Association* in banks designated by the Board; be responsible for all funds and assets of the *Association*; and perform such duties as the president, the Board, or *Association* may assign.

Section 9. Compensation

No member of the Board shall receive compensation of any kind for duties performed in the name of the *Association*. Board and *Association* members may request reimbursement of reasonable expenses incurred as a result of their duties.

Article VI. Homesite Covenants

Section 1. Land Use

The land is intended primarily for construction of primary residences, vacation homes, and recreational use incidental thereto.

Section 2. Easement

Easement for the installation and maintenance of roads, utilities, drainage facilities, and ingress and egress are reserved as shown on the recorded plat of the subdivision.

Section 3. Building Type

No more than one fixed or permanent single family dwelling shall be permitted on any parcel. All buildings and structures incidental to single family dwellings will be permitted on any lot. All buildings and fences must comply with Bannock County laws. Owners are encouraged to take into account the natural beauty of the lot and minimize the destruction of adult and healthy trees.

Section 4. Lot Maintenance

No lot shall be used or maintained as a dumping ground for trash, garbage or rubbish. Each parcel and its abutting streets are to be kept free of trash and other refuse. No unsightly materials or other objects are to be stored on any parcel in view of the general public.

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Section 5. Recreational Vehicles

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The use of snowmobiles, motorcycles, motorbikes, 4-wheelers, etc will be permitted in the subdivision on the appropriate byways. Users are encouraged to take into account the beauty of the area and the ownership of the land and restrict the use of the above vehicles to existing roads and trails.

Section 6. Timber Removal

No mature and healthy tree(s) shall be removed from any parcel in violation of existing and future Bannock County laws, including zoning ordinance section 345 (Performance Requirements for Nonresidential Development) which prohibits tree removal except for building sites.

Section 7. Commercial Enterprises

No commercial business of any kind shall be permitted on any lot in the subdivision without prior written approval of the Board and a vote of the Association membership. This includes the use of the property for gaming, retail sales, and rental property. This excludes long term leases of greater than three (3) months.

Section 8. Division of Lots

No parcel in the Subdivision shall be subdivided into any subparcel smaller than 4 acres. Any subdivision of parcels requires the approval of the Board, and must satisfy applicable county and state laws.

Article VII General Provisions

Section 1. Enforcement

These Covenants shall be binding to the benefit of all present and future owners of the property. They may be enforced by the Board or by appropriate action in a court of law. If it becomes necessary for an owner, the Board, or the Association to enforce these bylaws, the party in violation of these bylaws shall be responsible for paying all costs of enforcement, including reasonable attorney's fees incurred by the enforcing party.

Section 2. Law Enforcement

Within the Moose Hollow Subdivision, all Bannock County laws, Idaho State laws, and United State laws shall be enforced. As needed county, state, or federal law enforcement officials are allowed on Moose Hollow property for the enforcement of those laws.

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Section 3. Severability

Any bylaw in this document may be superseded by Bannock County laws, Idaho State laws, or United State laws. However, only that section in conflict shall be void, all other section of these bylaws shall remain in effect until altered by the Association.

Article VIII The Amendment of these Bylaws

The bylaws of the Association shall be amended, altered or rescinded by not less than a two-thirds vote, in writing, of the membership of the Association. A majority of the board of directors may call a vote of the membership of the Association to amend, alter, or rescind bylaws of the Association.



I, Glen Goldsmith, President of the Moose Hollow Owners association, certify that these Bylaws have been ratified in writing by a two-thirds majority of the membership of the Association. These bylaws are in effect as of the date recorded below. The written votes will be kept on file with the Secretary of the Association.

Glen Goldsmith
Glen Goldsmith
President, Moose Hollow Owners Association

20 Aug 96
Date



I hereby certify that on this 20 day of August, in the year 1996, Glen Goldsmith personally appeared and signed this document, before the subscriber, a Notary Public of the state of Idaho, and in and for Bannock County,

NO 96013756
RECORDED AT REQUEST OF
THE MOOSE HOLLOW OWNERS ASSOC.
26 AUG 20 PM 2 26
BANNOCK COUNTY, IDAHO
LARRY W. HAN, RECORDER.
FEE 21.00 DEPUTY LL

[Signature]
Notary Public
Commission expires on 7-8-98

NOTARY SEAL

6-7-7
601383

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ARTICLES OF ASSOCIATION
OF
MOOSE HOLLOW OWNERS ASSOCIATION

We, the undersigned, natural persons of the age of 21 years or more acting as association members, do hereby adopt the following Articles of Association for such Association.

ARTICLE I

The name of the Association is Moose Hollow Owners Association, hereinafter referred to as the "Association."

ARTICLE II

The Association does not afford pecuniary gain, incidentally or otherwise, to its members.

ARTICLE III

The period of its duration is perpetual.

ARTICLE IV

The purpose for which the Association is organized is to promote and develop the common good and social welfare of holders of interests in real property which are offered and sold by Allen and Losser Investment Company, a partnership made up of S. Neil Allen and Mack Losser, or by any of its successors or assigns, hereinafter called the "Developer," on any portion or all of the land in Bannock County, State of Idaho, more particularly described as follows:

S1/2 SE1/4 Section 31, Township 9 South,
Range 38 E.B.M., Bannock County, Idaho
(Containing 80 acres more or less.)

The Owners' Association shall be responsible for contracting and providing common services for the benefit of the owners, including, without limitation, maintenance of private roads, refuse collection, and construction and maintenance of any common facilities. The board of directors shall have the power to assess the owners for the purpose of paying common expenses.

ARTICLE V

The members of the Association shall be limited to purchasers of parcels who shall be admitted to membership in the Association upon acquiring such parcels. Appurtenant to each parcel shall be one (1) membership which shall be entitled to one vote on all matters to be voted upon. From and after twenty-four (24) months from the date the Association is formed, the Developer shall abstain from voting in any election of the board of directors.

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ARTICLE VI

601383

The names and addresses of the members of the Association hereto are as follows:

<u>Name</u>	<u>Address</u>
S. Neil Allen	1609 Syringa, Pocatello, Idaho 83201
Beverly Allen	1609 Syringa, Pocatello, Idaho 83201
Mack Losser	839 Park Lane, Pocatello, Idaho 83201
Joyce Losser	839 Park Lane, Pocatello, Idaho 83201
Joseph E. Mattie	212 West Booth, Lava Hot Springs, Id. 83246
Florence L. Mattie	212 West Booth, Lava Hot Springs, Id. 83246
David Layne Powell	1507 Ammon, Pocatello, Idaho 83201
Gloria J. Powell	1507 Ammon, Pocatello, Idaho 83201
Ronald O. Scott	1337 Lavine Drive, Pocatello, Idaho 83201
Ailean Pickett Scott	1337 Lavine Drive, Pocatello, Idaho 83201
Allen L. Pierce	4806 Hawthorne Road, Pocatello, Idaho 83201
Arlene Pierce	4806 Hawthorne Road, Pocatello, Idaho 83201
Kenneth D. O'Neil	182 Franklin Ave., Pocatello, Idaho 83201
Vivian H. O'Neil	182 Franklin Ave., Pocatello, Idaho 83201
Timothy J. Medel	122 Park Avenue, Pocatello, Idaho 83201

ARTICLE VII

The affairs of the Association shall be managed by a board of directors which shall number not less than three (3) or more than twenty (20). The directors shall be elected by the members of the Association and shall be elected annually. The directors shall elect or appoint a president, vice-president, secretary, and treasurer. The duties of the officers shall be prescribed by the by-laws of the Association.

ARTICLE VIII

Names of the officers who are to serve until the first election under these Articles of Association shall be:

President	S. Neil Allen
Vice President	Mack Losser
Secretary-Treasurer	Ken O'Neil

ARTICLE IX

The names of the persons constituting the first board of directors who shall serve until the first election are:

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601383

<u>Name</u>	<u>Address</u>
S. Neil Allen	1609 Syringa, Pocatello, Idaho 83201
Beverly Allen	1609 Syringa, Pocatello, Idaho 83201
Mack Losser	839 Park Lane, Pocatello, Idaho 83201
Joyce Losser	839 Park Lane, Pocatello, Idaho 83201
Joseph E. Mattie	212 West Booth, Lava Hot Springs, Id. 83246
Florence L. Mattie	212 West Booth, Lava Hot Springs, Id. 83246
David Lryne Powell	1507 Ammon, Pocatello, Idaho 83201
Gloria J. Powell	1507 Ammon, Pocatello, Idaho 83201
Ronald O. Scott	1337 Lavine Drive, Pocatello, Idaho 83201
Ailean Pickett Scott	1337 Lavine Drive, Pocatello, Idaho 83201
Allen L. Pierce	4806 Hawthorne Road, Pocatello, Idaho 83201
Arlene Pierce	4806 Hawthorne Road, Pocatello, Idaho 83201
Kenneth D. O'Neil	182 Franklin Ave. , Pocatello, Idaho 83201
Vivian H. O'Neil	182 Franklin Ave. , Pocatello, Idaho 83201
Timothy J. Medel	122 Park Avenue, Pocatello, Idaho 83201

ARTICLE X

The by-laws of the Association shall be amended, altered or rescinded by the board of directors or by and not less than two-thirds of the members of the Association.

ARTICLE XI

The location and street address of the Association initial registered office is as follows:

Moose Hollow Owners Association
691 Jefferson Avenue
Pocatello, Idaho 83201

ARTICLE XII

Amendments to the Articles of Association may be proposed by any member of the board of directors and adopted by a two-thirds (2/3) vole thereof.

IN WITNESS WHEREOF, the undersigned have subscribed their names respectively to the Articles of Association of Moose Hollow Owners Association, on this 11th day of May, 1978.

S. Neil Allen
S. NEIL ALLEN

Beverly Allen
BEVERLY ALLEN

Mack Losser
MACK LOSSER

Joyce Losser
JOYCE LOSSER

Joseph E. Mattie
JOSEPH E. MATTIE

Florence L. Mattie
FLORENCE L. MATTIE

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David Layne Powell
DAVID LAYNE POWELL

Gloria J. Powell
GLORIA J. POWELL

Ronald G. Scott
RONALD G. SCOTT

Aileen Pickett Scott
AILEAN PICKETT SCOTT

Allen L. Pierce
ALLEN L. PIERCE

Arlene Pierce
ARLENE PIERCE

Kenneth D. O'Neil
KENNETH D. O'NEIL

Vivian H. O'Neil
VIVIAN H. O'NEIL

Timothy J. Meidel
TIMOTHY J. MEDEL

STATE OF IDAHO)
) ss.
County of Bannock)

On this 1st day of April, 1978, before me a Notary Public in and for said County and State, personally appeared S. NEIL ALLEN and BEVERLY ALLEN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

La C. P. Jones
Notary Public for Idaho
Residing in:

NOTARY PUBLIC
(SEAL)

STATE OF IDAHO)
 : ss.
County of Bannock)

601383

On this 15 day of MAY, 1978, before me a Notary Public in and for said County and State, personally appeared MACK LOSSER and JOYCE LOSSER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY SEAL

Paul P. Jones
Notary Public for Idaho
Residing in:

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bannock)

On this 11 day of May, 1978, before me a Notary Public in and for said County and State, personally appeared JOSEPH E. MATTIE and FLORENCE L. MATTIE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY SEAL

David W. Sanders
Notary Public for Idaho
Residing in:

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bannock)

On this 15th day of MAY, 1978, before me a Notary Public in and for said County and State, personally appeared DAVID LAYNE POWELL and GLORIA J. POWELL, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY SEAL

Paul P. Jones
Notary Public for Idaho
Residing in:

(SEAL)

Page 5 ARTICLES OF ASSOCIATION

STATE OF IDAHO)

001383

County of Bannock)

SS.

On this 15TH day of MAY, 1978, before me a Notary Public in and for said County and State, personally appeared ROYALD O. SCOTT and AILEAN PICKETT SCOTT, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY SEAL

(SEAL)

Rolo J. Jones
Notary Public for Idaho
Residing in:

STATE OF IDAHO)

County of Bannock)

SS.

On this 15TH day of MAY, 1978, before me a Notary Public in and for said County and State, personally appeared ALLEN L. PIERCE and ARLENE PIERCE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY SEAL

(SEAL)

Rolo J. Jones
Notary Public for Idaho
Residing in:

STATE OF IDAHO)

County of Bannock)

SS.

On this 15TH day of MAY, 1978, before me a Notary Public in and for said County and State, personally appeared KENNETH D. O'NEIL and VIVIAN H. O'NEIL, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY SEAL

(SEAL)

Rolo J. Jones
Notary Public for Idaho
Residing in:

Kymerly Lish Conditional Use

From Buck Walker <enterprise4077@yahoo.com>

Date Tue 1/13/2026 8:09 PM

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

I would like to support Kimberly Lish's petition for her conditional use permit. Parcel Rpr4227024606. I don't have any issues with her business and it will not affect me using my property at 11299 Moose Hollow Road. Her business will not affect the road nor the condition which it currently is in. If you have any questions or concerns please do not hesitate to contact me by email or phone 801-721-8984.

Thanks!

Buck Walker

City Of Arimo



•(208) 254-3507• •cityofarimo@ida.net• •http://arimo.id.gov•

From: Lonnie J Gunter
Mayor, City of Arimo

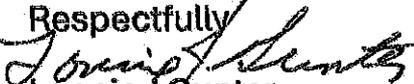
To: Whom it may concern

Subj: Conditional Use Permit

I highly recommend the Lish's be granted a Conditional Use Permit for a commercial dog kennel at their residence in Lava Hot Springs.

The Lish's operated a commercial kennel in Arimo. Their animals were well cared for and they were in total compliance with applicable city ordinances.

In my 9 years of public service There was never an issue or complaint from neighbors or city residents.

Respectfully

Lonnie J Gunter

Conditional use permit for Dog Kennel for Kimberly Lish :

From Steve Christensen <sfchri@yahoo.com>

Date Tue 1/13/2026 7:07 PM

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

To whom it may cocern: I Steven F. Christensen lived right next door to Kimberly Lish Dog Kennel in Arimo,Idaho.They were Great neighbors & Easy to get along with.We had No Problems with their Golden Retriever Dogs.If you have any any questions, your welcome to call me at 208-221-7271

Steve & Debbie Christensen

conditional use permit-indoor dog kennel-Kymberly Lish

From Darla Andersen <darfar76@yahoo.com>

Date Tue 1/13/2026 11:30 PM

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

To Whom It May Concern:

My name is Darla Jons. I have lived in Arimo, Idaho from 2005 until now. I don't recall when Kym and Richard Lish moved into Arimo, but I believe it was anywhere from 8-10 years ago. They moved out about 3 months ago.

When the Lish's lived in Arimo they lived approximately 2 blocks(5 houses) south of us. It was the distance of approximately .15 miles away.

As far as I can recollect Kymberly bred and trained golden retrievers the whole time they lived in Arimo. At some point after they had moved in, she had shown me her kennels. I was actually surprised that they were there because I have dogs that I walk regularly and I never heard a noise from her house or yard. I never heard a dog bark at any time and I never ever saw any of her animals outside of her residence. The kennels she kept were immaculate. I know people who have purchased animals from her and have been completely satisfied with the animal that she had produced for them. She goes above and beyond to be a responsible dog breeder and trainer.

Over the years of living in Arimo we have been plagued with animal owners who have allowed their animals to roam the town, even though there are laws that prohibit this. We've even had two seperate male dogs on two seperate occasions dig under our fence to breed our female dogs. I would have given anything for all the dog owners in Arimo to be like Kymberly Lish. She is a professional who, in my opinion, has proved from her years here in Arimo, that she deserves to receive a conditional use permit for her indoor dog kennel. The business she runs is an asset to the community. I would happily live next door to her and have no problems with any business she could choose to run because she is an ethical, responsible business owner.

Sincerely,
Darla Jons

Lish Kennels

From Juan Ito <juanito545@yahoo.com>

Date Tue 1/13/2026 11:29 PM

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

To whom it may concern:

I am Michael Jons from Arimo, Idaho. I live at 10 Oneida Avenue which is two blocks away from where Richard and Kim Lish use to live. We have know them since they moved to Arimo. They have been great friends and neighbors. We have known they have had kennels and that they have a business with their canines. They have always kept their yard very well kept and their kennels clean.

During the time they have lived in Arimo, our family loves to go on walks past their residence. I do not remember hearing their dogs or having their dogs cause any problems with anyone around them. I have never seen their dogs escape their kennels either. We have another family about a mile away who also breads dogs. We can hear their dogs morning and night and though out the day, this has not happened with the Lish's dogs.

I would hope that you will give them the conditional use permit and allow them to continue their business. They do amazing work and they have a great knowledge in regards to being a courteous business owner and neighbor.

Thank you for your time.

Sincerely,

/s/ Michael Jons

[Sent from Yahoo Mail for iPad](#)

(No subject)

From Amy Johnson <rowdnamy@gmail.com>

Date Mon 1/12/2026 11:16 AM

To lishkennels@hotmail.com <lishkennels@hotmail.com>

To Whom It May Concern,

I am writing this letter in strong support of Kym and Richard Lish, owners of Lish Kennels. My family and I lived next to them in Arimo for approximately eight years, and during that entire time, we had nothing but positive experiences with them and their dogs.

Throughout those eight years, their dogs never got out of their property, never posed a nuisance, and never caused any safety concerns. Kym was consistently outside caring for her dogs, including picking up dog feces multiple times a day. Their yard was always clean, well maintained, and responsibly managed.

My children spent a great deal of time at their home, and I always felt completely safe with her being around the dogs. The dogs were calm, well-trained, and gentle. I never once experienced excessive barking or aggressive behavior. Their golden retrievers are sweet, well-socialized dogs, and I have never known them to bite or act dangerously in any way.

Raising and training field-bred hunting dogs is Kym's livelihood, and she takes that responsibility very seriously. She is, without question, one of the best dog owners I have ever known. All of her dogs are kept up to date on vaccinations, and she maintains high standards, keeping only well-bred, well-trained dogs. Some of these dogs are even trained for search and rescue work, which speaks volumes about their temperament, training, and value to the community.

Based on my long-term, firsthand experience living next to Lish Kennels, I fully believe that Kym and Richard operate their business responsibly, ethically, and safely. I respectfully ask the county to consider this letter as support for allowing Kym to continue her livelihood and keep her business. Lish Kennels has been, and continues to be, a positive presence, not a problem.

Thank you for your time and consideration.

Sincerely,
Rowdy and Amy Johnson

Arimo, Idaho
January 7, 2026

To Whom it May Concern:

This is regarding Richard and Kym Lish. They were our neighbors for many years. We consider them to be good neighbors and citizens of Arimo. Their place was always neat, clean and well cared for. They raised Golden Retrievers and had on average six adult dogs most of the time. They were kept in clean kennels and were allowed to exercise in part of a pasture across the street from us. The dogs were well trained and obedient. They never were a nuisance in any way.

Richard and Kym were always friendly and considerate, and we enjoyed associating with them.

Dale and Ivalue Hatch,

Dale Hatch
Ivalue Hatch

11/7/25

To Whom It May Concern:

Kym Lish has been my neighbor for over 8 years. In that time she has always maintained a kennel for the dogs that she raises and trains. We have never in all the year had an issue with her dogs. They are cleaner than most peoples home and her dogs aren't huge barkers. I would have her and her dogs as my neighbors any day.

Patti Farr

EXHIBIT 3
Ordinance Excerpts

340 RECREATION DISTRICT (REC)

341 PURPOSE:

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

342 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

344 USES CONDITIONALLY PERMITTED:

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

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

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

345 PERFORMANCE REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT:

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

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

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

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

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

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

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

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

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

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

C. Planned Unit Developments

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

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347 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

RECREATION DISTRICT

MINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

395 USE REGULATIONS SUMMARY

- P = Permitted by staff with site plan approval; conditions may be imposed
- D = Permitted as part of a Planned Unit Development
- C = Permitted by Conditional Use Permit
- N = Not permitted

Please refer to the text for permitted uses in each zone. Where text and chart may differ, the text will prevail. Because no list can be complete, the Planning and Development Director shall decide the status of a use. That decision may be appealed to the Planning and Development Council as set forth in Section 503.4 of this ordinance.

This chart is intended for reference purposes only.

All site plans require approval in accordance with section 503 through 503.8

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
<u>RESIDENTIAL USES:</u>							
Attached Housing - 3 or more dwelling units	N	D	P	P	C	N	N
Boarding House (see inn or hotel)	C	P	P	P	C	N	N
Duplex	N	P	P	P	C	N	N
Farm Labor Dwelling.....	P	C	N	C	N	N	N
Institutional Residential.....	C	C	C	C	C	N	N
Mobile Home Parks	N	D	D	D	N	N	N
Personal-use Solar Power Facilities.....	P	P	P	P	P	P	P
Residential Planned Unit Development	N	P	P	P	N	N	N
Single Family Residential (detached)	P	P	P	P	C	N	N
Wind Turbine - Small (monopole only).....	P	P	P	P	P	P	P
<u>NON-RESIDENTIAL USES</u>							
Administration & Business Offices.....	N	N	N	N	P	P	P
Airport/Heliport, Private	C	C	C	C	C	C	C
Auto Parts & Accessories	N	N	N	C	P	P	P
Auto Parts, Used, and/or Rebuilding	N	N	N	N	N	P	P
Auto Salvage (junkyard)	N	N	N	N	N	N	C
Auto Wash	N	N	N	C	P	P	P
Autobody Repair, Auto Towing	N	N	N	C	N	P	P
Automotive Repair	N	N	N	C	P	P	P
Automotive Sales.....	N	N	N	N	P	P	P
Bed & Breakfast Facilities:							
under 6 bedrooms.....	P	P	P	P	P	N	N
6 or more bedrooms	C	C	C	C	P	N	N
Billboards (outdoor/adv.)	N	N	N	N	N	P	P
Boat Sales	N	N	N	N	C	P	P

Boat Service	N	N	N	N	C	P	P
Building Contractor	N	N	N	N	P	P	P
Building Maintenance Service	N	N	N	C	P	P	P
Building Material Sales	N	N	N	N	P	P	P
Bulk Storage of Fuel or Chemicals	N	N	N	N	N	P	P
Cabinet Making	N	N	N	N	P	P	P
Campground.....	C	N	N	C	P	N	N
Cemetery*	C	C	C	C	N	N	N
*see Cemetery Regulation Ordinance #1998-2							
Circuses or Carnivals, temp.	P	N	N	P	P	P	P
Cocktail Lounge or Bar	N	N	N	C	P	P	P
Commercial Building Contractor.....	N	N	N	N	P	P	P
Commercial Heating, Cooling Contractor	N	N	N	N	P	P	P
Commercial Livestock	P	P	N	N	N	N	N
Commercial Off-Street Parking.....	N	N	N	C	P	P	P
Component Assembly	N	N	N	N	N	P	P
Concrete Contractor	N	N	N	N	N	P	P
Construction Products Supply	N	N	N	N	N	P	P
Construction Sales, Service	N	N	N	N	P	P	P
Consumer Repair Service	N	N	N	C	P	P	P
Crop Production	P	P	P	P	P	P	P

DISTRICT

	AG	RR	RS	REC	CG	LIW	I
Day Care Center 1 - 6 Children	P	P	P	P	P	N	N
7+ Children	C	C	C	C	C	C	N
Day Care Home 1-6 Children	P	P	P	P	P	N	N
7+ Children	C	C	C	P	P	N	N
Dry Cleaning Central Plant.....	N	N	N	N	N	P	P
Dry Cleaning Shop	N	N	N	C	P	P	N
Excavation Contractor	N	N	N	N	N	P	P
Explosives, Storage or Manufacture.....	N	N	N	N	N	C	P
Farm & Domestic Animals for single family recreation, consumption or education.....	P	P	P	P	P	P	P
Farm Equipment Sales	P	N	N	N	N	P	P
Feed Lots	C	N	N	N	N	N	C
Financial Service	N	N	N	C	P	P	P
Fire Station	P	P	P	P	P	P	P
Food Processing.....	C	N	N	N	N	P	P

Freight Terminal	N	N	N	N	N	P	P
Gas Station.....	N	N	N	C	P	P	P
Golf Course	C	P	P	P	C	N	N
Greenhouse, Commercial.....	P	N	N	C	P	P	P
Hog Farms.....	C	N	N	N	N	N	N
Home Improvement Store	N	N	N	C	P	P	P
Hotel and Motel	N	N	N	C	P	P	P
Household Cleaning Business.....	N	N	N	C	P	P	P
Indoor Entertainment, Sports and Recreation	N	N	N	C	P	C	N
Industrial Equipment Sales.....	N	N	N	N	N	P	P
Insulation Contractor	N	N	N	N	P	P	P
Junkyards	N	N	N	N	N	N	C
Kennels:							
fully indoors.....	P	P	P	C	P	P	P
outdoors.....	P	N	N	N	N	P	P
Landscape Contractor	N	N	N	N	P	P	P
Large-scale Solar Power Facilities	N	N	N	N	N	N	N
Machine Shop	N	N	N	N	N	P	P
Manufacturing, Processing, Fabricating	N	N	N	N	N	P	P
Masonry Supply.....	N	N	N	N	N	P	P
Mini Storage	N	N	N	C	P	P	P
Mining.....	C	N	N	C	N	C	C
Mobile Home and/or RV Sales	N	N	N	N	C	P	P
				DISTRICT			
	AG	RR	RS	REC	CG	LIW	I
Noise Park.....	C	N	N	C	N	C	P
Nursery:							
Retail	N	N	N	C	P	P	P
Wholesale.....	P	N	N	N	P	P	P
Outdoor Entertainment, Sports and Recreation.....	P	N	N	P	C	N	N
Outdoor Shooting Range.....	C	N	N	C	N	N	N
Park	P	P	P	P	P	P	P
Professional Offices.....	N	N	N	C	P	C	N
Public Service Facility.....	P	P	P	P	P	P	P
Pump and Well Drilling Contractor	N	N	N	N	N	P	P
Railroad Car / Vehicle Bed (as storage)	C	N	N	N	N	P	P
Recycling bin for collection	P	P	P	P	P	P	P

BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1

Recorded #98004542

Recycling facility	N	N	N	N	N	P	P
Recreational Vehicle Park	C	N	N	C	P	C	N
Refining	N	N	N	N	N	C	C
.....							
.....							
Religious Assembly	P	P	P	P	P	P	P
Research Facilities	N	N	N	N	C	P	P
Residential Remodeling Contractor	N	N	N	N	P	P	P
Restaurant.....	N	N	N	C	P	P	P
Retail Store.....	N	N	N	C	P	C	N
Road Contractor	N	N	N	N	N	P	P
Schools:							
Academic	P	P	P	P	P	C	N
Vocational.....	C	N	N	N	P	P	P
Shooting Preserves	C	N	N	C	N	N	N
Sign Contractor	N	N	N	N	P	P	P
Small-scale Solar Power Facilities.....	N	N	N	N	N	N	N
Stables, commercial	P	P	N	P	N	N	N
Truck Sales	N	N	N	N	P	P	P
Truck Service	N	N	N	N	P	P	P
Truck Stop.....	N	N	N	N	C	P	P
Utilities Transmission Line	P	C	C	C	C	P	P
Utility Installations.....	P	C	C	C	P	P	P
Veterinary Services	C	C	N	C	P	P	P
Warehousing & Distribution	N	N	N	N	N	P	P
Wholesale Business	N	N	N	N	N	P	P
Wildlife Preserve.....	C	N	N	C	N	N	N
Wind Turbine – Medium	N	N	N	N	N	N	N
Wind Turbine – Commercial	N	N	N	N	N	N	N
Zoo	C	N	N	C	N	N	N

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refiled for twelve months following Board of County Commissioners' action on them unless the rezoning application was rejected conditionally to permit reapplication.

530 CONDITIONAL USES:

A conditional use may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the comprehensive plan. The allowance of a conditional use is discretionary with the Planning and Development Council and may be granted only in the best interests of the general public. The applicant for a conditional use permit shall carry the burden of proof in showing that the proposed use does not conflict with the spirit or purpose of the comprehensive plan of the county and the standards for conditional use permits set forth in this Ordinance.

530.1 JURISDICTION:

The Planning Director shall be responsible for administration of the Conditional Use Procedure, and the Planning & Zoning Commission shall be responsible for review, evaluation, and action on all applications for a Conditional Use Permit.

530.2 CONCURRENT APPLICATIONS:

Application for a Conditional Use Permit and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a conditional use permit and a rezoning. The Planning and Development Council may hold the public hearing on the rezoning and the conditional use permit at the same meeting and may combine the two hearings. In such cases, the date of the Planning and Development Council's decision on the Conditional Use Permit application shall be deemed to be the same as the effective date by the Board of County Commissioners of an ordinance changing the zone boundaries, provided that if the Board of County Commissioners modifies a recommendation of the Planning and Development Council on a concurrent zoning reclassification, the Conditional Use Permit application shall be reconsidered by the Planning and Development Council in the same manner as a new applications; provided, however, that no additional fee shall be required.

530.3 APPLICATION AND FEE:

Application for a Conditional Use Permit shall be filed with the Planning Director at least thirty days prior to the public hearing. The application shall include the following:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a written statement signed

by the owner that the applicant is the authorized agent of the owner of the property.

4. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
5. Site plan, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensioned, as required to illustrate the following:
 - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed roads and 100-year flood plains.
 - c. The location, height, bulk, general appearance, the intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites
 - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
 - e. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
 - f. For sites with an average slope greater than 10 percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
 - g. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
6. Any applicable fee established by the Board of County Commissioners.

530.4 PUBLIC HEARING AND NOTICE:

The Planning and Development Council shall hold a public hearing on each application for a conditional use permit. Notice shall be given as prescribed in Section 560. At

the public hearing, the Planning and Development Council shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the standards prescribed in Section 530.6

530.5 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:

The Planning and Development Council shall act on the application not more than 30 days following the closing of the public hearing on a conditional use permit. The Commission may grant a conditional use permit as the permit was applied for or in a modified form, or subject to conditions, or may deny the application.

530.6 STANDARDS FOR APPROVING A CONDITIONAL USE PERMIT:

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

- A. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.
- B. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.
- C. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.
- D. The proposed use would be consistent with the goals and policies of the comprehensive plan of the county.
- E. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

530.7 CONDITIONS OF APPROVAL:

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

- A. Minimizing adverse impact on other developments, such as:
 - 1. Requirements for special yards, open space, buffers, fences, walls, and screening.
 - 2. Requirements for installation and maintenance of landscaping and erosion control measures.

- 3. Requirements for road improvements and dedications.
 - 4. Regulations of signs.
 - 5. Regulation of hours or other characteristics of operation.
 - 6. Establishment of development schedules or time limits for performance or completion.
- B. Controlling the sequence and timing of development,
 - C. Controlling the duration of development,
 - D. Assuring that development is maintained properly,
 - E. Designating the exact location and nature of development;
 - F. Requiring the provision for on–site or off–site public facilities or services;
 - G. Requiring more restrictive standards than those generally required in an ordinance;
 - H. Imposing other conditions that the Planning and Development Council deems necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare and to ensure compliance with the standards listed in Section 530.6.

530.8 EFFECTIVE DATE:

The decision of the Planning and Development Council shall be effective ten days after the date on which decision is announced unless an appeal has been filed pursuant to Section 550.

530.91 LAPSE OF A CONDITIONAL USE PERMIT:

- A. Unless a longer time shall be specifically established as a condition of approval, a conditional use permit shall lapse and shall become void six months following the date on which such permit became effective, unless prior to expiration, a building permit and zoning permit are issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use.
- B. A conditional use permit 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 Director.

530.92 MODIFICATION OF CONDITIONAL USE PERMIT:

Sections 530 through 530.8 shall apply to an application for modification, expansion, or other changes in a conditional use permit, provided that minor revisions or modifications may be approved by the Director if he/she determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 530.6.

530.93 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 conditional use permit shall be suspended upon notification to the owner of a use or property subject to a conditional use permit.
- B. The Planning and Development Council shall hold a public hearing within 40 days of such notification, in accordance with Section 560. and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the conditional use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.
- C. The decision of the Planning and Development Council to revoke a conditional use permit shall be effective immediately.

530.94 NEW APPLICATIONS:

Following the denial or revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same use on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

530.95 APPROVAL TO RUN WITH THE LAND:

A Conditional Use Permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure.

530.96 PRE-EXISTING CONDITIONAL USE PERMITS:

- A. Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of an amended conditional use permit, provided that alterations not exceeding \$2,500 in value as determined by the Building Official shall be permitted without the granting of an amended conditional use permit. The procedure for obtaining an amended conditional use permit shall be the same as for obtaining a conditional use permit.

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.

FINDINGS

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

CONDITIONAL USE PERMIT – KYMBERLY LISH

MEETING DATE: JANUARY 21, 2026

FILE #: CUP-25-11

LOCATION: RPR4227024606 and is currently addressed as 9104 Victory View Road, Lava Hot Springs, ID 83246

APPLICANT/OWNER:

KyMBERly Lish
9104 Victory View Road
Lava Hot Springs, ID 83246

REQUEST & BACKGROUND: KyMBERly Lish requests a conditional use permit for an indoor dog kennel on her property. Proposed hours of operation are 8:00 a.m. to 6:00 p.m., seven days a week. Private well and septic are being proposed.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONING: Recreational

PROPERTY SIZE: ~ 3.01 acres

VIEWS: The property is visible from Moose Hollow Road and Victory View Road

EXISTING STRUCTURES: Residential dwelling and accessory structures

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT, §530:

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

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

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

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

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

(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 by Kymberly Lish, for a Conditional Use Permit for an indoor dog kennel on her property 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 _____, 2026.

Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of _____, in the year of 2026, 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

MOTION

Based on the record and the discussion this evening, I move to **[approve]** **[deny]** **[table]** the request by Kymberly Lish for a Conditional Use Permit to have an indoor dog kennel on her property, as described in the application materials as supplemented with additional information attached in the staff report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

1.
2.

AGENDA ITEM NO. 7
Subdivision Concept Plan –
Shaw Hollow Estates



PLANNING AND DEVELOPMENT SERVICES

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

CONCEPT PLAN– SHAW HOLLOW ESTATES PUBLIC HEARING: JANUARY 21, 2026 STAFF REPORT

FILE #: SCP-25-4
LOCATION: RPR4015006605, currently unaddressed.

APPLICANT:	OWNER:
Shane Remer	NR Investments LLC
1592 N. 775 E.	2860 N. Rapid Creek Road
Shelly, ID 83274	Inkom, ID 83245

RECOMMENDATION: Staff recommends approval with the following conditions:

1. All subsequent plats shall state "All lots shall access directly from the 60' interior access easement and are restricted from direct access off of Rapid Creek Road."
2. Per instrument number 21508145, there is a proposed 30' irrigation easement and a proposed 50' access easement that connect to parcel RPR4015006605 from the north. Said easements shall continue through this development to connect with the parcel to the south.
3. 50% of slopes over 30% grade shall be designated open space. All slopes 35% or greater are required to be depicted within the open space lot on all subsequent plats. A slope analysis is required to prove slopes are less than 30% if open space is not adjusted on Preliminary Plat.
4. All existing and proposed easements shall be depicted on all subsequent plats.
5. Detailed Base Flood Elevation Study provided at Preliminary Plat. All subsequent plats shall depict data from said study.
6. All subsequent plats shall state "Open Space shall not be used for open storage or for collection of refuse, junk or garbage."
7. At Preliminary Plat, applicant to provide written comments from landowner to the north indicating if access should be extended.
8. 90' easement required to connect with existing easement to the north or south.
9. Remove road name. Proposed road to be classified as a driveway. Or;
10. Interior subdivision road shall be built to county standards and dedicated to the county.

Council may wish to add additional conditions as needed.

REQUEST & BACKGROUND: Shane Remer proposes development for two (2) residential lots and one (1) open space lot. The subject property is parcel RPR4015006605. The affected lots total 10.097 acres generally located off of Rapid Creek Road, a county-maintained road. The

STAFF REPORT
CONCEPT PLAN – Shaw Hollow Estates
Page 1 of 9

development proposes individual well and septic systems. There will be 2 buildable lots between 1.485 and 3.563 acres in size. This subdivision is located ~ 0.90 miles from the City of Inkom boundary.

CONCEPT PLAN PROPOSAL SUMMARY:

TOTAL AREA: 10.097 +/- acres

BUILDING LOTS: 2 residential dwelling lot

DWELING UNIT DENTISY: 1 dwelling unit per 5.0485 acres

BUILDING LOT SIZE: ~ 1.485 acres to 3.563 acres

WATER & SEWER: individual well and septic systems

STORMWATER SYSTEM: To be determined

UTILITIES: Power located along Rapid Creek Road.

FIRE PROTECTION: Jackson Creek Fire District

ROADS/ACCESS: Interior easement via Rapid Creek Road, a county-maintained road

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural (RR)

PROPERTY SIZE: ~10.097 acres

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

IMPACT AREA: None

FLOOD ZONE: A and AE with Floodway

TERRAIN: Slopes with some flatter areas to build.

EXISTING STRUCTURES: None

SURROUNDING LAND USES AND ZONING

NORTH: The sites are within the Residential Rural 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 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 x3.2 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.

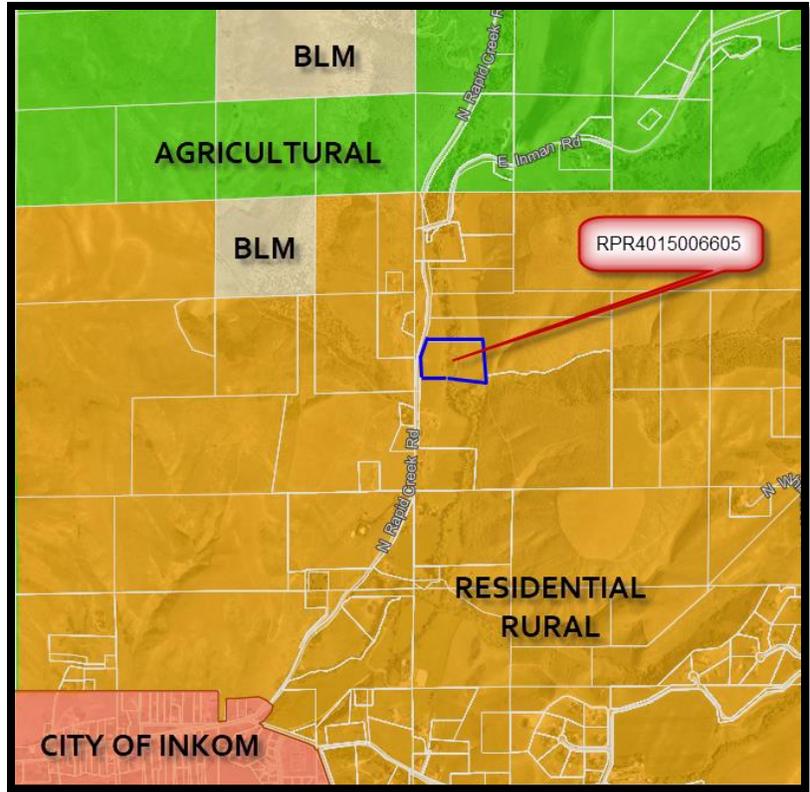
4. Sewage produced per unit will be 208 gallons a day and total for project will be approximately 2,500 gallon per day.
5. Tax generated for average size lot is estimated to be approximately \$4,600 per lot assuming a dwelling and land value of \$400,000.
6. Cost to provide services is not known.

APPLICABLE LAWS AND PLANS:

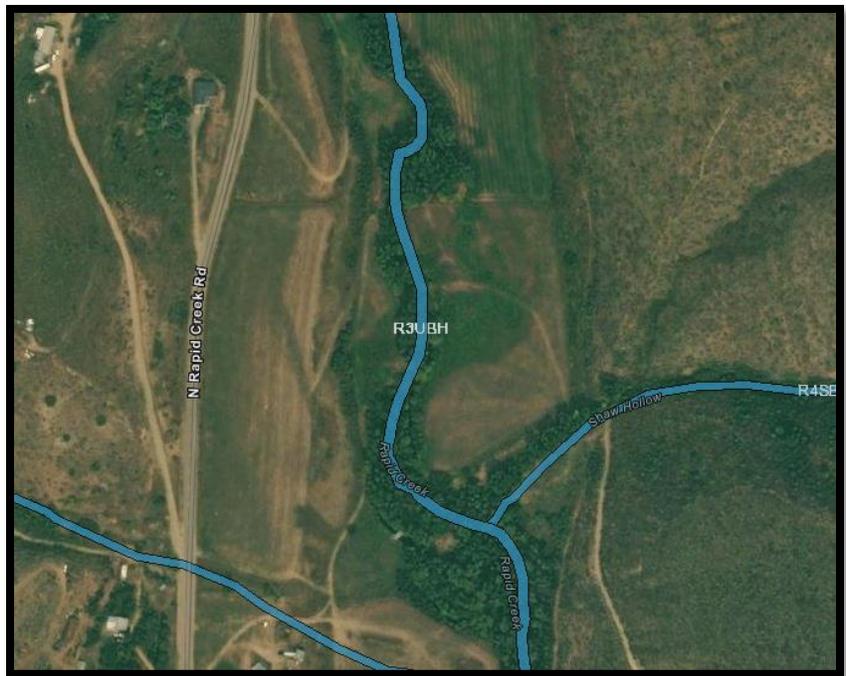
1. Idaho Code §67-65, LOCAL LAND USE PLANNING ACT – SUBDIVISION ORDINANCE
2. 2040 Bannock County Comprehensive Plan
3. Bannock County Zoning Ordinance, 1998-1
 - a. §320 RESIDENTIAL RURAL DISTRICT
4. Bannock County Subdivision Ordinance, 1997-4, specifically:
 - a. §302 CONCEPTUAL OR MASTER PLAN REVIEW



SITE MAP



ZONING MAP



US FISH & WILDLIFE WETLANDS MAP



FEMA MAP



EXPLORER CONTOUR MAP

CONCEPT PLAN REVIEW CRITERIA §302.E

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

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

Staff Findings

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

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

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

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

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

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

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

Goal 4.4: Protected natural resources.

Strategy 4.4.2: Continue responsible natural resource management.

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

Bannock County Zoning Ordinance:

The land is currently zoned Residential Rural (RR). Under the Residential Rural zoning district, a maximum density of one dwelling per 2.5 acres with an open space subdivision.

Applicant has proposed 2 residential building lots and one open space lot, resulting in an overall proposed density of one dwelling per 5.0485 acres, which complies with the Residential Rural density requirements.

Bannock County Subdivision Ordinance:

The proposed subdivision name "Shaw Hollow Estates" has been reviewed with 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.

Slopes may range from 0.1% to 26.7% 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.

Per §409.B.2: Steep Slopes: 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. At least 50 percent of all areas over 30 percent slope shall be designated open space; 100 percent of slopes greater than 35 percent shall be designated Open Space as set forth in 401.

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.

Other Bannock County Ordinances and comments:

The proposed development is located within flood zone A and flood zone AE with floodway. Per Bannock County Flood Damage Prevention Ordinance, a detailed base flood elevation study, completed by an Idaho licensed engineer, is required for areas within flood zone A. Said report must be provided to Staff. Elevation data is to be depicted on the plat. The plat will need to depict all flood zone and floodway elevation data.

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 an interior road via Rapid Creek Road, a county-maintained road. The proposed road name of Shaw Hollow Lane has been reviewed, with no duplications found. Rapid Creek Road is classified as a Major Collector Road. 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.

As this subdivision is less than 4 lots, a road is not required. One interior access is required due to Rapid Creek Road classification per Highway Standards and Roadway Development Procedures for Bannock County §3061.020.

Per Highway Standards and Roadway Development Procedures for Bannock County §2020.040: In addition, new private roads shall not have direct access to any roadway designed as collectors, or higher, as provided for in Section 3000.

The applicant may propose an access easement via Rapid Creek Road, a county-maintained road. The proposed easement should be no less than 60' wide at all points with a 60' radius cul-de-sac. There should be a 15' public utility easement on each side of the proposed access easement. The access easement will need to extend to grant access to Lot 3. The access easement can not be named, unless it is road, per Bannock County Addressing Ordinance §9.02.

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

It does not appear there are any dedicated streets or roads that could be extended at this time. There is a proposed 50' access easement to the parcel to the north. Council may consider requiring the applicant to communicate with the owner to the north and south to see if there is a need to extend the proposed access easement.

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 are not existing easements found on this development. Per instrument number 21508145, there is a proposed 30' irrigation easement and a proposed 50' access easement that connect to parcel RPR4015006605 from the north. Council may require the easements to the north to continue through this development.

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.

The proposed plat states a title search was not performed on this property. There may exist easement for access and or utilities associated with this property that are not

shown hereon. Council may require this research be completed before Preliminary Plat.

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 floodway. The building lots are clustered with one interior access easement. The lots are proposed to be placed within close proximity to existing roads and utilities. Council may consider if a 90' easement may be beneficial to allow growth and connectivity to the north or south for future development. If required by council, new easements can not be proposed to be within the open space, per ordinance.

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 east. Based on the acreage, there is a possibility for 4 buildable lots. The applicant has proposed 2 building lots, with a density of one dwelling to 5.0485 acres.

Per Bannock County Zoning Ordinance §343, 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. 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: January 8, 2026

**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. Property Description
3. Predevelopment Review Comments
4. Agency/Public Comments (if any)
5. Soil Report
6. Referenced Ordinance and Plans-on file

EXHIBIT 1

Application & Site Plan



Record No:
SCP-25-4

Primary Location

O NO STREET
, 00000

Applicant

 Shane Remer

Subdivision
Concept Plan
Application
Status: Active
Submitted On:
11/17/2025

Owner

NR INVESTMENTS LLC




[Redacted contact information]

Owner/Developer Information

Are the Owner and Developer the same?

Owner Name*

NR Investments, LLC

Street Address*

[Redacted street address]

City*

[Redacted city]

State*

[Redacted state]

Zip Code*

[Redacted zip code]

Email Address*

[Redacted email address]

Phone Number*

[Redacted phone number]

Site Information

Proposed Subdivision Name*

Shaw Hollow Estates

Parcel Number(s)*

RPR4015006605

Number of Lots *

3

Quarter

SW1/4 NW1/4

Section

14

Township

7 South

Range

36 East

Subdivision Information

Current zoning*

Residential Rural

Proposed uses of the property*

Residential

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

Access roadway within a 60' road right-of-way to be constructed at the completion of the platting process

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

None

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

Private wells, septic, and drainage to be retained on each lot. Roadway will drain to drainage ditches along road edges

Proposed utilities and location/placement of utilities.*

Power to be provided to each lot within the platted easements

Proposed fire suppression and prevention measures.*

None

Proposed road name(s)* ?

Shaw Hollow Lane

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* ?

Lot 3 will be designated as open space and will have an access provided off the end of the cul-de-sac along with a power easement. Open space planned to be 5.049 acres.

Subdivision Pre-development Meeting

Pre-development Meeting Date

08/20/2025

Comments from Pre-development Meeting 

See attached pre-development letter dated August 29, 2025.

Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name

Cornerstone Geomatics, LLC

Email

shane@cornerstonegeomatics.com

Phone Number

208-390-8643

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]*

Shane C. Remer

Date of Signature*

11/18/2025

CONCEPTUAL LAYOUT FOR SHAW HOLLOW ESTATES

BEING PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 14,
TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN
BANNOCK COUNTY, IDAHO

PROPOSED LOT IMPROVEMENTS

SANITARY SEWER - PRIVATE SEPTIC SYSTEMS
CULINARY WATER - PRIVATE WELLS
STORM DRAINAGE - TO BE RETAINED ON EACH LOT
60' ROAD RIGHT-OF-WAY WITH 60' RADIUS CULDESAC

PROPOSED USE

RESIDENTIAL

PROPOSED USE

RESIDENTIAL RURAL

EXISTING USE

RESIDENTIAL RURAL

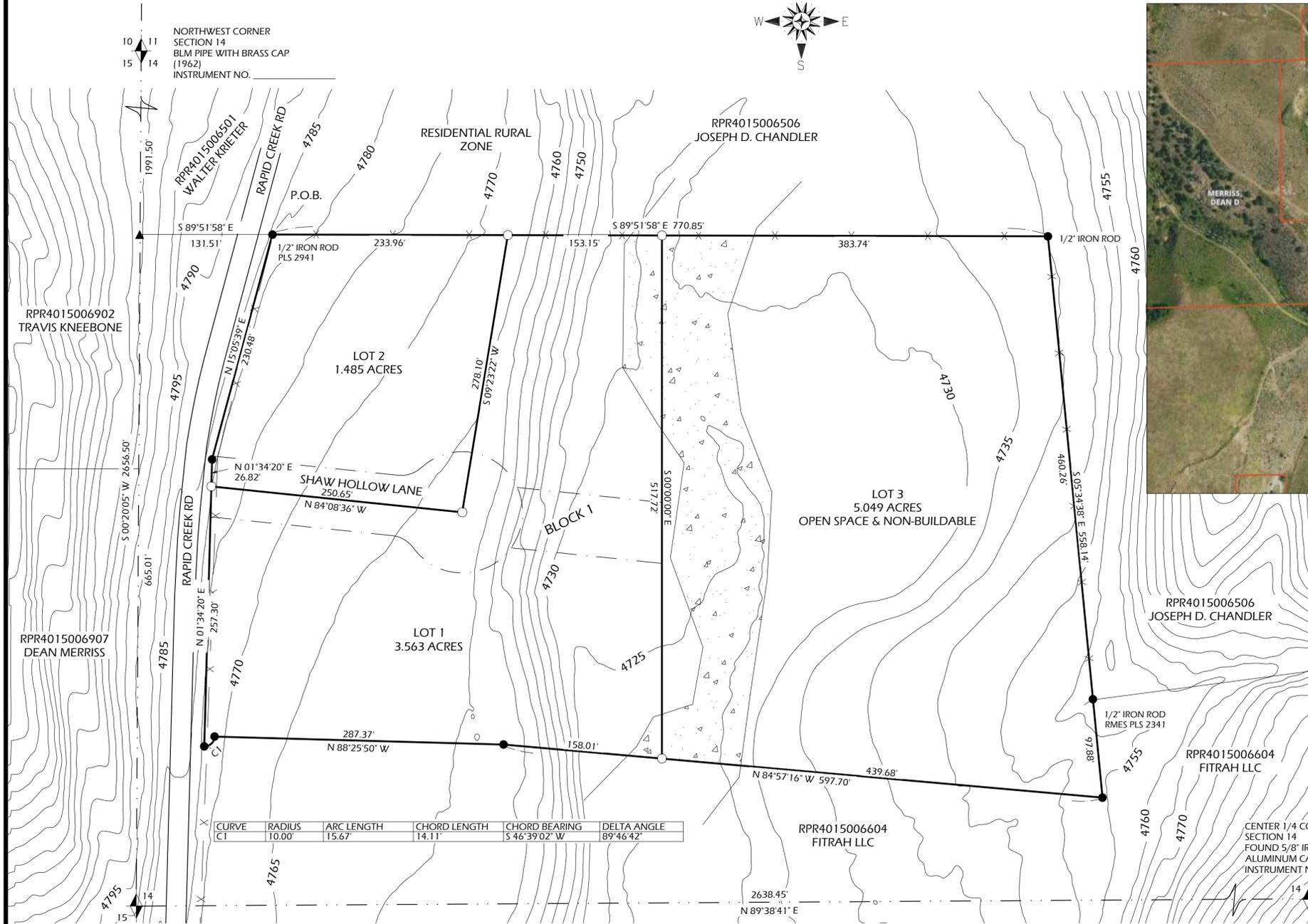
LANDSCAPE AND VEGETATION

THE SUBJECT PROPERTY IS COMPRISED OF PASTURE TYPE VEGETATION AS WELL AS DITCH/CREEK BOTTOM TYPE VEGETATION ALONG WATER WAY

CONTACTS

NR INVESTMENTS
JAY ROCHE 208-681-4440
STEWART NELSON 208-681-4444

CORNERSTONE GEOMATICS
SURVEYOR - SHANE REMER 208-390-8643



BASIS OF BEARINGS NOTE
IDAHO STATE PLANE COORDINATE SYSTEM (EAST ZONE 1101), US SURVEY FEET, AND USING A COMBINED SCALE FACTOR OF 1.0002801849 FOR A GRID TO GROUND CONVERSION. REFERENCE FRAME: NAD_83(2011), (EPOCH 2010.0000). THE SYSTEM ORIENTATION IS BASED ON GRID NORTH ALONG THE EAST ZONE OF THE CENTRAL MERIDIAN. NO CONVERGENCE ANGLE HAS BEEN APPLIED.

LEGEND

- P.L.S.S. SECTION CORNER CONTROL
- PLACED 5/8" X 24" IRON ROD WITH CAP MARKED PLS 12222
- 5/8" IRON ROD WITH CAP MARKED ENSIGN ENG UNLESS OTHERWISE NOTED
- CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- LINE BREAK - DIMENSION NOT TO SCALE
- SECTION LINE
- SURVEYED BOUNDARY LINE
- PROPOSED ACCESS EASEMENT
- EXISTING FENCE LINE
- DECIDUOUS TREE AREA/CREEK

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CT	10.00'	15.67'	14.11'	S 46°39'02" W	89°46'42"

WEST 1/4 CORNER SECTION 14
FOUND 5/8" IRON ROD ALUMINUM CAP (PLS 5074)
INSTRUMENT NO. 92019046

SURVEYOR'S NARRATIVE

PURPOSE OF THIS SURVEY IS TO ESTABLISH THE PROPERTY AS DESCRIBED IN WARRANTY DEED INSTRUMENT NO. 22409461 AND TO SUBDIVIDE SAID PARCEL AS PER INSTRUCTIONS FROM NR DEVELOPMENT LLC.

SAID BOUNDARY WAS ESTABLISHED BY LOCATING SECTION CONTROL AS SHOWN HEREON. PROPERTY CORNERS WERE FOUND ONSITE WHICH COINCIDE WITH THE BOUNDARY DESCRIPTION AS PER SAID WARRANTY DEED.

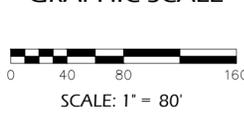
AN ELEVATION CERTIFICATE/STUDY HAS ALSO COMPLETED BY WILLIAMS ENGINEERING INC., TO ESTABLISH A BASE FLOOD ELEVATION AND NOTED IN A MEMORANDUM DATED OCTOBER 29, 2024 FROM GERALD R. WILLIAMS TO NR DEVELOPMENT LLC.

WARNING: A TITLE SEARCH WAS NOT PERFORMED ON THIS PROPERTY. THERE MAY EXIST EASEMENTS FOR ACCESS AND/OR UTILITIES ASSOCIATED WITH THIS PROPERTY THAT ARE NOT SHOWN HEREON.

BOUNDARY DESCRIPTION

SHAW HOLLOW LANE - 10.097 ACRES
PART OF THE NW 1/4 OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS:
COMMENCING AT THE NORTHWEST CORNER OF SECTION 14 MARKED BY A 1962 BLM PIPE WITH BRASS CAP FROM WHICH THE WEST 1/4 CORNER OF SAID SECTION BEARS
S 00°20'05" W 2656.50 FEET, THE BASIS OF BEARING FOR THIS DESCRIPTION;
THENCE S 00°20'05" W 1991.50 FEET ALONG THE WEST BOUNDARY OF SECTION 14;
THENCE S 89°51'58" E 131.51 FEET TO THE POINT OF BEGINNING; SAID POINT BEING MARKED BY A 1/2" IRON ROD WITH A PLASTIC CAP INSCRIBED PLS 2941;
THENCE CONTINUING S 89°51'58" E 770.85 FEET TO A 1/2" IRON ROD;
THENCE S 05°34'38" E 558.14 FEET TO A 5/8" IRON ROD WITH A PLASTIC CAP INSCRIBED ENSIGN ENG;
THENCE N 84°57'16" W 597.70 FEET TO A 5/8" IRON ROD WITH A PLASTIC CAP INSCRIBED ENSIGN ENG;
THENCE N 88°25'50" W 287.37 FEET TO A 5/8" IRON ROD WITH A PLASTIC CAP INSCRIBED ENSIGN ENG, SAID POINT BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT FROM WHICH THE RADIUS POINT BEARS N 88°14'19" W 10.00 FEET;
THENCE SOUTHWESTERLY, 15.67 FEET ALONG SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°46'42" TO THE END OF SAID CURVE WHICH IS MARKED BY A 5/8" IRON ROD WITH A PLASTIC CAP INSCRIBED ENSIGN ENG, SAID CURVE ALSO HAVING THE FOLLOWING CURVE DATA: CHORD BEARING - S 46°39'02" W AND A CHORD LENGTH - 14.11 FEET;
THENCE N 01°34'20" E 284.12 FEET TO A 5/8" IRON ROD WITH A PLASTIC CAP INSCRIBED ENSIGN ENG;
THENCE N 15°05'39" E 230.48 FEET TO THE POINT OF BEGINNING.
CONTAINING 10.097 ACRES

GRAPHIC SCALE



SHEET	DRAWN BY
1	SCR
OF	CHECKED BY
SHEETS	SCR
1	PROJECT NO.
	1201
	DATE
	09/17/2025



A Professional Land Surveying Company

"Commit to the Lord whatever you do and He will establish your plans."
Proverbs 16:3

5497 Rammell Road, Idaho Falls, ID 83401
Phone: 208-932-4423
www.cornerstonegeomatics.com

EXHIBIT 2

Agency Comments



January 12, 2026

Mr. Hal Jensen, Planning Director
Bannock County Office of Planning & Development Services
5500 S. 5th Ave
Pocatello, ID 83204
development@bannockcounty.gov

Subject: Subdivision Concept Plan – 3-Lot Shaw Hollow Estates – Remer

Dear Mr. Jensen:

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

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

Sincerely,

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

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

EDMS# 2026AGD120

Attachments: DEQ General Recommendations for Land Development Projects.

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

General Recommendations

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

Engineering

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

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

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

Air Quality

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

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

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

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

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

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

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.

02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.
03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.
05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.
06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

Surface Water Quality

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

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

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

Waste Management - Hazardous Material - Petroleum Storage

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

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most commonly 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

Property-Project Summary



A Professional Land Surveying Company

"Commit to the Lord whatever you do,
and He will establish your plans."
Proverbs 16:3

Shaw Hollow Estates

Property Description

Rural Residential Development in Bannock County, Idaho

Overview

Shaw Hollow Estates is a proposed residential subdivision located in Bannock County, Idaho. The property is currently zoned as Rural Residential, which will remain the designated use for the development. Shaw Hollow Estates offers a unique opportunity for those seeking a peaceful, rural lifestyle with modern amenities and thoughtful land planning.

Infrastructure and Utilities

Each residential lot within Shaw Hollow Estates will be served by individual wells and septic systems, ensuring independent water and wastewater solutions tailored to each property. The exception to this arrangement is Lot 3, which is designated as an open space lot and will not require individual well or septic service, however this lot will be provided a designated access as well as power.

Drainage and Site Management

All stormwater and runoff will be retained on site, with drainage swales strategically placed along the sides of the roadway and the cul-de-sac to direct and manage water flow. Each lot will be responsible for retaining its own drainage.

Community Features

- Rural Residential zoning
- Individual wells and septic systems for each lot (except Lot 3)
- Open space lot for recreation and preservation
- On-site drainage retention and swales for effective storm water management
- Cul-de-sac layout and scenic surroundings

Conclusion

Shaw Hollow Estates is designed to provide residents with spacious, rural living while maintaining responsible land use and environmental practices. The combination of independent utilities, on-



5497 Rammell Rd., Idaho Falls ID, 83401

PHONE: 208-932-4423

www.cornerstonegeomatics.com



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*"Commit to the Lord whatever you do,
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Proverbs 16:3*

site drainage solutions, and dedicated open space makes Shaw Hollow Estates an attractive choice for families and individuals seeking tranquility and sustainability in Bannock County, Idaho.



5497 Rammell Rd., Idaho Falls ID, 83401

PHONE: 208-932-4423

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EXHIBIT 4
Pre-Development Letter
& Agency Comments



PLANNING AND DEVELOPMENT SERVICES

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

August 29, 2025

NR Investments, LLC
2860 N. Rapid Creek Road
Inkom, ID 83245

Cornerstone Geomatics
Shane Remer
5497 Rammell Road
Idaho Falls, ID 83401

RE: Shaw Hollow Estates
Pre-Development Conference – County Comments

Mr. Remer,

An application for the subdivision located on parcel #RPR4015006605 was submitted on June 24, 2025. The application proposes to subdivide approximately 10.097 acres of land into 2 buildable lots and one open space lot. The buildable lots would range from 1.485 to 3.563 acres in size. The proposed subdivision is located within the Residential Rural (RR) zoning district, which requires a minimum density of one dwelling per 2.5 acres 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-25-2

Bannock County Tax Parcel Number: RPR4015006605

TOTAL AREA: ~10.097 acres

BUILDING LOTS: 2 residential dwelling lot

DWELLING UNIT DENSITY: 1 dwelling unit per 5.0485 acres

BUILDING LOT SIZE: ~ 1.485 acres to 3.563 acres

OPEN SPACE LOT SIZE: ~ 5.049 acres

WATER & SEWER: Individual well and septic systems.

STORMWATER SYSTEM: To be determined.

UTILITIES: Power located along Rapid Creek Road.

FIRE PROTECTION: Jackson Creek Fire District.

ROADS/ACCESS: Interior easement via Rapid Creek Road, a county-maintained road.

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural (RR)

SPD-25-2
Page 1 of 7

PROPERTY SIZE: ~10.097 acres

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

IMPACT AREA: City of Inkom

FLOOD ZONE: A and AE with Floodway

TERRAIN: Slopes with some flatter areas to build.

EXISTING STRUCTURES: None

We discussed the proposed subdivision on August 20, 2025 in the Planning and Development department's conference room. The following individuals were present at the meeting:

- Owner and Applicant Representative:
 - Jay Roche
- 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-25-2).
 - 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; 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.

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

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

Goal 4.4: Protected natural resources.

Strategy 4.4.2: Continue responsible natural resource management.

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

Bannock County Zoning Ordinance:

The land is currently zoned Residential Rural (RR). Under the Residential Rural zoning district, a maximum density of one dwelling per 2.5 acres with an open space subdivision.

Applicant has proposed 2 residential building lots and one open space lot, resulting in an overall proposed density of one dwelling per 5.0485 acres, which complies with the Residential Rural density requirements.

Bannock County Subdivision Ordinance:

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

A proposed subdivision 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.

Per §409.B.2: Steep Slopes: 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. At least 50 percent of all areas over 30 percent slope shall be designated open space; 100 percent of slopes greater than 35 percent shall be designated Open Space as set forth in 401.

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. It was discussed in the pre-development meeting that an interior road would be required for this development. After further research, a driveway will be sufficient based on the driveway being an existing access and less than two dwelling per Highway Standards and Roadway Development Procedures section 2020.040.

Other Bannock County Ordinances and comments:

The proposed development is located within flood zone A and flood zone AE with floodway. Per Bannock County Flood Damage Prevention Ordinance, a detailed base flood elevation study, completed by an Idaho licensed engineer, is required for areas within flood zone A. Elevation data is to be depicted on the plat. The record of survey will need to depict all flood zone and floodway elevation data.

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 shared access easement via Rapid Creek Road, a county-maintained road. The proposed easement should be no less than 60' wide at all points with a 60' radius cul-de-sac. There should be a 15' public utility easement on each side of the proposed access easement. The access easement will need to extend to grant access to Lot 3.

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. There is a proposed 50' access easement to the parcel to the north. Applicant may consider communicating with the owner to the north and south to see if there is a need to extend the proposed access easement.

- 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 are not existing easements found on this development. Per instrument number 21508145, there is a proposed 30' irrigation easement and a proposed 50' access easement that connect to parcel RPR4015006605 from the north.

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 floodway. The building lots are clustered with one interior access easement. The lots are proposed to be placed within close proximity to existing roads

and utilities. Council may consider if a go' easement may be beneficial to allow growth and connectivity to the north or south 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 east. Based on the acreage, there is a possibility for 4 buildable lots. The applicant has proposed 2 building lots, with a density of one dwelling to 5.0485 acres.

Per Bannock County Zoning Ordinance §343, 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,



Tristan Bourquin on behalf of

Hal W. Jensen

Planning and Development Director

halj@bannockcounty.gov

Enclosed: Proposed Sketch Plan



April 29, 2025

Mr. Shane Remer
Cornerstone Geomatics
5497 Rammell Road
Idaho Falls, ID 83401
Shane@CornerstoneGeomatics.com

Subject: Subdivision Concept Plan – 3-Lot Shaw Hollow Estates

Dear Mr. Remer:

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

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

Sincerely,

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

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

EDMS# 2025AGD2368

Attachments: DEQ General Recommendations for Land Development Projects.

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



Shane Remer <shane@cornerstonegeomatics.com>

Shaw Hollow Estates Subdivision

3 messages

Accounting <accounting@cornerstonegeomatics.com>

Tue, Apr 29, 2025 at 12:50 PM

To: Anita Hymas <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>, Laurie Kniffin <lkniffin@sbtribes.com>, Gary Billman <gbillman@idl.idaho.gov>, 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.Ghighina@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>, Merlin Miller <mmiller@cityofchubbuck.us>, Kirk Valentine <kirk398@gmail.com>, Brian Curtis <chief@northbannockfire.us>, Ken Gibbs <pocvalleyfpd@gmail.com>, Jeni Foster <cityofarimo@ida.net>, Gary Tucker <gtucker@mvsd21.org>, Shane Remer <shane@cornerstonegeomatics.com>

Good afternoon,

Please find attached the conceptual layout for the proposed Shaw Hollow Estates plat for your consideration. Please review and submit your comments to shane@cornerstonegeomatics.com. We will follow up in seven days.

Best Regards,

Karen Eve
Office Manager



A Professional Land Surveying Company

"Commit to the Lord whatever you do,
and He will establish your plans."
Proverbs 16:3

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 **ShawHollowEstates-Conceptual-V1.pdf**
272K

Accounting <accounting@cornerstonegeomatics.com>

Tue, May 6, 2025 at 8:13 AM

To: Shane Remer <shane@cornerstonegeomatics.com>

For your information.

Best Regards,

Karen Eve
Office Manager



A Professional Land Surveying Company

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From: **Flo Ghighina** <Flo.Ghighina@itd.idaho.gov>
Date: Fri, May 2, 2025 at 4:07 PM
Subject: RE: Shaw Hollow Estates Subdivision
To: Accounting <accounting@cornerstonegeomatics.com>

Hello Karen,

The Idaho Div. of Aeronautics has received your info for the proposed Shaw Hollow Estates plat and has no comments or objection to such lot line adjustments. 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/idahoeronautics>



From: Accounting <accounting@cornerstonegeomatics.com>

Sent: Tuesday, April 29, 2025 12:50 PM

To: Anita Hymas <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>; Laurie Kniffin <lkniffin@sbtribes.com>; Gary Billman <gbillman@idl.idaho.gov>; 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.Ghighina@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>; Merlin Miller <mmiller@cityofchubbuck.us>; Kirk Valentine <kirk398@gmail.com>; Brian Curtis <chief@northbannockfire.us>; Ken Gibbs <pocvalleyfpd@gmail.com>; Jeni Foster <cityofarimo@ida.net>; Gary Tucker <gtucker@mvsd21.org>; Shane Remer <shane@cornerstonegeomatics.com>

Subject: Shaw Hollow Estates Subdivision

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

Good afternoon,

Please find attached the conceptual layout for the proposed Shaw Hollow Estates plat for your consideration. Please review and submit your comments to shane@cornerstonegeomatics.com. We will follow up in seven days.

Best Regards,

Karen Eve

Office Manager

[Quoted text hidden]

Accounting <accounting@cornerstonegeomatics.com>
To: Shane Remer <shane@cornerstonegeomatics.com>

Wed, May 7, 2025 at 12:18 PM

FYI

Best Regards,

Karen Eve
Office Manager



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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/idaho aeronautics>



From: Accounting <accounting@cornerstonegeomatics.com>

Sent: Tuesday, April 29, 2025 12:50 PM

To: Anita Hymas <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>; Laurie Kniffin <lkniffin@sbtribes.com>; Gary Billman <gbillman@idl.idaho.gov>; 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.Ghighina@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 <rbjolley@yahoo.com>; Chris Sorensen <downeyfirechief@gmail.com>; Johnny Ketner <johnny.ketner@tax.idaho.gov>; Merlin Miller <mmiller@cityofchubbuck.us>; Kirk Valentine <kirk398@gmail.com>; Brian Curtis <chief@northbannockfire.us>; Ken Gibbs <pocvalleyfpd@gmail.com>; Jeni Foster <cityofarimo@ida.net>; Gary Tucker <gtucker@mvsd21.org>; Shane Remer <shane@cornerstonegeomatics.com>

Subject: Shaw Hollow Estates Subdivision

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Good afternoon,

Please find attached the conceptual layout for the proposed Shaw Hollow Estates plat for your consideration. Please review and submit your comments to shane@cornerstonegeomatics.com. We will follow

up in seven days.

Best Regards,

Karen Eve

Office Manager

[Redacted signature]

[Quoted text hidden]



Shane Remer <shane@cornerstonegeomatics.com>

Shaw Hollow Estates Subdivision

2 messages

Accounting <accounting@cornerstonegeomatics.com>

Wed, May 7, 2025 at 11:18 AM

To: Anita Hymas <anitah@bannockcounty.us>, Jeremy Messick <jeremym@bannockcounty.us>, Kiel Burmester <kielb@bannockcounty.us>, David Bollinger <david.bollinger@bia.gov>, Mellisa Warren <mdwarren@blm.gov>, Hannah Sanger <hsanger@pocatello.us>, Laurie Kniffin <lkniffin@sbtribes.com>, Gary Billman <gbillman@idl.idaho.gov>, IDL_jurisdictional@idl.idaho.gov, Pat Brown <pbrown@idl.idaho.gov>, Katy Bergholm <Katy.Bergholm@deq.idaho.gov>, Allan Johnson <allan.johnson@deq.idaho.gov>, Becky Johnson <becky.johnson@idfg.idaho.gov>, James Cafalo <james.cafalo@idwr.idaho.gov>, Gary Peck <gpeck@idahopower.com>, Corey Krantz <Corey.Krantz@itd.idaho.gov>, 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>, 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>, Merlin Miller <mmiller@cityofchubbuck.us>, Kirk Valentine <kirk398@gmail.com>, Brian Curtis <chief@northbannockfire.us>, Ken Gibbs <pocvalleyfpd@gmail.com>, Jeni Foster <cityofarimo@ida.net>, Gary Tucker <gtucker@mvsd21.org>, Shane Remer <shane@cornerstonegeomatics.com>

Good morning,

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Please review and submit your comments to shane@cornerstonegeomatics.com.

Best Regards,

Karen Eve
Office Manager



A Professional Land Surveying Company

"Commit to the Lord whatever you do,
and He will establish your plans."
Proverbs 16:3

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 **ShawHollowEstates-Conceptual-V1.pdf**
272K

Accounting <accounting@cornerstonegeomatics.com>

Wed, May 7, 2025 at 12:17 PM

To: Shane Remer <shane@cornerstonegeomatics.com>

FYI

Best Regards,

Karen Eve
Office Manager



A Professional Land Surveying Company

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

From: **Marshall, Brenda** <Brenda.Marshall@williams.com>
Date: Wed, May 7, 2025 at 11:48 AM
Subject: RE: [EXTERNAL] Shaw Hollow Estates Subdivision
To: Accounting <accounting@cornerstonegeomatics.com>

This development will not impact Williams Northwest Pipeline.

Brenda Marshall

Land Representative

Williams – Northwest Pipeline

1301 S. Locust Grove Road

Meridian, Idaho 83642

(208) 870-0149 mobile

From: Accounting <accounting@cornerstonegeomatics.com>

Sent: Wednesday, May 07, 2025 11:19 AM

To: Anita Hymas <anitah@bannockcounty.us>; Jeremy Messick <jeremym@bannockcounty.us>; Kiel Burmester <kielb@bannockcounty.us>; David Bollinger <david.bollinger@bia.gov>; Mellisa Warren <mdwarren@blm.gov>; Hannah Sanger <hsanger@pocatello.us>; Laurie Kniffin <lkniffin@sbtribes.com>; Gary Billman <gbillman@idl.idaho.gov>; IDL_jurisdictional@idl.idaho.gov; Pat Brown <pbrown@idl.idaho.gov>; Katy Bergholm <Katy.Bergholm@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>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; Cali Johnson <portneufswcd@gmail.com>; Ryan Cook <ryan.cook@rockymountainpower.net>; Russell Christ <Russell.Christ@sparklight.biz>; Kim Obele <kim.obeles@usda.gov>; James Joyner <james.m.joyner@usace.army.mil>; Nate Matlack <nate.matlack@usda.gov>; Marshall, Brenda <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>; Merlin Miller <mmiller@cityofchubbuck.us>; Kirk Valentine <kirk398@gmail.com>; Brian Curtis <chief@northbannockfire.us>; Ken Gibbs <pocvalleyfpd@gmail.com>; Jeni Foster <cityofarimo@ida.net>; Gary

Tucker <gtucker@mvsd21.org>; Shane Remer <shane@cornerstonegeomatics.com>

Subject: [EXTERNAL] Shaw Hollow Estates Subdivision

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

[Quoted text hidden]



Shane Remer <shane@cornerstonegeomatics.com>

NR Investments LLC - Shaw Hollow Estates Subd

2 messages

Shane Remer <shane@cornerstonegeomatics.com>
To: kprice@siph.id.gov
Bcc: Jay Roche <rocheelectricinc@gmail.com>, innoutsn@gmail.com

Mon, Jun 23, 2025 at 2:11 PM

Kathleen,

Good afternoon! We spoke earlier today regarding the above referenced pre-development application for a subdivision in Bannock County.

I am need a letter that will satisfy the following requirement:

A report from SIXTH DISTRICT HEALTH DEPARTMENT, This agency will review its requirements with the developer. The developer must have the Health Department's review and comments prior to submitting the application to the County for its review. Note: this agency's signature is a requirement for recording the plat.

I believe this is just for them to know that we are aware of the requirements which we have generally spoke about over the phone.

Thanks in advance for your assistance.

Kind regards,

SHANE C. REMER, PLS | 208.932.4423



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Kathleen Price <KPrice@siph.id.gov>
To: Shane Remer <shane@cornerstonegeomatics.com>

Tue, Jun 24, 2025 at 7:41 AM

To Whom It May Concern:

Southeast Idaho Public Health will require application for Shaw Hollow Estates Subdivision. This will include the application form and check list along with onsite evaluation of each lot to determine suitability for sub-surface wastewater disposal. I have attached a copy of the application form and check list. SIPH land development fees are \$125/lot. This includes all lots within the proposed subdivision boundary lines (buildable and non-buildable). Please feel free to contact me if you have questions concerning this application process.

Thank you,

KATHLEEN PRICE, REHS, MS

ONSITE AND LAND DEVELOPMENT COORDINATOR

SIPH Environmental Health

Cell: 208-221-3421

From: Shane Remer <shane@cornerstonegeomatics.com>
Sent: Monday, June 23, 2025 2:11 PM
To: Kathleen Price <KPrice@siph.id.gov>
Subject: NR Investments LLC - Shaw Hollow Estates Subd

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Kind regards,

SHANE C. REMER, PLS | 208.932.4423

[Redacted signature]

[Quoted text hidden]

2 attachments

 **subdivision_app.pdf**
67K





Shane Remer <shane@cornerstonegeomatics.com>

Message received about SPD-25-2

3 messages

Bannock County, ID <noreply@opengov.com>
To: Shane Remer <shane@cornerstonegeomatics.com>

Wed, Jul 16, 2025 at 8:07 AM



Bannock County, ID

Marj Williams commented on Application Intake Review:

"

Shane,

Message: I will go ahead and move this forward, but please upload the last two notifications I requested yesterday. Thank you.

"

Type: Subdivision Pre-Development Application

Number: SPD-25-2

[View Details](#)



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To: Shane Remer <shane@cornerstonegeomatics.com>



Bannock County, ID

Kiel Burmester commented on R&B Review:

"
Message: Please show a required 60-foot access easement to all three lots.
"
Type: Subdivision Pre-Development Application
Number: SPD-25-2

[View Details](#)



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Shane Remer <shane@cornerstonegeomatics.com>

Wed, Jul 16, 2025 at 3:26 PM

To: "accounting@cornerstonegeomatics.com Accounting" <accounting@cornerstonegeomatics.com>

See the comment from Kiel Burmester.

Kind regards,

SHANE C. REMER, PLS | 208.932.4423



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Bannock County Planning & Development Council

January 21, 2026

Page 198 of 458

immediately via return email and delete from your mailbox. Thank you.

[Quoted text hidden]



accounting@cornerstonegeomatics.com Accounting
<accounting@cornerstonegeomatics.com>

RE: Shaw Hollow Estates Subdivision

1 message

Colborn, Phillip <phillip.colborn@intgas.com>
To: Accounting <accounting@cornerstonegeomatics.com>

Wed, Apr 30, 2025 at 4:01 PM

Karen,

Intermountain Gas Company does not have facilities at this location.

Thanks

Phillip Colborn

Intermountain Gas Company

Pocatello Operations Manager

(208) 637-6431

phillip.colborn@intgas.com

From: Accounting <accounting@cornerstonegeomatics.com>

Sent: Tuesday, April 29, 2025 12:50 PM

To: Anita Hymas <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>; Laurie Kniffin <lkniffin@sbtribes.com>; Gary Billman <gbillman@idl.idaho.gov>; 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.Ghighina@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>; Derald Armstrong <mrfb62@aol.com>; Ron Jolley <rbjolley@yahoo.com>; Chris Sorensen <downeyfirechief@gmail.com>; Johnny

Ketner <johnny.ketner@tax.idaho.gov>; Merlin Miller <mmiller@cityofchubbuck.us>; Kirk Valentine <kirk398@gmail.com>; Brian Curtis <chief@northbannockfire.us>; Ken Gibbs <pocvalleyfpd@gmail.com>; Jeni Foster <cityofarimo@ida.net>; Gary Tucker <gtucker@mvsd21.org>; Shane Remer <shane@cornerstonegeomatics.com>

Subject: Shaw Hollow Estates Subdivsion

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Office Manager



A Professional Land Surveying Company

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Proverbs 16:3*

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EXHIBIT 5

Soil Report

Custom Soil Resource Report for Bannock County Area, Idaho, Parts of Bannock and Power Counties

Rapid Creek Estates-Proposed



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

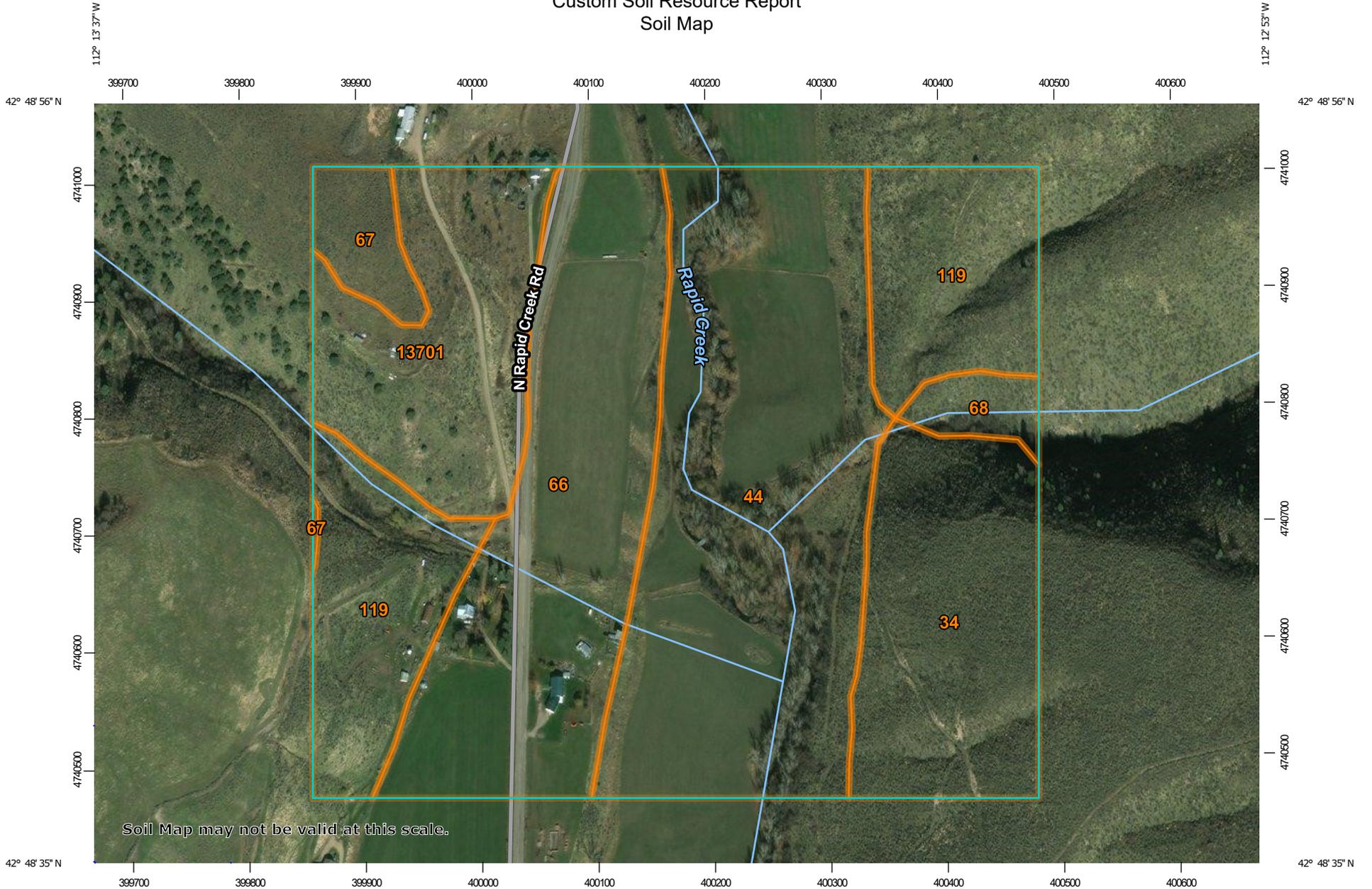
Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

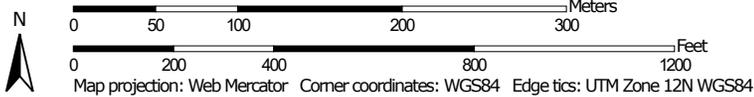
Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:4,590 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Bannock County Area, Idaho, Parts of Bannock and Power Counties
 Survey Area Data: Version 19, Aug 22, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 22, 2005—Nov 13, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
34	Cedarhill, high precipitation-Hondoho-Arbone complex, 20 to 50 percent slopes	11.8	14.0%
44	Enochville-Enochville variant complex, 0 to 1 percent slopes	25.9	30.7%
66	Lanoak silt loam, 4 to 12 percent slopes	18.2	21.6%
67	Lanoak silt loam, 12 to 20 percent slopes	2.2	2.6%
68	Lanoak silt loam, 20 to 30 percent slopes	1.5	1.8%
119	Valmar, low precipitation-Watercanyon-Hondoho complex, 20 to 50 percent slopes	14.0	16.6%
13701	Valmar-Camelback, deep-Hades complex, 20 to 60 percent slopes	10.7	12.7%
Totals for Area of Interest		84.2	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They

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generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Bannock County Area, Idaho, Parts of Bannock and Power Counties

34—Cedarhill, high precipitation-Hondoho-Arbone complex, 20 to 50 percent slopes

Map Unit Setting

National map unit symbol: 2v05w
Elevation: 4,800 to 6,400 feet
Mean annual precipitation: 13 to 22 inches
Mean annual air temperature: 41 to 45 degrees F
Frost-free period: 70 to 100 days
Farmland classification: Not prime farmland

Map Unit Composition

Cedarhill, high precipitation, and similar soils: 45 percent
Hondoho and similar soils: 20 percent
Arbone and similar soils: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cedarhill, High Precipitation

Setting

Landform: Mountain slopes, escarpments
Landform position (three-dimensional): Mountainflank
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Colluvium derived from limestone and/or sedimentary rock and/or metasedimentary rock

Typical profile

A - 0 to 9 inches: very cobbly silt loam
Bk - 9 to 28 inches: very cobbly silt loam
C - 28 to 59 inches: very cobbly loam

Properties and qualities

Slope: 20 to 50 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.71 to 2.13 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 30 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: Low (about 5.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: B
Ecological site: R013XY008ID - Steep South Slopes 12-16 PZ ARTRV/PSSPS
Other vegetative classification: mountain big sagebrush/bluebunch wheatgrass (HFW019)

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Hydric soil rating: No

Description of Hondoho

Setting

Landform: Mountain slopes, escarpments
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Concave
Parent material: Loess influenced colluvium

Typical profile

A - 0 to 15 inches: cobbly silt loam
Bk - 15 to 59 inches: very cobbly sandy clay loam

Properties and qualities

Slope: 20 to 50 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.71 to 2.13 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 40 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 2.0
Available water supply, 0 to 60 inches: Low (about 5.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: B
Ecological site: R013XY008ID - Steep South Slopes 12-16 PZ ARTRV/PSSPS
Other vegetative classification: mountain big sagebrush/bluebunch wheatgrass (HFW019)
Hydric soil rating: No

Description of Arbone

Setting

Landform: Mountain slopes, escarpments
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Concave, linear
Parent material: Loess influenced colluvium

Typical profile

A - 0 to 9 inches: silt loam
Bw - 9 to 12 inches: silt loam
Bk - 12 to 59 inches: silt loam

Properties and qualities

Slope: 20 to 30 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.71 to 2.13 in/hr)

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Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 30 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 9.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: B
Ecological site: R013XY001ID - Loamy 12-16 PZ
Other vegetative classification: mountain big sagebrush/bluebunch wheatgrass (HFW019)
Hydric soil rating: No

44—Enochville-Enochville variant complex, 0 to 1 percent slopes

Map Unit Setting

National map unit symbol: 2s8q
Elevation: 5,700 to 7,000 feet
Mean annual precipitation: 13 to 25 inches
Mean annual air temperature: 34 to 43 degrees F
Frost-free period: 30 to 70 days
Farmland classification: Not prime farmland

Map Unit Composition

Enochville and similar soils: 40 percent
Enochville variant and similar soils: 35 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Enochville

Setting

Landform: Stream terraces
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Mixed alluvium

Typical profile

A - 0 to 12 inches: silt loam
Bg - 12 to 20 inches: silty clay loam
Cg1 - 20 to 43 inches: silt loam
2Cg2 - 43 to 50 inches: very cobbly sandy loam
2Cg3 - 50 to 60 inches: extremely cobbly sandy loam

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches

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Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.60 in/hr)
Depth to water table: About 12 to 24 inches
Frequency of flooding: Frequent
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 8.5 inches)

Interpretive groups

Land capability classification (irrigated): 6c
Land capability classification (nonirrigated): 6c
Hydrologic Soil Group: C/D
Ecological site: R013XY039ID - Dry Meadow PONE-PHAL2
Hydric soil rating: Yes

Description of Enochville Variant

Setting

Landform: Stream terraces
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed alluvium

Typical profile

A - 0 to 24 inches: gravelly silt loam
Bg - 24 to 30 inches: very gravelly loam
2Cg - 30 to 60 inches: extremely gravelly loam

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)
Depth to water table: About 12 to 24 inches
Frequency of flooding: Frequent
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Available water supply, 0 to 60 inches: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): 6c
Land capability classification (nonirrigated): 6c
Hydrologic Soil Group: B/D
Ecological site: R013XY039ID - Dry Meadow PONE-PHAL2
Hydric soil rating: Yes

Minor Components

Aquolls, very poorly drained

Percent of map unit: 10 percent
Landform: Depressions
Hydric soil rating: Yes

Aquolls, clay substratum

Percent of map unit: 5 percent

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Landform: Depressions
Hydric soil rating: Yes

66—Lanoak silt loam, 4 to 12 percent slopes

Map Unit Setting

National map unit symbol: 2s9h
Elevation: 4,800 to 6,100 feet
Mean annual precipitation: 12 to 18 inches
Mean annual air temperature: 41 to 45 degrees F
Frost-free period: 70 to 100 days
Farmland classification: Not prime farmland

Map Unit Composition

Lanoak and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lanoak

Setting

Landform: Mountain slopes, fan remnants
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Silty alluvium and/or loess

Typical profile

A - 0 to 22 inches: silt loam
Bt - 22 to 44 inches: silt loam
Bk - 44 to 60 inches: silt loam

Properties and qualities

Slope: 4 to 12 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: R013XY005ID - Loamy 16-22 PZ ARTRV/FEID-PSSPS
Other vegetative classification: mountain big sagebrush-mountain snowberry/
bluebunch wheatgrass (HFW025)
Hydric soil rating: No

67—Lanoak silt loam, 12 to 20 percent slopes

Map Unit Setting

National map unit symbol: 2s9j
Elevation: 4,800 to 6,600 feet
Mean annual precipitation: 16 to 22 inches
Mean annual air temperature: 41 to 45 degrees F
Frost-free period: 75 to 100 days
Farmland classification: Not prime farmland

Map Unit Composition

Lanoak and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lanoak

Setting

Landform: Mountain slopes, fan remnants
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess influenced alluvium and/or colluvium and/or slope alluvium

Typical profile

A - 0 to 22 inches: silt loam
Bt - 22 to 44 inches: silt loam
Bk - 44 to 59 inches: silt loam

Properties and qualities

Slope: 12 to 20 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.71 to 2.13 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Available water supply, 0 to 60 inches: Very high (about 12.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R013XY005ID - Loamy 16-22 PZ ARTRV/FEID-PSSPS
Other vegetative classification: mountain big sagebrush-mountain snowberry/
bluebunch wheatgrass (HFW025)
Hydric soil rating: No

68—Lanoak silt loam, 20 to 30 percent slopes

Map Unit Setting

National map unit symbol: 2s9k
Elevation: 4,500 to 6,600 feet
Mean annual precipitation: 15 to 18 inches
Mean annual air temperature: 41 to 45 degrees F
Frost-free period: 75 to 100 days
Farmland classification: Not prime farmland

Map Unit Composition

Lanoak and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lanoak

Setting

Landform: Mountain slopes, fan remnants
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Silty alluvium and/or loess

Typical profile

A - 0 to 22 inches: silt loam
Bt - 22 to 44 inches: silt loam
Bk - 44 to 60 inches: silt loam

Properties and qualities

Slope: 20 to 30 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: B
Ecological site: R013XY003ID - Steep South 16-22 PZ ARTRV/PSSPS
Hydric soil rating: No

119—Valmar, low precipitation-Watercanyon-Hondoho complex, 20 to 50 percent slopes

Map Unit Setting

National map unit symbol: 2szwf
Elevation: 4,500 to 6,500 feet
Mean annual precipitation: 16 to 22 inches
Mean annual air temperature: 41 to 45 degrees F
Frost-free period: 70 to 110 days
Farmland classification: Not prime farmland

Map Unit Composition

Valmar, low precipitation, and similar soils: 30 percent
Watercanyon and similar soils: 25 percent
Hondoho and similar soils: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Valmar, Low Precipitation

Setting

Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Colluvium derived from quartzite

Typical profile

A - 0 to 14 inches: very cobbly silt loam
Bt - 14 to 24 inches: extremely stony silt loam
R - 24 to 79 inches: bedrock

Properties and qualities

Slope: 20 to 50 percent
Depth to restrictive feature: 20 to 40 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Low to moderately high (0.01 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very low (about 2.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: C
Ecological site: R013XY008ID - Steep South Slopes 12-16 PZ ARTRV/PSSPS
Other vegetative classification: mountain big sagebrush/bluebunch wheatgrass (HFW019)
Hydric soil rating: No

Description of Watercanyon

Setting

Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Loess and/or loess influenced colluvium

Typical profile

Ap - 0 to 7 inches: silt loam
Bw - 7 to 16 inches: silt loam
Bk - 16 to 59 inches: silt loam

Properties and qualities

Slope: 20 to 50 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.71 to 2.13 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 35 percent
Maximum salinity: Very slightly saline to slightly saline (2.0 to 4.0 mmhos/cm)
Sodium adsorption ratio, maximum: 10.0
Available water supply, 0 to 60 inches: High (about 9.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: B
Ecological site: R013XY035ID - South Slope Loamy 12-16 PZ ARTRW8/PSSPS
Hydric soil rating: No

Description of Hondoho

Setting

Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Concave
Parent material: Loess influenced colluvium derived from quartzite

Typical profile

A - 0 to 15 inches: cobbly silt loam
Bk - 15 to 59 inches: very cobbly sandy clay loam

Properties and qualities

Slope: 20 to 50 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.71 to 2.13 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None

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Calcium carbonate, maximum content: 40 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 2.0
Available water supply, 0 to 60 inches: Low (about 5.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: B
Ecological site: R013XY008ID - Steep South Slopes 12-16 PZ ARTRV/PSSPS
Other vegetative classification: mountain big sagebrush/bluebunch wheatgrass (HFW019)
Hydric soil rating: No

13701—Valmar-Camelback, deep-Hades complex, 20 to 60 percent slopes

Map Unit Setting

National map unit symbol: 311g8
Elevation: 4,490 to 7,920 feet
Mean annual precipitation: 14 to 24 inches
Mean annual air temperature: 36 to 43 degrees F
Frost-free period: 60 to 90 days
Farmland classification: Not prime farmland

Map Unit Composition

Valmar and similar soils: 40 percent
Camelback, deep, and similar soils: 25 percent
Hades and similar soils: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Valmar

Setting

Landform: Mountain slopes
Landform position (three-dimensional): Upper third of mountainflank
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Loess influenced colluvium over residuum weathered from quartzite

Typical profile

A - 0 to 9 inches: very cobbly silt loam
Bw - 9 to 14 inches: very cobbly silt loam
Bt - 14 to 24 inches: extremely stony silt loam
R - 24 to 79 inches: bedrock

Properties and qualities

Slope: 30 to 60 percent

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Depth to restrictive feature: 20 to 39 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Low to moderately high
(0.01 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 1.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: C
Ecological site: R013XY003ID - Steep South 16-22 PZ ARTRV/PSSPS
Hydric soil rating: No

Description of Camelback, Deep

Setting

Landform: Mountain slopes
Landform position (three-dimensional): Mountainflank
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Colluvium over residuum weathered from metasedimentary rock

Typical profile

A1 - 0 to 3 inches: gravelly silt loam
A2 - 3 to 12 inches: gravelly silt loam
AB - 12 to 21 inches: gravelly silt loam
Bt1 - 21 to 30 inches: extremely cobbly silt loam
Bt2 - 30 to 42 inches: extremely cobbly silt loam
R - 42 to 79 inches: bedrock

Properties and qualities

Slope: 30 to 60 percent
Depth to restrictive feature: 40 to 60 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Low to moderately high
(0.01 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 3.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: B
Ecological site: R013XY003ID - Steep South 16-22 PZ ARTRV/PSSPS
Hydric soil rating: No

Description of Hades

Setting

Landform: Mountain slopes

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Landform position (three-dimensional): Mountainbase
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Loess influenced colluvium

Typical profile

A1 - 0 to 7 inches: silt loam
A2 - 7 to 12 inches: silt loam
AB - 12 to 21 inches: silt loam
Bt1 - 21 to 43 inches: gravelly silt loam
Bt2 - 43 to 59 inches: gravelly silty clay loam

Properties and qualities

Slope: 20 to 50 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.21 to 0.71 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 9.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: B
Ecological site: R013XY003ID - Steep South 16-22 PZ ARTRV/PSSPS
Hydric soil rating: No

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

EXHIBIT 6
Ordinance Excerpts

320 RESIDENTIAL RURAL DISTRICT (RR)

321 PURPOSE:

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

322 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

324 USES CONDITIONALLY PERMITTED:

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

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

325 PARKING STANDARDS:

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

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

A. Open Space Designed Subdivision (see design standards of Subdivision Ordinance) with density of one dwelling to 2.5 acres.

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

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

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

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

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

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

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

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327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

RESIDENTIAL RURAL DISTRICT

MINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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: Sherriff's Department; Road and Bridge; School District, for transportation and per student cost, if known; Fire District; ambulance service provider and any other affected agency as determined by County.

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

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

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

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

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

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

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

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

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

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

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

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

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

303 PRELIMINARY PLAT REVIEW:

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

FINDINGS

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

**CONCEPT PLAN – SHAW HOLLOW ESTATES
PUBLIC HEARING: JANUARY 21, 2026**

FILE #: SCP-25-4
LOCATION: RPR4015006605, currently unaddressed.

APPLICANT:	OWNER:
Shane Remer	NR Investments LLC
1592 N. 775 E.	2860 N. Rapid Creek Road
Shelly, ID 83274	Inkom, ID 83245

REQUEST & BACKGROUND: Shane Remer proposes development for two (2) residential lots and one (1) open space lot. The subject property is parcel RPR4015006605. The affected lots total 10.097 acres generally located off of Rapid Creek Road, a county-maintained road. The development proposes individual well and septic systems. There will be 2 buildable lots between 1.485 and 3.563 acres in size. This subdivision is located ~ 0.90 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 (RR)
PROPERTY SIZE: ~10.097 acres
VIEWS: The property is visible from the north, south, and west.
IMPACT AREA: None
FLOOD ZONE: A and AE with Floodway
TERRAIN: Slopes with some flatter areas to build.
EXISTING STRUCTURES: 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 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 Shaw Hollow 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 _____, 2026.

Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of _____, in the year of 2026, 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 Shaw Hollow 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. 8
Conditional Use Permit –
Event Venue – Randy Wheatley



PLANNING AND DEVELOPMENT SERVICES

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

CONDITIONAL USE PERMIT PUBLIC HEARING: JANUARY 21, 2026 STAFF REPORT

FILE #: CUP-25-12
LOCATION: RPR4265025310 and is currently unaddressed

APPLICANT

Randy Wheatley
P.O. Box 162
McCammon, ID 83250

OWNER

Meadowbrook Land and Cattle Company, LLC
P.O. Box 162
McCammon, ID 83250

RECOMMENDATION: Staff recommends one of the following:

- Denial, or;
- Approval with the following conditions:
 1. Hours of operation shall be from 6:00 a.m. to Midnight, 7 days per week.
 2. If alcohol will be served or sold, the venue must obtain an alcohol or catering permit from the appropriate agencies.
 3. Use shall conform to the approved site plan.
 4. Any changes to the site plan or operations must receive approval from Bannock County Planning and Development.
 5. Structure used for events shall comply with applicable building, fire, and safety codes.
 6. Emergency routes shall remain clear and unobstructed at all times.
 7. Noise shall be maintained at levels that do not create a nuisance for surrounding properties.
 8. No parking along public roadways is allowed.
 9. Access driveway must meet Fire District requirements for width and turning radius.
 10. Venue must comply with all applicable Health District or DEQ requirements for wastewater, septic, restrooms, and food service.
 11. Lighting shall comply with Bannock County Zoning Ordinance 475.10.
 12. All signage must comply with Bannock County sign standards.
 13. Dust control measures must be implemented for parking areas, driveways, and event spaces.
 14. The venue shall have an emergency plan, including weather, evacuation, and medical response.
 15. Applicant shall maintain liability insurance for all events.

STAFF REPORT
CONDITIONAL USE PERMIT- WHEATLEY
Page 1 of 6

REQUEST & BACKGROUND: Randy Wheatley petitions for a conditional use permit for an event venue on approximately 10.12 acres. The affected property is known as parcel RPR4265025310 and is currently unaddressed. Proposed hours of operation are 6:00 a.m. to Midnight, seven days a week.

SITE CHARACTERISTICS AND ZONING:

ZONING: Agricultural

PROPERTY SIZE: ~ 10.12 acres

VIEWS: The property is visible from Meadowbrook Ranch Road

EXISTING STRUCTURES: Accessory structures and barn

SURROUNDING LAND USES AND ZONING

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

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

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

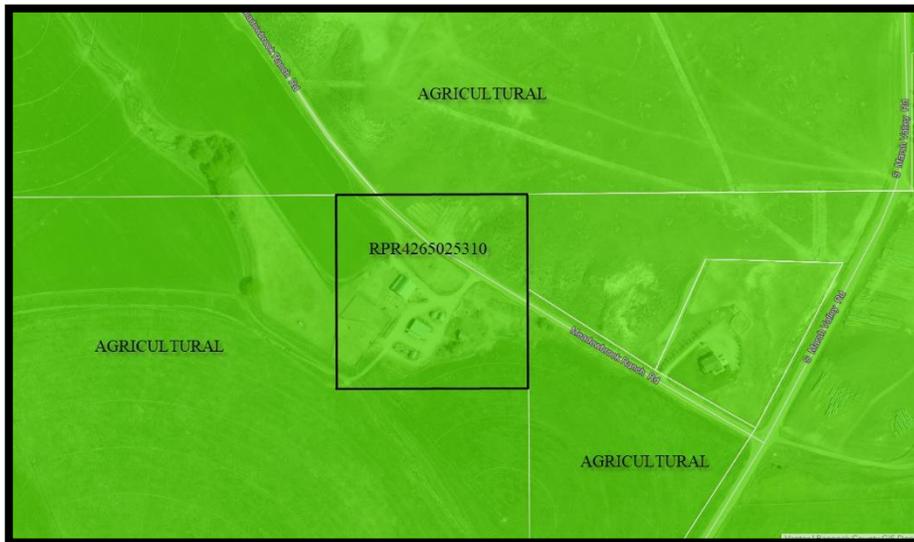
WEST: The site is within the Agricultural zoning district and consists of bare ground.

APPLICABLE LAWS AND PLANS:

1. Idaho Code §67-6512, Special Use Permits, Conditions, and Procedures
2. Bannock County Comprehensive Plan, 2025-27
3. Bannock County Zoning Ordinance, 1998-1, specifically:
 - a. §310 AGRICULTURAL DISTRICT
 - b. §395 USE REGULATIONS SUMMARY
 - c. §530 CONDITIONAL USE



SITE MAP



ZONING MAP

CONDITIONAL USES (ZONING ORDINANCE §530)

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

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

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

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

Staff Findings of Fact

The applicant states that the proposed use will enhance the surrounding area by highlighting the agricultural production on which the operation relies. The venue will maintain the ranching character of the site through the renovation of a 100-year-old barn and updates to existing buildings. These improvements are consistent with the area's agricultural setting. The Council should consider whether the proposed use would create impacts materially greater than those associated with permitted uses in the district.

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

Staff Findings of Fact

The applicant acknowledges that traffic will increase, but states it will not rise to a level that would cause disruption or an extraordinary impact on local travel patterns. Most traffic is expected on Fridays and Saturdays. Two access routes are available:

- Primary route: I-15 Exit 36 (Virginia), west on Hawkins Road for 2 miles, north on Marsh Valley Road for 0.75 miles, then west on Meadowbrook Ranch Road for 0.25 miles.
- Alternate route: I-15 Exit 40 (Arimo), south on Marsh Valley Road for 4 miles, then west on Meadowbrook Ranch Road.

These routes distribute traffic and reduce concentrated impacts. The Council should evaluate whether the proposed use would generate traffic levels greater than what is typical for permitted uses in this district.

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

Staff Findings

The applicant states that the proposed use will not create adverse health or safety impacts and the planned renovations will improve the appearance and condition of surrounding properties. The Council should consider whether the proposed use would pose any risk to public health, safety, or general welfare, or result in material injury to nearby properties or improvements.

- D. **The proposed use would be consistent with the goals and policies of the 2040 Comprehensive Plan of the county.**

Staff Findings

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

The Bannock County 2040 Comprehensive Plan states:

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

Goal 3.2 – A strong and diverse economy.

Strategies 3.2.3: Support the development of economic incentives for business expansion and growth.

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

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

Goal 4.2 – Expanded recreational opportunities.

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

Staff Findings of Fact

The applicant states that the proposed use remains consistent with the long-established character of the site, which has existed for more than 100 years. New improvements, including updated landscaping and fencing are compatible with the surrounding ranching and agricultural setting. The project maintains the agricultural theme and

highlights the importance of agriculture in the area. The Council should assess whether the proposed use meets compatibility standards related to height, bulk, scale, setbacks, open space, and landscaping.

IDAHO CODE REGARDING CONDITIONAL USE PERMITS

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

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

AGENCY COMMENTS:

1. Idaho Department of Environmental Quality

PUBLIC COMMENTS:

1. None received at the time of this report

REPORT BY:

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

REPORTED DATE: January 14, 2026

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

EXHIBITS:

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

EXHIBIT 1

- Application
- Appendix
- Summary

Conditional Use Permit

CUP-25-12

Submitted On: Dec 5, 2025

Applicant

 Randy Wheatley

Primary Location

0 NO STREET
00000

Conditional Use Permit

Parcel #

RPR4265025310

Zoning

Agricultural

Please describe your project.

Secondary use of existing barn as a venue for events

What product or service are you providing?

Venue

Proposed hours of operation

6:00 am - Midnight

Proposed days of the week operation will be in use

7 days, most secondary use days will be on the weekend for a few hours.

Method for Handling Waste

PSI

Proposed number of employees

1

Equipment and Machinery Use

Ag

Water Supply

Private

Sewage Disposal

Private

Will New Buildings be Required?

No

Will Existing Buildings be Utilized?

Yes

If yes, describe:

Existing renovated barn

Vehicles Used in Operation:

truck, trailers, cars, ag equipment

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

County has dust control on the road

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

When used for secondary use there could be 50-75 during a few hours

Standards for Approval

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

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

1. The proposed use would enhance the surrounding areas and bring to the attention of the public the agricultural production that we are reliant upon in our area
2. The venue maintains the ranching theme by renovating the 100-year-old barn and an update to the other buildings on the parcel

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

1. While the traffic would increase in the area it would not be to an extent that would cause disruption or an extraordinary increase
2. Most increases would be on a Friday or Saturday with two routes into the subject property
3. The most direct route will be from I-15 exit 36 at Virginia, west on Hawkins Rd 2 miles, right on Marsh Valley Rd 3/4 mile and left on Meadowbrook Ranch Rd 1/4mile
4. Alternative route is exit 40 at Arimo. South on Marsh Valley Rd 4 miles and right on Meadowbrook Ranch Rd

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

1. There would be no adverse issues and the renovations enhance the area properties

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

1. The proposed secondary use is in line with the comprehensive plan of the county. It will add to the economic stability of the rural area of the county and provide alternative options for residents in a growing area as well as increase the tax base.

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

1. The proposed use meets all compatible practical requirements as it has been in existence for more than 100 years with new site improvements such as landscaping and fencing are compatible with the area and ranch
2. It maintains the ranching and agriculture theme and brings to the forefront the importance of agriculture as a life sustaining venture

Acknowledgement

Electronic Signature [Typed Name of Applicant]

Randy Wheatley

Date

12/05/2025

APPENDIX

The Haven - Conditional Use Permit

Owner: Meadowbrook Land & Cattle Company, LLC

Randy Wheatley

December 2, 2025

Site Details

10.12 acres

View from Meadowbrook Ranch Rd looking south



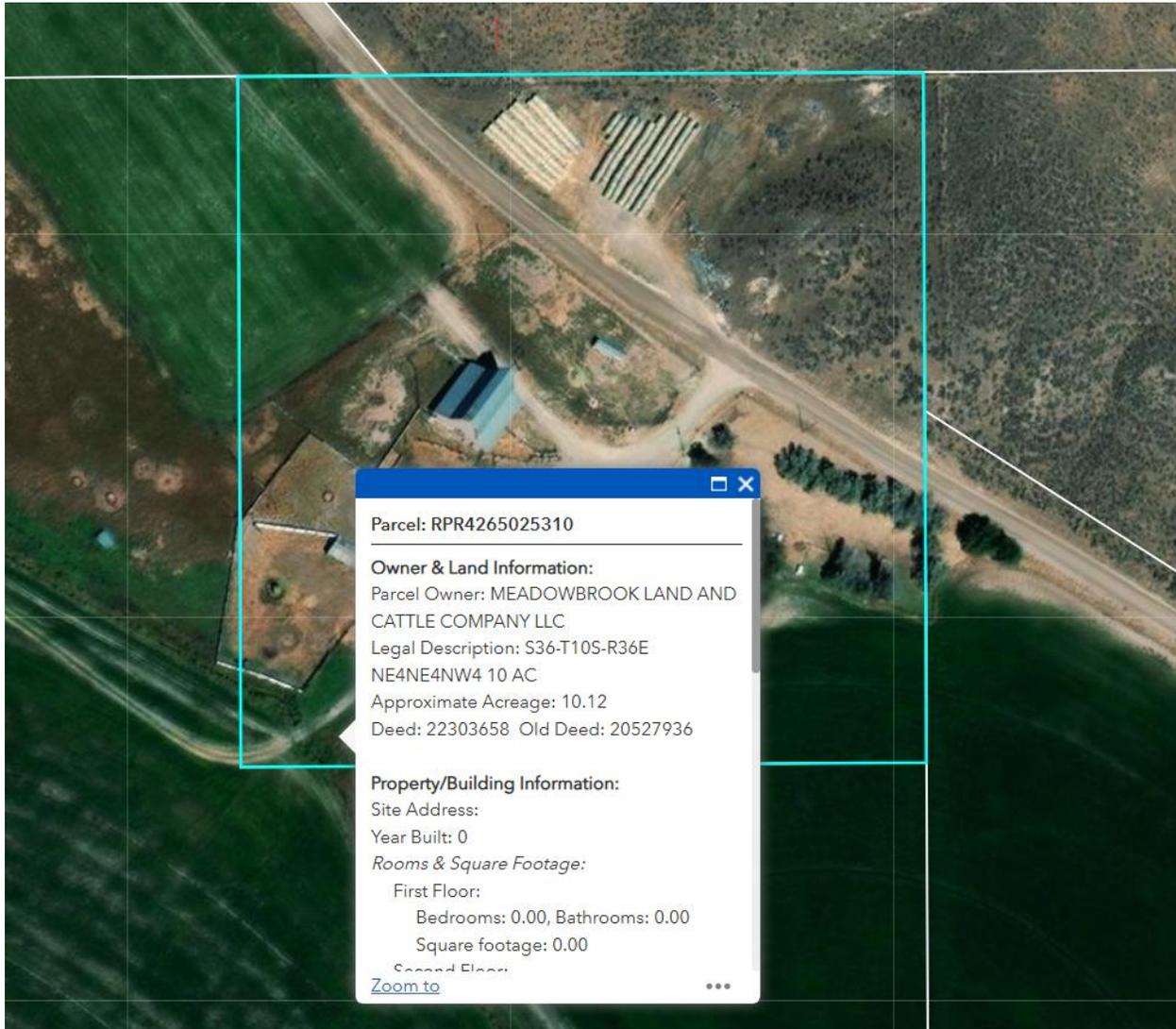
Site prior to renovations

North



South

North



South

Property on the NW, W, S & SE is owned by Meadowbrook Land & Cattle Company, LLC

Property directly N & NE is owned by Bastian Family Enterprises LLC

View SW of subject prior to renovation



Site after improvements

North



South

Parking is directly north of the house as well as on the north side of the barn.

Drop off occurs on sidewalk on east side of barn with traffic flow around the silo

South view from parking north of barn



West view from entrance



Front of barn looking SE



Home improvements





View east of home from parking lot

Conditional Use Permit Application

Randy & Brittany Wheatley

PO Box 162

McCammon, ID 83250

208-589-8869

December 2, 2025

Dear Bannock County Committee,

We appreciate your consideration of our conditional use permit application. First and foremost, we are investing in the future of the ranch with the renovation of our 100-year-old barn. It was renovated first as a gathering place for our family, to meet with clients we sell cattle and performance horses to and family business meetings. All other uses are secondary to the main purpose of the barn. Our family has ranched in the Marsh Valley area for four generations. The secondary use will provide a more diversified revenue stream that can assist in making this ranch survive for another generation and contribute in a positive way to the goals of development in the county.

Sec. 530.3.5. Site plan, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensioned, as required to illustrate the following:

- a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - Refer to Appendix

- b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed roads and 100-year flood plains.
 - Refer to Appendix for details
 - The parcel surrounding the subject parcel on the NW, West, South, SE is also owned by Meadowbrook Land & Cattle Company, LLC and will remain in agriculture production
 - Parcel N & NE are owned by Bastian Family Enterprises and are currently in agriculture production and pasture
 - No other property is within 300 ft of subject property
 - Hawkins Creek runs through the SW corner of property

c. The location, height, bulk, general appearance, the intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites.

- Refer to Appendix – the subject barn is over 100 years old and all other outbuildings are also existing structures
- The barn had been used as a livestock facility and has been renovated first and foremost as a gathering place for family functions, family business planning and meetings and client meetings for the ranch. All other uses are secondary to this but may include weddings
- There are 4 existing buildings on the parcel
 - a. Barn
 - b. Shop
 - c. House
 - d. Old wood silo
- No buildings on any adjacent parcels

d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.

- Refer to Appendix for details
 - a. Parking will accommodate 75-100 vehicles
 - b. Pedestrian/Loading/Unloading areas front of venue and NE corner of venue
 - c. Landscaping consists of automatic sprinklers, grass, trees, shrubs and flowers to accentuate the native surroundings
 - d. Fencing has been updated around the existing buildings

e. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.

- Parking for 75-100 vehicles approximately

- f. For sites with an average slope greater than 10 percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
 - NA – no slope greater than 10%

- g. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
 - Current zoning is Agriculture
 - The surrounding parcel will remain in agricultural production of hay, grains and pasture. The shop continues to be a functioning shop for equipment storage and repair as well as an existing home and other outbuildings and grain silo's
 - There is improved fencing around the buildings. Drill pipe and cable.

Sec. 530.6 STANDARDS FOR APPROVING A CONDITIONAL USE PERMIT:

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

- a. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.
 - The proposed use would enhance the surrounding areas and bring to the attention of the public the agricultural production that we are reliant upon in our area
 - The venue maintains the ranching theme by renovating the 100-year-old barn and an update to the other buildings on the parcel

- b. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.
 - While the traffic would increase in the area it would not be to an extent that would cause disruption or an extraordinary increase
 - Most increases would be on a Friday or Saturday with two routes into the subject property
 - The most direct route will be from I-15 exit 36 at Virginia, west on Hawkins Rd 2 miles, right on Marsh Valley Rd 3/4 mile and left on Meadowbrook Ranch Rd 1/4mile
 - Alternative route is exit 40 at Arimo. South on Marsh Valley Rd 4 miles and right on Meadowbrook Ranch Rd

- c. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.
 - There would be no adverse issues and the renovations enhance the area properties

- d. The proposed use would be consistent with the goals and policies of the comprehensive plan of the county.
 - The proposed secondary use is in line with the comprehensive plan of the county. It will add to the economic stability of the rural area of the county and provide alternative options for residents in a growing area as well as increase the tax base.

- e. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces and landscaping with adjacent uses as is practical.
 - The proposed use meets all compatible practical requirements as it has been in existence for more than 100 years with new site improvements such as landscaping and fencing are compatible with the area and ranch
 - It maintains the ranching and agriculture theme and brings to the forefront the importance of agriculture as a life sustaining venture

EXHIBIT 2

Agency Comments



January 12, 2026

Mr. Hal Jensen, Planning Director
Bannock County Office of Planning & Development Services
5500 S. 5th Ave
Pocatello, ID 83204

Subject: Conditional Use Permit – Event Venue – Wheatley

Dear Mr. Jensen:

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

The information provided to DEQ was unclear regarding drinking water and wastewater services for this proposal.

If this proposal project intends to provide water for human consumption, which includes both drinking and sanitation needs, the applicant should be made aware that a drinking water system serving an average of at least 25 individuals for at least 60 days out of the year, regardless of configuration, qualifies as a public water system as defined in the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). If the occupancy of the facility would meet or exceed this threshold, the facility would be regulated as a public water system.

Several requirements for a public drinking water system include obtaining DEQ review and approval for the source (well) and distribution system and routine water sampling. Due to these considerations, the applicant must contact DEQ to request additional information regarding the construction and operation of a public drinking water system. Additionally, public drinking water system construction plans & specifications must be prepared by a professional engineer and must be submitted to DEQ for review and approval prior to construction in accordance with Idaho Code 39-118.

If the facility is proposed to have bathroom facilities for guest use, with a subsurface wastewater disposal (septic) system, the applicant will need to contact Southeast Idaho Public Health (SIPH) for more information and to submit a septic system application.

If a septic system is proposed and is determined to have daily wastewater flow in excess of 2,500 gallons per day, it would need to be designed as a Large Soil Absorption System (LSAS), which would require design by a licensed professional engineer, along with DEQ review and approval.

DEQ's 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,

A handwritten signature in blue ink, appearing to read 'Allan Johnson', is positioned above the typed name.

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

EDMS 2026AGD119

Attachment: DEQ General recommendations for land development projects.

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

General Recommendations

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

Engineering

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

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

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

Air Quality

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

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

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

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

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

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

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.

02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.
03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.
05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.
06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

Surface Water Quality

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

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

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

Waste Management - Hazardous Material - Petroleum Storage

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

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most commonly 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
Ordinance Excerpts

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

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

310 AGRICULTURAL DISTRICT (A)

311 PURPOSE:

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

312 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

- I. Commercial Stables.
- J. Kennels.
- K. Public service facilities (**Amendment No. 30 Ordinance #2015-5**)

314 USES CONDITIONALLY PERMITTED:

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

- A. All non-residential uses permitted as conditional uses in the Residential Suburban district.
- B. Mining.
- C. Rendering, butchering, slaughter, skinning or processing of animals.
- D. Feed lot.
- E. Zoo.
- F. Wildlife preserves.
- G. Shooting preserves.
- H. State licensed day care homes or centers with seven or more client children.

315 DIVISIONS OF AGRICULTURALLY ZONED LAND FOR RESIDENTIAL USE:

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

- A. One (1) dwelling unit shall be permitted for each forty (40) acres of land in single ownership up to one hundred and sixty (160) acres. (**Amendment No. 39 Ordinance #2018-03**)
- B. When more than one hundred and sixty (160) acres are held in a single ownership, then one (1) dwelling unit shall be permitted for each additional one hundred and sixty (160) acres. This amounts to one dwelling unit for approximately every additional 160 acres owned. (**Amendment No. 39 Ordinance #2018-03**)
- C. After the first two residences, each dwelling unit shall be located on its own separate lot, the size of which shall be equal to or larger than the Minimum Lot Area specified in the Building Bulk and Placement Standards for the Agricultural District.

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

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

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

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

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

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

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

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

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

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

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

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

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316 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

AGRICULTURAL DISTRICT

MINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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395 USE REGULATIONS SUMMARY

- P = Permitted by staff with site plan approval; conditions may be imposed
- D = Permitted as part of a Planned Unit Development
- C = Permitted by Conditional Use Permit
- N = Not permitted

Please refer to the text for permitted uses in each zone. Where text and chart may differ, the text will prevail. Because no list can be complete, the Planning and Development Director shall decide the status of a use. That decision may be appealed to the Planning and Development Council as set forth in Section 503.4 of this ordinance.

This chart is intended for reference purposes only.

All site plans require approval in accordance with section 503 through 503.8

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
<u>RESIDENTIAL USES:</u>							
Attached Housing - 3 or more dwelling units	N	D	P	P	C	N	N
Boarding House (see inn or hotel)	C	P	P	P	C	N	N
Duplex	N	P	P	P	C	N	N
Farm Labor Dwelling.....	P	C	N	C	N	N	N
Institutional Residential.....	C	C	C	C	C	N	N
Mobile Home Parks	N	D	D	D	N	N	N
Personal-use Solar Power Facilities.....	P	P	P	P	P	P	P
Residential Planned Unit Development	N	P	P	P	N	N	N
Single Family Residential (detached)	P	P	P	P	C	N	N
Wind Turbine - Small (monopole only).....	P	P	P	P	P	P	P
<u>NON-RESIDENTIAL USES</u>							
Administration & Business Offices.....	N	N	N	N	P	P	P
Airport/Heliport, Private	C	C	C	C	C	C	C
Auto Parts & Accessories	N	N	N	C	P	P	P
Auto Parts, Used, and/or Rebuilding	N	N	N	N	N	P	P
Auto Salvage (junkyard)	N	N	N	N	N	N	C
Auto Wash	N	N	N	C	P	P	P
Autobody Repair, Auto Towing	N	N	N	C	N	P	P
Automotive Repair	N	N	N	C	P	P	P
Automotive Sales.....	N	N	N	N	P	P	P
Bed & Breakfast Facilities:							
under 6 bedrooms.....	P	P	P	P	P	N	N
6 or more bedrooms	C	C	C	C	P	N	N
Billboards (outdoor/adv.)	N	N	N	N	N	P	P
Boat Sales	N	N	N	N	C	P	P

Boat Service	N	N	N	N	C	P	P
Building Contractor	N	N	N	N	P	P	P
Building Maintenance Service	N	N	N	C	P	P	P
Building Material Sales	N	N	N	N	P	P	P
Bulk Storage of Fuel or Chemicals	N	N	N	N	N	P	P
Cabinet Making	N	N	N	N	P	P	P
Campground.....	C	N	N	C	P	N	N
Cemetery*	C	C	C	C	N	N	N
*see Cemetery Regulation Ordinance #1998-2							
Circuses or Carnivals, temp.	P	N	N	P	P	P	P
Cocktail Lounge or Bar	N	N	N	C	P	P	P
Commercial Building Contractor.....	N	N	N	N	P	P	P
Commercial Heating, Cooling Contractor	N	N	N	N	P	P	P
Commercial Livestock	P	P	N	N	N	N	N
Commercial Off-Street Parking.....	N	N	N	C	P	P	P
Component Assembly	N	N	N	N	N	P	P
Concrete Contractor	N	N	N	N	N	P	P
Construction Products Supply	N	N	N	N	N	P	P
Construction Sales, Service	N	N	N	N	P	P	P
Consumer Repair Service	N	N	N	C	P	P	P
Crop Production	P	P	P	P	P	P	P

DISTRICT

	AG	RR	RS	REC	CG	LIW	I
Day Care Center 1 - 6 Children	P	P	P	P	P	N	N
7+ Children	C	C	C	C	C	C	N
Day Care Home 1-6 Children	P	P	P	P	P	N	N
7+ Children	C	C	C	P	P	N	N
Dry Cleaning Central Plant.....	N	N	N	N	N	P	P
Dry Cleaning Shop	N	N	N	C	P	P	N
Excavation Contractor	N	N	N	N	N	P	P
Explosives, Storage or Manufacture.....	N	N	N	N	N	C	P
Farm & Domestic Animals for single family recreation, consumption or education.....	P	P	P	P	P	P	P
Farm Equipment Sales	P	N	N	N	N	P	P
Feed Lots	C	N	N	N	N	N	C
Financial Service	N	N	N	C	P	P	P
Fire Station	P	P	P	P	P	P	P
Food Processing.....	C	N	N	N	N	P	P

Freight Terminal	N	N	N	N	N	P	P
Gas Station.....	N	N	N	C	P	P	P
Golf Course	C	P	P	P	C	N	N
Greenhouse, Commercial.....	P	N	N	C	P	P	P
Hog Farms.....	C	N	N	N	N	N	N
Home Improvement Store	N	N	N	C	P	P	P
Hotel and Motel	N	N	N	C	P	P	P
Household Cleaning Business.....	N	N	N	C	P	P	P
Indoor Entertainment, Sports and Recreation	N	N	N	C	P	C	N
Industrial Equipment Sales.....	N	N	N	N	N	P	P
Insulation Contractor	N	N	N	N	P	P	P
Junkyards	N	N	N	N	N	N	C
Kennels:							
fully indoors.....	P	P	P	C	P	P	P
outdoors.....	P	N	N	N	N	P	P
Landscape Contractor	N	N	N	N	P	P	P
Large-scale Solar Power Facilities	N	N	N	N	N	N	N
Machine Shop	N	N	N	N	N	P	P
Manufacturing, Processing, Fabricating	N	N	N	N	N	P	P
Masonry Supply.....	N	N	N	N	N	P	P
Mini Storage	N	N	N	C	P	P	P
Mining.....	C	N	N	C	N	C	C
Mobile Home and/or RV Sales	N	N	N	N	C	P	P
				DISTRICT			
	AG	RR	RS	REC	CG	LIW	I
Noise Park.....	C	N	N	C	N	C	P
Nursery:							
Retail	N	N	N	C	P	P	P
Wholesale.....	P	N	N	N	P	P	P
Outdoor Entertainment, Sports and Recreation.....	P	N	N	P	C	N	N
Outdoor Shooting Range.....	C	N	N	C	N	N	N
Park	P	P	P	P	P	P	P
Professional Offices.....	N	N	N	C	P	C	N
Public Service Facility.....	P	P	P	P	P	P	P
Pump and Well Drilling Contractor	N	N	N	N	N	P	P
Railroad Car / Vehicle Bed (as storage)	C	N	N	N	N	P	P
Recycling bin for collection	P	P	P	P	P	P	P

BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1

Recorded #98004542

Recycling facility	N	N	N	N	N	P	P
Recreational Vehicle Park	C	N	N	C	P	C	N
Refining	N	N	N	N	N	C	C
.....							
.....							
Religious Assembly	P	P	P	P	P	P	P
Research Facilities	N	N	N	N	C	P	P
Residential Remodeling Contractor	N	N	N	N	P	P	P
Restaurant.....	N	N	N	C	P	P	P
Retail Store.....	N	N	N	C	P	C	N
Road Contractor	N	N	N	N	N	P	P
Schools:							
Academic	P	P	P	P	P	C	N
Vocational.....	C	N	N	N	P	P	P
Shooting Preserves	C	N	N	C	N	N	N
Sign Contractor	N	N	N	N	P	P	P
Small-scale Solar Power Facilities.....	N	N	N	N	N	N	N
Stables, commercial	P	P	N	P	N	N	N
Truck Sales	N	N	N	N	P	P	P
Truck Service	N	N	N	N	P	P	P
Truck Stop.....	N	N	N	N	C	P	P
Utilities Transmission Line	P	C	C	C	C	P	P
Utility Installations.....	P	C	C	C	P	P	P
Veterinary Services	C	C	N	C	P	P	P
Warehousing & Distribution	N	N	N	N	N	P	P
Wholesale Business	N	N	N	N	N	P	P
Wildlife Preserve.....	C	N	N	C	N	N	N
Wind Turbine – Medium	N	N	N	N	N	N	N
Wind Turbine – Commercial	N	N	N	N	N	N	N
Zoo	C	N	N	C	N	N	N

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refiled for twelve months following Board of County Commissioners' action on them unless the rezoning application was rejected conditionally to permit reapplication.

530 CONDITIONAL USES:

A conditional use may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the comprehensive plan. The allowance of a conditional use is discretionary with the Planning and Development Council and may be granted only in the best interests of the general public. The applicant for a conditional use permit shall carry the burden of proof in showing that the proposed use does not conflict with the spirit or purpose of the comprehensive plan of the county and the standards for conditional use permits set forth in this Ordinance.

530.1 JURISDICTION:

The Planning Director shall be responsible for administration of the Conditional Use Procedure, and the Planning & Zoning Commission shall be responsible for review, evaluation, and action on all applications for a Conditional Use Permit.

530.2 CONCURRENT APPLICATIONS:

Application for a Conditional Use Permit and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a conditional use permit and a rezoning. The Planning and Development Council may hold the public hearing on the rezoning and the conditional use permit at the same meeting and may combine the two hearings. In such cases, the date of the Planning and Development Council's decision on the Conditional Use Permit application shall be deemed to be the same as the effective date by the Board of County Commissioners of an ordinance changing the zone boundaries, provided that if the Board of County Commissioners modifies a recommendation of the Planning and Development Council on a concurrent zoning reclassification, the Conditional Use Permit application shall be reconsidered by the Planning and Development Council in the same manner as a new applications; provided, however, that no additional fee shall be required.

530.3 APPLICATION AND FEE:

Application for a Conditional Use Permit shall be filed with the Planning Director at least thirty days prior to the public hearing. The application shall include the following:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a written statement signed

by the owner that the applicant is the authorized agent of the owner of the property.

4. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
5. Site plan, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensioned, as required to illustrate the following:
 - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed roads and 100-year flood plains.
 - c. The location, height, bulk, general appearance, the intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites
 - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
 - e. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
 - f. For sites with an average slope greater than 10 percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
 - g. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
6. Any applicable fee established by the Board of County Commissioners.

530.4 PUBLIC HEARING AND NOTICE:

The Planning and Development Council shall hold a public hearing on each application for a conditional use permit. Notice shall be given as prescribed in Section 560. At

the public hearing, the Planning and Development Council shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the standards prescribed in Section 530.6

530.5 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:

The Planning and Development Council shall act on the application not more than 30 days following the closing of the public hearing on a conditional use permit. The Commission may grant a conditional use permit as the permit was applied for or in a modified form, or subject to conditions, or may deny the application.

530.6 STANDARDS FOR APPROVING A CONDITIONAL USE PERMIT:

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

- A. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.
- B. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.
- C. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.
- D. The proposed use would be consistent with the goals and policies of the comprehensive plan of the county.
- E. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

530.7 CONDITIONS OF APPROVAL:

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

- A. Minimizing adverse impact on other developments, such as:
 - 1. Requirements for special yards, open space, buffers, fences, walls, and screening.
 - 2. Requirements for installation and maintenance of landscaping and erosion control measures.

- 3. Requirements for road improvements and dedications.
 - 4. Regulations of signs.
 - 5. Regulation of hours or other characteristics of operation.
 - 6. Establishment of development schedules or time limits for performance or completion.
- B. Controlling the sequence and timing of development,
 - C. Controlling the duration of development,
 - D. Assuring that development is maintained properly,
 - E. Designating the exact location and nature of development;
 - F. Requiring the provision for on-site or off-site public facilities or services;
 - G. Requiring more restrictive standards than those generally required in an ordinance;
 - H. Imposing other conditions that the Planning and Development Council deems necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare and to ensure compliance with the standards listed in Section 530.6.

530.8 EFFECTIVE DATE:

The decision of the Planning and Development Council shall be effective ten days after the date on which decision is announced unless an appeal has been filed pursuant to Section 550.

530.91 LAPSE OF A CONDITIONAL USE PERMIT:

- A. Unless a longer time shall be specifically established as a condition of approval, a conditional use permit shall lapse and shall become void six months following the date on which such permit became effective, unless prior to expiration, a building permit and zoning permit are issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use.
- B. A conditional use permit 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 Director.

530.92 MODIFICATION OF CONDITIONAL USE PERMIT:

Sections 530 through 530.8 shall apply to an application for modification, expansion, or other changes in a conditional use permit, provided that minor revisions or modifications may be approved by the Director if he/she determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 530.6.

530.93 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 conditional use permit shall be suspended upon notification to the owner of a use or property subject to a conditional use permit.
- B. The Planning and Development Council shall hold a public hearing within 40 days of such notification, in accordance with Section 560. and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the conditional use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.
- C. The decision of the Planning and Development Council to revoke a conditional use permit shall be effective immediately.

530.94 NEW APPLICATIONS:

Following the denial or revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same use on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

530.95 APPROVAL TO RUN WITH THE LAND:

A Conditional Use Permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure.

530.96 PRE-EXISTING CONDITIONAL USE PERMITS:

- A. Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of an amended conditional use permit, provided that alterations not exceeding \$2,500 in value as determined by the Building Official shall be permitted without the granting of an amended conditional use permit. The procedure for obtaining an amended conditional use permit shall be the same as for obtaining a conditional use permit.

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.

FINDINGS

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

**CONDITIONAL USE PERMIT – RANDY WHEATLEY
MEETING DATE: JANUARY 21, 2026**

FILE #: CUP-25-12
LOCATION: RPR4265025310 and is currently unaddressed

APPLICANT

Randy Wheatley
P.O. Box 162
McCammon, ID 83250

OWNER

Meadowbrook Land and Cattle Company, LLC
P.O. Box 162
McCammon, ID 83250

REQUEST & BACKGROUND: Randy Wheatley petitions for a conditional use permit for an event venue on approximately 10.12 acres. The affected property is known as parcel RPR4265025310 and is currently unaddressed. Proposed hours of operation are 6:00 a.m. to Midnight, seven days a week.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:

ZONING: Agricultural

PROPERTY SIZE: ~ 10.12 acres

VIEWS: The property is visible from Meadowbrook Ranch Road

EXISTING STRUCTURES: Accessory structures and barn

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT, §530:

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

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

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

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

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

(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 by Randy Wheatley for a Conditional Use Permit, 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 _____, 2026.

Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of _____, in the year of 2026, 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	Notary Public
A	My Commission Expires on _____ 20____
L	

MOTION

MOTION

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

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

1.
2.

AGENDA ITEM NO. 9
Subdivision Concept Plan –
Deer Valley Reserve &
Deer Valley Reserve Division 2



PLANNING AND DEVELOPMENT SERVICES

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

CONCEPT PLAN– REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE – DIVISION 2 PUBLIC HEARING: JANUARY 21, 2026 STAFF REPORT

FILE #: SCP-25-5
LOCATION: RPRRDVR000100, RPRRDVR000200, RPRRDVR000300, RPRRDVR000400, RPRRDVR000500, RPRRDVR000600, RPRRDVR000700, RPRRDV2000800, RPRRDV2000100, RPRRDV2000200, RPRRDV2000300, RPRRDV2000400, RPRRDV2000500, RPRRDV2000600, and RPRRDV2000700, currently unaddressed.

APPLICANT:	OWNER:
Sunrise Engineering	DEG Enterprises 3 LLC
Matt Baker	Dave and Emma Gebo
600 E. Oak Street	2201 N. Whittney Drive
Pocatello, ID 83201	Pocatello, ID 83204

RECOMMENDATION: Staff recommends approval with the following conditions:

1. Deer Reserve Drive to be open space and noted as such on all subsequent plats.
2. Provide written comment from South East Idaho Health approving septic restrictions to be lifted.
3. All existing and proposed easements shall be depicted on all subsequent plats.
4. All subsequent plats shall state "Open Space shall not be used for open storage or for collection of refuse, junk or garbage."
5. Subsequent plats shall depict a provided stormwater easement or drainage right-of-way conforming substantially with the lines of such water course per Subdivision Ordinance §405.A.
6. Proof of legal 60' access from Autumn Lane to be provided at Preliminary Plat and reference said instrument number on the all subsequent plats.
7. Preliminary plats shall depict a building footprint for lot 4, block 1 that meets the requirements of the ordinances.
8. All subsequent plats shall state, "Lot 5 and lot 6 of block 1 and lot 1 of block 2 are to be retained as community open space and dedicated to the Deer Valley Reserve Home Owners Association."

Council may wish to add additional conditions as needed.

STAFF REPORT
CONCEPT PLAN – Replat of Deer Valley Reserve & Deer Valley Reserve – Division 2
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REQUEST & BACKGROUND: Matt Baker proposes to replat Deer Valley Reserve and Deer Valley Reserve Division 2, combining the two adjoining subdivisions into a single subdivision and reducing the total number of lots from fifteen (15) to eleven (11), consisting of eight (8) residential lots and three (3) open space lots. The affected lots total 62.36 acres and are generally located off of Bighorn Drive, Elk Road, Autumn Lane and Deer Reserve Drive. The development proposes individual well and septic systems. This subdivision is located ~ 1.23 miles from the City of Pocatello boundary.

CONCEPT PLAN PROPOSAL SUMMARY:

TOTAL AREA: 62.36 +/- acres

BUILDING LOTS: 8 residential lots

DWELING UNIT DENTISY: 1 dwelling unit per 7.795 acres

BUILDING LOT SIZE: ~ 2.51 acres to 4.47 acres

OPEN SPACE LOT SIZE: 30.7 acres

WATER & SEWER: individual well and septic systems.

STORMWATER SYSTEM: Drainage to be retained within each lot.

UTILITIES: Power existing along Deer Reserve Drive, Autumn Lane, Bighorn Drive, and Elk Road.

FIRE PROTECTION: Pocatello Valley Fire District.

ROADS/ACCESS: Easement via Deer Reserve Drive, Elk Road, Autumn Lane and Bighorn Drive.

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural (RR)

PROPERTY SIZE: ~62.36 acres

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

IMPACT AREA: None

FLOOD ZONE: X, minimal

TERRAIN: Slopes with natural drainage.

EXISTING STRUCTURES: None

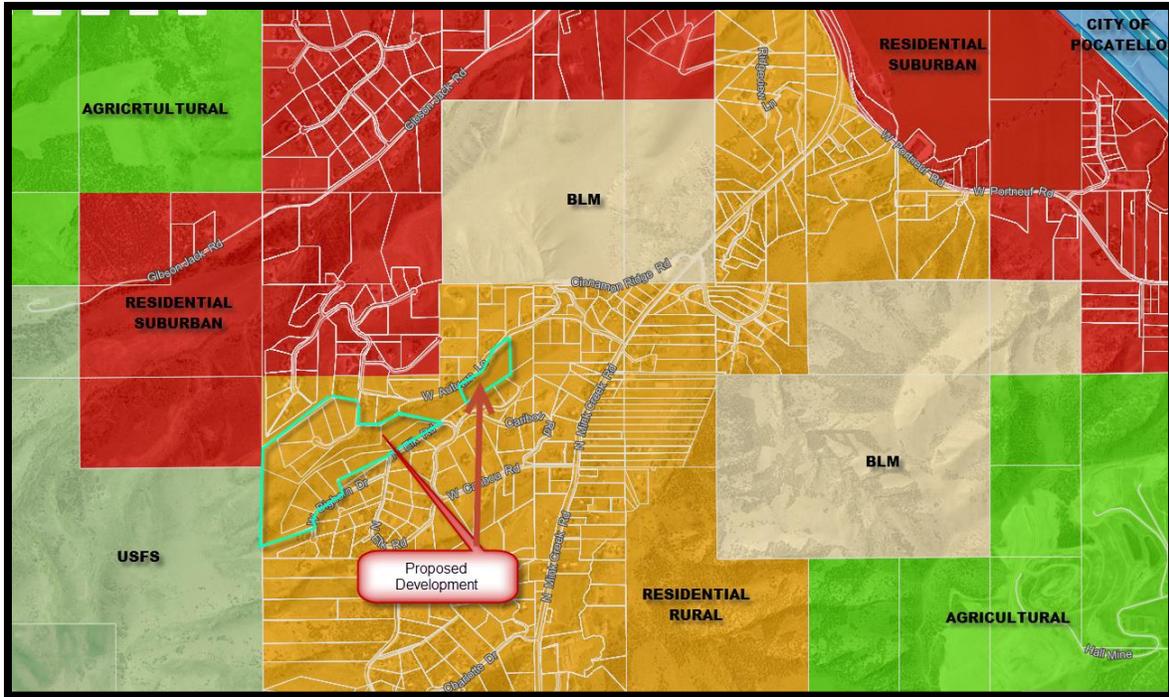
SURROUNDING LAND USES AND ZONING

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

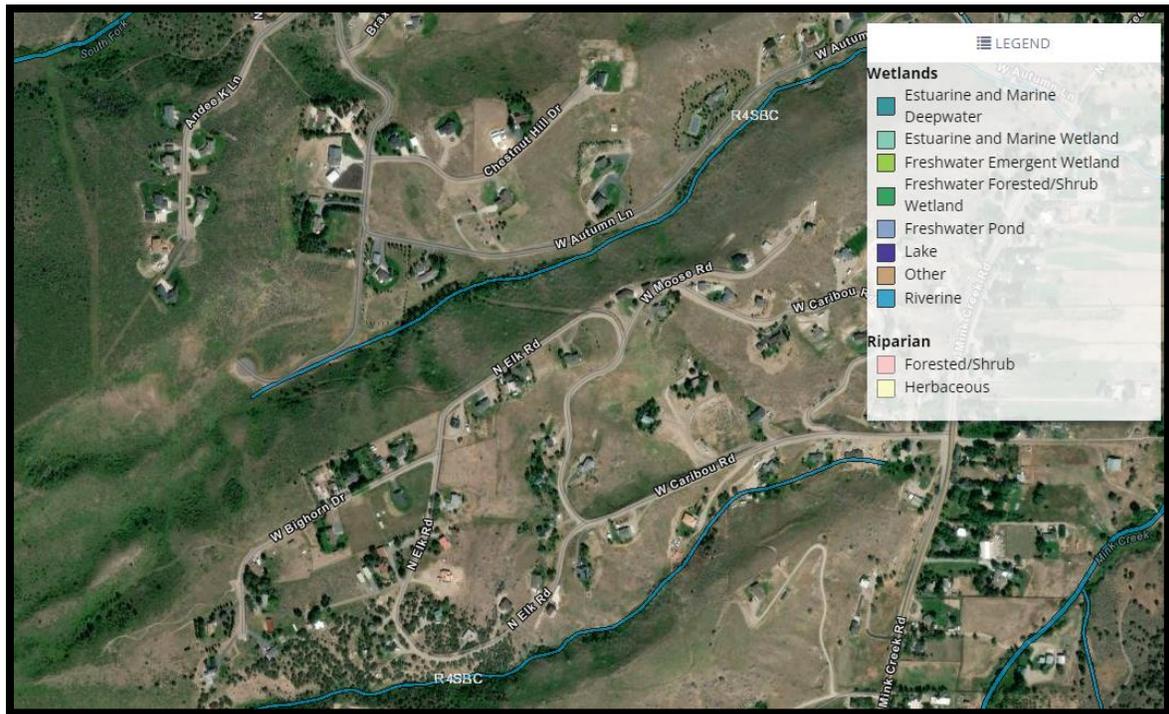
EAST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

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

WEST: The sites are within the Special Lands, Residential Rural, and Residential Suburban zoning districts and consist of residential uses and bare ground.



ZONING MAP



US FISH & WILDLIFE WETLANDS MAP



EXPLORER CONTOUR MAP

CONCEPT PLAN REVIEW CRITERIA §302.E

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

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

Staff Findings

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

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.

STAFF REPORT

CONCEPT PLAN – Replat of Deer Valley Reserve & Deer Valley Reserve – Division 2

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

Bannock County Zoning Ordinance:

The land is currently zoned Residential Rural and is located within the existing platted subdivisions, Deer Valley Reserve and Deer Valley Reserve Division 2. The purpose of this plat is to remove a septic restriction placed on the existing plats by decreasing the number of lots.

Under the Residential Rural zoning district, a maximum density of one dwelling to 2.5 acres with an open space subdivision is permitted.

Applicant has proposed 8 residential building lots and three open space lots, resulting in an overall proposed density of one dwelling per 7.796 acres, which complies with the Residential Rural density requirements.

Bannock County Subdivision Ordinance:

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

The proposed subdivision name "Replat of Deer Valley Reserve & Deer Valley Reserve Division 2" has been reviewed with no duplications found. The road name "Deer Reserve Drive" is an existing road. The developer for the existing plats remains the same for the replat.

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 open space parcel must be no less than 50% of the entire land being divided, 62.36 existing acres / 50% required open space equals no less than 31.18 acres open space lot. Applicant has depicted 30.7 acres of open space. According to the original submittal of Deer Valley Reserve, Deer Reserve Drive was intended to be open space but not depicted on the final plat as such. Council may consider requiring the plat to state that Deer Reserve Drive is open space.

The open space has been proposed as Common-Owned.

There is a possible Drainage Way located within Block 2, Lot 1.

Slopes may range from 8.1% to 41.5% within the parcel.

Per Subdivision Ordinance §405: Where a subdivision is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a stormwater 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 plat shall so indicate.

STAFF REPORT

CONCEPT PLAN – Replat of Deer Valley Reserve & Deer Valley Reserve – Division 2

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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.

Per §409.B.2: Steep Slopes: 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. At least 50 percent of all areas over 30 percent slope shall be designated open space; 100 percent of slopes greater than 35 percent shall be designated Open Space as set forth in 401.

Lot 4 Block 1 contains slopes that limit buildable areas. Council may consider requiring the developer to provide the building foot prints on this lot to ensure slope and setback requirements can be met.

Applicant has proposed to use an existing fire tank located within the right-of-way and lot 10, block 1.

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

Idaho Code:

Developer will need to research Idaho Code to ensure all provisions have been met. The Concept 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 proposed plat depicts access for the lots as follows:

- Lots 6 through 10 of Block 1 will use an existing 60' road, Deer Reserve Drive. This road was designed and constructed during the original plat of Deer Valley Reserve- Division 2.
- Lots 1 through 3 of Block 1 will access from individual approaches via Bighorn Drive, a county-maintained road.
- Lots 4 and 5 of Block 1 will access from individual approaches via N. Elk Road, a county-maintained road.
- Lot 1 of Block 2 will access from an individual approach via Autumn Lane, a county-maintained road.

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

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.

A design deviation has been requested from §404. Bighorn Drive, Elk Road, and Autumn Lane were all built to county standards at the time they were constructed. They are currently county maintained roads. Applicant has proposed to add a 15' public utility easements outside of these rights-of-way in order to meet additional road design standards.

A design deviation has been requested from §401.B.2.a. There will be more than an average of 100 feet of interior subdivision road per dwelling.

Per Subdivision Ordinance §402.C, SUBDIVISION INGRESS AND EGRESS: Subdivisions of 20 or more lots, or which adjoin an existing subdivision the combination of which will equal 25 lots, shall provide two or more ingress/egress roadways, developed to standards adopted herein. When connected to an adjoining subdivision street which has egress to a collector or arterial road, that roadway may be considered the second ingress/egress. The Council shall have the option of requiring two accesses for development of fewer lots where one access may not provide adequate, safe ingress and egress due to steepness, wildlands, or development which would preclude use as a safe exit.

The applicant has proposed 5 lots to access from Deer Reserve Drive. Deer Reserve Drive connects to Autumn Lane that adjoins Mink Creek Road, a collector road. All other lots have proposed to access from existing county-maintained roads, that connect to Mink Creek Road, a collector road.

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

Staff Findings

It does not appear there are any dedicated streets or roads that could be extended at this time. Applicant may consider communicating with the owner to the west to see if there is a need for future vehicular access. Due to the terrain of the area, most existing roads would be limited to extend.

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 plats, there is a 70' easement for maintenance of a well and water supply lines and public ingress and egress easement for recreation to access the USFS lands to the west. There is a 60' wide road and utility

STAFF REPORT

CONCEPT PLAN – Replat of Deer Valley Reserve & Deer Valley Reserve – Division 2

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easement. There is a 15' public utility easement long Elk Road and Deer Reserve Drive. There is a 10' public utility easement along Bighorn Drive that is being proposed to be increased to 15'. Applicant has proposed to add a 15' public utility easements outside of rights-of-way of Elk Road and Autumn Lane.

There are easements dedicated to Mink Creek Utility Users Association for drilling, constructing and maintaining a well, pump, and powerlines. According to public testimony there may be additional easements for Mink Creek Utility Association that will need to be researched and reflected 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

The proposed plat will not adjust the blocks of the original subdivision and depicts a decrease in the number of building lots. There is no proposed reduction to the existing open space within the subdivision. The proposed lots are located in close proximity to existing roads, subdivisions, and utilities.

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

Staff Findings

The land is currently used as bare ground. The proposed buildable lots are sloped with some flatter areas for building. There appears to be a natural drainage easement that must be included within the open space of block 2 lot 1. The land is adjacent to other residential uses and bare ground. The parcel is located approximately 1.23 miles from the City of Pocatello.

Per Bannock County Zoning Ordinance §323, single-family dwellings, duplex, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, noncommercial recreational facilities, commercial agricultural uses, and daycares with up to 6 children are permitted uses in this district.

AGENCY COMMENTS:

1. DEQ- Allan Johnson – Received 1/9/2026.

PUBLIC COMMENTS:

1. Vawn and Peggy Smith – Received 1/6/2026
2. Matt Fox – Received 1/7/2026
3. Ron and Anne Bopp – Received 1/12/2026

REPORT BY:

Alisse Foster, Subdivision Planner
alissef@bannockcounty.gov

REPORTED DATE: January 12, 2026

**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. Easement
3. Predevelopment Review Comments
4. Existing Plats
5. Agency/Public Comments (if any)
6. Referenced Ordinance and Plans-on file

EXHIBIT 1

Application & Site Plan



Record No: SCP-25-5

Subdivision Concept
Plan Application

Status: Active

Submitted On: 12/12/2025

Primary Location

No location

Owner

No owner information

Applicant

Matt Baker
 [Redacted]

@ [Redacted]

[Redacted]
[Redacted]

Owner/Developer Information

Are the Owner and Developer the same?

Owner Name*

DEG Enterprises-3, LLC

Street Address*

City*

State*

Zip Code*

Email Address*

Phone Number*

Site Information

Proposed Subdivision Name*	Parcel Number(s)*
Replat of Deer Valley Reserve & Deer Valley Reserve - Division 2	RPRRDVR000100, RPRRDVR000200, RPRRDVR000300, RPRRDVR000400, RPRRDVR000500, RPRRDVR000600, RPRRDVR000700, RPRRDV2000800, RPRRDV2000100, RPRRDV2000200, RPRRDV2000300, RPRRDV2000400, RPRRDV2000500, RPRRDV2000600, and RPRRDV2000700

Number of Lots *	Quarter
11	NE

Section	Township
30	7

Range
35

Subdivision Information

Current zoning*	Proposed uses of the property*
Residential Rural	Residential Subdivision w/open space

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.*
No improvements needed previously constructed with previous subdivision	All Easements and Right of Ways have been depicted on Previously Subdivision Plats

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

Individual Well and Septic, Drainage will be on each lot

Proposed utilities and location/placement of utilities.*

Utilities are already in place

Proposed fire suppression and prevention measures.*

Non proposed

Proposed road name(s)* ?

Bighorn, Elk, Autumn and Deer Reserve Drive

Will this be an Open Space designed subdivision?* ?

Yes

Will you be requesting any design deviations?*

Yes

Which design deviation will you be requesting?*

Section 404 Lots

Explain the requested design deviation*

7 lots will be accessed from existing bannock county roads – Elk, Bighorn, and Autumn

Will this be a phased subdivision?*

No

Comments from Reviewing Agencies* ?

See comments from Subdivision Pre-Development application

Subdivision Pre-development Meeting

Pre-development Meeting Date

12/03/2025

Comments from Pre-development Meeting 

See Attached letter from meeting

Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name

Matthew S Baker

Email

[REDACTED]

Phone Number

[REDACTED]

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]*

Matt Baker

Date of Signature*

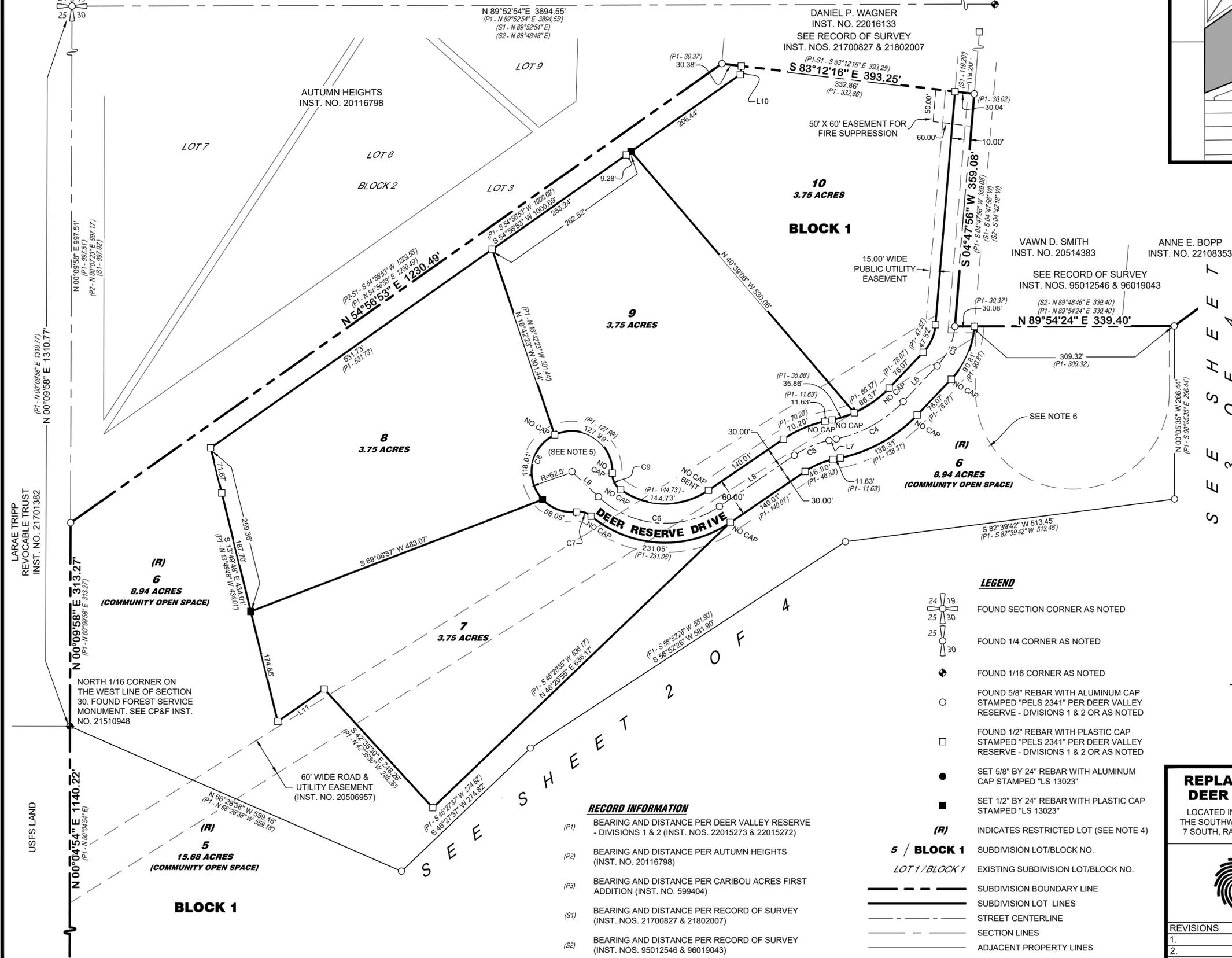
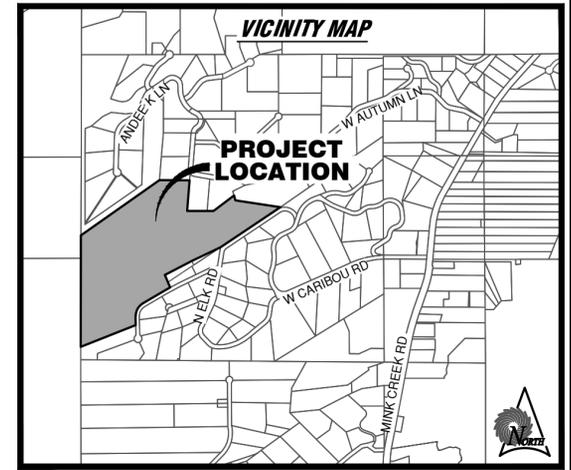
12/12/2025

REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE - DIVISION 2

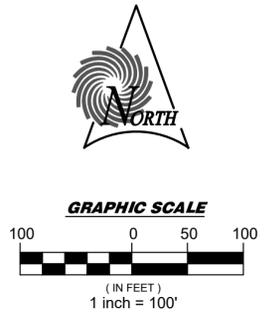
LOCATED IN THE NORTHWEST & NORTHEAST 1/4 OF SECTION 30 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

NORTHWEST CORNER OF SECTION 30, FOUND BLM BRASS CAP MONUMENT. SEE CP&F INST. NO. 657286

EAST 1/16 CORNER ON THE NORTH LINE OF SECTION 30, FOUND 3" BRASS CAP MONUMENT. SEE CP&F INST. NO. 21910114



S E E S H E E T 3 O F 4



COUNTY RECORDER'S CERTIFICATE

- RECORD INFORMATION**
- (P1) BEARING AND DISTANCE PER DEER VALLEY RESERVE - DIVISIONS 1 & 2 (INST. NOS. 22015273 & 22015272)
 - (P2) BEARING AND DISTANCE PER AUTUMN HEIGHTS (INST. NO. 20116798)
 - (P3) BEARING AND DISTANCE PER CARIBOU ACRES FIRST ADDITION (INST. NO. 599404)
 - (S1) BEARING AND DISTANCE PER RECORD OF SURVEY (INST. NOS. 21700827 & 21802007)
 - (S2) BEARING AND DISTANCE PER RECORD OF SURVEY (INST. NOS. 95012546 & 96019043)

- LEGEND**
- FOUND SECTION CORNER AS NOTED
 - FOUND 1/4 CORNER AS NOTED
 - FOUND 1/16 CORNER AS NOTED
 -
 -
 -
 -
 - (R) INDICATES RESTRICTED LOT (SEE NOTE 4)
 - 5 / BLOCK 1 SUBDIVISION LOT/BLOCK NO.
 - LOT 1 / BLOCK 1 EXISTING SUBDIVISION LOT/BLOCK NO.
 - SUBDIVISION BOUNDARY LINE
 - - - SUBDIVISION LOT LINES
 - STREET CENTERLINE
 - SECTION LINES
 - ADJACENT PROPERTY LINES
 - - - NEW EASEMENT SIDELINE
 - - - EXISTING EASEMENT SIDELINE

REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE - DIVISION 2

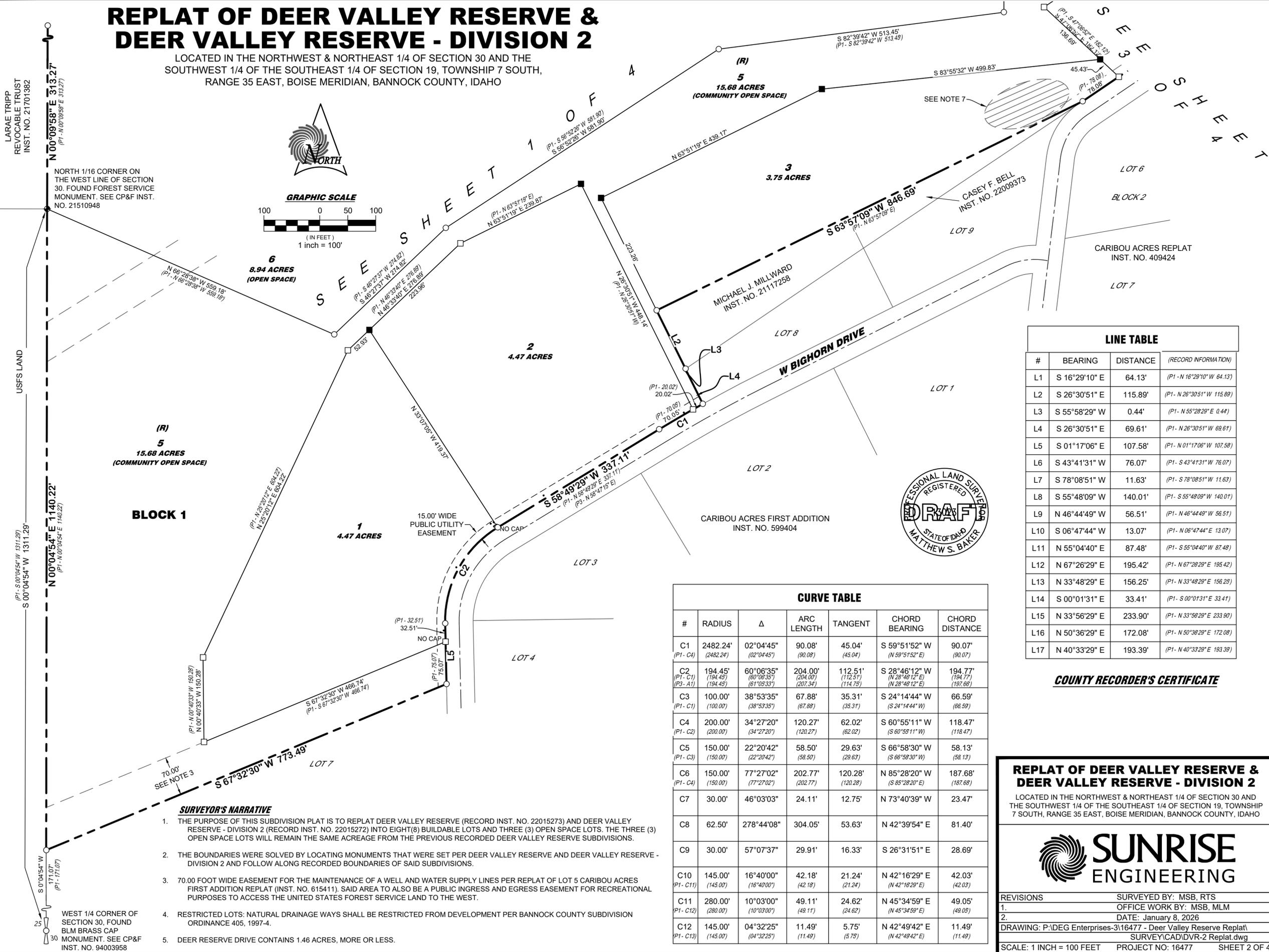
LOCATED IN THE NORTHWEST & NORTHEAST 1/4 OF SECTION 30 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

SUNRISE ENGINEERING

REVISIONS	SURVEYED BY: MSB, RTS
1.	OFFICE WORK BY: MSB, MLM
2.	DATE: January 8, 2026
DRAWING: P:\DEG Enterprises-3\16477 - Deer Valley Reserve Replat\ SURVEY\CAD\DVR-2 Replat.dwg	
SCALE: 1 INCH = 100 FEET	PROJECT NO: 16477 SHEET 1 OF 4

REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE NORTHWEST & NORTHEAST 1/4 OF SECTION 30 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



SURVEYOR'S NARRATIVE

1. THE PURPOSE OF THIS SUBDIVISION PLAT IS TO REPLAT DEER VALLEY RESERVE (RECORD INST. NO. 22015273) AND DEER VALLEY RESERVE - DIVISION 2 (RECORD INST. NO. 22015272) INTO EIGHT (8) BUILDABLE LOTS AND THREE (3) OPEN SPACE LOTS. THE THREE (3) OPEN SPACE LOTS WILL REMAIN THE SAME ACREAGE FROM THE PREVIOUS RECORDED DEER VALLEY RESERVE SUBDIVISIONS.
2. THE BOUNDARIES WERE SOLVED BY LOCATING MONUMENTS THAT WERE SET PER DEER VALLEY RESERVE AND DEER VALLEY RESERVE - DIVISION 2 AND FOLLOW ALONG RECORDED BOUNDARIES OF SAID SUBDIVISIONS.
3. 70.00 FOOT WIDE EASEMENT FOR THE MAINTENANCE OF A WELL AND WATER SUPPLY LINES PER REPLAT OF LOT 5 CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 615411). SAID AREA TO ALSO BE A PUBLIC INGRESS AND EGRESS EASEMENT FOR RECREATIONAL PURPOSES TO ACCESS THE UNITED STATES FOREST SERVICE LAND TO THE WEST.
4. RESTRICTED LOTS: NATURAL DRAINAGE WAYS SHALL BE RESTRICTED FROM DEVELOPMENT PER BANNOCK COUNTY SUBDIVISION ORDINANCE 405, 1997-4.
5. DEER RESERVE DRIVE CONTAINS 1.46 ACRES, MORE OR LESS.

LINE TABLE

#	BEARING	DISTANCE	(RECORD INFORMATION)
L1	S 16°29'10" E	64.13'	(P1 - N 16°29'10" W 64.13')
L2	S 26°30'51" E	115.89'	(P1 - N 26°30'51" W 115.89')
L3	S 55°58'29" W	0.44'	(P1 - N 55°28'29" E 0.44')
L4	S 26°30'51" E	69.61'	(P1 - N 26°30'51" W 69.61')
L5	S 01°17'06" E	107.58'	(P1 - N 01°17'06" W 107.58')
L6	S 43°41'31" W	76.07'	(P1 - S 43°41'31" W 76.07')
L7	S 78°08'51" W	11.63'	(P1 - S 78°08'51" W 11.63')
L8	S 55°48'09" W	140.01'	(P1 - S 55°48'09" W 140.01')
L9	N 46°44'49" W	56.51'	(P1 - N 46°44'49" W 56.51')
L10	S 06°47'44" W	13.07'	(P1 - N 06°47'44" E 13.07')
L11	N 55°04'40" E	87.48'	(P1 - S 55°04'40" W 87.48')
L12	N 67°26'29" E	195.42'	(P1 - N 67°26'29" E 195.42')
L13	N 33°48'29" E	156.25'	(P1 - N 33°48'29" E 156.25')
L14	S 00°01'31" E	33.41'	(P1 - S 00°01'31" E 33.41')
L15	N 33°56'29" E	233.90'	(P1 - N 33°56'29" E 233.90')
L16	N 50°36'29" E	172.08'	(P1 - N 50°36'29" E 172.08')
L17	N 40°33'29" E	193.39'	(P1 - N 40°33'29" E 193.39')

CURVE TABLE

#	RADIUS	Δ	ARC LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	2482.24'	02°04'45"	90.08'	45.04'	S 59°51'52" W	90.07'
C2	194.45'	60°06'35"	204.00'	112.51'	S 28°46'12" W	194.77'
C3	100.00'	38°53'35"	67.88'	35.31'	S 24°14'44" W	66.59'
C4	200.00'	34°27'20"	120.27'	62.02'	S 60°55'11" W	118.47'
C5	150.00'	22°20'42"	58.50'	29.63'	S 66°58'30" W	58.13'
C6	150.00'	77°27'02"	202.77'	120.28'	N 85°28'20" W	187.68'
C7	30.00'	46°03'03"	24.11'	12.75'	N 73°40'39" W	23.47'
C8	62.50'	278°44'08"	304.05'	53.63'	N 42°39'54" E	81.40'
C9	30.00'	57°07'37"	29.91'	16.33'	S 26°31'51" E	28.69'
C10	145.00'	16°40'00"	42.18'	21.24'	N 42°16'29" E	42.03'
C11	280.00'	10°03'00"	49.11'	24.62'	N 45°34'59" E	49.05'
C12	145.00'	04°32'25"	11.49'	5.75'	N 42°49'42" E	11.49'



COUNTY RECORDER'S CERTIFICATE

REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE NORTHWEST & NORTHEAST 1/4 OF SECTION 30 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



REVISIONS	SURVEYED BY: MSB, RTS
1.	OFFICE WORK BY: MSB, MLM
2.	DATE: January 8, 2026
DRAWING: P:\DEG Enterprises-3\16477 - Deer Valley Reserve Replat\	
SURVEY\CAD\DVR-2 Replat.dwg	
SCALE: 1 INCH = 100 FEET	PROJECT NO: 16477 SHEET 2 OF 4

REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE NORTHWEST & NORTHEAST 1/4 OF SECTION 30 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

SURVEYOR'S NARRATIVE

6. EXISTING FACILITY EASEMENT GRANTED TO MINK CREEK UTILITY USERS ASSOCIATION AND IS TO DRILL, CONSTRUCT, OWN, OPERATE, MAINTAIN, REPAIR, AND REPLACE (IF NECESSARY) A WELL AND/OR ANY NECESSARY PUMP, MOTOR, STRUCTURES, PIPELINES, AND POWER LINES. SEE DEED INST. NO. 21703132.

7. EXISTING BENCH EASEMENT: FOR EASE AND CLARITY, THE APPROXIMATE AREA OF THE BENCH EASEMENT IS INDICATED BY THE CIRCLED AREA (DENOTED AS 0.15 ACRE EASEMENT) THEREON. AS AT THIS TIME, THE EXTENSION OF DEER RESERVE DRIVE HAS NOT YET BEEN CONSTRUCTED BY GRANTOR, NOR HAS ANY CONSTRUCTION OCCURED ON THE NEW PLATS IN GRANTOR'S DEER VALLEY RESERVE SUBDIVISION; A MORE PRECISE DESCRIPTION IS NOT POSSIBLE. HOWEVER, AT ANY TIME, EITHER THE GRANTOR OR GRANTEE MAY SURVEY THE AREA OF THE BENCH EASEMENT.

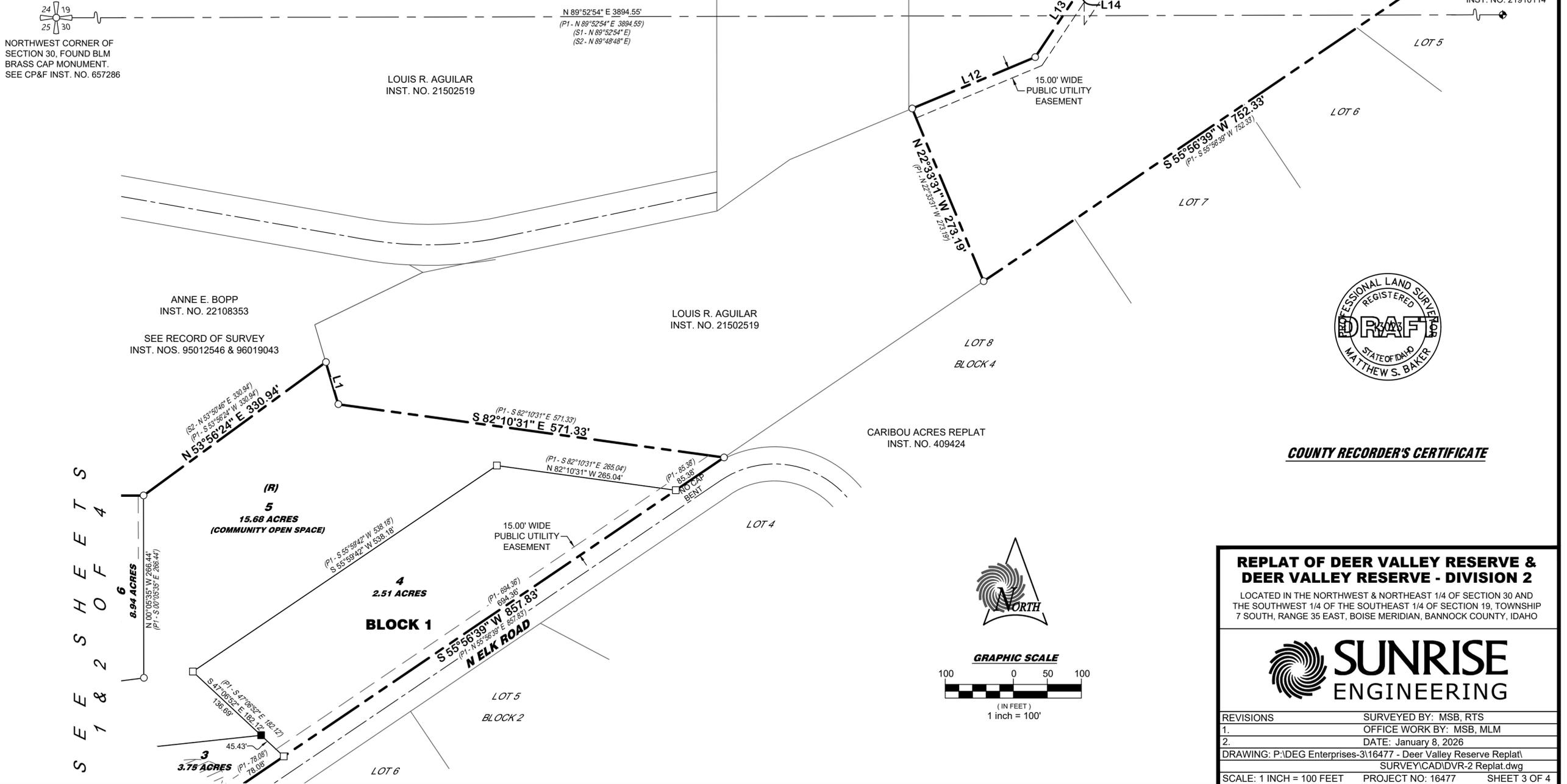
SCOPE: THE BENCH EASEMENT IS FOR THE PURPOSE OF ALLOWING THE GRANTEE (MINK CREEK UTILITIES ASSOCIATION, INC) TO DRILL, CONSTRUCT, OWN, OPERATE, MAINTAIN, REPAIR, AND REPLACE (IF NECESSARY) A REPLACEMENT WELL AND/OR ANY NECESSARY PUMP, MOTOR, STRUCTURES, PIPELINES, AND POWER LINES TO BE LOCATED WITHIN THE BENCH EASEMENT.

ANCILLARY RIGHTS: IN THE EVENT A REPLACEMENT WELL OR OTHER NECESSARY FACILITIES ARE CONSTRUCTED ON THE AREA OF THE BENCH EASEMENT, THE BENCH EASEMENT INCLUDES THE FOLLOWING ANCILLARY RIGHTS:

GRANTEE SHALL CONTINUE TO HAVE ALL OF IT'S RIGHTS GRANTED WITH THE FACILITY EASEMENT.

GRANTEE ALSO HAS A TEN-FOOT WIDE EASEMENT FROM THE SOUTHERN PORTION OF DEER RESERVE DRIVE (WHICH IS YET TO CONSTRUCTED BY GRANTOR) TO ACCESS THE DESCRIBED FACILITIES, AS WELL AS REASONABLE AND NECESSARY INGRESS AND EGRESS FOR THE INSTALLATION AND MAINTENANCE OF THE GRANTEE'S FACILITIES. GRANTEE ALSO HAS A UTILITY EASEMENT WITHIN THE ABOVE-DESCRIBED LOCATION OF THE BENCH EASEMENT AS NECESSARY TO CONVEY ELECTRICAL POWER TO THE GRANTEE'S FACILITIES.

GRANTEE ALSO HAS A TEN-FOOT WIDE EASEMENT TO CONNECT ANY REPLACEMENT FACILITIES CONSTRUCTED BY GRANTEE WITHIN THE ABOVE-DESCRIBED LOCATION OF THE BENCH EASEMENT TO THE FACILITIES AND DISTRIBUTION SYSTEM ON THE FACILITY EASEMENT (THE "REPLACEMENT CONNECTION"). THE REPLACEMENT CONNECTION WILL INCLUDE A PIPELINE (1) FROM ANY REPLACEMENT WELL WITHIN THE ABOVE-DESCRIBED LOCATION OF THE BENCH EASEMENT (2) TO A CULVERT OR OTHER CROSSING UNDER THE SOUTHERN PORTION OF DEER RESERVE DRIVE THAT GRANTOR WILL BUILD, (3) THROUGH SAID CULVERT OR OTHER CROSSING, AND (4) FROM SAID CULVERT TO THE FACILITIES AND DISTRIBUTION SYSTEM ON THE FACILITY EASEMENT; FOLLOWING THE MOST ECONOMICAL AND REASONABLE LOCATION FOR THIS CONNECTING PIPELINE. TOGETHER WITH THE TENEMENTS, HEREDITAMENTS, AND APPURTENANCES THEREUNTO BELONGING OR IN ANYWISE APPERTAINING, AND ANY REVERSIONS, ANY REMAINDERS, RENTS, ISSUES, AND PROFITS THEREFROM. SEE DEED INST. NO. 21703132.



COUNTY RECORDER'S CERTIFICATE

REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE NORTHWEST & NORTHEAST 1/4 OF SECTION 30 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

SUNRISE ENGINEERING

REVISIONS	SURVEYED BY: MSB, RTS
1.	OFFICE WORK BY: MSB, MLM
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REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE NORTHWEST & NORTHEAST 1/4 OF SECTION 30 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

BOUNDARY DESCRIPTION - BLOCK 1

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/16 CORNER ON THE WEST LINE OF SECTION 30, BEING MONUMENTED BY A USDA FOREST SERVICE MONUMENT AS DESCRIBED IN CORNER PERPETUATION & FILING INST. NO. 21510948;

THENCE NORTH 0°09'58" EAST, ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 313.27 FEET;

THENCE NORTH 54°56'53" EAST, LEAVING THE WEST LINE OF SECTION 30 AND FOLLOWING ALONG THE SOUTHERLY BOUNDARY LINE OF AUTUMN HEIGHTS (INST. NO. 20116798), A DISTANCE OF 1230.49 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 21803795;

THENCE SOUTH 83°12'16" EAST, ALONG THE SOUTH BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 393.25 FEET TO A POINT ON THE WEST BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 20514383;

THENCE SOUTH 04°47'56" WEST, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 359.08 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;

THENCE NORTH 89°54'24" EAST, ALONG THE SOUTH BOUNDARY LINE OF SAID PARCEL OF LAND, AND ALONG THE SOUTH BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 22108353, A DISTANCE OF 339.40 FEET;

THENCE NORTH 53°56'24" EAST, ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 330.94 FEET TO A POINT ON THE WEST BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 21502519;

THENCE FOLLOWING ALONG THE WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID PARCEL OF LAND FOR THE FOLLOWING TWO (2) COURSES:

1. SOUTH 16°29'10" EAST A DISTANCE OF 64.13 FEET;
2. SOUTH 82°10'30" EAST A DISTANCE OF 571.33 TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NORTH ELK ROAD;

THENCE SOUTH 55°56'39" WEST, FOLLOWING ALONG SAID NORTH RIGHT-OF-WAY LINE OF NORTH ELK ROAD, A DISTANCE OF 857.83 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 22009373;

THENCE SOUTH 63°57'09" WEST, ALONG THE NORTHERLY BOUNDARY LINES OF SAID PARCEL OF LAND AND A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 21117258, A DISTANCE OF 846.69 FEET;

THENCE SOUTH 26°30'51" EAST, FOLLOWING ALONG THE WEST BOUNDARY LINE OF SAID PARCEL OF LAND DESCRIBED IN DEED INST. NO. 21117258, A DISTANCE OF 115.89 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF LOT 8 OF CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 599404);

THENCE FOLLOWING ALONG THE NORTH AND WEST BOUNDARY LINES OF SAID LOT 8 FOR THE FOLLOWING TWO (2) COURSES:

1. SOUTH 55°58'29" WEST A DISTANCE OF 0.44 FEET;
2. SOUTH 26°30'51" EAST A DISTANCE OF 69.61 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST BIGHORN DRIVE, ALSO BEING A POINT OF NON-TANGENCY WITH A 2482.24-FOOT-RADIUS CURVE WHOSE CENTER BEARS SOUTH 29°05'45" EAST;

THENCE FOLLOWING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF WEST BIGHORN DRIVE FOR THE FOLLOWING FOUR (4) COURSES:

1. FOLLOWING SAID CURVE IN A COUNTER-CLOCKWISE DIRECTION THROUGH A CENTRAL ANGLE OF 02°04'45" FOR AN ARC LENGTH OF 90.08 FEET (THE CHORD OF SAID CURVE BEARS SOUTH 59°51'52" WEST A DISTANCE OF 90.07 FEET) TO A POINT OF TANGENCY;
2. SOUTH 58°49'29" WEST A DISTANCE OF 337.11 FEET TO A POINT OF TANGENCY WITH A 194.45-FOOT-RADIUS CURVE WHOSE CENTER BEARS SOUTH 31°10'31" EAST;
3. FOLLOWING SAID CURVE IN A COUNTER-CLOCKWISE DIRECTION THROUGH A CENTRAL ANGLE OF 60°06'35" FOR AN ARC LENGTH OF 204.00 FEET (THE CHORD OF SAID CURVE BEARS SOUTH 28°46'12" WEST A DISTANCE OF 194.77 FEET) TO A POINT OF TANGENCY;
4. SOUTH 01°17'06" EAST A DISTANCE OF 107.58 FEET TO THE NORTHWEST CORNER OF REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 615411)

THENCE SOUTH 00°04'54" WEST, FOLLOWING ALONG THE NORTH BOUNDARY LINE OF SAID REPLAT, A DISTANCE OF 773.49 FEET TO A POINT ON THE WEST LINE OF SECTION 30;

THENCE NORTH 00°04'54" EAST, ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 1140.22 FEET TO THE **POINT OF BEGINNING**.

SAID BLOCK 1 CONTAINS 56.29 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MATTHEW S. BAKER, A DULY LICENSED LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT A SURVEY WAS MADE UNDER MY DIRECTION OF THE PREMISES DESCRIBED IN THE BOUNDARY DESCRIPTION AND SHOWN ON THIS PLAT UPON WHICH THIS CERTIFICATION APPEARS. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION AND THAT THE MONUMENTATION SHOWN CONFORMS WITH THAT SET ON THE GROUND AND THAT THE PERTINENT STATUTES OF THE STATE OF IDAHO, TOGETHER WITH ALL LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

MATTHEW S. BAKER



DATE

BOUNDARY DESCRIPTION - BLOCK 2

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/16 CORNER ON THE NORTH LINE OF SECTION 30, BEING MONUMENTED BY A 3" BANNOCK COUNTY BRASS CAP MONUMENT AS DESCRIBED IN CORNER PERPETUATION & FILING INST. NO. 21910114;

THENCE NORTH 0°01'31" WEST, ALONG THE EAST 1/16 LINE OF SECTION 19, A DISTANCE OF 257.54 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK 4, CARIBOU ACRES REPLAT (INST. NO. 409424);

THENCE SOUTH 55°56'39" WEST, ALONG THE NORTHWEST BOUNDARY LINE OF SAID SUBDIVISION, A DISTANCE OF 403.41 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 55°56'39" WEST, ALONG THE NORTHWEST BOUNDARY LINE OF SAID SUBDIVISION, A DISTANCE OF 752.33 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 21502519;

THENCE NORTH 22°33'31" WEST, ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 273.19 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND, BEING A POINT ON THE SOUTH BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 20408487;

THENCE FOLLOWING ALONG THE SOUTHERLY BOUNDARY LINES OF SAID PARCEL OF LAND OVER THE FOLLOWING TWO (2) COURSES:

1. NORTH 67°26'29" EAST A DISTANCE OF 195.42 FEET;
2. NORTH 33°48'29" EAST A DISTANCE OF 156.25 FEET;

THENCE SOUTH 0°01'31" EAST A DISTANCE OF 33.41 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WEST AUTUMN LANE;

THENCE FOLLOWING ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINES OF WEST AUTUMN LANE OVER THE FOLLOWING SIX (6) COURSES:

1. NORTH 33°56'29" EAST A DISTANCE OF 233.90 FEET TO A POINT OF TANGENCY WITH A 145.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 56°03'31" EAST;
2. FOLLOWING ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 16°40'00" FOR AN ARC LENGTH OF 42.18 FEET (THE CHORD OF SAID CURVE BEARS NORTH 42°16'29" EAST A DISTANCE OF 42.03 FEET) TO A POINT OF TANGENCY;
3. NORTH 50°36'29" EAST A DISTANCE OF 172.08 FEET TO A POINT OF TANGENCY WITH A 280.00 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 39°23'31" WEST;
4. FOLLOWING ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 10°03'00" FOR AN ARC LENGTH OF 49.11 FEET (THE CHORD OF SAID CURVE BEARS NORTH 45°34'59" EAST A DISTANCE OF 49.05 FEET) TO A POINT OF TANGENCY;
5. NORTH 40°33'29" EAST A DISTANCE OF 193.39 FEET TO A POINT OF TANGENCY WITH A 145.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 49°26'31" EAST;
6. FOLLOWING ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 4°32'25" FOR AN ARC LENGTH OF 11.49 FEET (THE CHORD OF SAID CURVE BEARS NORTH 42°49'42" EAST A DISTANCE OF 11.49 FEET) TO A POINT OF NON-TANGENCY WITH THE WEST BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 21611313;

THENCE SOUTH 0°01'31" EAST, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 526.41 FEET TO THE **POINT OF BEGINNING**.

SAID BLOCK 2 CONTAINS 6.08 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION HAS CAUSED THE SAME TO BE SUBDIVIDED INTO BLOCKS, LOTS AND STREETS AND DO HEREBY WARRANT AND SAVE THE COUNTY OF BANNOCK HARMLESS FROM ANY EXISTING EASEMENTS OR ENCUMBRANCES. IT IS THE INTENTION OF THE OWNER TO INCLUDE ALL OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION IN THIS PLAT. THE LOCATION AND THE DIMENSIONS OF THE BLOCKS, LOTS AND STREETS ARE TO BE AS SHOWN ON THE ACCOMPANYING MAP OF THE PROPERTY. THE STREETS SHOWN ARE HEREBY DEDICATED TO THE PUBLIC. LOTS 5 & 6, BLOCK 1 AND LOT 1, BLOCK 2 ARE DEDICATED TO THE DEER VALLEY RESERVE HOMEOWNER'S ASSOCIATION. THE EASEMENTS SHOWN ARE GRANTED TO THE PUBLIC 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 ERRECTED WITHIN THE LINES OF SAID EASEMENTS.

IN WITNESS WHEREOF, THE OWNER DOES HEREUNTO SET ITS HAND.

DEG ENTERPRISES-3, LLC, A LIMITED LIABILITY COMPANY

DAVE GEBO (MEMBER)

EMMA GEBO (MEMBER)

ACKNOWLEDGMENT

STATE OF IDAHO, COUNTY OF _____

ON THIS ____ DAY OF _____, IN THE YEAR 20____, BEFORE ME _____, A NOTARY PUBLIC, PERSONALLY APPEARED DAVE GEBO AND EMMA GEBO, KNOWN OR IDENTIFIED TO ME, TO BE MEMBERS OF THE LIMITED LIABILITY COMPANY THAT EXECUTED THE INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

NOTARY PUBLIC

RESIDING IN _____ COUNTY, STATE OF IDAHO.
MY COMMISSION EXPIRES ____ DAY OF _____, 20____.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

ARE RECORDED AS INSTRUMENT NUMBER _____ AND ARE HEREBY MADE A PART OF THE PLAT

IRRIGATION WATER RIGHTS STATEMENT

IT HAS BEEN DETERMINED THAT THE PROPERTY INCLUDED IN THIS SUBDIVISION IS NOT LOCATED WITHIN THE BOUNDARIES OF AN EXISTING IRRIGATION DISTRICT. LOTS WITHIN THIS SUBDIVISION WILL NOT RECEIVE AN IRRIGATION WATER RIGHT.

SANITARY RESTRICTIONS

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED. SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

HEALTH DISTRICT SIGNATURE: _____ DATE: _____

BANNOCK COUNTY

THIS PLAT WAS DULY ACCEPTED AND APPROVED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ON THIS _____ DAY OF _____, 20____.

JEFF HOUGH
(CHAIRMAN OF THE BOARD)

JASON DIXON
(COUNTY CLERK)

J. PAUL BASTIAN, PE PE NO. 7257
(REVIEWING COUNTY ENGINEER)

COUNTY REVIEWING SURVEYOR'S CERTIFICATE

I, _____, A LICENSED LAND SURVEYOR IN AND FOR BANNOCK COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND COMPUTATIONS SHOWN HEREON, AND HAVE DETERMINED THAT THE REQUIREMENT OF IDAHO CODE 50-1305 HAVE BEEN MET, AND I

APPROVE THE SAME FOR FILING THIS _____ DAY OF _____, 20____.

COUNTY REVIEWING SURVEYOR PLS NO. _____

COUNTY TREASURER'S CERTIFICATE

PURSUANT TO 50-1308, IDAHO CODE. I, JENNIFER CLARK, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE ON THE PROPERTY BEING SUBDIVIDED, BOTH DELINQUENT AND CURRENT, HAVE BEEN PAID IN FULL.

THROUGH _____

JENNIFER CLARK, COUNTY TREASURER DATE

COUNTY RECORDER'S CERTIFICATE

REPLAT OF DEER VALLEY RESERVE & DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE NORTHWEST & NORTHEAST 1/4 OF SECTION 30 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



REVISIONS	SURVEYED BY: MSB, RTS
1.	OFFICE WORK BY: MSB, MLM
2.	DATE: January 8, 2026
DRAWING: P:\DEG Enterprises-3\16477 - Deer Valley Reserve Replat\	
SURVEY\CAD\DVR-2 Replat.dwg	
SCALE: 1 INCH = 100 FEET	PROJECT NO: 16477 SHEET 4 OF 4

EXHIBIT 2
Easement Waiver

EASEMENT WAIVER

BE IT KNOWN:

A. The undersigned Vawn D. Smith and Peggy Smith, husband and wife, are the sole and exclusive owners of that certain real property located in Bannock County, Idaho (the "Smith Property"), which is more particularly described as follows:

A PARCEL OF LAND LOCATED IN THE NW¼ OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89°48'46" EAST ALONG THE NORTH LINE OF SECTION 30 A DISTANCE OF 1423.42 FEET TO AN INTERSECTION WITH THE CENTERLINE OF AUTUMN LANE; THENCE SOUTH 4°42'17" WEST ALONG SAID CENTERLINE 150.41 FEET TO THE TRUE POINT OF BEGINNING. SAID POINT BEING THE END OF A 70.0 FOOT RADIUS CURVE; THENCE CONTINUING SOUTH 4°42'17" WEST ALONG THE EAST LINE OF THE TOM SCHIERS PROPERTY 549.71 FEET; THENCE NORTH 89°48'46" EAST 257.97 FEET; THENCE NORTH 4°42'18" EAST A DISTANCE OF 440.61 FEET TO AN INTERSECTION WITH THE CENTERLINE OF AUTUMN LANE; THENCE NORTH 89°09'36" WEST ALONG SAID CENTERLINE 194.08 FEET TO THE POINT OF CURVATURE OF A 70.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 84°51'53"; THENCE ALONG SAID CURVE 103.68 FEET TO THE POINT OF TANGENCY AND THE TRUE POINT OF BEGINNING.

B. The undersigned Vawn D. Smith and Peggy Smith, for themselves and their successors and assigns and all future owners of the Smith Property, hereby, voluntarily and unconditionally, waive, relinquish, abandon, and disclaim all easements and rights of way, and all claims to easements and rights of way, over, under, and across that certain real property located in Bannock County, Idaho (the "Neighboring Property"), which is more particularly described as follows:

DEER VALLEY RESERVE – DIVISION 2, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE RECORDER OF BANNOCK COUNTY, IDAHO, ON AUGUST 25, 2020, AS INSTRUMENT NO. 22015272.

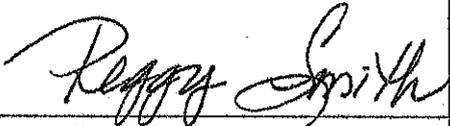
C. This Easement Waiver shall be for the benefit of the current owners and all subsequent owners of all or any portion of the Neighboring Property.

D. This Easement Waiver may be recorded in the official records of Bannock County, Idaho.

IN WITNESS WHEREOF, the undersigned executed this Easement Waiver effective as of February 17, 2025.



Vawn D. Smith

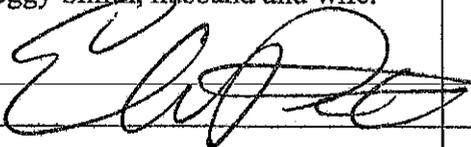


Peggy Smith

STATE OF IDAHO

COUNTY OF BANNMOCK

This record was acknowledged before me on ELISHEVA PATTERSON by Vawn D. Smith and Peggy Smith, husband and wife.



Notary Public of Idaho

Residing at: POCATELLO, IDAHO

My Commission expires: 03/28/2028

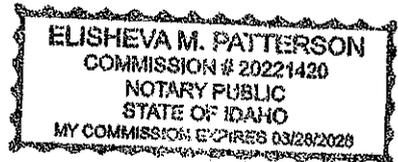


EXHIBIT 3

- Pre-Development Letter
- Pre-Development Agency Comments



PLANNING AND DEVELOPMENT SERVICES

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

December 10, 2025

DEG Enterprises 3 LLC
Dave and Emma Gebo
2201 N. Whitney Drive
Pocatello, ID 83204

Sunrise Engineering
Matt Baker
600 E. Oak Street
Pocatello, ID 83201

RE: Replat of Deer Valley Reserve & Deer Valley Reserve - Division 2
Pre-Development Conference – County Comments

Mr. Baker,

An application for the subdivision located on parcel #RPRRDVR000100, RPRRDVR000200, RPRRDVR000300, RPRRDVR000400, RPRRDVR000500, RPRRDVR000600, RPRRDVR000700, RPRRDV2000800, RPRRDV2000100, RPRRDV2000200, RPRRDV2000300, RPRRDV2000400, RPRRDV2000500, RPRRDV2000600, and RPRRDV2000700, were submitted on October 27, 2025. These parcels are currently located within the platted subdivisions Deer Valley Reserve and Deer Valley Reserve – Division 2. The application proposes to subdivide approximately 62.37 acres of land into 11 lots. The buildable lots would range from 2.51 to 4.47 acres in size. The proposed subdivision is located within the Residential Rural (RR) zoning district, which requires a density of 1 dwelling per 2.5 acres with an open space subdivision per the Bannock County Zoning Ordinance (ZO) No. 1998-1, §326. 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-25-6

Bannock County Tax Parcel Number: RPRRDVR000100, RPRRDVR000200, RPRRDVR000300, RPRRDVR000400, RPRRDVR000500, RPRRDVR000600, RPRRDVR000700, RPRRDV2000800, RPRRDV2000100, RPRRDV2000200, RPRRDV2000300, RPRRDV2000400, RPRRDV2000500, RPRRDV2000600, and RPRRDV2000700

TOTAL AREA: ~62.37 acres

BUILDING LOTS: 8 residential dwelling lot

DWELLING UNIT DENSITY: 1 dwelling unit per 7.796 acres

BUILDING LOT SIZE: ~ 2.51 acres to 4.47 acres

OPEN SPACE LOT SIZE: 30.7 acres

WATER & SEWER: individual well and septic systems.

SPD-25-6
Page 1 of 9

STORMWATER SYSTEM: To be determined.

UTILITIES: Power existing along Deer Reserve Drive, Autumn Lane, Bighorn Drive, and Elk Road.

FIRE PROTECTION: Pocatello Valley Fire District.

ROADS/ACCESS: Easement via Deer Reserve Drive, Elk Road, Autumn Lane and Bighorn Drive.

SITE CHARACTERISTICS AND ZONING:

ZONE: Residential Rural (RR)

PROPERTY SIZE: ~62.37 acres

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

IMPACT AREA: None

FLOOD ZONE: X, minimal

TERRAIN: Slopes, natural drainage

EXISTING STRUCTURES: None

We discussed the proposed subdivision on December 3, 2025 in the Planning and Development department's conference room and online. The following individuals were present at the meeting:

- Owner and Applicant Representative:
 - Matt Baker
 - Logun Mitchell
 - Dave Gebo
 - Emma Gebo
- Bannock County:
 - Hal Jensen, Planning and Development 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-25-6).
 - Concept Application (public hearing item in front of Bannock County Planning and Development Council).
 - Preliminary Plat Application (business item in front of Bannock County Planning and Development Council).

- Final Plat Application (public hearing item in front of Bannock County Commissioners). This application is a review of the final plat, surveyor review per Idaho Code, and construction plans.
 - Each application must be complete prior to applying for the next application.
- Agency Discussion Points: The applicant should be prepared to address each item with council during the Concept Plan.
 - Idaho Department of Lands stated no comments.
 - Idaho Department of Environmental Quality provided general recommendations which include; engineering, air quality, surface water quality, and hazardous material and petroleum storage.
 - ITD District 5 stated they take no exception to the replat.
 - Pocatello Valley Fire District stated no comments.
 - 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 currently zoned Residential Rural and is located within the existing platted subdivisions, Deer Valley Reserve and Deer Valley Reserve Division 2. The purpose of this plat is to remove a septic restriction placed on the existing plats by decreasing the number of lots.

Under the Residential Rural zoning district, a maximum density of one dwelling to 2.5 acres with an open space subdivision is permitted.

Applicant has proposed 8 residential building lots and three open space lots, resulting in an overall proposed density of one dwelling per 7.796 acres, which complies with the Residential Rural density requirements.

Bannock County Subdivision Ordinance:

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

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

The proposed subdivision name "Replat of Deer Valley Reserve & Deer Valley Reserve Division 2" has been reviewed for duplicity by staff. The road name "Deer Reserve Drive" is an existing road that has been dedicated to the county. These names will need to indicated on all plats. The developer for the existing plats remains the same for the replat.

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 open space parcel must be no less than 50% of the entire land being divided, 60.91 existing acres / 50% required open space equals no less than 30.455 acre open space lot. At concept, the Applicant will need to determine how the open space will be classified per §401.C.3. The open space may be Common-Owned, Separate Lot, or Transfer ownership to a public agency.

There is a possible Drainage Way located within Block 2, Lot 1.

Per Subdivision Ordinance §405: Where a subdivision is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a stormwater 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 plat shall so indicate.

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.

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.

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.

Staff recommends the developer contact Idaho Department of Water Resources to receive clarity on new requirements for water rights within this development.

Staff recommends the developer contact South East Idaho Health Department to verify septic requirements.

- 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 proposed plat depicts access for the lots as follows:

-Lots 6 through 10 of Block 1 will use an existing 60' road, Deer Reserve Drive.

This road was designed and constructed during the original plat of Deer Valley Reserve- Division 2.

-Lots 1 through 3 of Block 1 will access from individual approaches via Bighorn Drive, a county-maintained road.

-Lots 4 and 5 of Block 1 will access from individual approaches via N. Elk Road, a county-maintained road.

-Lot 1 of Block 2 will access from an individual approach via Autumn Lane, a county-maintained road.

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

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.

Since more than four buildable lots are being proposed, roads 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 all roads, outside of the right-of-way.

Per Subdivision Ordinance §4.02.C, SUBDIVISION INGRESS AND EGRESS: Subdivisions of 20 or more lots, or which adjoin an existing subdivision the combination of which will equal 25 lots, shall provide two or more ingress/egress roadways, developed to standards adopted herein. When connected to an adjoining subdivision street which has egress to a collector or arterial road, that roadway may be considered the second ingress/egress. The Council shall have the option of requiring two accesses for development of fewer lots where one access may not provide adequate, safe ingress and egress due to steepness, wildlands, or development which would preclude use as a safe exit.

A design deviation may be requested during the Concept Application.

- 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. Applicant may consider communicating with the owner to the west to see if there is a need for future access. Due to the terrain of the area, most existing roads would be limited to extend.

- 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 plats, there is a 70' easement for maintenance of a well and water supply lines and public ingress and egress easement for recreation to access the USFS lands to the west. There is a 60' wide road and utility easement. There is a 15' public utility easement long Elk Road and Deer Reserve Drive. There is a 10' public utility easement along Bighorn Drive. Council may condition that all public utility easements along a right-of-way be no less than 15'.

There is an easement dedicated to Mink Creek Utility Users Association for drilling, constructing and maintaining a well, pump, and powerlines. There are several septic drain field locations indicated on the existing 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 plat will not adjust the blocks of the original subdivision and depicts a decrease in the number of building lots. There is no proposed reduction to the existing

open space within the subdivision. The proposed lots are located in close proximity to existing roads, subdivisions, and utilities.

- 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 sloped with relatively flat areas for building. There appears to be a natural drainage easement that must be included within the open space of block 2 lot 1. The land is adjacent to other residential uses and bare ground. The parcel is located approximately 1.23 miles from the City of Pocatello.

Per Bannock County Zoning Ordinance §323, single-family dwellings, duplex, accessory uses which are customarily incidental to residential uses, livestock on one acre or more, noncommercial recreational facilities, commercial agricultural uses, and daycares with up to 6 children. 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,



Hal W. Jensen

Planning and Development Director

halj@bannockcounty.gov

Enclosed: Proposed Sketch Plan

RE: Agency Notification - Deer Valley Reserve Replat

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

Date Tue 10/14/2025 5:24 PM

To Logun Mitchell <logun.mitchell@sunrise-eng.com>; anitah@bannockcounty.gov <anitah@bannockcounty.gov>; jeremym@bannockcounty.gov <jeremym@bannockcounty.gov>; kielb@bannockcounty.gov <kielb@bannockcounty.gov>; Bollinger, David <david.bollinger@bia.gov>; bnewman@blm.gov <bnewman@blm.gov>; hsanger@pocatello.gov <hsanger@pocatello.gov>; kkeller@phd6.idaho.gov <kkeller@phd6.idaho.gov>; ahill@sbtribes.com <ahill@sbtribes.com>; lkniffin@sbtribes.com <lkniffin@sbtribes.com>; gbillman@idl.idaho.gov <gbillman@idl.idaho.gov>; pbrown@idl.idaho.gov <pbrown@idl.idaho.gov>; katy.bergholm@deq.idaho.gov <katy.bergholm@deq.idaho.gov>; carolyn.weiler@deq.idaho.gov <carolyn.weiler@deq.idaho.gov>; allan.johnson@deq.idaho.gov <allan.johnson@deq.idaho.gov>; becky.johnson@idfg.idaho.gov <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov <james.cefalo@idwr.idaho.gov>; gpeck@idahopower.com <gpeck@idahopower.com>; Flo Ghighina <Flo.Ghighina@itd.idaho.gov>; james.murphy@intgas.com <james.murphy@intgas.com>

Cc Matt Baker <matt.baker@sunrise-eng.com>

ITD D-5 takes no exception to the Replat.

Corey A. Krantz, P.E.

Engineer Manager I

District 5 / Materials

Work: 208.239.3372

Cell: 208.201.3372

Email: corey.krantz@itd.idaho.gov

Website: itd.idaho.gov

From: Logun Mitchell <logun.mitchell@sunrise-eng.com>

Sent: Monday, October 13, 2025 9:32 AM

To: anitah@bannockcounty.gov; jeremym@bannockcounty.gov; kielb@bannockcounty.gov; Bollinger, David <david.bollinger@bia.gov>; bnewman@blm.gov; hsanger@pocatello.gov; kkeller@phd6.idaho.gov; ahill@sbtribes.com; lkniffin@sbtribes.com; gbillman@idl.idaho.gov; pbrown@idl.idaho.gov; katy.bergholm@deq.idaho.gov; carolyn.weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; Flo Ghighina <Flo.Ghighina@itd.idaho.gov>; Corey Krantz <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com; phillip.colburn@intgas.com; portneufswcd@gmail.com; russell.christ@sparklight.biz; kim.obebe@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; brenda.marshall@williams.com; pocvalleyfpd@gmail.com; Mori Byington <Mori@bannockplanning.org>; Quayle, Merril <mquayle@pocatello.gov>; jmansfield@pocatello.us; Lewis, Matthew <mlewis@pocatello.gov>; aevans@pocatello.us; kheinz@pocatello.us; Jonathan R Balls <ballsjo@sd25.us>; howelldo@sd25.us; admin@portneuflibrary.org

Cc: Matt Baker <matt.baker@sunrise-eng.com>

Subject: Agency Notification - Deer Valley Reserve Replat

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

Hello all,

We are doing a replat of Deer Valley Reserve (inst. no. 22015273) and Deer Valley Reserve - Division 2 (inst. no. 22015272). We are combining the two adjoining subdivisions into one subdivision and going from 15 lots down to 11 lots total. Attached are the recorded subdivision plats along with our new proposed layout for the replat.

We are looking for any comments that you may have on this upcoming project.

Regards,

 Sunrise Engineering

LOGUN MITCHELL
Survey CAD Technician

logun.mitchell@sunrise-eng.com
600 E Oak St, Pocatello, Idaho 83201
TEL 208.909.4526 CELL 208.223.7610
sunrise-eng.com

RE: Agency Notification - Deer Valley Reserve Replat

From Gary Billman <gbillman@idl.idaho.gov>

Date Tue 10/14/2025 7:59 AM

To Logun Mitchell <logun.mitchell@sunrise-eng.com>; anitah@bannockcounty.gov <anitah@bannockcounty.gov>; jeremym@bannockcounty.gov <jeremym@bannockcounty.gov>; kielb@bannockcounty.gov <kielb@bannockcounty.gov>; Bollinger, David <david.bollinger@bia.gov>; bnewman@blm.gov <bnewman@blm.gov>; hsanger@pocatello.gov <hsanger@pocatello.gov>; kkeller@phd6.idaho.gov <kkeller@phd6.idaho.gov>; ahill@sbtribes.com <ahill@sbtribes.com>; lkniffin@sbtribes.com <lkniffin@sbtribes.com>; Pat Brown <pbrown@idl.idaho.gov>; katy.bergholm@deq.idaho.gov <katy.bergholm@deq.idaho.gov>; carolyn.weiler@deq.idaho.gov <carolyn.weiler@deq.idaho.gov>; allan.johnson@deq.idaho.gov <allan.johnson@deq.idaho.gov>; becky.johnson@idfg.idaho.gov <becky.johnson@idfg.idaho.gov>; james.cefalo@idwr.idaho.gov <james.cefalo@idwr.idaho.gov>; gpeck@idahopower.com <gpeck@idahopower.com>; flo.ghighina@itd.idaho.gov <Flo.Ghighina@itd.idaho.gov>; corey.krantz@itd.idaho.gov <Corey.Krantz@itd.idaho.gov>; james.murphy@intgas.com <james.murphy@intgas.com>

Cc Matt Baker <matt.baker@sunrise-eng.com>

The IDL does not have landownership in this location, therefore no comments.

Gary Billman, P.G.

Lands Resource Specialist Senior—Minerals/Geologist

Idaho Department of Lands

Eastern Area

3563 Ririe Hwy

Idaho Falls, ID 83401

Office: (208) 525-7167

Email: gbillman@idl.idaho.gov

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

From: Logun Mitchell <logun.mitchell@sunrise-eng.com>

Sent: Monday, October 13, 2025 9:32 AM

To: anitah@bannockcounty.gov; jeremym@bannockcounty.gov; kielb@bannockcounty.gov; Bollinger, David <david.bollinger@bia.gov>; bnewman@blm.gov; hsanger@pocatello.gov; kkeller@phd6.idaho.gov; ahill@sbtribes.com; lkniffin@sbtribes.com; Gary Billman <GBillman@idl.idaho.gov>; Pat Brown <pbrown@idl.idaho.gov>; katy.bergholm@deq.idaho.gov; carolyn.weiler@deq.idaho.gov; allan.johnson@deq.idaho.gov; becky.johnson@idfg.idaho.gov; james.cefalo@idwr.idaho.gov; gpeck@idahopower.com; flo.ghighina@itd.idaho.gov; corey.krantz@itd.idaho.gov; james.murphy@intgas.com; phillip.colburn@intgas.com; portneufswcd@gmail.com; russell.christ@sparklight.biz; kim.obebe@usda.gov; james.m.joyner@usace.army.mil; nate.matlack@usda.gov; michael.rieske@williams.com; brenda.marshall@williams.com; pocvalleyfpd@gmail.com; mori@bannockplanning.org; Quayle, Merril <mquayle@pocatello.gov>; jmansfield@pocatello.us; Lewis, Matthew <mlewis@pocatello.gov>; aevans@pocatello.us; kheinz@pocatello.us; Jonathan R Balls <ballsjo@sd25.us>; howelldo@sd25.us; admin@portneuflibrary.org

Cc: Matt Baker <matt.baker@sunrise-eng.com>

Subject: Agency Notification - Deer Valley Reserve Replat

Bannock County Planning & Development Council

January 21, 2026

Page 332 of 458

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

Hello all,

We are doing a replat of Deer Valley Reserve (inst. no. 22015273) and Deer Valley Reserve - Division 2 (inst. no. 22015272). We are combining the two adjoining subdivisions into one subdivision and going from 15 lots down to 11 lots total. Attached are the recorded subdivision plats along with our new proposed layout for the replat.

We are looking for any comments that you may have on this upcoming project.

Regards,

 Sunrise Engineering

LOGUN MITCHELL
Survey CAD Technician

logun.mitchell@sunrise-eng.com
600 E Oak St, Pocatello, Idaho 83201
TEL 208.909.4526 CELL 208.223.7610
sunrise-eng.com

Re: Agency Notification - Deer Valley Reserve Replat

From Pocatello Valley Fire Protection District <pocvalleyfpd@gmail.com>

Date Mon 10/13/2025 2:34 PM

To Logun Mitchell <logun.mitchell@sunrise-eng.com>

Thanks Logun,

The Pocatello Valley Fire Protection District has no comments on this proposed replat.

Best Regards,

Ken Gibbs

Pocatello Valley Fire Protection District

Mail: PO Box 4303

Shipping: 9754 W Gibson Jack Rd

Pocatello, ID 83204

On Mon, Oct 13, 2025 at 9:32 AM Logun Mitchell <logun.mitchell@sunrise-eng.com> wrote:

Hello all,

We are doing a replat of Deer Valley Reserve (inst. no. 22015273) and Deer Valley Reserve - Division 2 (inst. no. 22015272). We are combining the two adjoining subdivisions into one subdivision and going from 15 lots down to 11 lots total. Attached are the recorded subdivision plats along with our new proposed layout for the replat.

We are looking for any comments that you may have on this upcoming project.

Regards,

 Sunrise Engineering

LOGUN MITCHELL

Survey CAD Technician

logun.mitchell@sunrise-eng.com
600 E Oak St, Pocatello, Idaho 83201
TEL 208.909.4526 CELL 208.223.7610
sunrise-eng.com



October 30, 2025

Logun Mitchell
Sunrise Engineering
600 E. Oak St.
Pocatello, ID 83201
logun.mitchell@sunrise-eng.com

Subject: Replat of Deer Valley Reserve Divisions 1 & 2

Dear Mr. Mitchell:

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

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

Sincerely,

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

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

EDMS# 2025AGD5539

Attachments: DEQ General Recommendations for Land Development Projects.

C: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office
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 4

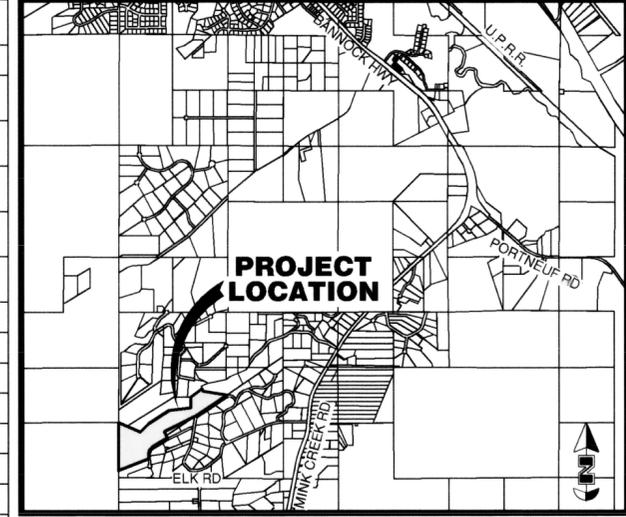
Existing Plat

CURVE TABLE						
#	RADIUS	Δ	ARC LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1 (A-1-RL7)	194.45'	60°06'35"	204.00'	112.51'	N 28°46'12" E	194.77'
	194.45'	61°05'33"	207.34'	114.75'	---	197.66'
C2	194.45'	30°03'18"	102.00'	52.20'	N 13°44'33" E	100.83'
C3	194.45'	30°03'18"	102.00'	52.20'	N 43°47'51" E	100.83'
C4 (B-1-RCA)	2482.24'	2°04'45"	90.08'	45.04'	N 59°51'52" E	90.07'
	2484.24'	4°39'39"	202.09'	101.10'	---	202.03'
C5	2482.24'	1°37'01"	70.05'	35.03'	N 59°38'00" E	70.05'
C6	2482.24'	0°27'44"	20.02'	10.01'	N 60°40'23" E	20.02'

DEER VALLEY RESERVE

BEING A REPLAT OF LOT 7A, REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT, A PARTIAL REPLAT OF LOT 8, REPLAT OF CARIBOU ACRES, FIRST ADDITION AND ADDITIONAL LANDS LOCATED IN LOTS 1, 2 AND THE NORTHWEST QUARTER, SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

LINE TABLE		
#	BEARING	DISTANCE
L1 (RL7)	N 01°17'06" W N 02°18'18" W	107.58' 107.57'
L2	N 26°30'51" W S 26°33'05" E	69.61' -
L3	N 55°58'29" E (ML) N 55°56'15" E	0.44' 86.99'
L4	N 26°30'51" W (ML) S 26°33'05" E	115.89' -
L5	N 16°29'10" W (AGU) S 16°21' E	64.13' 121'
L6	S 46°27'37" W	274.82'
L7	N 26°30'51" W	206.71'
L8	N 63°57'53" E	205.32'
L9	N 26°02'51" W	241.81'
L10	S 26°02'51" E	213.64'
L11	N 55°56'39" E	78.08'
L12	S 47°06'52" E	182.12'
L13	N 55°56'39" E	85.38'
L14	N 55°56'39" E	621.30'



NORTHWEST CORNER OF SECTION 30. FOUND BLM BCM AS DESCRIBED IN CP & F INST. NO. 657286

60' WIDE ROAD AND UTILITY EASEMENT AS DISCLOSED BY DECLARATION OF EASEMENTS AND AGREEMENTS (INST. NO. 20506957)

NORTH 1/16 CORNER ON THE WEST LINE OF SECTION 30. FOUND USDA FOREST SERVICE MONUMENT AS DESCRIBED IN CP & F INST. NO. 21510948

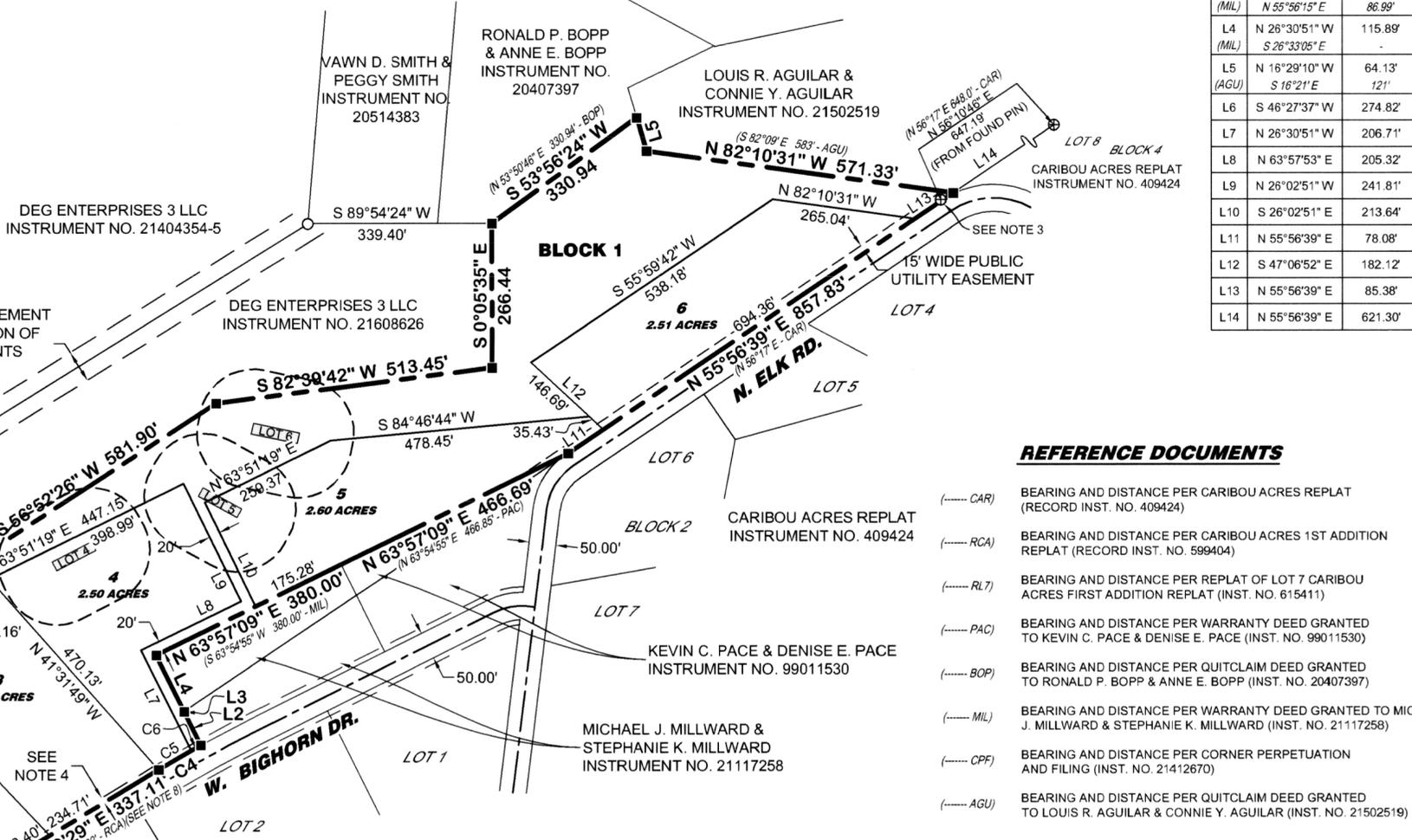
SEE NOTE 2
S 0°09'58" W 1310.77'

SEE NOTE 1
S 0°04'54" W 1140.22'
1064.43'

SEE NOTE 1
S 67°32'30" W 773.49'
75.79'

WEST 1/4 CORNER OF SECTION 30. FOUND BLM BCM AS DESCRIBED IN CP & F INST. NO. 94003958

POINT OF BEGINNING
S 0°04'54" W 1311.29'
S 0°04'54" W 1311.29' - CPF



BASIS OF BEARING
THE WEST LINE OF SECTION 30 WAS ASSUMED TO BE SOUTH 0°04'54" WEST BETWEEN THE NORTH 1/16 CORNER ON THE WEST LINE AND THE WEST 1/4 CORNER PER THE CENTRAL MERIDIAN OF IDAHO STATE PLANE EAST ZONE COORDINATE SYSTEM.

SURVEYOR'S NARRATIVE

- 70.00 FOOT WIDE EASEMENT FOR THE MAINTENANCE OF A WELL AND WATER SUPPLY LINES PER REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 615411). SAID AREA TO ALSO BE A PUBLIC INGRESS AND EGRESS EASEMENT FOR RECREATIONAL PURPOSES TO ACCESS THE UNITED STATES FOREST SERVICE LAND TO THE WEST.
- MONUMENT FOUND 1' ± EAST OF THE CURRENTLY ACCEPTED SECTION LINE. MONUMENT IS FOUND TO BE IN-LINE WITH THE NORTHWEST CORNER AND THE WEST 1/4 CORNER OF SECTION 30 WHICH WERE ORIGINALLY USED TO SET SAID MONUMENT. SEE RECORD OF SURVEY FOR TOM SCHIERS (INST. NO. 99001281) AND RECORD OF SURVEY FOR CHRIS AND HEATHER PARKINSON (INST. NO. 21413153).
- MONUMENT FOUND NORTH 83°16' WEST 4'± FROM CALCULATED POSITION. MONUMENT IS LOCATED SOUTH 61°48'18" WEST 26' FROM THE SUBDIVISION CORNER.
- 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT PER CARIBOU ACRES FIRST ADDITION (INST. NO. 574766), CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 599404) AND REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 615411).
- FOUND 1/2" IRON POST WITH NO CAP PER REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT. REPLACED BOUNDARY PINS OF DEER VALLEY RESERVE WITH 5/8" X 24" REBAR WITH ALUMINUM CAP STAMPED "RMES PELS 2341"
- LOT 7, BLOCK 1 IS TO REMAIN AS OPEN SPACE AND DEDICATED TO THE DEER VALLEY RESERVE HOME OWNER'S ASSOCIATION. SEE DECLARATION OF COVENANTS RECORDING INFORMATION ON SHEET 2. SEPTIC TANKS WILL BE PLACED ON THE LOT THAT THEY SERVE. SEPTIC DRAIN FIELDS WILL BE FOR INDIVIDUAL LOTS AND WILL BE ALLOWED TO BE PLACED IN THE OPEN SPACE IN THE NOTED LOCATIONS.
- THE DEQ'S TECHNICAL GUIDANCE MANUAL FOR INDIVIDUAL AND SUBSURFACE SEWAGE SYSTEMS SHALL BE FOLLOWED DURING THE APPROVAL AND CONSTRUCTION OF ALL SEPTIC SYSTEMS. THE DEER VALLEY RESERVE HOME OWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE OPERATION, MAINTENANCE AND REGULAR MONITORING OF ALL SEPTIC SYSTEMS CONSTRUCTED IN THIS PROJECT. SEE DECLARATION OF COVENANTS RECORDING INFORMATION ON SHEET 2.
- THE PREVIOUSLY FILED CARIBOU ACRES, FIRST ADD. (INST. NO. 574766), CARIBOU ACRES, FIRST ADD. REPLAT (INST. NO. 599404), REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 615411) AND CORRECTION TO PLAT NOTICE FOR CARIBOU ACRES, 1ST ADDITION REPLAT (INST. NO. 651427) ARE ALL AFFECTING THIS PORTION OF THE BOUNDARY LINE FOR DEER VALLEY RESERVE. THE MEASUREMENT SHOWN ON THIS STRETCH OF RIGHT-OF-WAY WAS DETERMINED PRIMARILY UTILIZING THE INFORMATION SHOWN ON THE REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 615411). THE SHOWN DIMENSIONS FIT WITH THE EXISTING IMPROVEMENTS AND FOUND MONUMENTS AS SHOWN.

LEGEND

- FOUND SECTION CORNER AS NOTED
- FOUND 1/4 CORNER AS NOTED
- FOUND 1/16 CORNER AS NOTED
- FOUND 1/2" REBAR WITH PLASTIC CAP STAMPED "LS-5074" PER RECORDS OF SURVEYS RECORDED AS INST. NOS. 95012546-7 & 99001281
- FOUND 1/2" REBAR WITH NO CAP PER REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT INST. NO. 615411 (SEE NOTE 5)
- FOUND 1/2" REBAR WITH NO CAP PER CARIBOU ACRES (REPLAT) RECORDED AS INST. NO. 409424
- SET 1/2" BY 24" REBAR WITH PLASTIC CAP STAMPED "RMES PELS 2341" (LOT CORNERS AND AT END OF CURVES)
- SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP STAMPED "RMES PELS 2341"
- 5 / BLOCK 1 SUBDIVISION LOT / BLOCK NUMBER
- LOT 4 BLOCK 6 EXISTING SUBDIVISION LOT / BLOCK NO.
- SUBDIVISION BOUNDARY LINE
- SUBDIVISION LOT LINE
- STREET CENTERLINE
- SECTION LINE
- EASEMENT SIDELINE
- EXISTING EASEMENT SIDELINE
- SEPTIC DRAINFIELD LOCATION AND LOT IT IS FOR WITH 100' WELL SETBACK LINE

REFERENCE DOCUMENTS

- (CAR) BEARING AND DISTANCE PER CARIBOU ACRES REPLAT (RECORD INST. NO. 409424)
- (RCA) BEARING AND DISTANCE PER CARIBOU ACRES 1ST ADDITION REPLAT (RECORD INST. NO. 599404)
- (RL7) BEARING AND DISTANCE PER REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT (INST. NO. 615411)
- (PAC) BEARING AND DISTANCE PER WARRANTY DEED GRANTED TO KEVIN C. PACE & DENISE E. PACE (INST. NO. 99011530)
- (BOP) BEARING AND DISTANCE PER QUITCLAIM DEED GRANTED TO RONALD P. BOPP & ANNE E. BOPP (INST. NO. 20407397)
- (ML) BEARING AND DISTANCE PER WARRANTY DEED GRANTED TO MICHAEL J. MILLWARD & STEPHANIE K. MILLWARD (INST. NO. 21117258)
- (CPF) BEARING AND DISTANCE PER CORNER PERPETUATION AND FILING (INST. NO. 21412670)
- (AGU) BEARING AND DISTANCE PER QUITCLAIM DEED GRANTED TO LOUIS R. AGUILAR & CONNIE Y. AGUILAR (INST. NO. 21502519)

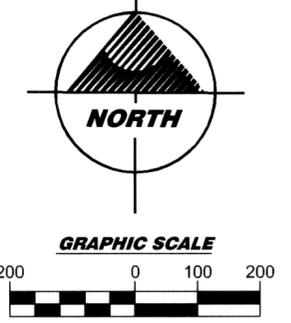
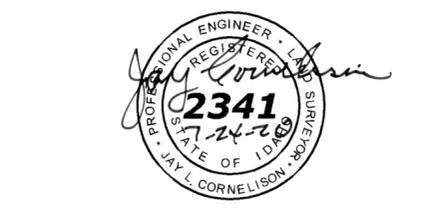
22015273
RECORDING INSTRUMENT NUMBER

DEER VALLEY RESERVE
BEING A REPLAT OF LOT 7A, REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT, A PARTIAL REPLAT OF LOT 8, REPLAT OF CARIBOU ACRES, FIRST ADDITION AND ADDITIONAL LANDS LOCATED IN LOTS 1, 2 AND THE NORTHWEST QUARTER, SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

RMES
Engineers • Surveyors • Planners
301 58th St. W. #138 • Williston, ND 58801 • (701) 572-0110
600 E. Oak St. • Pocatello, ID 83201 • (208) 234-0110
www.RMES.biz

REVISIONS SURVEYED BY: JDK, SRM, PMS
1. SANITARY RESTRICTION 07-18-18 OFFICE WORK BY: JC, SOB
2. DEQ 03-03-20 PROJECT NO: 15040
DRAWING: R:15/GEBO, DAVE AND EMMA/MINK CREEK SUBDIVISION - 15040/SURVCAD/03-03-20 DEER VALLEY RESERVE (ALT LAYOUT).DWG
SCALE: 1 INCH = 200 FEET DATE: MAY 2020 SHEET 1 OF 3

Bannock County Planning & Development Council
January 21, 2026
Page 340 of 458



DEER VALLEY RESERVE

BEING A REPLAT OF LOT 7A, REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT,
A PARTIAL REPLAT OF LOT 8, REPLAT OF CARIBOU ACRES, FIRST ADDITION
AND ADDITIONAL LANDS LOCATED IN LOTS 1, 2 AND THE NORTHWEST QUARTER, SECTION 30,
TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN LOTS 1, 2 AND THE NORTH WEST QUARTER OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 30, SAID POINT BEING MONUMENTED BY A BLM BRASS CAP MONUMENT AS DESCRIBED IN CORNER PERPETUATION FILED AS INSTRUMENT NO. 94003958 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY; THENCE NORTH 0°04'54" EAST, ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 171.07 FEET TO THE NORTHWEST CORNER OF LOT 7 OF REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT, A SUBDIVISION RECORDED AS INSTRUMENT NO. 615411 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, SAID POINT BEING THE POINT OF BEGINNING.

THENCE NORTH 67°32'30" EAST, ALONG THE NORTH BOUNDARY LINE OF SAID LOT 7, A DISTANCE OF 773.49 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF WEST BIGHORN DRIVE;

THENCE FOLLOWING THE WEST AND NORTHWESTERLY RIGHT-OF-WAY LINES OF WEST BIGHORN DRIVE OVER THE FOLLOWING FOUR (4) COURSES:

1. NORTH 1°17'06" WEST A DISTANCE OF 107.58 FEET TO A POINT OF CURVATURE WITH A 194.45 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 88°42'54" EAST;
2. FOLLOWING ALONG SAID CURVE TO THE RIGHT IN A NORTHEASTERLY DIRECTION THROUGH A CENTRAL ANGLE OF 60°06'35" FOR AN ARC LENGTH OF 204.00 FEET (THE CHORD OF SAID CURVE BEARS NORTH 28°46'12" EAST A DISTANCE OF 194.77 FEET) TO A POINT OF TANGENCY;
3. NORTH 58°49'29" EAST A DISTANCE OF 337.11 FEET TO A POINT OF TANGENCY WITH A 2482.24 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 31°10'31" EAST;
4. THENCE FOLLOWING ALONG SAID CURVE TO THE RIGHT IN A NORTHEASTERLY DIRECTION THROUGH A CENTRAL ANGLE OF 2°04'45" FOR AN ARC LENGTH OF 90.08 FEET (THE CHORD OF SAID CURVE BEARS NORTH 59°51'52" EAST A DISTANCE OF 90.07 FEET) TO THE SOUTHWEST CORNER OF A PARCEL OF LAND BELONGING TO MICHAEL J. MILLWARD & STEPHANIE K. MILLWARD AS DESCRIBED IN WARRANTY DEED RECORDED AS INSTRUMENT NO. 21117258 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE FOLLOWING ALONG THE WESTERLY AND NORTHERLY BOUNDARY LINES OF SAID PARCEL OF LAND OVER THE FOLLOWING FOUR (4) COURSES:

1. NORTH 28°30'51" WEST A DISTANCE OF 69.61 FEET;
2. NORTH 55°58'29" EAST A DISTANCE OF 0.44 FEET;
3. NORTH 28°30'51" WEST A DISTANCE OF 115.89 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND;
4. NORTH 63°57'09" EAST A DISTANCE OF 380.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND, SAID POINT BEING THE NORTHWEST CORNER OF A PARCEL OF LAND BELONGING TO KEVIN C. & DENICE E. PACE AS DESCRIBED IN WARRANTY DEED RECORDED AS INSTRUMENT NO. 99011530 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE CONTINUING NORTH 63°57'09" EAST, ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 466.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH ELK ROAD, SAID POINT ALSO BEING A POINT ON THE NORTHERLY BOUNDARY LINE OF CARIBOU ACRES REPLAT, A SUBDIVISION RECORDED AS INSTRUMENT NO. 409424 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE NORTH 55°56'39" EAST, FOLLOWING ALONG THE NORTH RIGHT-OF-WAY LINE OF NORTH ELK ROAD AND THE NORTH BOUNDARY LINE OF CARIBOU ACRES REPLAT, A DISTANCE OF 857.83 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO LOUIS R. AGUILAR & CONNIE Y. AGUILAR AS DESCRIBED IN QUITCLAIM DEED RECORDED AS INSTRUMENT NO. 21502519 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE FOLLOWING ALONG THE SOUTHERLY AND SOUTHWESTERLY BOUNDARY LINES OF SAID PARCEL OF LAND OVER THE FOLLOWING TWO (2) COURSES:

1. NORTH 82°10'31" WEST A DISTANCE OF 571.33 FEET;
2. NORTH 16°29'10" WEST A DISTANCE OF 64.13 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO RONALD P. BOPP & ANNE E. BOPP AS DESCRIBED IN QUITCLAIM DEED RECORDED AS INSTRUMENT NO. 20407397 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE SOUTH 53°56'24" WEST A DISTANCE OF 330.94 FEET TO AN ANGLE POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL OF LAND;

THENCE SOUTH 0°05'35" EAST, LEAVING SAID PARCEL OF LAND, A DISTANCE OF 266.44 FEET;

THENCE SOUTH 82°39'42" WEST A DISTANCE OF 513.45 FEET;

THENCE SOUTH 56°52'26" WEST A DISTANCE OF 581.90 FEET;

THENCE SOUTH 46°27'37" WEST A DISTANCE OF 274.82 FEET;

THENCE NORTH 66°28'38" WEST A DISTANCE OF 559.18 FEET TO THE NORTH 1/16 CORNER ON THE WEST LINE OF SECTION 30, SAID POINT BEING MONUMENTED BY A USDA FOREST SERVICE MONUMENT AS DESCRIBED IN CORNER PERPETUATION RECORDED AS INSTRUMENT NO. 21510948 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE SOUTH 0°04'54" WEST, ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 1140.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 30.89 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, JAY L. CORNELISON, A REGISTERED LAND SURVEYOR OF THE STATE OF IDAHO, DO HEREBY CERTIFY THAT A SURVEY WAS MADE UNDER MY DIRECTION OF THE LAND DESCRIBED IN THE ACCOMPANYING BOUNDARY DESCRIPTION AND THAT THE PLAT UPON WHICH THIS CERTIFICATION APPEARS WAS MADE UNDER MY DIRECTION. FURTHER CERTIFY THAT THE ACCOMPANYING MAP CORRECTLY DEPICTS THE DIVISION OF THE LAND AS MARKED UPON THE GROUND, THAT THE MONUMENTS SHOWN CONFORMS WITH THAT SET OR FOUND UPON THE GROUND, AND THAT THE PERTINENT PROVISIONS OF THE STATUTES OF THE STATE OF IDAHO TOGETHER WITH ALL LOCAL ORDINANCES PERTAINING THERETO HAVE BEEN COMPLIED WITH.


JAY L. CORNELISON

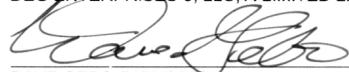
7-24-20
DATE

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION HAS CAUSED THE SAME TO BE SUBDIVIDED INTO A BLOCK WITH LOTS AND DO HEREBY WARRANT AND SAVE THE COUNTY OF BANNOCK HARMLESS FROM ANY EXISTING EASEMENTS OR ENCUMBRANCES. IT IS THE INTENTION OF THE OWNER TO INCLUDE ALL OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION IN THIS PLAT. THE LOCATION AND THE DIMENSIONS OF THE BLOCK AND LOTS ARE TO BE AS SHOWN ON THE ACCOMPANYING MAP OF THE PROPERTY. LOT 7, BLOCK 1 IS DEDICATED TO THE DEER VALLEY RESERVE HOMEOWNER'S ASSOCIATION. THE EASEMENTS SHOWN ARE GRANTED TO THE PUBLIC 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 ERRECTED WITHIN THE LINES OF SAID EASEMENTS.

IN WITNESS WHEREOF, THE OWNER DOES HEREUNTO SET ITS HAND.

DEG ENTERPRISES-3, LLC, A LIMITED LIABILITY COMPANY


DAVE GEBRO (MEMBER)

EMMA GEBRO (MEMBER)

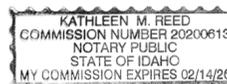
ACKNOWLEDGMENT

STATE OF IDAHO, COUNTY OF Bannock

ON THIS 24 DAY OF July, IN THE YEAR 2020, BEFORE ME Kate Reed, A NOTARY PUBLIC, PERSONALLY APPEARED DAVE GEBRO AND EMMA GEBRO, KNOWN OR IDENTIFIED TO ME, TO BE MEMBERS OF THE LIMITED LIABILITY COMPANY THAT EXECUTED THE INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.


NOTARY PUBLIC

RESIDING IN Bannock COUNTY, STATE OF IDAHO.
MY COMMISSION EXPIRES 14 DAY OF Feb., 2026.



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

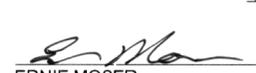
ARE RECORDED AS INSTRUMENT NUMBER 22015269 AND ARE HEREBY MADE A PART OF THE PLAT

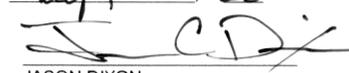
IRRIGATION WATER RIGHTS STATEMENT

IT HAS BEEN DETERMINED THAT THE PROPERTY INCLUDED IN THIS SUBDIVISION IS NOT LOCATED WITHIN THE BOUNDARIES OF AN EXISTING IRRIGATION DISTRICT. LOTS WITHIN THIS SUBDIVISION WILL NOT RECEIVE AN IRRIGATION WATER RIGHT.

BANNOCK COUNTY

THIS PLAT WAS DULY ACCEPTED AND APPROVED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ON THIS 25th DAY OF Aug, 2020.


ERNIE MOSER
(CHAIRMAN OF THE BOARD)


JASON DIXON
(COUNTY CLERK)


MICHAEL R. JAGLOWSKI, P.E.
(COUNTY ENGINEER)

COUNTY SURVEYOR'S CERTIFICATE

I, Stewart L. Wadd, A REGISTERED LAND SURVEYOR IN AND FOR BANNOCK COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND COMPUTATIONS SHOWN HEREON, AND HAVE DETERMINED THAT THE REQUIREMENT OF IDAHO CODE 50-1305 HAVE BEEN MET, AND I

APPROVE THE SAME FOR FILING THIS 18 DAY OF Aug, 2020.


COUNTY SURVEYOR
15295
PLS NO.

COUNTY TREASURER'S CERTIFICATE

PURSUANT TO 50-1308, IDAHO CODE. I, JENNIFER CLARK, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE ON THE PROPERTY BEING SUBDIVIDED, BOTH DELINQUENT AND CURRENT, HAVE BEEN PAID IN FULL.

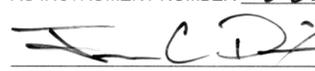
THROUGH 2019


JENNIFER CLARK, COUNTY TREASURER
9/25/2020
DATE


COUNTY RECORDER'S CERTIFICATE

I, JASON DIXON, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BANNOCK, IDAHO ON THIS 25th DAY OF Aug, 2020 AT 10:22 AM AT THE REQUEST OF RMES AND WAS DULY RECORDED.

AS INSTRUMENT NUMBER 22015273


JASON DIXON, COUNTY RECORDER

DEER VALLEY RESERVE

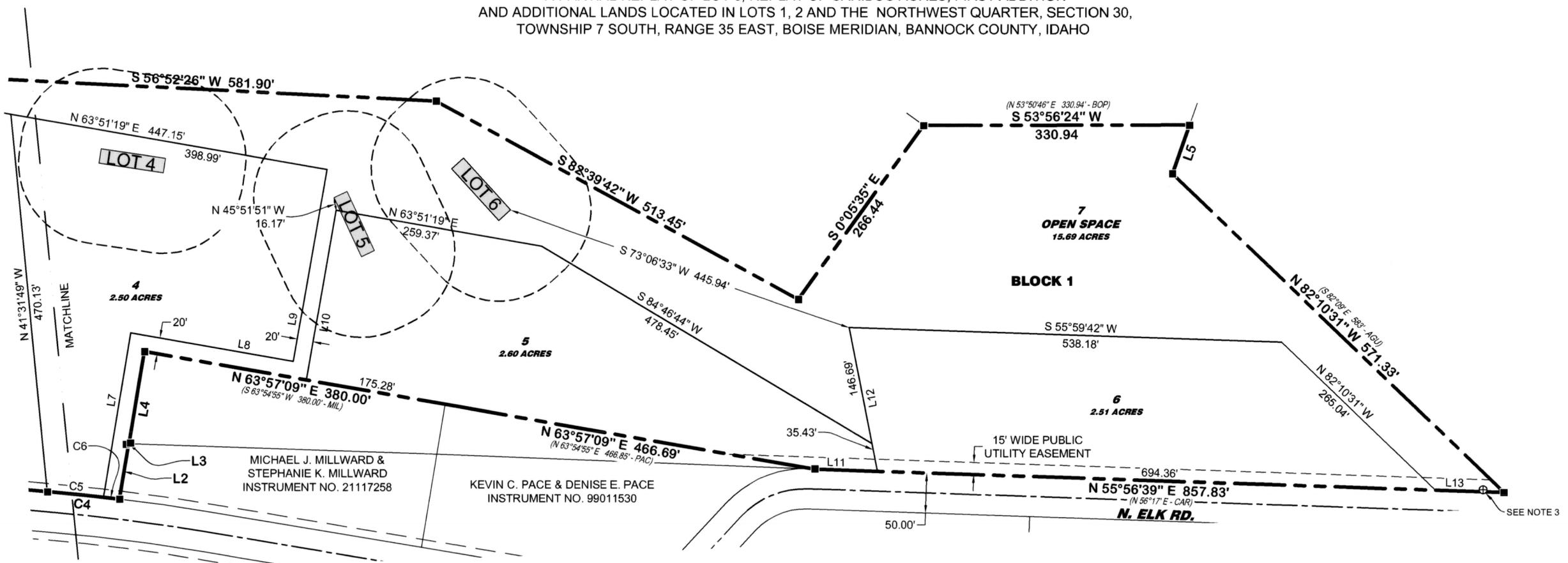
BEING A REPLAT OF LOT 7A, REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT, A PARTIAL REPLAT OF LOT 8, REPLAT OF CARIBOU ACRES, FIRST ADDITION AND ADDITIONAL LANDS LOCATED IN LOTS 1, 2 AND THE NORTHWEST QUARTER, SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



REVISIONS	SURVEYED BY: JDK, SRM, PMS
1. SANITARY RESTRICTION 07-18-18 OFFICE WORK BY: JC, SOB	
2. DEQ 03-03-20	PROJECT NO: 15040
DRAWING: R:\15\GEBRO, DAVE AND EMMA\MINK CREEK SUBDIVISION - 15040\SURV\CAD\03-03-20 DEER VALLEY RESERVE (ALT LAYOUT).DWG	
SCALE: 1 INCH = 200 FEET	DATE: MAY 2020 SHEET 2 OF 3

DEER VALLEY RESERVE

BEING A REPLAT OF LOT 7A, REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT,
 A PARTIAL REPLAT OF LOT 8, REPLAT OF CARIBOU ACRES, FIRST ADDITION
 AND ADDITIONAL LANDS LOCATED IN LOTS 1, 2 AND THE NORTHWEST QUARTER, SECTION 30,
 TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



SANITARY REQUIREMENTS PER LOT

BLOCK 1	DRAINFIELD CENTERMARK STAKE ID	CENTERMARK GPS COORDINATES (WGS 84)	MAX. NUMBER OF BEDROOMS	MAX. NUMBER OF OCCUPANTS PER LOT	MAXIMUM FLOW RATE, GPD	TOTAL NITROGEN EFFLUENT LIMIT (mg/l)	TYPE OF SEPTIC SYSTEM (1)	TYPE OF SEPTIC DRAINFIELD SYSTEM (3, 4, 5)	DRAINFIELD SIZE (WxL), FT (2)	DRAINFIELD BEARINGS	ANNUAL SAMPLING REQUIRED?
LOT 1	106	42.78490° -112.41789°	3	4	250	20	ADVANCED TREATMENT UNIT	STEEP SLOPE (GD)	20 x 87	N 53°05'32" E	YES
LOT 2	107	42.78541° -112.41750°	3	4	250	20	ADVANCED TREATMENT UNIT	STEEP SLOPE (GD)	20 x 67	N 66°37'27" E	YES
LOT 3	108	42.78604° -112.41666°	3	4	250	20	ADVANCED TREATMENT UNIT	STEEP SLOPE (GD)	20 x 87	N 48°39'20" E	YES
LOT 4	109	42.78667° -112.41543°	3	4	250	20	ADVANCED TREATMENT UNIT	STANDARD (PD)	18 x 81	N 62°26'55" E	YES
LOT 5	110	42.78695° -112.41443°	3	4	250	20	ADVANCED TREATMENT UNIT	STANDARD (PD)	18 x 81	S 60°57'57" E	YES
LOT 6	111	42.78730° -112.41405°	3	4	250	20	ADVANCED TREATMENT UNIT	STEEP SLOPE (PD)	20 x 87	S 78°15'16" E	YES

- (1) ADVANCED TREATMENT SEPTIC UNITS SHALL BE RetroFAST 0.375® (DESIGN CAPACITY OF 375 GPD)
- (2) ALL DRAINFIELD SIZES INCLUDE A 3 FOOT BUFFER AROUND THE TRENCHES
- (3) ALL STEEP SLOPE SYSTEMS SHALL BE EXTRA DRAIN ROCK TRENCH
- (4) PD = PRESSURE DISTRIBUTION, GD = GRAVITY DISTRIBUTION
- (5) ALL STANDARD SYSTEMS SHALL BE GRAVELLESS TRENCH

SANITARY RESTRICTIONS

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 ARE IN FORCE. NO OWNER SHALL CONSTRUCT ANY BUILDING, DWELLING OR SHELTER WHICH NECESSITATES THE SUPPLYING OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED.

DATE: 8/13/2020 HEALTH DISTRICT SIGNATURE: *Ken Keller, EHS*

22015273

RECORDING INSTRUMENT NUMBER

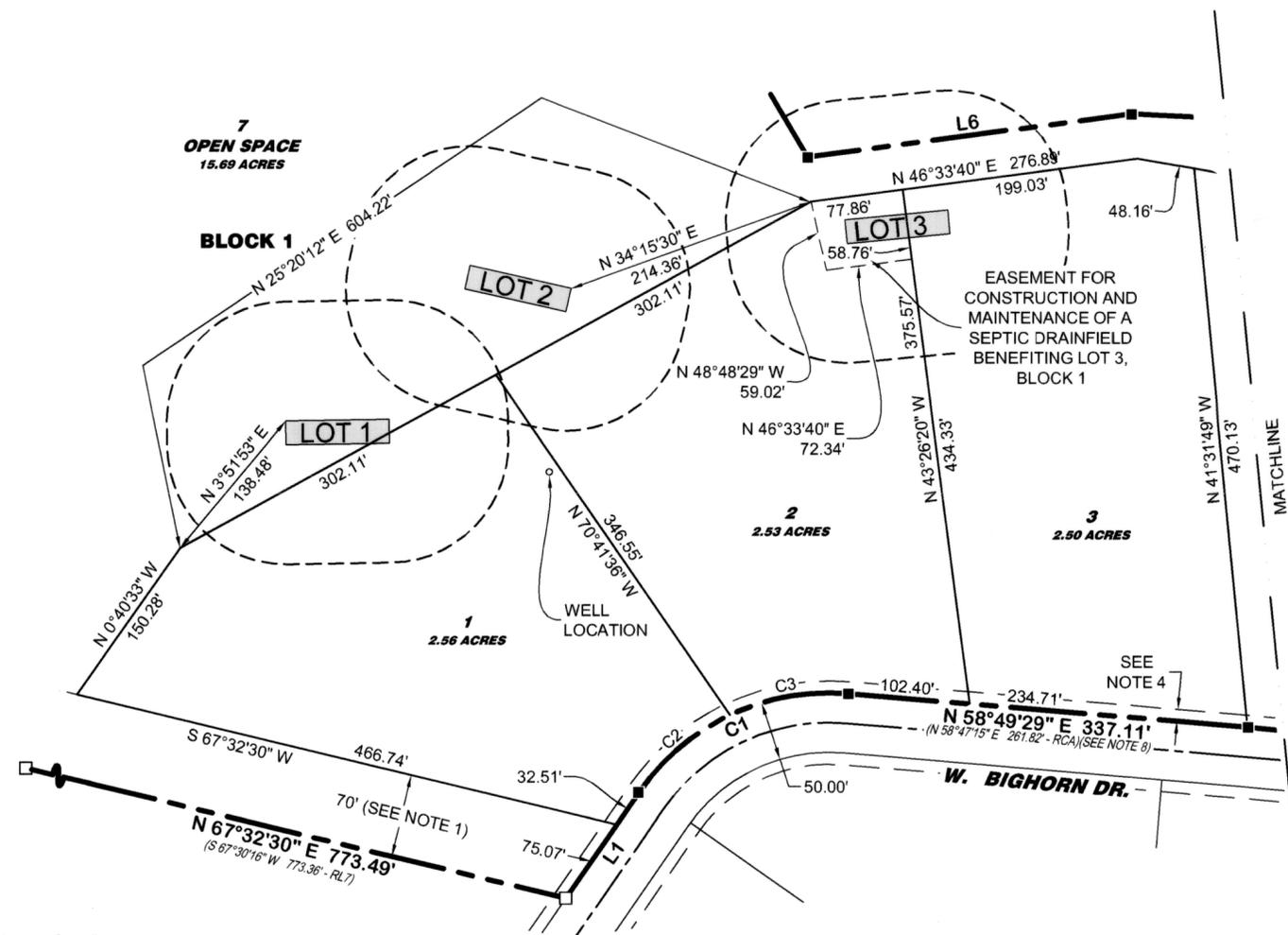
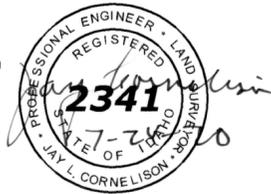
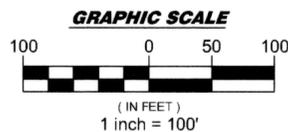
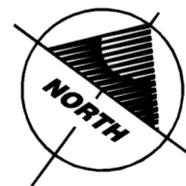
DEER VALLEY RESERVE

BEING A REPLAT OF LOT 7A, REPLAT OF LOT 7 CARIBOU ACRES FIRST ADDITION REPLAT, A PARTIAL REPLAT OF LOT 8, REPLAT OF CARIBOU ACRES, FIRST ADDITION AND ADDITIONAL LANDS LOCATED IN LOTS 1, 2 AND THE NORTHWEST QUARTER, SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



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REVISIONS	SURVEYED BY: JDK, SRM, PMS
1. SANITARY RESTRICTION 07-18-18	OFFICE WORK BY: JC, SOB
2. DEQ 03-03-20	PROJECT NO: 15040
DRAWING: R:\15\GEBO, DAVE AND EMMAMINK CREEK SUBDIVISION - 15040\SURV\CAD\03-03-20 DEER VALLEY RESERVE (ALT LAYOUT).DWG	
SCALE: 1 INCH = 200 FEET	DATE: MAY 2020 SHEET 3 OF 3



DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19 AND IN LOTS 1, 2 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

EAST 1/16 CORNER ON THE NORTH LINE OF SECTION 30. FOUND 3" BANNOCK COUNTY BRASS CAP MONUMENT AS DESCRIBED IN CP & F INST. NO. 21910114

FOUND 1/2" REBAR WITH CAP STAMPED "LS 2652" PER RECORD OF SURVEY FOR TOM SCHIERS (INST. NO. 705354) AND DEPICTED ON AUTUMN HEIGHTS SUBDIVISION (INST. NO. 20116798). REPLACED WITH 5/8" BY 24" REBAR WITH ALUMINUM CAP STAMPED "RMES PELS 2341"

DANIEL P. WAGNER
INST. NO. 21803795

SEE RECORDS OF SURVEYS FOR TOM SCHIERS
INST. NOS. 705354, 95012547 & 99001281

FOUND 1/2" REBAR WITH NO CAP PER RECORD OF SURVEY FOR TOM SCHIERS (INST. NO. 95012547). REPLACED WITH 5/8" X 24" REBAR WITH ALUMINUM CAP STAMPED "RMES PELS 2341"

VAWN D. SMITH AND PEGGY SMITH
INST. NO. 20514383

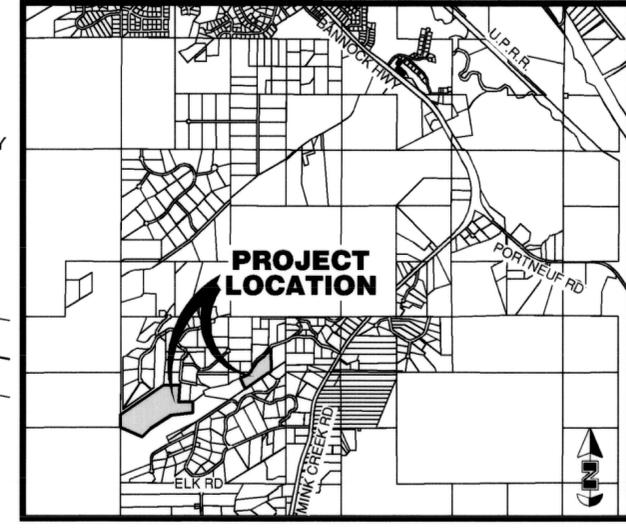
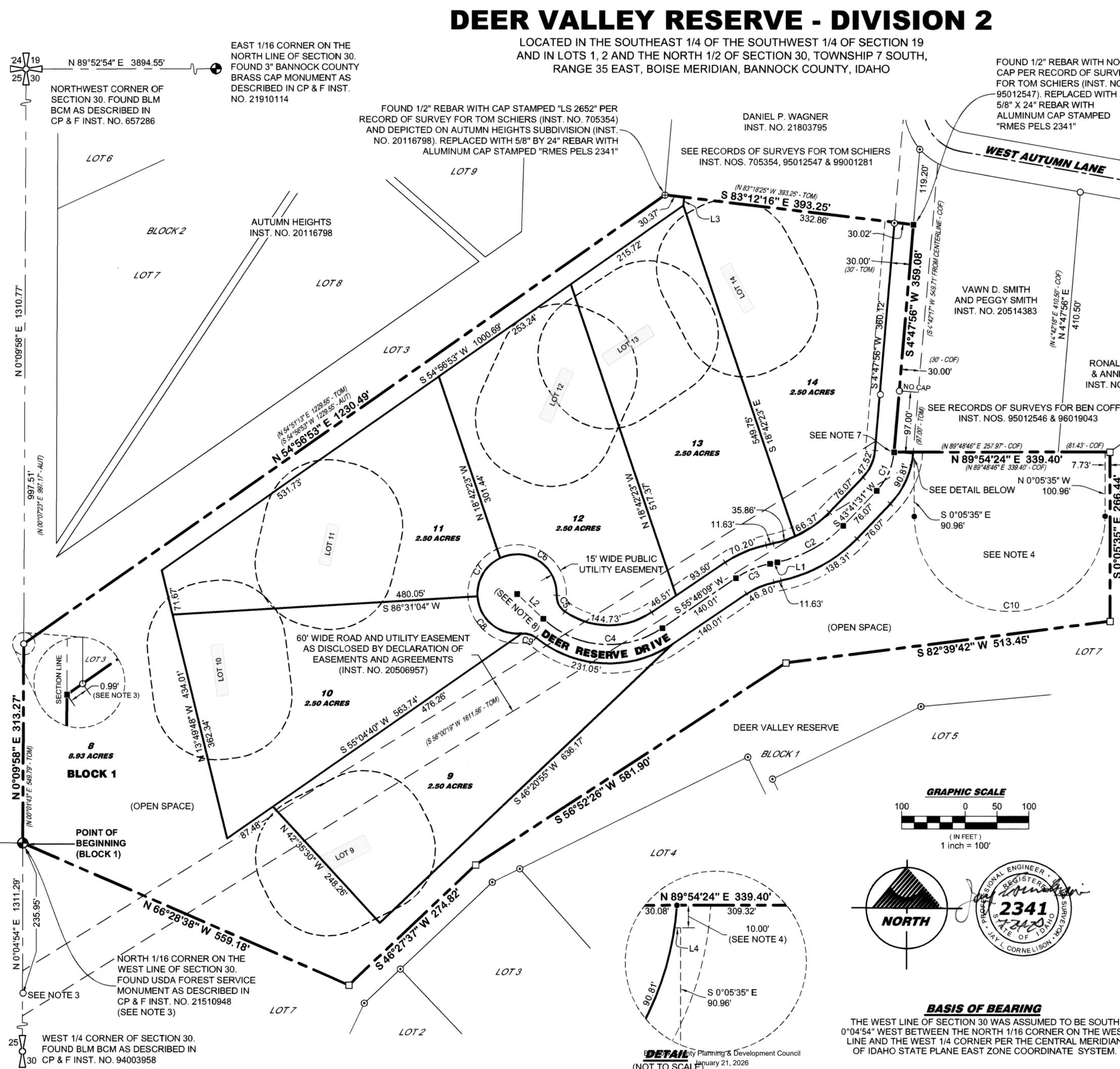
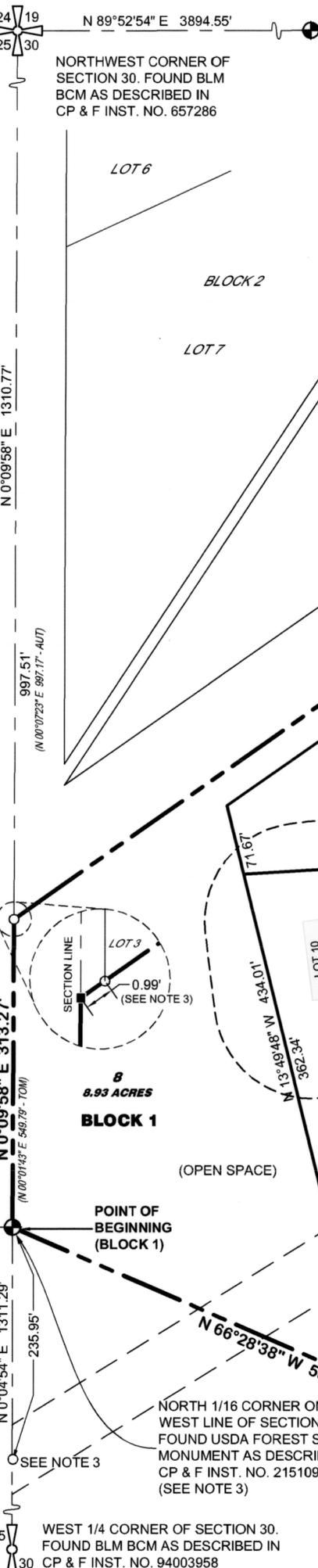
RONALD P. BOPP & ANNE E. BOPP
INST. NO. 20407397

SEE RECORDS OF SURVEYS FOR BEN COFFIN
INST. NOS. 95012546 & 96019043

SEE NOTE 7

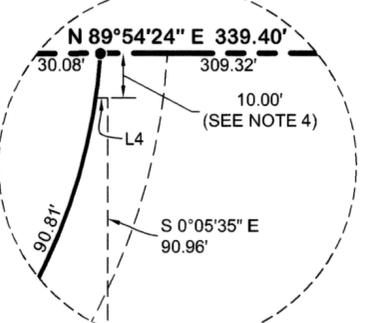
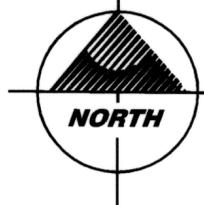
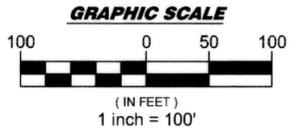
SEE DETAIL BELOW

SEE NOTE 4



LEGEND

- FOUND SECTION CORNER AS NOTED
- FOUND 1/4 CORNER AS NOTED
- 1/16 CORNER AS NOTED
- FOUND 1/2" REBAR WITH PLASTIC CAP STAMPED "LS-5074" PER RECORDS OF SURVEYS RECORDED AS INST. NOS. 95012546-7, 96019043 & 99001281
- FOUND 1/2" REBAR WITH NO CAP PER CARIBOU ACRES (REPLAT) RECORDED AS INST. NO. 409424 OR AS NOTED
- FOUND 1/2" REBAR WITH PLASTIC CAP STAMPED "RMES PELS 2341"
- FOUND 5/8" REBAR WITH ALUMINUM CAP STAMPED "RMES PELS 2341"
- SET 1/2" BY 24" REBAR WITH PLASTIC CAP STAMPED "RMES PELS 2341" (LOT CORNERS AND AT END OF CURVES)
- SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP STAMPED "RMES PELS 2341"
- 5 / BLOCK 1** SUBDIVISION LOT / BLOCK NUMBER
- LOT 4 BLOCK 6** EXISTING SUBDIVISION LOT / BLOCK NO.
- SUBDIVISION BOUNDARY LINE
- SUBDIVISION LOT LINE
- STREET CENTERLINE
- SECTION LINE
- EASEMENT SIDELINE
- EXISTING EASEMENT SIDELINE
- SEPTIC DRAINFIELD LOCATION AND LOT IT IS FOR WITH 100' WELL SETBACK LINE



DETAIL Planning & Development Council
January 21, 2026
(NOT TO SCALE) Page 343 of 458

BASIS OF BEARING

THE WEST LINE OF SECTION 30 WAS ASSUMED TO BE SOUTH 0°04'54" WEST BETWEEN THE NORTH 1/16 CORNER ON THE WEST LINE AND THE WEST 1/4 CORNER PER THE CENTRAL MERIDIAN OF IDAHO STATE PLANE EAST ZONE COORDINATE SYSTEM.

22019212
RECORDING INSTRUMENT NUMBER

DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19 AND IN LOTS 1, 2 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



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REVISIONS	SURVEYED BY:	JDK, SRM, PS
1.	OFFICE WORK BY:	JC, SOB
2.	PROJECT NO:	15040
	DATE:	MAY 2020
DRAWING: R:\15\GEBU_DAVE AND EMMAMINK CREEK SUBDIVISION - 15040\SUR\CAD\05-01-20 DVR 2 FP.DWG		
SCALE: 1 INCH = 100 FEET		
SHEET 1 OF 3		

DEER VALLEY RESERVE - DIVISION 2

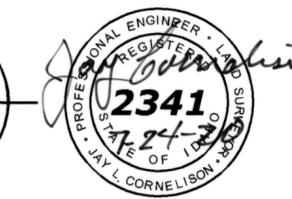
LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19 AND IN LOTS 1, 2 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

SURVEYOR'S NARRATIVE

- THE PURPOSE OF THIS PROJECT IS TO DEFINE RESIDENTIAL LOTS FOR SINGLE FAMILY HOME DEVELOPMENT.
- THE BOUNDARIES HAVE BEEN DETERMINED TO FOLLOW ALONG THE ADJOINING SUBDIVISIONS AND PARCELS AS DEFINED BY RECORDS OF SURVEYS AS NOTED ON THE PLAT. THE WEST BOUNDARY LINE HAS BEEN DETERMINED TO BE THE SECTION LINE.
- THESE MONUMENTS ARE FOUND 1' ± EAST OF THE CURRENTLY ACCEPTED SECTION LINE. MONUMENTS ARE FOUND TO BE IN-LINE WITH THE NORTHWEST CORNER AND THE WEST 1/4 CORNER OF SECTION 30 WHICH WERE ORIGINALLY USED TO SET SAID MONUMENTS. SEE RECORD OF SURVEY FOR TOM SCHIERS (INST. NO. 99001281) AND RECORD OF SURVEY FOR CHRIS AND HEATHER PARKINSON (INST. NO. 21413153), AND THE PLAT OF AUTUMN HEIGHTS SUBDIVISION (INST. NO. 20116798).
- THIS AREA TO BE AN EASEMENT GRANTED TO MINK CREEK UTILITY USERS ASSOCIATION AND IS TO DRILL, CONSTRUCT, OWN, OPERATE, MAINTAIN, REPAIR, AND REPLACE (IF NECESSARY) A WELL AND/OR ANY NECESSARY PUMP, MOTOR, STRUCTURES, PIPELINES, AND POWER LINES.
- LOT 8, BLOCK 1 AND LOT 1, BLOCK 2 IS TO REMAIN AS OPEN SPACE AND DEDICATED TO THE DEER VALLEY RESERVE HOME OWNER'S ASSOCIATION. SEE DECLARATION OF COVENANTS RECORDING INFORMATION ON SHEET 3. SEPTIC TANKS WILL BE PLACED ON THE LOT THAT THEY SERVE. SEPTIC DRAIN FIELDS WILL BE FOR INDIVIDUAL LOTS AND WILL BE ALLOWED TO BE PLACED IN THE OPEN SPACE IN THE NOTED LOCATIONS.
- THE DEQ'S TECHNICAL GUIDANCE MANUAL FOR INDIVIDUAL AND SUBSURFACE SEWAGE SYSTEMS SHALL BE FOLLOWED DURING THE APPROVAL AND CONSTRUCTION OF ALL SEPTIC SYSTEMS. THE DEER VALLEY RESERVE HOME OWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE OPERATION, MAINTENANCE AND REGULAR MONITORING OF ALL SEPTIC SYSTEMS CONSTRUCTED IN THIS PROJECT. SEE DECLARATION OF COVENANTS RECORDING INFORMATION ON SHEET 3.
- FOUND 1/2" REBAR WITH CAP STAMPED "PLS 5074" PER RECORD OF SURVEY FOR BEN COFFIN (INST. NO. 95012546). REPLACED WITH 5/8" BY 24" REBAR WITH ALUMINUM CAP STAMPED "RMES PELS 2341".
- IN CONFORMANCE WITH IDAHO CODE 50-1331, CENTERLINE MONUMENTS FOR DEER RESERVE DRIVE WILL BE SET WITHIN ONE (1) YEAR OF THE RECORDING OF THIS PLAT.

REFERENCE DOCUMENTS

- (--- CAR) BEARING AND DISTANCE PER CARIBOU ACRES REPLAT (INST. NO. 409424)
- (--- MYL) BEARING AND DISTANCE PER PLAT OF MYLER ACRES SUBDIVISION (INST. NO. 607670)
- (--- AUT) BEARING AND DISTANCE PER PLAT OF AUTUMN HEIGHTS SUBDIVISION (INST. NO. 20116798)
- (--- TOM) BEARING AND DISTANCE PER RECORD OF SURVEYS FOR TOM SCHIERS (INST. NOS. 705354, 95012547 & 99001281)
- (--- COF) BEARING AND DISTANCE PER RECORDS OF SURVEYS FOR BEN COFFIN (INST. NOS. 95012546 & 96019043), PER QUITCLAIM DEED GRANTED TO RONALD P. BOPP & ANN E. BOPP (INST. NO. 20407397) AND PER WARRANTY DEED GRANTED TO VAWN D. SMITH & PEGGY SMITH (INST. NO. 20514383)
- (--- AGU) BEARING AND DISTANCE PER QUITCLAIM DEED GRANTED TO LOUIS R. AGUILAR & CONNIE Y. AGUILAR (INST. NO. 21502519)



22019272

RECORDING INSTRUMENT NUMBER

DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19 AND IN LOTS 1, 2 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



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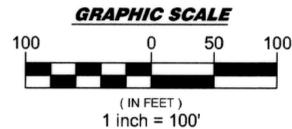
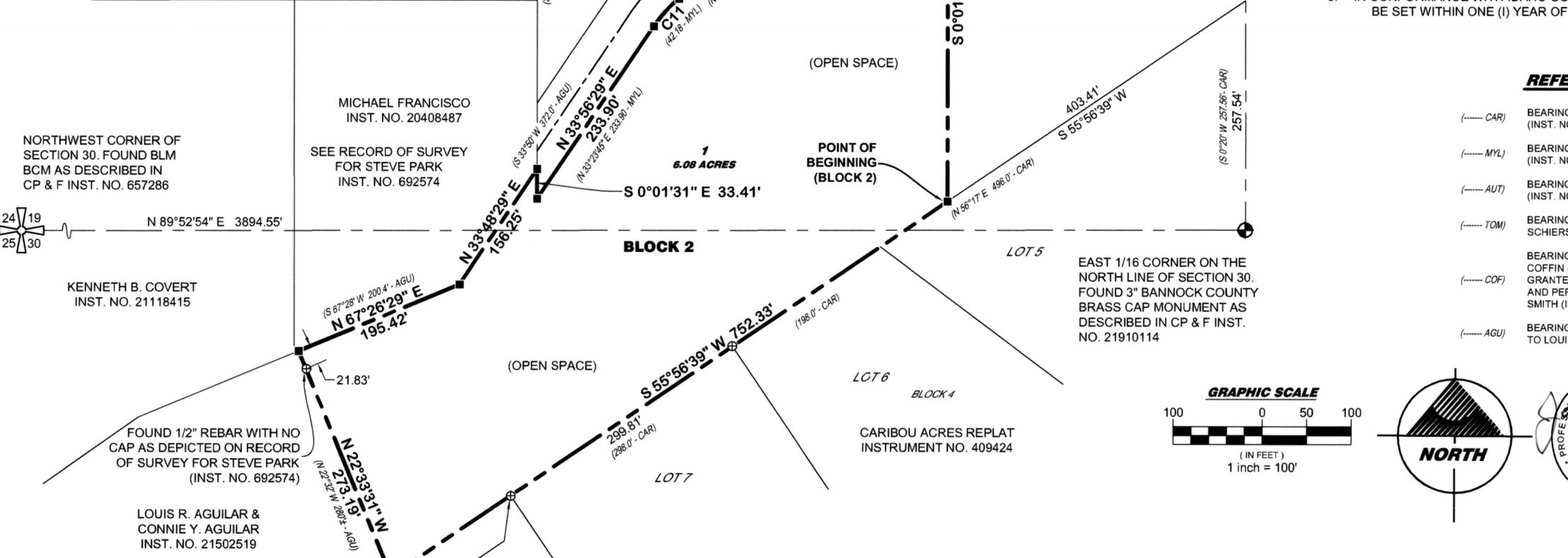
REVISIONS	SURVEYED BY: JDK, SRM, PS
1.	OFFICE WORK BY: JC, SOB
2.	PROJECT NO: 15040 DATE: MAY 2020
DRAWING: R:15/GEB0, DAVE AND EMMAMINK CREEK SUBDIVISION - 15040SURV/CAD/05-01-20 DVR 2 FP.DWG	
SCALE: 1 INCH = 100 FEET	SHEET 2 OF 3

CURVE TABLE

#	RADIUS	Δ	ARC LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	100.00'	38°53'35"	67.88'	35.31'	S 24°14'44" W	66.59'
C2	200.00'	34°27'20"	120.27'	62.02'	S 60°55'11" W	118.47'
C3	150.00'	22°20'42"	58.50'	29.63'	S 66°58'30" W	58.13'
C4	150.00'	77°27'02"	202.77'	120.28'	S 85°28'20" E	187.68'
C5	30.00'	57°07'37"	29.91'	16.33'	S 26°31'51" E	28.69'
C6	62.50'	117°20'07"	127.99'	102.66'	N 56°38'06" W	106.77'
C7	62.50'	68°10'47"	74.37'	42.30'	S 30°36'27" W	70.06'
C8	62.50'	93°13'14"	101.69'	66.12'	S 50°05'33" E	90.84'
C9	30.00'	46°03'03"	24.11'	12.75'	N 73°40'39" W	23.47'
C10	150.00'	180°00'00"	471.24'	INFINITY	N 89°54'25" E	300.00'
C11	145.00'	16°40'00"	42.18'	21.24'	N 42°16'29" E	42.03'
C12	280.00'	10°03'00"	49.11'	24.62'	N 45°34'59" E	49.05'
C13	145.00'	4°32'25"	11.49'	5.75'	N 42°49'42" E	11.49'

LINE TABLE

#	BEARING	DISTANCE
L1	S 78°08'51" W	11.63'
L2	N 46°44'49" W	56.51'
L3	N 06°47'44" E	13.07'
L4	S 89°54'25" W	2.63'



SANITARY REQUIREMENTS PER LOT

BLOCK	DRAINFIELD CENTERMARK STAKE ID	CENTERMARK GPS COORDINATES (WGS 84)	MAX. NUMBER OF BEDROOMS	MAX. NUMBER OF OCCUPANTS PER LOT	MAXIMUM FLOW RATE, GPD	TOTAL NITROGEN EFFLUENT LIMIT (mg/l)	TYPE OF SEPTIC SYSTEM (1)	TYPE OF SEPTIC DRAINFIELD SYSTEM (3, 4, 5)	DRAINFIELD SIZE (WxL), FT (2)	DRAINFIELD BEARINGS	ANNUAL SAMPLING REQUIRED?
LOT 9	105	42.78662° -112.41704°	3	4	250	20	ADVANCED TREATMENT UNIT	STANDARD (PD)	27 x 79	N 62°58'51" E	YES
LOT 10	104	42.78741° -112.41778°	3	4	250	20	ADVANCED TREATMENT UNIT	STANDARD (PD)	18 x 81	S 7°02'47" E	YES
LOT 11	103	42.78795° -112.41714°	3	4	250	20	ADVANCED TREATMENT UNIT	STANDARD (PD)	18 x 65	S 12°53'12" W	YES
LOT 12	102	42.78860° -112.41581°	3	4	250	20	ADVANCED TREATMENT UNIT	STEEP SLOPE (PD)	20 x 87	S 24°34'58" W	YES
LOT 13	101	42.78882° -112.41539°	3	4	250	20	ADVANCED TREATMENT UNIT	STEEP SLOPE (PD)	20 x 87	S 56°37'36" W	YES
LOT 14	100	42.78906° -112.41476°	3	4	250	20	ADVANCED TREATMENT UNIT	STANDARD (PD)	18 x 81	S 27°48'46" E	YES

- ADVANCED TREATMENT SEPTIC UNITS SHALL BE RetroFAST 0.375" (DESIGN CAPACITY OF 375 GPD)
- ALL DRAINFIELD SIZES INCLUDE A 3 FOOT BUFFER AROUND THE TRENCHES
- ALL STEEP SLOPE SYSTEMS SHALL BE EXTRA DRAIN ROCK TRENCH
- PD = PRESSURE DISTRIBUTION, GD = GRAVITY DISTRIBUTION
- ALL STANDARD SYSTEMS SHALL BE GRAVELLESS TRENCH

SANITARY RESTRICTIONS

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 ARE IN FORCE. NO OWNER SHALL CONSTRUCT ANY BUILDING, DWELLING OR SHELTER WHICH NECESSITATES THE SUPPLYING OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED.

DATE: 8/13/2020 HEALTH DISTRICT SIGNATURE: *Kerr Kellen, EHS*

BOUNDARY DESCRIPTION - BLOCK 1

A PARCEL OF LAND LOCATED IN LOTS 1, 2 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/16 CORNER ON THE WEST LINE OF SECTION 30, BEING MONUMENTED BY A USDA FOREST SERVICE MONUMENT AS DESCRIBED IN CORNER PERPETUATION RECORDED UNDER INSTRUMENT NO. 21510948 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE NORTH 0°09'58" EAST, ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 313.27 FEET; THENCE NORTH 54°56'53" EAST, ALONG THE SOUTHERLY BOUNDARY LINE OF AUTUMN HEIGHTS, A SUBDIVISION RECORDED UNDER INSTRUMENT NO. 20116798 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, A DISTANCE OF 1230.49 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND BELONGING TO DANIEL P. WAGNER AS DESCRIBED IN WARRANTY DEED RECORDED UNDER INSTRUMENT NO. 21803795 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE SOUTH 83°12'16" EAST, ALONG THE SOUTH BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 393.25 FEET TO A POINT ON THE WEST BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO VAWN D. SMITH AND PEGGY SMITH AS DESCRIBED IN WARRANTY DEED RECORDED UNDER INSTRUMENT NO. 20514383 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE SOUTH 4°47'56" WEST, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 359.08 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND; THENCE NORTH 89°54'24" EAST, ALONG THE SOUTH BOUNDARY LINE OF SAID PARCEL OF LAND, AND ALONG THE SOUTH BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO RONALD P. BOPP AND ANNE E. BOPP AS DESCRIBED IN QUITCLAIM DEED RECORDED UNDER INSTRUMENT NO. 20407397 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, A DISTANCE OF 339.40 FEET TO AN ANGLE POINT ON THE SOUTHERLY BOUNDARY LINE OF THE BOPP PROPERTY;

THENCE SOUTH 0°05'35" EAST A DISTANCE OF 266.44 FEET; THENCE SOUTH 82°39'42" WEST A DISTANCE OF 513.45 FEET; THENCE SOUTH 56°52'26" WEST A DISTANCE OF 581.90 FEET; THENCE SOUTH 46°27'37" WEST A DISTANCE OF 274.82 FEET; THENCE NORTH 66°28'38" WEST A DISTANCE OF 559.18 FEET TO THE **POINT OF BEGINNING**.

SAID BLOCK 1 CONTAINS 25.40 ACRES, MORE OR LESS.

BOUNDARY DESCRIPTION - BLOCK 2

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/16 CORNER ON THE NORTH LINE OF SECTION 30, BEING MONUMENTED BY A 3" BANNOCK COUNTY BRASS CAP MONUMENT AS DESCRIBED IN CORNER PERPETUATION RECORDED UNDER INSTRUMENT NO. 21910114 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY; THENCE NORTH 0°01'31" WEST, ALONG THE EAST 1/16 LINE OF SECTION 19, A DISTANCE OF 257.54 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK 4, CARIBOU ACRES (REPLAT), A SUBDIVISION RECORDED UNDER INSTRUMENT NO. 409424 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY; THENCE SOUTH 55°56'39" WEST, ALONG THE NORTHWEST BOUNDARY LINE OF SAID SUBDIVISION, A DISTANCE OF 403.41 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 55°56'39" WEST, ALONG THE NORTHWEST BOUNDARY LINE OF SAID SUBDIVISION, A DISTANCE OF 752.33 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND BELONGING TO LOUIS R. AGUILAR & CONNIE Y. AGUILAR AS DESCRIBED IN QUITCLAIM DEED RECORDED UNDER INSTRUMENT NO. 21502519 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE NORTH 22°33'31" WEST, ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 273.19 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND, BEING A POINT ON THE SOUTH BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO MICHAEL FRANCISCO AS DESCRIBED IN WARRANTY DEED RECORDED UNDER INSTRUMENT NO. 20408487 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE FOLLOWING ALONG THE SOUTHERLY BOUNDARY LINES OF SAID PARCEL OF LAND OVER THE FOLLOWING TWO (2) COURSES:

- 1. NORTH 67°26'29" EAST A DISTANCE OF 195.42 FEET;
- 2. NORTH 33°48'29" EAST A DISTANCE OF 156.25 FEET;

THENCE SOUTH 0°01'31" EAST A DISTANCE OF 33.41 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WEST AUTUMN LANE;

THENCE FOLLOWING ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINES OF WEST AUTUMN LANE OVER THE FOLLOWING SIX (6) COURSES:

- 1. NORTH 33°56'29" EAST A DISTANCE OF 233.90 FEET TO A POINT OF TANGENCY WITH A 145.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 56°03'31" EAST;
- 2. FOLLOWING ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 16°40'00" FOR AN ARC LENGTH OF 42.18 FEET (THE CHORD OF SAID CURVE BEARS NORTH 42°16'29" EAST A DISTANCE OF 42.03 FEET) TO A POINT OF TANGENCY;
- 3. NORTH 50°36'29" EAST A DISTANCE OF 172.08 FEET TO A POINT OF TANGENCY WITH A 280.00 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 39°23'31" WEST;
- 4. FOLLOWING ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 10°03'00" FOR AN ARC LENGTH OF 49.11 FEET (THE CHORD OF SAID CURVE BEARS NORTH 45°34'59" EAST A DISTANCE OF 49.05 FEET) TO A POINT OF TANGENCY;
- 5. NORTH 40°33'29" EAST A DISTANCE OF 193.39 FEET TO A POINT OF TANGENCY WITH A 145.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 49°26'31" EAST;
- 6. FOLLOWING ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 4°32'25" FOR AN ARC LENGTH OF 11.49 FEET (THE CHORD OF SAID CURVE BEARS NORTH 42°49'42" EAST A DISTANCE OF 11.49 FEET) TO A POINT OF NON-TANGENCY WITH THE WEST BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO KEITH JUDE AS DESCRIBED IN WARRANTY DEED RECORDED UNDER INSTRUMENT NO. 21611313 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE SOUTH 0°01'31" EAST, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 526.41 FEET TO THE **POINT OF BEGINNING**.

SAID BLOCK 2 CONTAINS 6.08 ACRES, MORE OR LESS.

DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19 AND IN LOTS 1, 2 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

SURVEYOR'S CERTIFICATE

I, JAY L. CORNELISON, A REGISTERED LAND SURVEYOR OF THE STATE OF IDAHO, DO HEREBY CERTIFY THAT A SURVEY WAS MADE UNDER MY DIRECTION OF THE LAND DESCRIBED IN THE ACCOMPANYING BOUNDARY DESCRIPTION AND THAT THE PLAT UPON WHICH THIS CERTIFICATION APPEARS WAS MADE UNDER MY DIRECTION. FURTHER CERTIFY THAT THE ACCOMPANYING MAP CORRECTLY DEPICTS THE DIVISION OF THE LAND AS MARKED UPON THE GROUND, THAT THE MONUMENTS SHOWN CONFORMS WITH THAT SET OR FOUND UPON THE GROUND, AND THAT THE PERTINENT PROVISIONS OF THE STATUTES OF THE STATE OF IDAHO TOGETHER WITH ALL LOCAL ORDINANCES PERTAINING THERETO HAVE BEEN COMPLIED WITH.

Jay L. Cornelison
JAY L. CORNELISON
2-26-20
DATE



OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION HAS CAUSED THE SAME TO BE SUBDIVIDED INTO BLOCKS, LOTS AND STREETS AND DO HEREBY WARRANT AND SAVE THE COUNTY OF BANNOCK HARMLESS FROM ANY EXISTING EASEMENTS OR ENCUMBRANCES. IT IS THE INTENTION OF THE OWNER TO INCLUDE ALL OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION IN THIS PLAT. THE LOCATION AND THE DIMENSIONS OF THE BLOCKS, LOTS AND STREETS ARE TO BE AS SHOWN ON THE ACCOMPANYING MAP OF THE PROPERTY. THE STREETS SHOWN ARE HEREBY DEDICATED TO THE PUBLIC. LOT 8, BLOCK 1 AND LOT 1, BLOCK 2 IS DEDICATED TO THE DEER VALLEY RESERVE HOMEOWNER'S ASSOCIATION. THE EASEMENTS SHOWN ARE GRANTED TO THE PUBLIC 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, THE OWNER DOES HEREUNTO SET ITS HAND.

DEG ENTERPRISES 3, LLC, A LIMITED LIABILITY COMPANY

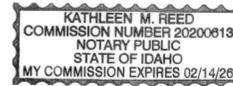
Dave Gebó (Member) Emma Gebó (Member)

ACKNOWLEDGMENT

STATE OF IDAHO, COUNTY OF Bannock

ON THIS 24 DAY OF July, IN THE YEAR 2020, BEFORE ME Kate Reed, A NOTARY PUBLIC, PERSONALLY APPEARED DAVE GEBÓ AND EMMA GEBÓ, KNOWN OR IDENTIFIED TO ME, TO BE MEMBERS OF THE LIMITED LIABILITY COMPANY THAT EXECUTED THE INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

Kate Reed
NOTARY PUBLIC



RESIDING IN Bannock COUNTY, STATE OF IDAHO. MY COMMISSION EXPIRES 14 DAY OF Feb., 2026

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

ARE RECORDED AS INSTRUMENT NUMBER 22015269 AND ARE HEREBY MADE A PART OF THE PLAT

IRRIGATION WATER RIGHTS STATEMENT

IT HAS BEEN DETERMINED THAT THE PROPERTY INCLUDED IN THIS SUBDIVISION IS NOT LOCATED WITHIN THE BOUNDARIES OF AN EXISTING IRRIGATION DISTRICT. LOTS WITHIN THIS SUBDIVISION WILL NOT RECEIVE AN IRRIGATION WATER RIGHT.

BANNOCK COUNTY

THIS PLAT WAS DULY ACCEPTED AND APPROVED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ON THIS 26th DAY OF August, 2020.

Ernie Moser
ERNIE MOSER
(CHAIRMAN OF THE BOARD)
Michael R. Jaglowski, P.E.
MICHAEL R. JAGLOWSKI, P.E.
(COUNTY ENGINEER)

Jason Dixon
JASON DIXON
(COUNTY CLERK)

COUNTY SURVEYOR'S CERTIFICATE

I, MATTHEW S. BAKER, A REGISTERED LAND SURVEYOR IN AND FOR BANNOCK COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND COMPUTATIONS SHOWN HEREON, AND HAVE DETERMINED THAT THE REQUIREMENT OF IDAHO CODE 50-1305 HAVE BEEN MET, AND I

APPROVE THE SAME FOR FILING THIS 17 DAY OF Aug, 2020.

Matthew S. Baker
MATTHEW S. BAKER PLS. NO. 13023
COUNTY SURVEYOR

COUNTY TREASURER'S CERTIFICATE

PURSUANT TO 50-1308, IDAHO CODE. I, JENNIFER CLARK, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE ON THE PROPERTY BEING SUBDIVIDED, BOTH DELINQUENT AND CURRENT, HAVE BEEN PAID IN FULL.

THROUGH 2019

Jennifer Clark
JENNIFER CLARK, COUNTY TREASURER
DATE 8/25/2020
by Ken Christensen

COUNTY RECORDER'S CERTIFICATE

I, JASON DIXON, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BANNOCK, IDAHO ON THIS 25 DAY OF AUG, 2020 AT 10:41 AM. AT THE REQUEST OF JD AND WAS DULY RECORDED

AS INSTRUMENT NUMBER 22015272

Jason Dixon
JASON DIXON, COUNTY RECORDER

DEER VALLEY RESERVE - DIVISION 2

LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19 AND IN LOTS 1, 2 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



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600 E. Oak St. • Pocatello, ID 83201 • (208) 234-0110
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REVISIONS	SURVEYED BY: JDK, SRM, PS
1.	OFFICE WORK BY: JC, SOB
2.	PROJECT NO: 15040 DATE: MAY 2020
DRAWING: R:15\GEBÓ, DAVE AND EMMAMINK CREEK SUBDIVISION - 15040\SURV\CAD\05-01-20 DVR 2 FP.DWG	
SCALE: 1 INCH = 100 FEET	SHEET 3 OF 3

EXHIBIT 5
DEQ Comments



January 12, 2026

Mr. Hal Jensen, Planning Director
Bannock County Office of Planning & Development Services
5500 S. 5th Ave
Pocatello, ID 83204

Subject: Subdivision Concept Plan – 11-Lot Deer Valley Reserve & Deer Valley Reserve Division 2 – Baker

Dear Mr. Jensen:

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

This proposal is a replat of an existing subdivision that has had plat restrictions regarding home size, number of occupants, and the model and location of septic systems. The current proposal contains fewer building lots with a decreased septic system density than what was originally proposed.

Sunrise Engineering has performed a Nutrient-Pathogen evaluation for the newly proposed lot density, which was submitted to DEQ for review. The Nutrient-Pathogen Evaluation indicates that standard septic systems at the newly proposed lot density are satisfactory for this development.

DEQ's 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,

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

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

EDMS 2026AGD121

Attachment: DEQ General recommendations for land development projects.

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

General Recommendations

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

Engineering

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

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

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

Air Quality

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

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

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

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

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

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

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

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

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

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

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

Surface Water Quality

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

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

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

Waste Management - Hazardous Material - Petroleum Storage

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

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most commonly 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 6

Public Comments

Subject: Deer Valley Reserve Division 2 Replat – Public Record Submission

From Bim Smith <bimfred@hotmail.com>

Date Tue 1/6/2026 11:44 AM

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

Dear Chair and Council Members,

We submit this letter for inclusion in the public record regarding the proposed replat of the Deer Valley Reserve Division 2 subdivision.

We are Vawn D. Smith and Peggy Smith, owners of property immediately adjacent to the subdivision and parties to a binding settlement agreement with DEG Enterprises-3, LLC, David Gebo, and Emma Gebo (collectively, the “Developer”). That agreement resolved prior litigation concerning access, road construction, and easement rights affecting our property and the Deer Valley Reserve development.

Purpose of This Letter

The purpose of this letter is not to oppose the replat, but to ensure the Council is aware of existing private property and access restrictions that remain legally binding on the Developer and cannot be altered through the replat process.

Binding Settlement Agreement

A binding settlement agreement remains in full force and effect and governs subdivision access, which is fixed exclusively via Deer Reserve Drive and subject to specific limitations on location, width, and use where it affects Smith property. The settlement expressly prohibits any expansion, relocation, or additional burden on our property beyond what was agreed, including any increase in easement width. The agreed 14-foot easement amendment reduces—not expands—the burden on our property and remains a required condition under the settlement.

Replat Approval Does Not Modify Private Rights

County approval of a replat does not supersede private settlement agreements, easements, or court orders. Any replat approval must therefore remain subject to those existing legal constraints. **Approval of a replat that assumes access or easement rights beyond those established by settlement and court order would create legal conflict and potential exposure for the County.** Changes proposed to address Department of Environmental Quality requirements or lot configuration do not reopen or modify access or easement rights resolved by settlement.

Related Federal Litigation

There is also a pending federal action, *Smith v. Bannock County*, Case No. **4:23-cv-00504-DCN**, involving public taking and road-related issues that overlap with access matters affecting this subdivision.

Conclusion

This submission is provided solely to ensure the Council has accurate information in its review and to avoid any misunderstanding that replat approval could authorize actions inconsistent with existing private agreements. We do not ask the Council to adjudicate private disputes, only that any approval acknowledge it is subject to existing private rights and court orders.

Respectfully submitted,

Vawn D. Smith

Peggy Smith

Fw: Deer Valley Reserve Subdivision-Pending Plat Application

From Hal Jensen <halj@bannockcounty.gov>
Date Wed 1/7/2026 8:07 AM
To Alisse Foster <alissef@bannockcounty.gov>

FYI

Regards,
Hal W. Jensen, Director
Bannock County
Planning & Development Services
5500 S. 5th Ave.
Pocatello, Idaho 83201
O: 208.236.7230

From: Matt Fox <mattfx22@gmail.com>
Sent: Tuesday, January 6, 2026 5:42 PM
To: Hal Jensen <halj@bannockcounty.gov>
Subject: Deer Valley Reserve Subdivision-Pending Plat Application

To: Bannock County Planning and Development Committee
From: President, Mink Creek Utilities Association, Inc.
Re: Deer Valley Reserve Subdivision – Pending Replat Application

Members of the Planning and Development Committee:

I write on behalf of Mink Creek Utilities Association, Inc. (“MCUA”), the owner and operator of the Mink Creek public water utility serving area residents. This letter is submitted for inclusion in the public record and for consideration during review of the pending replat application affecting the Deer Valley Reserve Subdivision.

MCUA is a party to a **Settlement Agreement and Mutual Release executed in 2016** in Bannock County Case No. CV-2016-702 with DEG Enterprises-3, LLC and related development entities. That agreement resolved litigation concerning MCUA’s water facilities and expressly established **two permanent utility easements**—a **Facility Easement** and a **Bench Easement**—necessary for the operation, maintenance, repair, replacement, and future reliability of the public water system.

The settlement agreement requires, without qualification, that once surveyed, executed, and recorded, **both easements be reflected on the preliminary plat and on all subsequent subdivision plats submitted to Bannock County**, including any replat. These easements were not discretionary, temporary, or conditional; they were the bargained-for resolution of a contested utility access dispute and are binding on the developer and its successors.

While the agreement originally referenced a preliminary plat that was later modified, the **legal obligation to depict the easements on all future plats was not extinguished or altered by subsequent plat revisions**. The current replat application does not supersede recorded or contractually mandated easement rights, nor may it be approved in a manner that omits or impairs existing utility infrastructure or access.

Under **Bannock County Code Title 12**, subdivision plats are required to:

- Accurately show all **existing easements and rights-of-way affecting the property**;
- Ensure that **public utilities are not adversely affected by subdivision design or reconfiguration**; and
- Demonstrate that adequate access, maintenance, and operational protections for utilities are preserved as a condition of approval.

Specifically, the County's subdivision regulations prohibit approval of a replat that would **remove, relocate, or obscure an existing easement without the express consent of the easement holder**, and require that utility easements be clearly depicted to scale and labeled on the face of the plat prior to final approval.

MCUA hereby provides formal notice that:

1. It **retains all rights** granted under the 2016 Settlement Agreement, including the Facility Easement and Bench Easement;
2. It **does not consent** to the omission, modification, or relocation of those easements through the pending replat process; and
3. Any replat approval must expressly incorporate and depict both easements in compliance with the settlement agreement and Bannock County Code.

Accordingly, MCUA respectfully requests that the Planning and Development Committee:

- Require the applicant to identify and depict the Facility Easement and Bench Easement on the replat;
- Treat these easements as **existing legal constraints** on subdivision design; and
- Condition any replat approval on full compliance with recorded utility rights and prior settlement obligations.

This letter is not submitted in opposition to development, but rather to ensure that the County's replat decision is based on a complete and accurate understanding of existing utility rights that run with the land and directly affect public health, safety, and infrastructure reliability.

Thank you for your consideration and for including this correspondence in the official record of the replat proceedings.

Respectfully submitted,

Matt Fox

President
Mink Creek Utilities Association, Inc.
208-360-2823

public comment on Deer Valley Reserve subdivision

From Anne Bopp <abopp@gracepocatello.org>

Date Mon 1/12/2026 12:30 PM

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

Cc Ron Personal CELL <bopprp@gmail.com>

Please see below the concerns we have regarding the public hearing on 1/21 regarding the Deer Valley Reserve Subdivision.

This comment is submitted for the public record to identify threshold regulatory issues associated with the proposed replat of Deer Valley Reserve Division 2 that warrant staff review prior to approval.

1. Road Construction and Permitting Deficiencies (Final Plat – August 2020)

The August 2020 final plat appears to have been approved without a corresponding excavation, grading, or road construction permit for the subdivision access road. Bannock County Code §402.A requires subdivision roads to be designed and constructed in accordance with the *Highway Standards and Roadway Development Procedures for Bannock County (HSRDP)*. No record has been identified demonstrating compliance with required permitting, inspection, or acceptance standards for the access roadway serving this subdivision.

2. Access to a Public Road / Intersection Compliance

Subdivision access is taken to a public road system near the intersection of Autumn Lane and Andee Kay Lane. Road classification and spacing standards govern minimum separation distances between intersections and driveways. If the access road was constructed or approved without a road permit, required intersection spacing, sight distance, and safety standards may not have been evaluated or met.

3. Ingress / Egress Requirements for Connected Subdivisions

Bannock County Code §402.C requires two ingress/egress routes when:

- A subdivision contains **20 or more lots**, or
- When it adjoins an existing subdivision and the **combined total equals 25 or more lots**.

If Deer Valley Reserve is connected to, or functionally dependent upon, adjoining subdivisions such that the combined lot count meets this threshold, a second compliant ingress/egress route is mandatory unless formally waived. No documentation has been identified showing compliance with, or a variance from, §402.C.

4. Replat Does Not Cure Prior Noncompliance

A replat cannot retroactively legalize road construction, access locations, or permitting deficiencies associated with the original final plat. Any replat approval should be conditioned on verification that existing roads and access points were lawfully permitted, constructed, and comply with current Bannock County standards.

Respectfully submitted,
Ron and Anne Bopp

9383 W. Autumn Lane
Pocatello, ID 83204

To: Bannock County Planning and Development Council

Dear Chair and Members of the Planning and Development Council,

We submit this statement for inclusion in the official record related to the proposed replat of **Deer Valley Reserve Division 2**.

We are **Harry L. Curtis and Cheryl L. Curtis**, property owners identified in connection with easement rights affecting the subdivision and named parties in **Bannock County Case No. CV03-25-02159**.

Easement Rights as Existing Conditions

The subdivision is burdened by a recorded **60-foot Road and Utility Easement**, established through instruments recorded with the Bannock County Recorder and depicted on the official subdivision plats. This easement represents an existing legal condition affecting the land proposed for replat.

Position Regarding Replat Action

We wish to make clear for administrative purposes that:

- We **retain all rights** associated with this easement;
- We **do not agree** to any replat action that would imply its removal or alteration;
- We have **no intent to relinquish or abandon** those rights.

Role of the Planning and Development Council

We respectfully recognize that the Council's authority under **Bannock County Code Title 11 (Subdivision Regulations)** is limited to land-use and plat review and does not extend to the resolution or elimination of private easement rights.

Accordingly:

- Any replat approval should be expressly **subject to all existing recorded easements**;
- No replat condition should suggest that easement rights are being adjudicated or modified.

Purpose of This Letter

This submission is intended to assist the Council by clarifying the existence of private easement interests that remain in force regardless of the outcome of the replat application.

Thank you for your consideration.

Respectfully submitted,

Harry L. Curtis
Cheryl L. Curtis

RECEIVED JAN 13 2025
MN

My name is Ken Covert. I submit this letter for inclusion in the public record and for consideration during the public hearing on the proposed replat of the Deer Valley Reserve Subdivision.

This correspondence is intended to bring to the Committee's attention documented groundwater conditions within the subdivision that are directly relevant to subdivision design, lot marketability, and the protection of the buying public.

Documented Well Log Information Within the Subdivision

Two groundwater wells have been drilled within the Deer Valley Reserve Subdivision on property owned by the developer, **DEG Enterprises-3, LLC**. Both wells are documented by official well logs recorded with the **Idaho Department of Water Resources, Eastern Region**, on **September 19, 2016**.

The recorded well data is as follows:

1. Lot #2 (Division 1 of the proposed replat)

- Well Tag No.: **D0071212**
- Total Depth: **410 feet**
- Static Water Level: **274 feet**
- Reported Yield: **9 gallons per minute (gpm)**

2. Lot #8 (Division 2 of the proposed replat)

- Well Tag No.: **D0071211**
- Total Depth: **400 feet**
- Static Water Level: **199 feet**
- Reported Yield: **3 gallons per minute (gpm)**

These wells were drilled within the subdivision footprint and represent the only documented groundwater production data associated with the subject property.

Relevance to Replat Review and Buyer Protection

Groundwater availability is a fundamental constraint on rural residential development. The depth to water and limited production rates reflected in these well logs raise material considerations for:

- Feasibility of individual domestic wells on proposed lots;
- Long-term reliability of groundwater supply;
- Cost and engineering complexity borne by future lot owners; and
- Overall suitability of lots for residential use as marketed.

Under **Bannock County subdivision regulations**, replat review is intended to ensure that proposed lots are suitable for their intended use and that **material conditions affecting development are disclosed and evaluated** during the approval process. Information that directly bears on the ability of future

purchasers to obtain a functional domestic water supply is therefore relevant to the Committee's findings and conditions of approval.

Request to the Committee

I respectfully request that the Planning and Development Committee:

1. Acknowledge the existence of the above-referenced well logs as part of the replat record;
2. Require the applicant to clearly disclose documented groundwater limitations associated with the subdivision;
3. Ensure that staff findings and any conditions of approval address water availability as a known development constraint; and
4. Consider whether additional disclosure, notation, or conditions are necessary to protect the buying public from incomplete or misleading assumptions regarding groundwater sufficiency.

This letter is not submitted to oppose development, but rather to ensure that decisions regarding the proposed replat are made with full awareness of documented site conditions that materially affect future lot owners.

Thank you for your consideration and for including this information in the official record of the replat proceedings.

Respectfully submitted,

Ken Covert 
 [Address] 9344 W. Autumn Ln 01/13/26
 [Contact Information] covertautumn@comcast.net

Alert:

Developers have violated MCLUA agreement dated 8/17/2016 (public record)

See pg 7 of 11 # (Modification) #10

Also pg 6 of 11 # 5.2
5.5

Suggestion: CEASE & DESIST

To: Bannock County Planning and Development Council

Dear Chair and Members of the Planning and Development Council,

We submit this letter for inclusion in the public record concerning the proposed replat of **Deer Valley Reserve Division 2**.

We are **Daniel P. Wagner and Brandy Wagner**, property owners and easement holders whose rights are expressly referenced in recorded instruments affecting the subdivision. We are also named defendants in **Bannock County Case No. CV03-25-02159**, which concerns those same easement interests.

Recorded Easement Encumbrance

A valid and enforceable **60-foot Wide Road and Utility Easement** burdens the subdivision property. This easement is reflected in the public record, including:

- *Declaration of Easements and Agreements*, recorded April 15, 2005 (Instrument No. 20506957);
- *Official Plat of Deer Valley Reserve Subdivision* (Instrument No. 22015273);
- *Official Plat of Deer Valley Reserve Division 2* (Instrument No. 22015272).

This easement is a vested property right that runs with the land.

Non-Consent to Modification or Removal

We provide clear notice that:

- We **do not consent** to the removal, relocation, narrowing, or modification of this easement;
- We have **no intention to abandon or waive** any easement rights, expressly or by implication;
- Any replat approval **cannot lawfully extinguish or impair** this easement.

Replat Review Limitations

Under **Bannock County Code Title 11**, subdivision and replat approvals:

- Must account for **existing legal encumbrances**, including recorded easements;
- Do not adjudicate title, easement ownership, or private access rights;
- Cannot override recorded property interests without the easement holder's consent or a final court order.

Approval of a replat inconsistent with recorded easements would not affect their enforceability and would risk creating conflicts in future permitting and development.

Purpose of Submission

RECEIVED JAN 18 2025 MW

This letter is intended to ensure the Council's review is informed by the existence of this easement and to preserve the integrity of the public record.

Respectfully submitted,

Daniel P. Wagner

Brandy Wagner

EXHIBIT 7
Ordinance Excerpts

320 RESIDENTIAL RURAL DISTRICT (RR)

321 PURPOSE:

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

322 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

324 USES CONDITIONALLY PERMITTED:

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

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

325 PARKING STANDARDS:

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

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

A. Open Space Designed Subdivision (see design standards of Subdivision Ordinance) with density of one dwelling to 2.5 acres.

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

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

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

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

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

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

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

RESIDENTIAL RURAL DISTRICT

MINIMUM SETBACKS (FT)

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.
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 1/2 mile.
 - e. Cable company - fiber optic or television.
 - f. Pipelines, if any.
 - g. Any other subdivision of government or private utility as applicable.
7. ARMY CORPS OF ENGINEERS: for determination of (1) wetlands or riparian areas (2) stream crossing needs, or (3) any additional issues the Corps may address.
8. PUBLIC LAND AGENCIES: such as Fort Hall Reservation, Forest Service, BLM, or State, without regard to location of proposed subdivision.

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

302 CONCEPTUAL OR MASTER PLAN REVIEW:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

303 PRELIMINARY PLAT REVIEW:

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

FINDINGS

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

**CONCEPT PLAN – REPLAT OF DEER VALLEY RESERVE &
DEER VALLEY RESERVE – DIVISION 2
PUBLIC HEARING: JANUARY 21, 2026**

FILE #: SCP-25-5
LOCATION: RPRRDVR000100, RPRRDVR000200, RPRRDVR000300, RPRRDVR000400,
RPRRDVR000500, RPRRDVR000600, RPRRDVR000700, RPRRDV2000800,
RPRRDV2000100, RPRRDV2000200, RPRRDV2000300, RPRRDV2000400,
RPRRDV2000500, RPRRDV2000600, and RPRRDV2000700, currently unaddressed.

APPLICANT:	OWNER:
Sunrise Engineering	DEG Enterprises 3 LLC
Matt Baker	Dave and Emma Gebo
600 E. Oak Street	2201 N. Whitney Drive
Pocatello, ID 83201	Pocatello, ID 83201

REQUEST & BACKGROUND: Matt Baker proposes to replat Deer Valley Reserve and Deer Valley Reserve Division 2, combining the two adjoining subdivisions into a single subdivision and reducing the total number of lots from fifteen (15) to eleven (11), consisting of eight (8) residential lots and three (3) open space lots. The affected lots total 62.36 acres and are generally located off of Bighorn Drive, Elk Road, Autumn Lane and Deer Reserve Drive. The development proposes individual well and septic systems. This subdivision is located ~ 1.23 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 (RR)
PROPERTY SIZE: ~62.36 acres
VIEWS: The property is visible from the north, south, and west.
IMPACT AREA: None
FLOOD ZONE: X, minimal
TERRAIN: Slopes with natural drainage.
EXISTING STRUCTURES: 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 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 Replat of Deer Valley Reserve and Deer Valley Reserve Division 2 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 _____, 2026.

Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of _____, in the year of 2026, 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 Replat of Deer Valley Reserve and Deer Valley Reserve – Division 2 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.

BUSINESS ITEMS

AGENDA ITEM NO. 10
Preliminary Plat –
Tom’s Hollow Subdivision



PLANNING AND DEVELOPMENT SERVICES

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

PRELIMINARY PLAT– TOM’S HOLLOW SUBDIVISION

MEETING DATE: JANUARY 21, 2026

STAFF REPORT

FILE #: SPP-25-4

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

APPLICANT:

Dioptra
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. All structures shall be verified to be outside of the open space at final plat. Open space may be adjusted with staff approval, but not decreased, at final plat if structure is found to be within the open space.
2. All subsequent plats shall state “Open Space shall not be used for open storage or for collection of refuse, junk or garbage.”

Council may wish to add addition conditions as needed.

REQUEST & BACKGROUND: Stewart Ward proposes an amendment to Coyote Hollow Subdivision for the purpose of adjusting a lot line. The existing lots are 5.00 acres with 2.33 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.

PRELIMINARY PLAT PROPOSAL SUMMARY:

TOTAL AREA: 10.15 +/- acres

BUILDING LOTS: 2 residential

DWELING UNIT DENTISY: 1 dwelling unit per 5.075 acres

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 lots.

STAFF REPORT
PRELIMINARY PLAT – Tom’s Hollow Subdivision
Page 1 of 8

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.

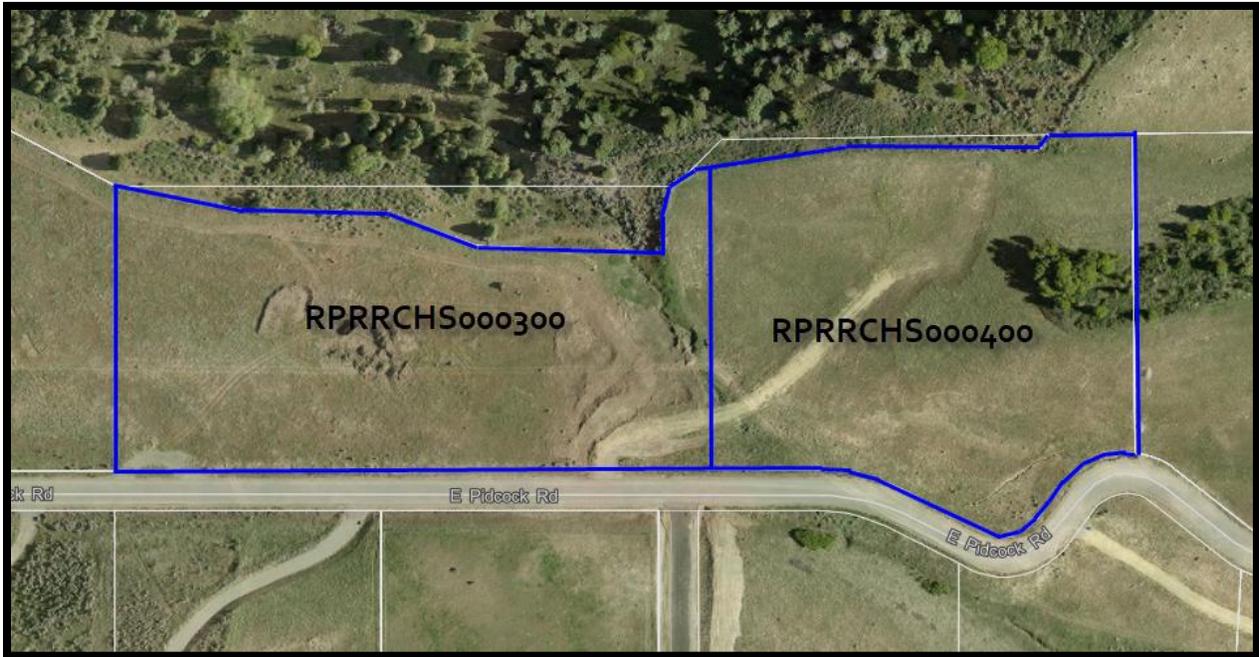
EAST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

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

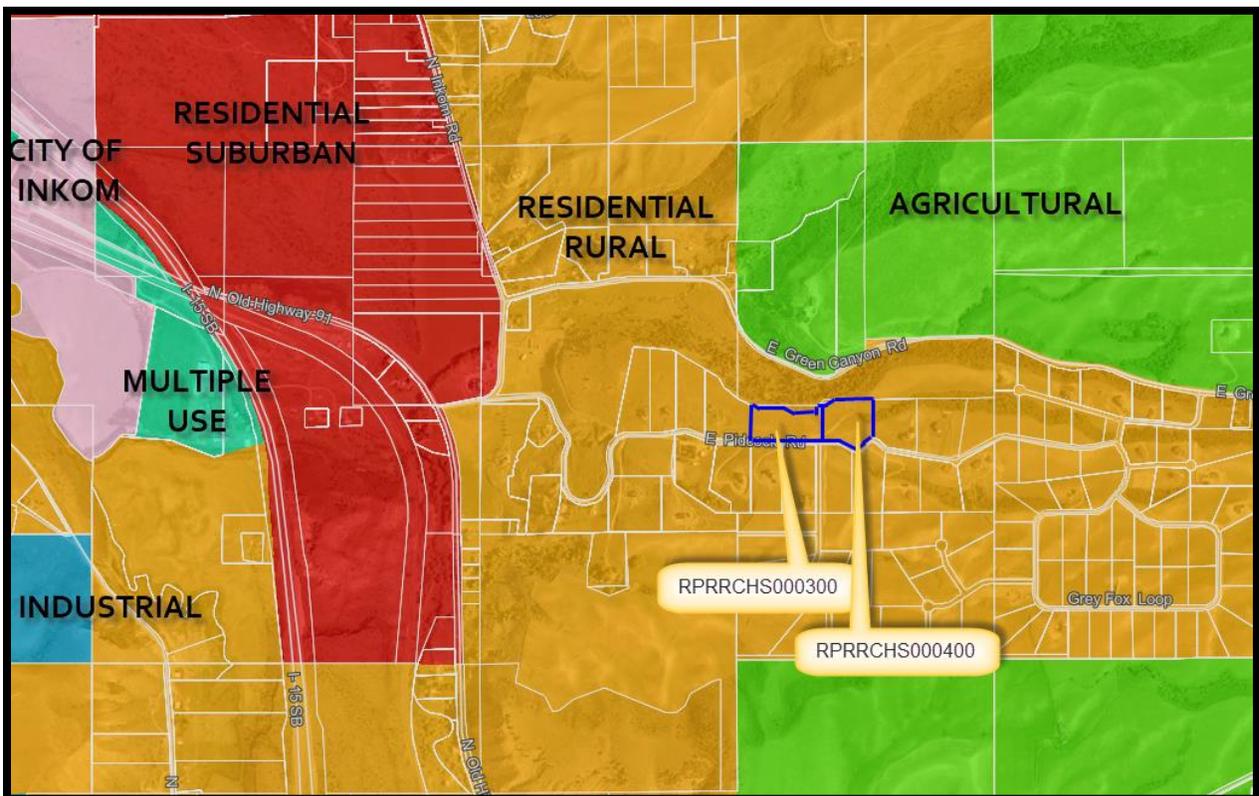
WEST: The sites are within the Residential Rural zoning district and consist of residential uses and bare ground.

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

REVIEW – SECTION 303.B.

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

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

Staff Findings

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

- 2. Utility easements and facilities**

Staff Findings

Utility easements are shown on the preliminary plat submittal as 15' wide, located outside of E. Pidcock Road right-of-way. This easement increases in areas when the terrain required a wider easement. There is a 5' public utility easement long all lot lines indicated by note on the plat.

There is a 90' x 45' easement for a fire truck turn-o-round and 20,000-gallon underground fire suppression tank indicated on Lot 3A.

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

Staff Findings

The land is currently zoned Residential Rural and is located within the existing platted subdivision, Coyote Hollow Subdivision. At the time Coyote Hollow Subdivision started the subdivision process, open space was allowed within the lots. Applicant has proposed to keep the open space acreage, use, and location as depicted on the previous plat. These lots were created under a previous ordinance interpretation and no new lots are being created, ordinance standards have been met. Applicant has proposed to proceed with Coyote Hollow Subdivision CC&Rs. A management plan is only required when open space is community open space.

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

Staff Findings

Applicant has proposed to use the CC&Rs from the original subdivision, Coyote Hollow Subdivision. The CC&Rs have been proposed to reflect the new subdivision name.

There were no conditions placed by Council during the concept plan, regarding CC&Rs.

STAFF REPORT

PRELIMINARY PLAT – Tom's Hollow Subdivision

Page 5 of 8

The Comprehensive Plan does not require goals for the CC&Rs.

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

Staff Findings

No new street has been proposed.

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

Staff Findings

The developer proposes individual wells and septic systems. There is no shared irrigation to each lot.

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

Staff Findings

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

SECTION 303.C. – CRITERIA FOR APPROVAL

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

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

- a. **Conformance with the Council’s approved concept plan**

Applicant did state proposed and existing easements. There is a 5’ easement long all lot lines that is indicated on the plat by note, but not depicted.

Applicant is proposing to vacate a private access easement within this plat.

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, Coyote Hollow Subdivision.

The proposal is to adjust the lot line to the west of proposed 4A.

Since these lots were created under a previous ordinance interpretation and no new lots are being created, ordinance standards have been met.

The proposed density is 1 dwelling per 5.075 acres.

There is a dwelling under construction on proposed lot 4A. Setbacks for the existing structure appear to meet the requirement of the Bannock County Zoning Ordinance §327, to the new proposed lot lines. Council may require surveyor to verify the structure is outside of the open space.

Bannock County Subdivision Ordinance:

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

The proposed subdivision name "Tom's Hollow Subdivision" has been reviewed and no duplication was found. The proposed subdivision is currently located within a platted subdivision, Coyote Hollow Subdivision.

The applicant has proposed separate approaches via Pidcock Road, 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.

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.

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:

Applicant has proposed to vacate a private access easement through this plat. As this is not a public right-of-way or utility easement, a vacation may proceed with this process if allowed by Council, per Idaho Code 50-1306A.

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 an approach via Pidcock Road, a county-maintained road. Pidcock Road is the interior subdivision road that was construction when the subdivision was originally created. 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, Pidcock Road is the only street that the proposed subdivision has access to. A connection to Green Canyon Road exists 0.64

miles north of these parcels. The existing terrain to the north of this development would make it challenging to connect to Green Canyon Road.

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 Pidcock Road and public utility easement. The lot line adjustment allows each lot direct access from Pidcock Road, eliminating the need of an access easement.

REPORT BY:

Alisse Foster, Subdivision Planner
alissef@bannockcounty.gov

REPORT DATE: January 6, 2026

**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. Coyote Hollow Subdivision
4. Proposed CC&Rs
5. Drainage Plan
6. Agency Comments (if any)
7. Referenced Ordinances – On file

EXHIBIT 1
Application & Plat



Record No:
SPP-25-4

Primary Location
620 E PIDCOCK ROAD
INKOM, ID 83245

Applicant

Stewart Ward
 [REDACTED]
 [REDACTED]
 [REDACTED]
[REDACTED]

Subdivision
Preliminary Plat
Application
Status: Active
Submitted On:
11/24/2025

Owner
No owner information

Owner/Developer Information

Are the Owner and Developer the same?

Owner Name*

Tom Nelson Homes LLC

Street Address*

City*

State*

Zip Code*

Phone Number*

Email*

Site Information

Proposed Subdivision Name*	Parcel Number(s) *
Tom's Hollow	RPRRCHS000400, RPRRCHS000300
Proposed Number of Lots*	Concept Plan Approval Date*
2	10/22/2025
Quarter*	Section*
SE Quarter	26
Township*	Range*
7 South	36 East
Total acreage of parcel(s)?*	Zoning of parcel(s)?*
10.15	Residential Rural District

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

There is a natural drainage running through Lot 4, topogrpoahy is generally flat with slopes towards teh drainage area

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

Since this is a Replat of Lots 3 and 4 of Coyote Hollow Subsivision, there are public utility easemetns along the roadway and along the original lot lines, a fire suppression tank easement is located on Lot 3, and Pidcock Road is along the south boundary of the subdivision

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

There is an existing well located on Lot 4 along with a residential home under construction

Engineer/Planner/Surveyor Information

Engineer/Planner/Surveyor Name*

Phone Number*

Stewart Ward - Dioptra LLC



Email *



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. *

This Preliminary Plat has not changed since the Concept Plan approval. All Lots meet the minimum lot size and density for the zone.

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

No new streets are proposed. Pidcock Rd is a county maintained road on the south boundary of the subdivision.

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

No new streets are proposed. Pidcock Rd is a county maintained road on the south boundary of the subdivision.

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

The proposed lot lines are an adjustment from previously platted lot lines. The new lines conform with the topography of the land and are laid out similar to the existing lot lines from Coyote Hollow Subdivision.

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

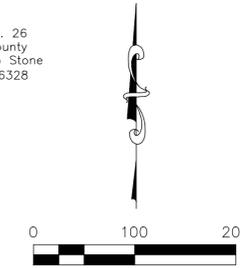
Date of Signature*

11/20/2025

TOM'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 BANNOCK.

E 1/4 Corner Sec. 26
Found Bannock County
Brass Cap next to Stone
as per CP&F #896328



LEGEND

- Subdivision Boundary
- Lot Lines
- Original Lot Lines
- Fence Lines
- Adjoining Parcels
- Existing Easements
- Proposed Easements
- Road Centerline
- Section Line
- Contours at 2.0' Intervals
- Open Space

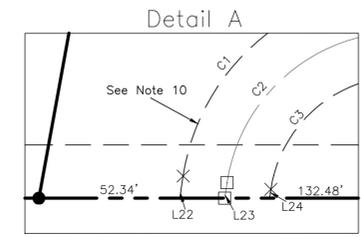
- Set 1/2" Rebar with Plastic Cap PLS 15295
- Found 1/2" Rebar with Plastic Cap PLS 15295 removed and replaced w/ 5/8" Rebar with Aluminum Cap PLS 15295
- Found 1/2" Rebar with Plastic Cap PLS 15295 or as noted
- Found 5/8" Rebar with Plastic Cap PLS 15295 or as noted
- Found 1/2" Rebar with Plastic Cap PLS 13023 per Record of Survey Instr. #22311923
- Calculated Position
- Record Bearing and Distance per ROS Instr. #22311923
- Record Bearing and Distance per Coyote Hollow Subdivision Plat Instr. #21903300

COUNTY RECORDERS CERTIFICATE

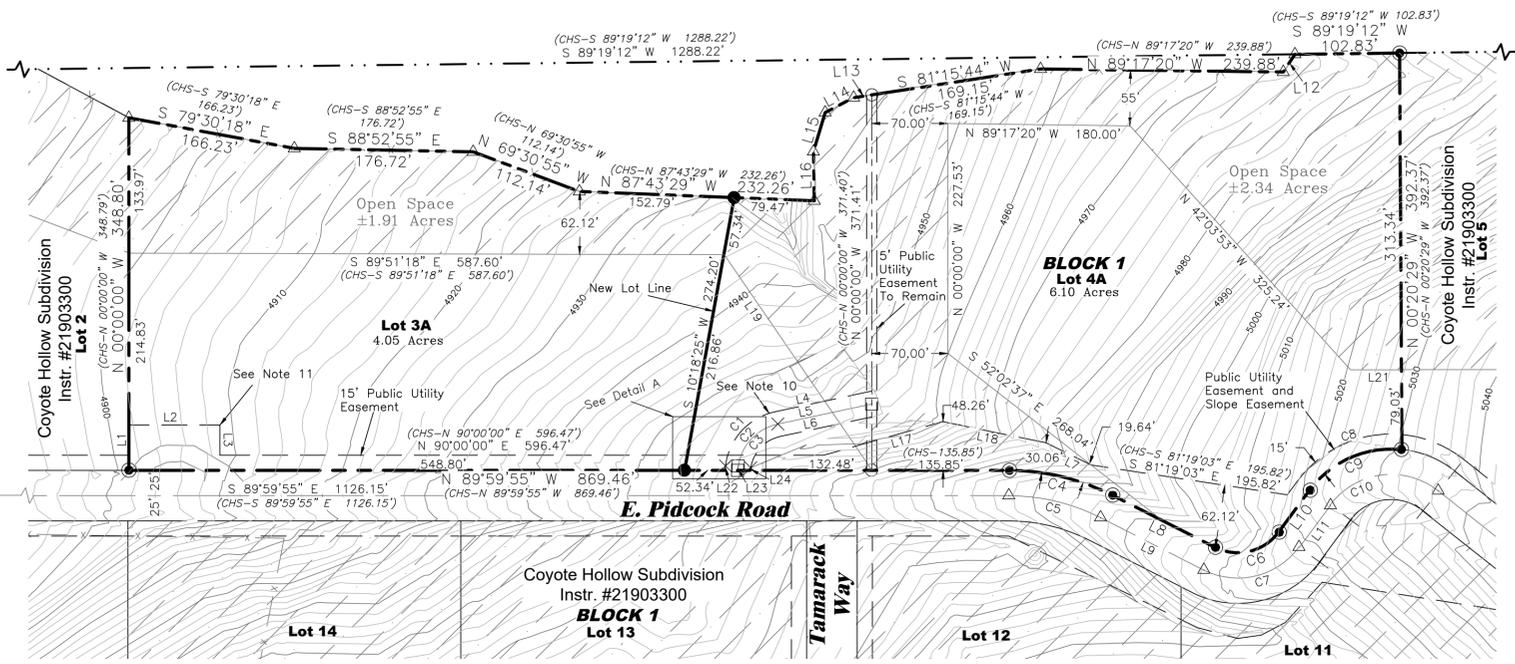
PRELIMINARY PLAT

	4880 Clover Dell Rd. Chubbuck, ID 83202 Ph. 208-237-7373 www.dioptromatic.com
	Tom's Hollow
Drawn By: JRR/JLO	Scale: 1"=100'
Date: 11/10/2025	Project: 25054

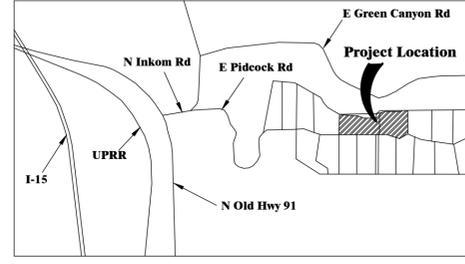
BASIS OF BEARING
Basis of Bearing per Idaho State Plane Coordinate System - East Zone. GPS observation combination factor: 1.0002930163. Origin: Lat: N 42°46'45.82000" Long: W 112°12'20.67000" Height: 5040.293' All distances are US Survey Feet.



C 1/4 Sec. 26
Found 2" Pipe as
per CP&F #577841



VICINITY MAP



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°04'50" W	29.97'
(CHS-) L1	N 00°04'50" W	29.97'
L2	N 90°00'00" E	90.06'
(CHS-) L2	N 90°00'00" E	90.06'
L3	N 00°00'00" W	29.97'
(CHS-) L3	N 00°00'00" W	29.97'
L4	S 77°55'48" W	97.61'
(CHS-) L4	S 77°55'48" W	97.61'
L5	S 77°55'48" W	94.94'
(CHS-) L5	S 77°55'48" W	94.94'
L6	S 77°55'48" W	92.27'
(CHS-) L6	S 77°55'48" W	92.27'
L7	N 63°01'24" W	113.88'
(CHS-) L7	N 63°01'24" W	113.88'
L8	N 63°01'24" W	113.88'
(CHS-) L8	N 63°01'24" W	113.88'
L9	N 63°01'24" W	113.88'
(CHS-) L9	N 63°01'24" W	113.88'
L10	N 36°22'02" E	51.62'
(CHS-) L10	N 36°22'02" E	51.62'
L11	N 36°22'02" E	51.62'
(CHS-) L11	N 36°22'02" E	51.62'
L12	N 32°59'35" E	20.91'
(CHS-) L12	N 32°59'35" E	20.91'
L13	S 81°15'44" W	17.68'
(CHS-) L13	S 81°15'44" W	17.68'
L14	N 62°29'12" E	31.81'
(CHS-) L14	N 62°29'12" E	31.81'
L15	N 16°39'29" E	40.30'
(CHS-) L15	N 16°39'29" E	40.30'
L16	N 01°02'25" W	48.80'
(CHS-) L16	N 01°02'25" W	48.80'
L17	N 74°12'47" E	122.17'
(CHS-) L17	N 74°12'47" E	122.17'
L18	S 78°26'33" E	103.82'
(CHS-) L18	S 78°26'33" E	103.82'
L19	S 34°23'11" E	258.55'
(CHS-) L19	S 34°23'11" E	258.55'
L20	S 00°00'00" E	142.47'
(CHS-) L20	S 00°00'00" E	142.47'
L21	N 90°00'00" E	50.23'
(CHS-) L21	N 90°00'00" E	50.23'
L22	S 08°33'53" W	6.31'
(CHS-) L22	S 08°33'53" W	6.31'
L23	S 08°33'53" W	4.42'
(CHS-) L23	S 08°33'53" W	4.42'
L24	S 08°33'53" W	2.54'
(CHS-) L24	S 08°33'53" W	2.54'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	62.50'	75.66'	71.13'	N 43°14'45" E	69°21'44"
C2	50.00'	60.53'	56.90'	N 43°14'45" E	69°21'44"
(R1-) C2	50.00'	60.53'	56.90'	N 43°14'45" E	69°21'44"
C3	37.50'	45.40'	42.68'	N 43°14'45" E	69°21'44"
C4	225.00'	105.92'	104.94'	S 76°30'34" E	26°58'20"
(CHS-) C4	225.00'	105.92'	104.94'	S 76°30'34" E	26°58'20"
C5	200.00'	94.15'	93.28'	S 76°30'34" E	26°58'20"
(CHS-) C5	200.00'	94.15'	93.28'	S 76°30'34" E	26°58'20"
C6	50.00'	70.35'	64.69'	S 76°40'19" W	80°36'34"
(CHS-) C6	50.00'	70.35'	64.69'	S 76°40'19" W	80°36'34"
C7	75.00'	105.52'	97.03'	S 76°40'19" W	80°36'34"
(CHS-) C7	75.00'	105.52'	97.03'	S 76°40'19" W	80°36'34"
C8	115.00'	184.81'	165.56'	S 82°24'21" W	92°04'40"
(CHS-) C8	115.00'	184.81'	165.56'	S 82°24'21" W	92°04'40"
C9	100.00'	103.76'	99.17'	S 66°05'30" W	59°26'56"
(CHS-) C9	100.00'	103.76'	99.17'	S 66°05'30" W	59°26'56"
C10	75.00'	120.53'	107.97'	S 82°24'21" W	92°04'40"
(CHS-) C10	75.00'	120.53'	107.97'	S 82°24'21" W	92°04'40"

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. This easement shall remain in place.
- All driveways servicing 2 or more structures shall be built to county standards.
- No changes to existing Open Space are proposed. Open Space was 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 vacated upon the recording of this plat.
- 90 foot x 45 foot easement for fire truck turn-a-round and 20,000 gallon underground fire suppression water tank.

EXHIBIT 2
Concept Plan –
SCP-25-3 Recorded 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:
Dioptra	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

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's an already existing subdivision and is in conformance with the Bannock County Comprehensive Plan, Goal 1.2 A balance of urban and rural amenities to attract families and Goal 2.2 Development that fosters economic growth while maintaining the rural character of the county.
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.
All roads are existing and no changes are being made.
3. The proposed partitioning of land **does not** prohibit the extension of dedicated streets or roads.
All roads are existing and no changes are being made
4. The proposed partitioning **will not** conflict with legally established easements or access within or adjacent to the proposed land partition.

A minor lot line adjustment to accommodate an existing driveway.
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.
A minor lot line adjustment between lots 3 & 4 do not conflict with other adjoining lots.
6. The proposed property **is** physically suitable for the type and proposed density of development and **does** conform to existing zone standards.
A minor lot line adjustment and nothing changes between the two lots and does not change housing density.

With the following conditions of approval,

1. Depict all current and proposed easements and rights-of-way located within the subdivision, on all subsequent plats, including measurements and instrument numbers (when available).
2. All subsequent plats shall state "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."

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**.

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 Absent
Councilperson Ward	Voted Recused

Motion carried by a 3 to 0 vote.

Dated this 22 day of Oct, 2025.

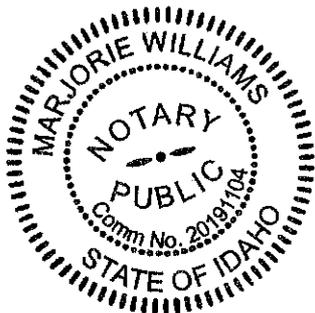
C/S
Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this 22nd day of October, in the year of 2025, before me Marjorie Williams, a notary public, personally appeared Chad selleneit, 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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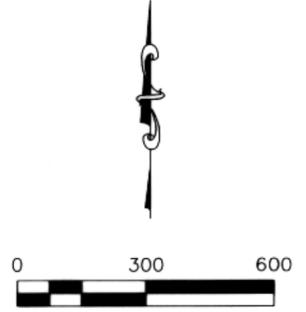


Marjorie Williams
Notary Public
My Commission Expires on 5/31 2031

EXHIBIT 3
Coyote Hollow Subdivision Plat

COYOTE HOLLOW SUBDIVISION

LOCATED IN SECTION 26,
TOWNSHIP 7 SOUTH, RANGE 36 EAST, OF THE
BOISE MERIDIAN IN THE COUNTY OF BANNOCK.

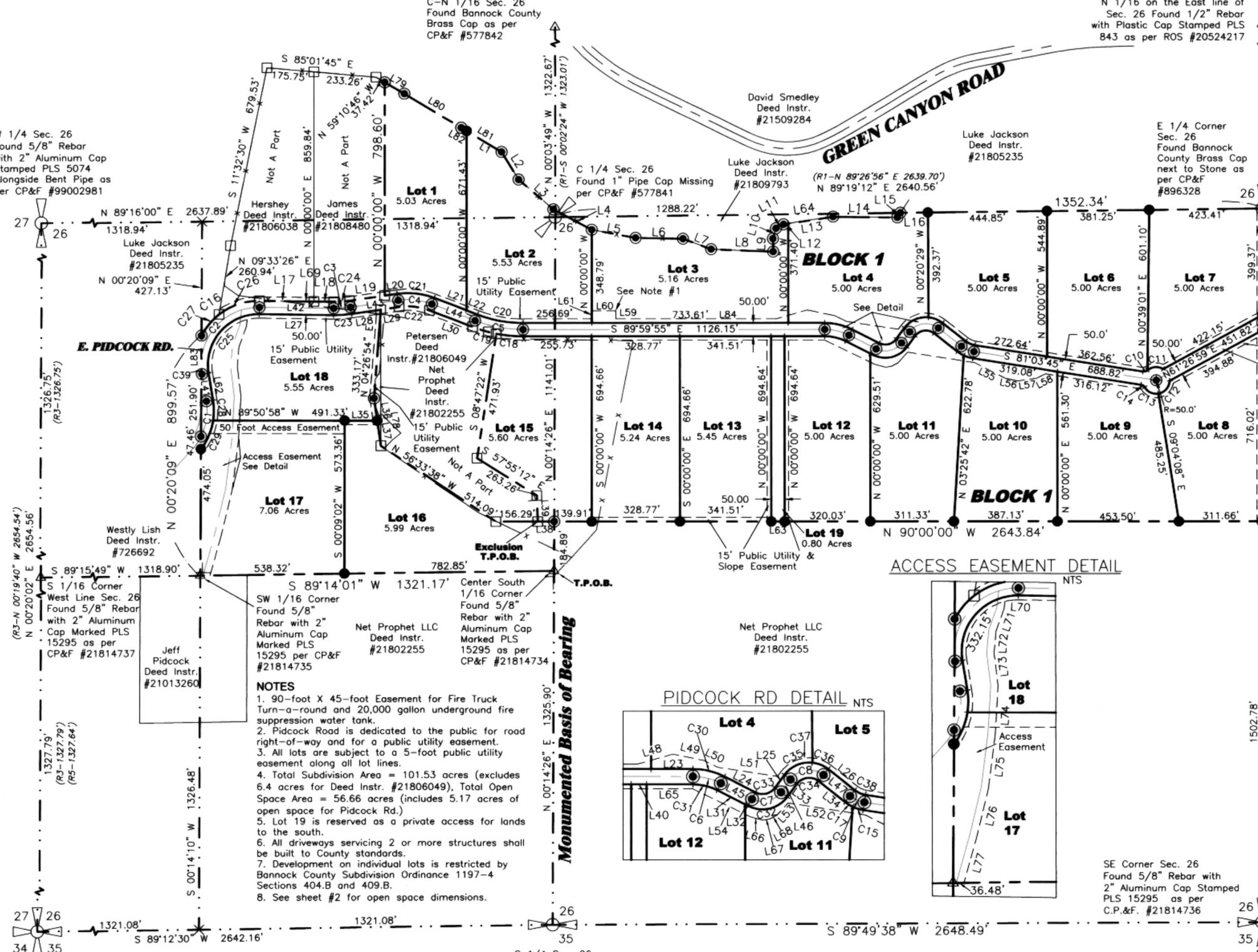
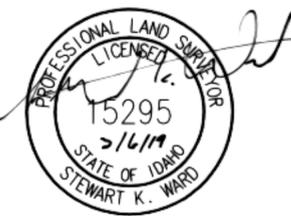
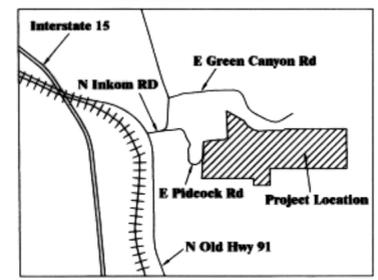


LEGEND

- Parcel Boundary
- Lot Lines
- x - x - Fence Lines
- - - - - Adjoining Parcels
- - - - - Easements
- - - - - Road Center Line
- . . - . . Section Line

- Found Monument per Instr. #21805132
 - △ Found 1/16 Corner As Noted
 - Set 1/2" rebar with Plastic Cap PLS 15295
 - + Set 1/2" rebar with Plastic Cap PLS 15295
 - ⊙ Set 5/8" rebar with Plastic Cap PLS 15295
 - × Calculated Position
- (R1-) Record Bearing and Distance per ROS Instr. #20524217
 (R2-) Record Bearing and Distance per ROS Instr. #896329
 (R3-) Record Bearing and Distance per ROS Instr. #99011321
 (R4-) Record Bearing and Distance per ROS Instr. #21507138
 (R5-) Record Bearing and Distance per ROS Instr. #20406970

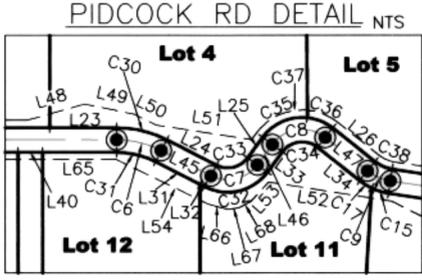
LOCATION MAP



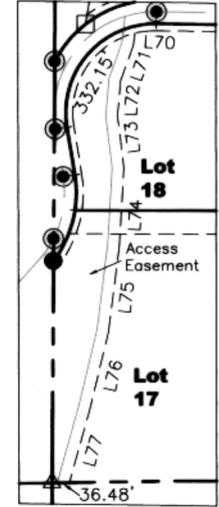
NOTES

- 90-foot X 45-foot Easement for Fire Truck Turn-around and 20,000 gallon underground fire suppression water tank.
- Pidcock Road is dedicated to the public for road right-of-way and for a public utility easement.
- All lots are subject to a 5-foot public utility easement along all lot lines.
- Total Subdivision Area = 101.53 acres (excludes 6.4 acres for Deed Instr. #21806049), Total Open Space Area = 56.66 acres (includes 5.17 acres of open space for Pidcock Rd.)
- Lot 19 is reserved as a private access for lands to the south.
- All driveways servicing 2 or more structures shall be built to County standards.
- Development on individual lots is restricted by Bannock County Subdivision Ordinance 1197-4 Sections 404.B and 409.B.
- See sheet #2 for open space dimensions.

Monumented Basis of Bearing



ACCESS EASEMENT DETAIL



LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 59°04'36" E	152.27'	L29	N 81°44'08" E	69.85'	L57	N 82°26'05" E	70.40'
L2	S 31°42'19" E	121.25'	L30	S 69°00'34" E	172.39'	L58	N 63°19'41" E	38.92'
L3	S 49°20'11" E	171.29'	L31	S 63°01'24" E	101.57'	L59	S 00°00'00" E	29.97'
L4	S 61°48'15" E	162.19'	L32	S 63°01'24" E	12.31'	L60	N 90°00'00" E	90.02'
L5	S 79°30'18" E	166.23'	L33	N 36°22'02" E	51.62'	L61	N 00°00'00" W	29.97'
L6	S 88°52'55" E	176.72'	L34	N 51°33'19" W	109.97'	L62	N 09°20'36" W	102.96'
L7	S 69°30'55" E	112.14'	L35	S 89°50'58" E	121.40'	L63	N 90°00'00" E	50.00'
L8	S 87°43'29" E	232.26'	L36	N 08°14'38" W	84.83'	L64	N 81°15'44" E	186.83'
L9	N 01°02'25" W	48.80'	L37	N 08°14'38" W	95.38'	L65	S 89°59'51" E	150.14'
L10	N 16°39'29" E	40.30'	L38	N 90°00'00" W	61.62'	L66	S 74°50'09" E	41.14'
L11	N 62°29'12" E	31.81'	L39	S 01°51'19" E	98.10'	L67	N 81°45'30" E	23.46'
L12	N 81°15'44" E	17.68'	L40	S 89°59'55" E	50.00'	L68	N 62°29'20" E	26.94'
L13	N 81°15'44" E	169.15'	L41	N 09°20'36" W	102.96'	L69	S 89°10'54" E	277.19'
L14	S 89°17'20" E	239.88'	L42	S 89°10'54" E	277.19'	L70	S 06°14'44" W	58.43'
L15	N 32°59'35" E	20.91'	L43	N 81°44'08" E	180.00'	L71	S 19°44'39" W	82.32'
L16	N 89°19'12" E	102.83'	L44	S 69°00'34" E	172.39'	L72	S 04°49'01" W	74.73'
L17	S 89°10'54" E	203.10'	L45	S 63°01'24" E	113.88'	L73	S 07°01'16" E	110.40'
L18	S 89°10'54" E	74.09'	L46	N 36°22'02" E	51.62'	L74	S 03°17'48" W	165.30'
L19	N 81°44'08" E	132.55'	L47	S 51°33'19" E	109.97'	L75	S 07°07'17" W	186.56'
L20	N 81°44'08" E	47.45'	L48	S 74°12'47" W	122.17'	L76	S 13°34'09" W	174.92'
L21	S 69°00'34" E	129.15'	L49	N 78°26'33" W	103.82'	L77	S 15°36'45" W	158.22'
L22	S 69°00'34" E	43.25'	L50	N 63°54'57" W	50.35'	L78	N 08°14'38" W	180.21'
L23	S 89°59'51" E	135.85'	L51	N 81°19'03" W	195.82'	L79	S 59°43'59" E	84.87'
L24	S 63°01'24" E	113.88'	L52	N 81°03'45" E	252.94'	L80	S 59°03'30" E	247.30'
L25	N 36°22'02" E	51.62'	L53	N 42°22'38" E	54.01'	L81	S 59°04'38" E	175.77'
L26	S 51°33'19" E	109.97'	L54	S 64°05'22" E	207.41'	L82	S 59°04'38" E	23.50'
L27	S 89°10'54" E	277.19'	L55	S 82°46'23" E	126.46'	L83	N 00°20'09" E	126.16'
L28	N 81°44'08" E	110.15'	L56	S 77°35'48" E	49.26'	L84	N 90°00'00" E	596.47'

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	135.96'	215.00'	36°13'54"	N 08°46'21" E	133.70'
C2	321.51'	215.00'	85°40'51"	S 47°58'41" W	292.38'
C3	63.41'	400.00'	9°04'58"	N 86°16'37" E	63.34'
C4	127.65'	250.00'	29°15'18"	N 83°38'13" W	126.27'
C5	183.18'	500.00'	20°59'26"	S 79°30'17" E	182.15'
C6	94.15'	200.00'	26°58'20"	N 76°30'34" W	93.28'
C7	105.52'	75.00'	80°36'34"	N 76°40'19" E	97.03'
C8	120.53'	75.00'	92°04'40"	S 82°24'21" W	107.97'
C9	51.50'	100.00'	29°30'27"	S 66°18'32" E	50.93'
C10	17.45'	20.00'	49°59'41"	N 73°56'24" E	16.90'
C11	63.27'	50.00'	72°30'25"	S 85°11'46" W	59.14'
C12	69.36'	50.00'	79°28'53"	N 41°11'25" E	63.93'
C13	59.34'	50.00'	68°04'06"	S 65°04'06" E	55.92'
C14	17.45'	20.00'	49°59'41"	N 56°03'55" W	16.90'
C15	36.45'	125.00'	16°42'21"	S 72°42'35" E	36.32'
C16	266.81'	240.00'	63°41'44"	S 58°58'14" W	253.28'
C17	27.93'	125.00'	12°48'05"	S 57°57'21" E	27.87'
C18	100.54'	525.00'	10°58'20"	S 84°30'50" E	100.38'
C19	91.80'	525.00'	10°01'06"	S 74°01'07" E	91.68'
C20	174.02'	475.00'	20°59'26"	S 79°30'17" E	173.05'
C21	140.41'	275.00'	29°15'18"	N 83°38'13" W	138.89'
C22	114.88'	225.00'	29°15'18"	S 83°38'13" E	113.64'
C23	67.37'	425.00'	9°04'58"	N 86°16'37" E	67.30'
C24	59.45'	375.00'	9°04'58"	N 86°16'37" E	59.38'
C25	332.15'	190.00'	100°09'42"	S 40°44'15" W	291.44'
C26	162.74'	240.00'	38°51'01"	S 71°23'36" W	159.64'
C27	104.07'	240.00'	18°10'06"	S 00°15'06" W	103.26'
C28	76.17'	240.00'	18°10'06"	S 00°15'06" W	75.85'

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C29	118.28'	240.00'	28°14'14"	N 22°57'31" E	117.09'
C30	105.92'	225.00'	26°58'20"	N 76°30'34" W	104.94'
C31	82.38'	175.00'	26°58'20"	N 76°30'34" W	81.62'
C32	140.69'	100.00'	80°36'34"	N 76°40'19" E	129.37'
C33	70.35'	50.00'	80°36'34"	N 76°40'19" E	64.69'
C34	80.35'	50.00'	92°04'40"	S 82°24'21" W	71.98'
C35	103.76'	100.00'	59°26'56"	S 66°05'30" W	99.17'
C36	56.95'	100.00'	32°37'43"	N 67°52'11" W	56.18'
C37	184.81'	115.00'	92°04'40"	S 82°24'21" W	165.56'
C38	38.63'	75.00'	29°30'27"	S 66°18'32" E	38.20'
C39	18.30'	215.00'	4°52'40"	S 06°54'16" E	18.30'

BASIS OF BEARING

Basis of bearing per Idaho State Plane Coordinate System - East Zone. GPS observation combination factor: 1.0002930163.

21903300

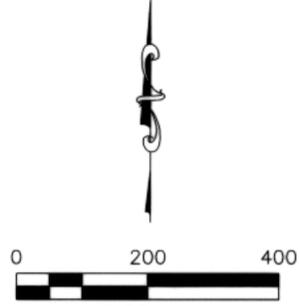
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Coyote Hollow Subdivision

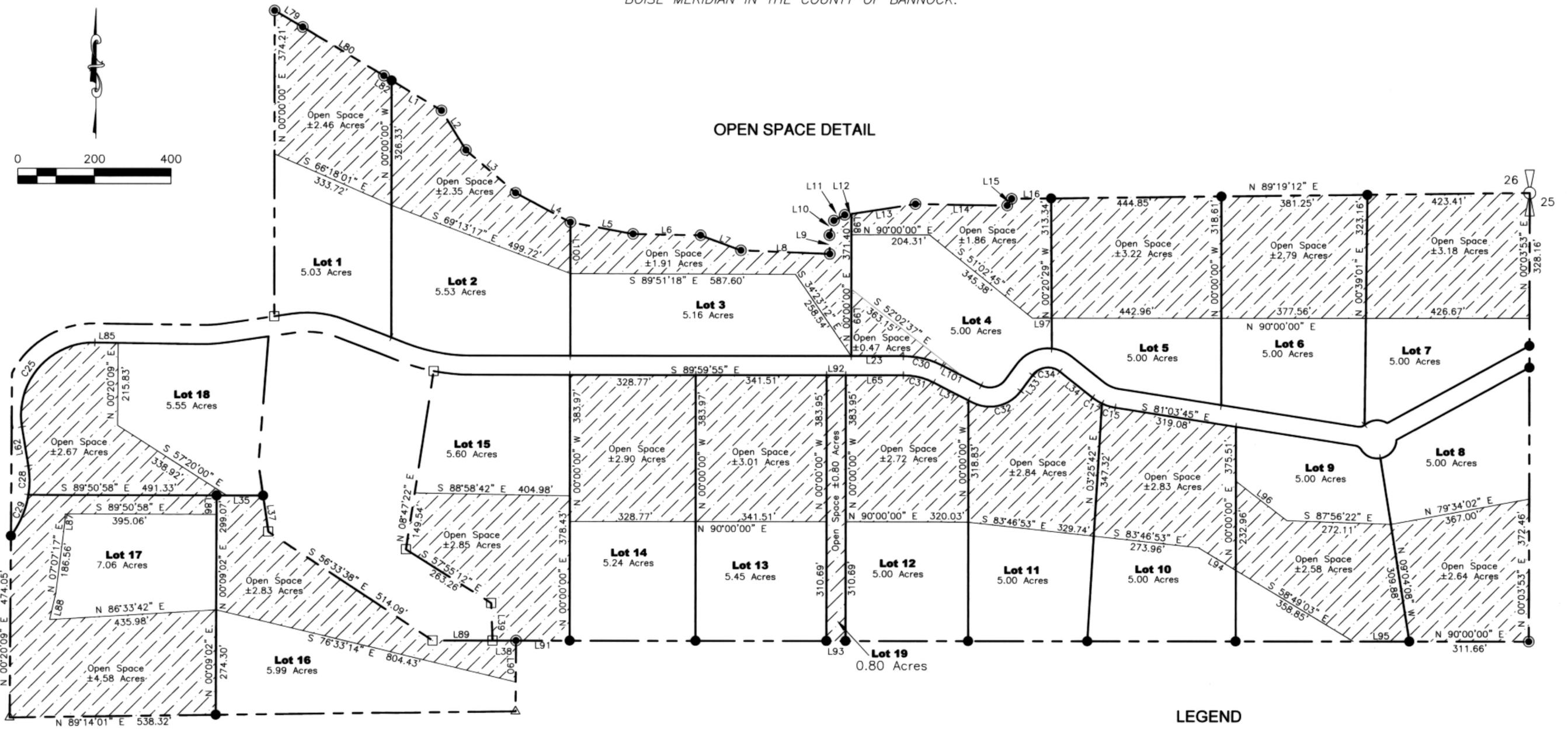
Drawn By: DRH	Scale: 1"=300'
Date: 10/29/18	Project: 17006

COYOTE HOLLOW SUBDIVISION

LOCATED IN SECTION 26,
TOWNSHIP 7 SOUTH, RANGE 36 EAST, OF THE
BOISE MERIDIAN IN THE COUNTY OF BANNOCK.



OPEN SPACE DETAIL



LINE TABLE

L1	S 59°04'36" E	152.27'	L39	S 01°51'19" E	98.10'
L2	S 31°42'19" E	121.25'	L62	N 09°20'36" W	102.96'
L3	S 49°20'11" E	171.29'	L65	S 89°59'51" E	150.14'
L4	S 61°48'15" E	162.19'	L79	S 59°43'59" E	84.87'
L5	S 79°30'18" E	166.23'	L80	S 59°03'30" E	247.30'
L6	S 88°52'55" E	176.72'	L82	S 59°04'38" E	23.50'
L7	S 69°30'55" E	112.14'	L85	S 89°10'54" E	61.11'
L8	S 87°43'29" E	232.26'	L86	S 00°09'02" W	50.00'
L9	N 01°02'25" W	48.80'	L87	N 03°17'48" E	23.61'
L10	N 16°39'29" E	40.30'	L88	N 13°34'09" E	69.50'
L11	N 62°29'12" E	31.81'	L89	N 90°00'00" W	156.29'
L12	N 81°15'44" E	17.68'	L90	S 00°14'26" W	108.12'
L13	N 81°15'44" E	169.15'	L91	N 90°00'00" E	139.91'
L14	S 89°17'20" E	239.88'	L92	S 89°59'55" E	50.00'
L15	N 32°59'35" E	20.91'	L93	N 90°00'00" E	50.00'
L16	N 89°19'12" E	102.83'	L94	S 58°49'03" E	114.90'
L23	S 89°59'51" E	135.85'	L95	N 90°00'00" E	146.50'
L31	S 63°01'24" E	101.57'	L96	S 52°11'40" E	167.99'
L33	N 36°22'02" E	51.62'	L97	N 90°00'00" E	50.23'
L34	N 51°33'19" W	109.97'	L98	S 00°00'00" E	54.71'
L35	S 89°50'58" E	121.40'	L99	S 00°00'00" E	174.21'
L37	N 08°14'38" W	95.38'	L100	S 00°00'00" E	133.97'
L38	N 90°00'00" W	61.62'	L101	N 63°01'24" W	54.36'

CURVE TABLE

C15	36.45'	125.00'	16°42'21"	S 72°42'35" E	36.32'
C17	27.93'	125.00'	12°48'05"	S 57°57'21" E	27.87'
C25	332.15'	190.00'	100°09'42"	S 40°44'15" W	291.44'
C28	76.17'	240.00'	18°11'00"	N 00°15'06" W	75.85'
C29	118.28'	240.00'	28°14'14"	N 22°57'31" E	117.09'
C30	105.92'	225.00'	26°58'20"	N 76°30'34" W	104.94'
C31	82.38'	175.00'	26°58'20"	N 76°30'34" W	81.62'
C32	140.69'	100.00'	80°36'34"	N 76°40'19" E	129.37'
C34	80.35'	50.00'	92°04'40"	S 82°24'21" W	71.98'

LEGEND

- Found Monument per Instr. #21805132
- △ Found 1/16 Corner
- Set 1/2" rebar with Plastic Cap PLS 15295
- + Set 1/2" rebar with Plastic Cap PLS 15295
- ⊙ Set 5/8" rebar with Plastic Cap PLS 15295



BASIS OF BEARING

Basis of bearing per Idaho State Plane Coordinate System - East Zone. GPS observation combination factor: 1.0002930163.

21903300

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Coyote Hollow Subdivision

Drawn By: DRH	Scale: 1"=200'
Date: 10/29/18	Project: 17006

COYOTE HOLLOW SUBDIVISION

LOCATED IN SECTION 26,
TOWNSHIP 7 SOUTH, RANGE 36 EAST, OF THE
BOISE MERIDIAN IN THE COUNTY OF BANNOCK.

BOUNDARY DESCRIPTION

Part of the Section 26, Township 7 South, Range 36 East Boise Meridian, Bannock County, Idaho, more particularly described as:

Beginning at the South Quarter Corner of Section 26, Township 7 South, Range 36 East and running thence N 00°14'26" E 1325.90 feet along the Meridional Centerline of Section 26 to the Center-South 1/16th Corner of Section 26, said point being the True Point of Beginning, Thence S 89°14'01" W 1321.17 feet along the South 1/16th Line of Section 26 to the South-West 1/16th Corner of Section 26, Thence N 00°20'09" E 899.57 feet along the West 1/16th Line of Section 26 to a non-tangent curve to the right, being a point on the North Right-of-Way Line of Pidcock Road, Thence along said Right-of-Way Line and along said non-tangent curve to the right 266.81 feet (Curve Data: Radius = 240.00', Delta = 63°41'44", Chord = N 58°58'14" E 253.28'), Thence S 89°10'54" E 277.19 feet along said Right-of-Way Line to a tangent curve to the left, Thence along said Right-of-Way Line and along said curve to the left 59.45 feet (Curve Data: Radius = 375.00', Delta = 09°04'58", Chord = N 86°16'37" E 59.38'), Thence N 81°44'08" E 132.55 feet along said Right-of-Way Line, Thence N 00°00'00" W 798.60 feet, Thence S 59°43'59" E 84.87 feet, Thence S 59°03'30" E 247.30 feet, Thence S 59°04'38" E 175.77 feet, Thence S 31°42'19" E 121.25 feet, Thence S 49°20'11" E 171.29 feet, Thence S 61°48'15" E 162.19 feet, Thence S 79°30'18" E 166.23 feet, Thence S 88°52'55" E 176.72 feet, Thence S 69°30'55" E 112.14 feet, Thence S 87°43'29" E 232.26 feet, Thence N 01°02'25" W 48.80 feet, Thence N 16°39'29" E 40.30 feet, Thence N 62°29'12" E 31.81 feet, Thence N 81°15'44" E 186.83 feet, Thence S 89°17'20" E 239.88 feet, Thence N 32°59'35" E 20.91 feet to a point on the Latitudinal Centerline of Section 26, Thence N 89°19'12" E 1352.34 feet along said Centerline to the East Quarter Corner of Section 26, Thence S 00°03'53" W 1172.35 feet along the East Line of Section 26, Thence N 90°00'00" W 2643.84 feet, Thence S 00°14'26" W 184.89 feet to the Point of Beginning.

Excluding the following described parcel;

Beginning at the South Quarter Corner of Section 26, Township 7 South, Range 36 East and running thence N 00°14'26" E 1510.79 feet along the Meridional Centerline of Section 26, Thence N 90°00'00" W 61.62 feet to the True Point of Beginning, Thence N 90°00'00" W 156.29 feet, Thence N 56°33'38" W 514.09 feet, Thence N 08°14'38" W 180.21 feet, Thence N 04°26'54" E 333.17 feet, being a point on the South Right-of-Way Line of Pidcock Road, Thence N 81°44'08" E 69.85 feet along said Right-of-Way Line to a tangent curve to the right, Thence along said Right-of-Way Line and along said curve to the right 114.88 feet (Curve Data: Radius = 225.00', Delta = 29°15'18", Chord = S 83°38'13" E 113.64 feet), Thence S 69°00'34" E 172.39 feet along said Right-of-Way Line to a tangent curve to the left, Thence along said Right-of-Way Line and along said curve to the left 91.80 feet (Curve Data: Radius = 525.00', Delta = 10°01'06", Chord = S 74°01'07" E 91.68 feet), Thence S 08°47'22" W 471.93 feet, Thence S 57°55'12" E 263.26 feet, Thence S 01°51'19" E 98.10 feet to the True Point of Beginning.

Excluded Parcel Contains ±6.45 acres

Parcel Contains ± 101.53 acres

ACKNOWLEDGEMENT

STATE OF IDAHO)
COUNTY OF BANNOCK) SS

On this 6th day of March, 2019, Jon Thuernagle, Member of Net Prophet LLC, personally appeared before me, an undersigned Notary Public for the State of Idaho and acknowledged to me that they executed the herein instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal this day.



Jennifer Sorensen Feb. 11, 2021
Notary Public My Commission Expires

OWNER'S CERTIFICATE

Know all men by these presents that we, the undersigned owners of the tract of land described in the Boundary Description, have caused the same to be subdivided into blocks, lots and a street, and does hereby warrant and save the County of Bannock harmless from any existing easements or encumbrances. It is my intention, the owner, to include all of the land described in the Boundary Description in this plat. The location and dimensions of the blocks and lots are to be shown on the accompanying map of the property. The street shown 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, snow removal or for any another 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.

[Signature]
Jon Thuernagle, Member
Net Prophet LLC

IRRIGATION CERTIFICATE

It has been determined that the property included in this subdivision is not located within the boundaries of an existing irrigation district. Lots within this subdivision will not receive an irrigation water right.

COUNTY CERTIFICATE

This plat was duly accepted and approved by resolution of the Board of County Commissioners on this 12 day of MARCH, 2019.

[Signature] Chairman of the Board
[Signature] County Clerk - Jason Dixon

[Signature] County Engineer
Michael R. Jaglowski, PE

RESTRICTIVE COVENANTS

The articles of protective covenants recorded as Instr. 21903299, are hereby made a part of this plat.

EXAMINING SURVEYOR'S CERTIFICATE

I, Gerald V. Evans, an Examining Surveyor in and for Bannock County do hereby certify that I have checked this plat and computations shown hereon and have determined that the requirements of Idaho Code 50-1305 have been met, I approve the same for filing this 7 day of March 2019.

Gerald V. Evans 10342
Examining Surveyor PLS #

COUNTY TREASURER'S CERTIFICATE

Pursuant to 50-1308, Idaho Code: I do hereby certify that all county property taxes due, both delinquent and current have been paid on the property described in the shown legal description through 2018.

Jennifer Clark 3/13/19
County Treasurer - Jennifer Clark Date
by Lori Christensen

HEALTH DEPARTMENT CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

Ken Keller, EHS 3-6-2019
Health District Signature Date



SURVEYORS CERTIFICATE

I, Stewart K. Ward, a Registered Professional Land Surveyor in the state of Idaho do hereby certify that a survey was made under my direction of the premises described in the boundary description and shown on this plat upon which this certification appears. I further certify that this plat was prepared under my direction and that the monumentation shown conforms with that set on the ground and that the pertinent statutes of the State of Idaho, together with all local ordinances have been complied with.

[Signature] 3/6/19
Stewart K. Ward, License No. 15295 Date

COUNTY RECORDERS CERTIFICATE

Instr. No. 21903300 Book —
Date 3/13/19 Time 3:43

Records of Bannock County
State of Idaho

Jason C. Dixon by J. Murphy
County Recorder - Jason Dixon



Coyote Hollow Subdivision	
Drawn By: DRH	Scale:
Date: 10/29/18	Project: 17006



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2-1

RECORDED BY
RECORDS SECTION

RECORDED BY
13 V4

Dioptra CORRECTION TO
COYOTE HOLLOW SUBDIVISION PLAT

21913057

INSTRUMENT NUMBER 21903300

2019 AUG 30 A 11:21

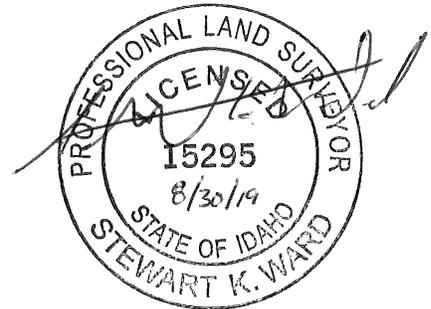
I, Stewart K. Ward, a Licensed Professional Land Surveyor in Idaho recorded the Coyote Hollow Subdivision plat, Instrument Number 21903300, on March 13, 2019, in Bannock County, Idaho. After the recording of the plat, the owner of Lots 6 and 7 requested that the designated open space shown on the face of the plat be reconfigured.

The following items are hereby corrected on the face of the plat:

- The configuration of open space on Lot 6 is revised as shown on the attached exhibit. The open space area of Lot 6 is shown as ±2.79 acres on the face of the plat. This should be corrected to be ±2.78 acres.
- The configuration of open space on Lot 7 is revised as shown on the attached exhibit. The open space area of Lot 7 is shown as ±3.18 acres on the face of the plat. This should be corrected to be ±3.19 acres.

All lot owners in this subdivision should be made aware these changes to the plat.

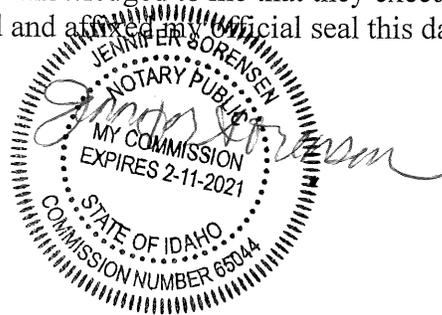
Stewart K. Ward, PLS
Idaho PLS 15295



STATE OF IDAHO _____)
COUNTY OF BANNOCK _____)

On this 30 day of August 2019, STEWART K. WARD, personally appeared before me, an undersigned Notary Public for the State of Idaho and acknowledged to me that they executed same. In witness whereof, I have hereunto set my hand and affixed my official seal this day.

Jennifer Sorensen
Notary Public
Residing at Bannock Co., Idaho
My Commission Expires Feb. 11, 2021



22104655

2021 MAR -3 A 11: 26

2-1

CORRECTION TO
COYOTE HOLLOW SUBDIVISION PLAT
INSTRUMENT NUMBER 21903300

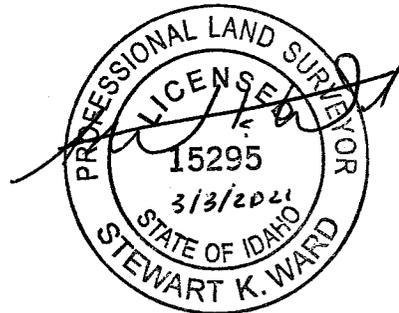
I, Stewart K. Ward, a Licensed Professional Land Surveyor in Idaho recorded the Coyote Hollow Subdivision plat, Instrument Number 21903300, on March 13, 2019, in Bannock County, Idaho. After the recording of the plat, the owner of Lot 16 requested that the designated 50-foot-wide access easement be moved from Lot 17 to Lot 18.

The following item is hereby corrected on the face of the plat:

- The location of the access easement for Lot 16 is relocated to cross Lot 18 as shown on the attached exhibit. The access easement for Lot 16 across Lot 17 as shown on the original Coyote Hollow Subdivision Plat is vacated.

All lot owners in this subdivision should be made aware these changes to the plat.

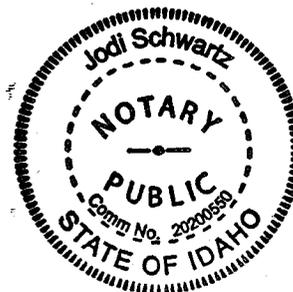
Stewart K. Ward, PLS
Idaho PLS 15295



STATE OF IDAHO _____)
COUNTY OF BANNOCK _____)

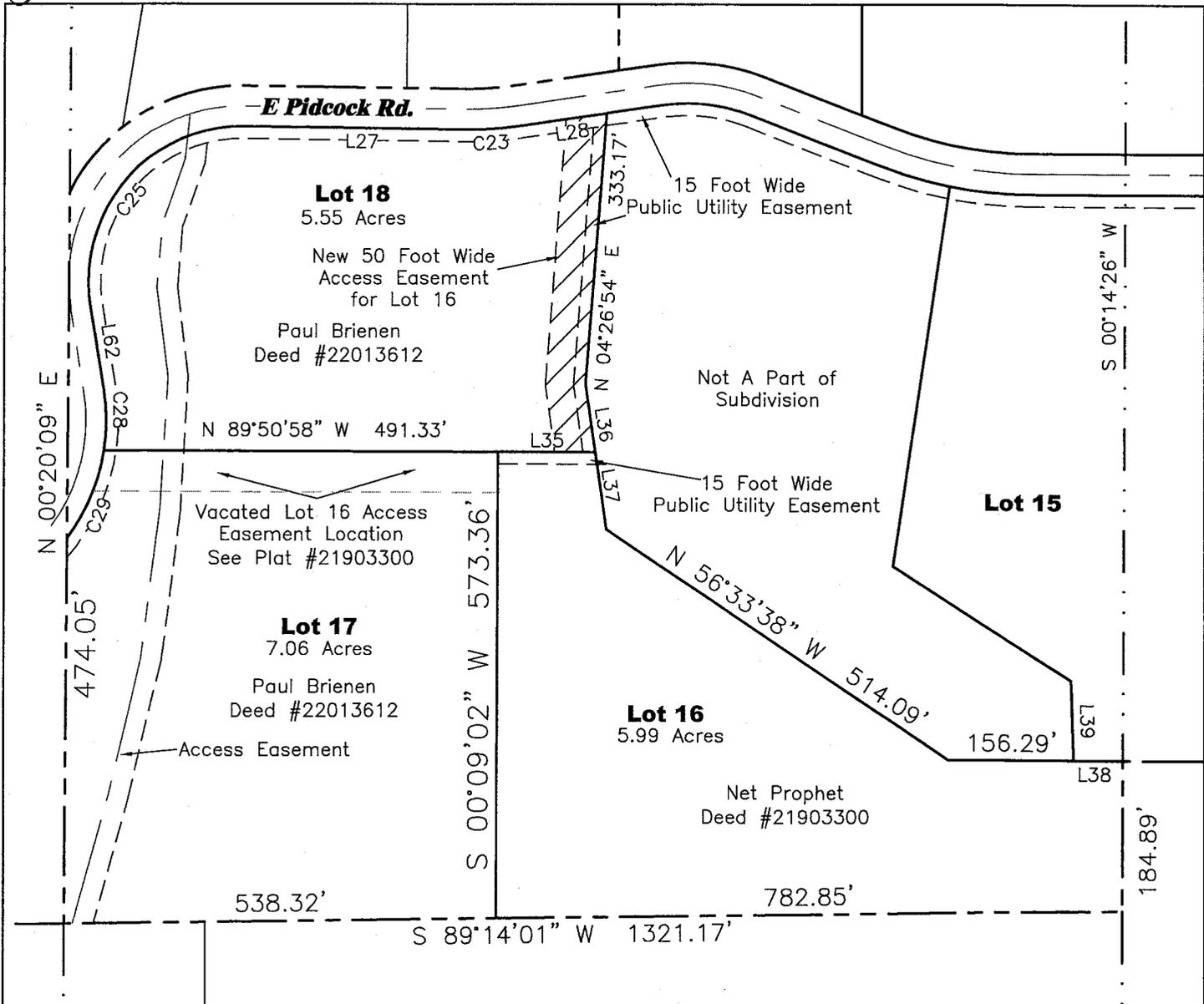
On this 3rd day of March 2021, STEWART K. WARD, personally appeared before me, an undersigned Notary Public for the State of Idaho and acknowledged to me that they executed same. In witness whereof, I have hereunto set my hand and affixed my official seal this day.

Notary Public
Residing at Bannock Idaho
My Commission Expires 2/14/2026



2-2

22104655



LINE	BEARING	DISTANCE
L27	S 89°10'54" E	277.19'
L28	N 81°44'08" E	110.15'
L35	S 89°50'58" E	121.40'
L36	N 08°14'38" W	84.83'
L37	N 08°14'38" W	95.38'
L38	N 90°00'00" W	61.62'
L39	S 01°51'19" E	98.10'
L62	N 09°20'36" W	102.96'

CURVE	ARC LENGTH
C23	67.37'
C25	332.15'
C28	76.17'
C29	118.28'



LEGEND

- Subdivision Boundary
- Lot Lines
- Adjoining Parcels
- Easements
- Vacated Easement
- Road Center Line
- Section Line
- New Easement Location



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 www.dioptrageomatics.com

Coyote Hollow Subdivision

Client:		Project: 17006	
Date: 2/2/2021	Drawn By: DRH	Scale: 1"=200'	

EXHIBIT 4
CC&Rs – Tom’s Hollow Subdivision
&
CC&Rs – Coyote Hollow HOA

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF

TOM'S HOLLOW SUBDIVISION

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF TOM'S HOLLOW SUBDIVISION (the "Declaration") is made on the Effective Date (defined below), by the undersigned Declarant.

Declarant is the owner of real property located in Bannock Count, Idaho, more particularly described as: LOTS 3 & 4, BLOCK 1, COYOTE HOLLOW SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, IDAHO (the "Property").

The Property is within the Coyote Hollow Subdivision located in Bannock County, Idaho. The Property is subject to the Declaration of Covenants, Conditions and Restrictions of Coyote Hollow Homeowners' Association, LLC, recorded with the Recorder's Office of Bannock County, Idaho, on March 13, 2019, as Instrument No. 21903299 (the "Coyote Hollow Subdivision CCRs").

Declarant has sought approval from Bannock County to adjust the boundary line between Lot 3 and Lot 4 of the Property. To obtain this approval, Bannock County has required that Declarant replat the Property and record this Declaration for the Property, despite the Property already being within the Coyote Hollow Subdivision and already being subject to the Coyote Hollow Subdivision CCRs.

THEREFORE, IT IS HEREBY DECLARED that the Property will be known as and referred to herein as the Tom's Hollow Subdivision. The Property will remain subject to the Coyote Hollow Subdivision CCRs as long as the Coyote Hollow Subdivision remains subject to the Coyote Hollow Subdivision CCRs, such that the Coyote Hollow Subdivision CCRs shall be the Covenants, Conditions and Restrictions of Tom's Hollow Subdivision. All references to the "Coyote Hollow Subdivision" in the Coyote Hollow Subdivisions CCRs shall also include, and be understood to include, the Property.

By acceptance of a deed or by acquiring any ownership interest in the Property, each person or entity for that person or entity, for that person or entity and heirs and for that person or entity and heirs, personal representatives, successors, transferees and assigns, shall be subject to and bound by all of the provisions, restrictions covenants, conditions, rules and regulations now or hereafter imposed by this Declaration and the Coyote Hollow Subdivision CCRs, and any amendments hereof or thereof. All restrictions, conditions, covenants, rules and regulations of this Declaration and the Coyote Hollow Subdivision CCRs shall run with the land and be binding on all subsequent and future owners, grantees, purchasers, assignees and transferees thereof. Furthermore, each such person or entity fully understands and acknowledges that this Declaration and the Coyote Hollow Subdivision CCRs shall be mutually beneficial, prohibited and enforceable by the various subsequent and future owners within Tom's Hollow Subdivision and the Coyote Hollow Subdivision.

IN WITNESS WHEREOF, the undersigned have executed this Declaration of Covenants, Conditions and Restrictions of Tom’s Hollow Subdivision on the ____ day of December 2025 (the “Effective Date”).

DECLARANT

Thomas Nelson Homes, LLC, an Idaho limited liability company

By: _____

Name: Thomas Nelson

Title: Managing Member

State of Idaho

County of Bannock

This record was acknowledged before me on the ____ day of December 2025 by Thomas Nelson as Managing Member of Thomas Nelson Homes, LLC, an Idaho limited liability company.

(Seal)

Signature of Notary Public
Commission Expires:

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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF COYOTE HOLLOW HOMEOWNERS' ASSOCIATION, LLC

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ORIGINAL RECORD BY #
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 85 DEPUTY SW

DIDPTRA

21903299

2019 MAR 13 P 3:37

Unofficial Copy

4-26

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF COYOTE HOLLOW HOMEOWNERS' ASSOCIATION, LLC

THIS DECLARATION, made on the date hereinafter set forth by Net Prophet, LLC, owner of all the real Property hereinafter described, referred to as "Declarant".

PREAMBLE

Declarant is the owner of real Property in the County of Bannock, State of Idaho, hereinafter referred to as "the Property", which is more particularly described as:

The Property described above is a land area which is to be and is being developed into a private residential area. This Property is the subject of this Declaration and will be known as and referred to hereinafter as the Coyote Hollow Subdivision. Through the use of a planned development, there will be created an appealing residential area designed in a manner to enhance its occupants use and enjoyment of the Property.

It is the purpose of this Declaration to provide a means for maintaining, controlling and preserving the area as a residential community in a manner desirable for residential living. Purchasers of Property in Coyote Hollow Subdivision will be motivated to preserve these qualities through cooperation and by enforcing this Declaration. The intention of the undersigned is that the covenants, conditions and restrictions contained herein shall be understood and construed to protect the value of the lots within, and enhance the desirability of ownership of the lots within, the Coyote Hollow Subdivision for all present and future owners.

Declarant will convey lots in Coyote Hollow Subdivision to all subsequent purchasers, subject to the protective covenants, conditions, restrictions, reservations, liens and charges as hereinafter set forth.

Declarant declares that all of the Property shall be held, sold and conveyed subject to the following restrictions, covenants and conditions, all of which are for the purpose of enhancing the value, desirability and attractiveness of the real Property, and all of which are hereby declared to be for the benefit of all the Property and the owners thereof, their heirs, successors, grantees and assigns.

Declarant declares that where the requirements of the State of Idaho and/or Bannock County, through statutes, ordinances or otherwise, are more restrictive than the restrictions contained herein, the requirements of the State of Idaho and/or Bannock County shall be deemed a part hereof and enforceable as herein provided.

These covenants, restrictions and conditions shall run with the Property and shall be binding on all parties having or acquiring any right, title or interest therein.

This Declaration is intended to establish a plan for the individual ownership of lots in Coyote Hollow Subdivision and the improvements contained thereon, and the organization of a

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 non-profit membership association comprised of all owners of lots and improvements located within said subdivision.

These restrictions establish and impose a general plan for the improvement, development and maintenance of the Property and upon any and all improvements constructed or to be constructed thereon, and upon its use, occupancy and enjoyment. Every conveyance of the Property or any portion thereof shall be and is subject to these easements, covenants, conditions and restrictions as follows:

ARTICLE I DEFINITIONS

Unless the context otherwise specifies or requires, the terms defined in this Article I shall, for all purposes of this Declaration, have the meanings herein specified.

SECTION 1.1 ARTICLES

The term "Articles" shall mean the Articles of Organization of the Coyote Hollow Homeowners' Association, LLC which are or shall be filed in the Office of the Secretary of State of the State of Idaho, which said Articles are incorporated herein by this reference, as said Articles may from time to time be amended.

SECTION 1.2 ASSOCIATION

The term "Association" shall mean the Coyote Hollow Homeowners' Association, LLC, an Idaho limited liability company, including its successors and assigns.

SECTION 1.3 BOARD OF DIRECTORS OR DIRECTOR - MANAGEMENT

The term "Board" shall mean the Board of Directors of the Association, and the term "Director" shall mean a member of the Board of Directors. The management of the Association shall be conducted by the Board.

SECTION 1.4 DECLARATION

The term "Declaration" shall mean the covenants, conditions and restrictions herein set forth in this entire document, as same may from time to time be amended.

SECTION 1.5 FAMILY

The term "Family" shall mean one or more persons each related to the other by blood, marriage or legal adoption, together with any domestic servants, who maintain a common household in a Residence or Dwelling.

SECTION 1.6 IMPROVEMENTS

The term "Improvements" shall include residence, dwelling, permitted structures, roads, driveways, parking areas, fences, screening walls, stairs, decks, hedges, windbreaks, plants,

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

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 planted trees and shrubs, poles, signs and all other structures or landscaping improvements of every type and kind.

SECTION 1.7 LOT

The term "Lot" shall mean each parcel of real Property designated for residential use on the subdivision plat pertaining to the Property subject to this Declaration, any subsequent annexation of, or additions to the Coyote Hollow Subdivision, and excluding Common Areas.

SECTION 1.8 MEMBER

The term "Member" shall mean and refer to every person or entity who is a member in the Association.

SECTION 1.9 MORTGAGE - MORTGAGOR - MORTGAGEE

The term "Mortgage" shall be deemed to include a deed of trust; any reference to a mortgagor shall be deemed to include the beneficiary of any deed of trust; and reference to a mortgagor shall be deemed to include the grantor of a deed of trust.

SECTION 1.10 OPERATING AGREEMENT

The term "Operating Agreement" shall mean the Operating Agreement of the Association which is or shall be adopted by the Board and which is on file at the office of the Association and which is incorporated herein by this reference, as such Operating Agreement may from time to time be amended.

SECTION 1.11 OWNER

The term "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of equitable or beneficial title (or legal title if same has merged) of any Lot and without any limitation of the foregoing the term shall include the purchaser or buyer of a Lot under an executory contract for the sale of real Property. The foregoing definition is not intended to include persons or entities who hold an interest in any Lot merely as security for the performance of an obligation.

SECTION 1.12 RESIDENCE - DWELLING

The terms "Residence" or "Dwelling" shall mean any building, including any garage, carport or similar outbuilding used for family, household, and residential purposes.

SECTION 1.13 RULES

The term "rules" shall mean any rules established by the Board.

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**ARTICLE II
PROPERTY SUBJECT TO THESE COVENANTS, CONDITIONS & RESTRICTIONS**

SECTION 2.1 GENERAL DECLARATION CREATING COVENANTS, CONDITIONS & RESTRICTIONS.

The Association and the undersigned hereby declare that all of the real Property located in the County of Bannock, State of Idaho, described above in the Preamble, which is hereby incorporated herein by this reference, is and shall be held, conveyed, hypothecated, encumbered, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to the covenants, conditions and restrictions set forth in this Declaration. All of said restrictions are declared and agreed to be in furtherance of a general plan for the subdivision, improvement and sale of said real Property and are established for the purpose of enhancing and protecting the value, desirability and attractiveness of said real Property and every part thereof. All of the covenants, conditions and restrictions as set forth in this Declaration shall run with all of said real Property for the purposes and shall be binding upon and inure to the benefit of the undersigned, the Association, all lots all Owners and their assigns, transferees and successors in interest.

**ARTICLE III
LAND CLASSIFICATION, PERMITTED USES AND RESTRICTIONS**

SECTION 3.1 LAND USE CLASSIFICATIONS

All land within Coyote Hollow Subdivision is to be used for residential purposes and is designated the Residential Area. Declarant may designate additional lands in the future to be subject to this Declaration; such designation may be by reference to this Recorded Declaration upon the Plat of such additional lands that may become subject to this Declaration.

SECTION 3.2 RESIDENTIAL AREA: PERMITTED USES AND RESTRICTION

The residential area shall consist of

- A. **RESIDENTIAL USE.** Each Lot within the residential area shall be used exclusively for single family residential purposes. No structure whatever, other than one private, single-family dwelling and permitted structures shall be erected, placed or permitted to remain on any of the lots. Gainful occupation, profession, trade, business or other non-residential use may be conducted in, on, or from any Lot or building so long as there is no visible external evidence thereof.
- B. **NO BUSINESS USE OR CONSTRUCTION.** No place of business of any kind, and no hospital, sanatorium or other place for the care or treatment of the sick or disabled, physically or mentally, nor any theater, saloon or other place of entertainment, nor any church shall ever be erected or permitted or used upon any Lot, or any part thereof.
- C. **MAINTENANCE AND REPAIR OF BUILDINGS.** No residence or permitted structure located upon any Lot shall be permitted to fall into disrepair, and, subject

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 to the requirements of Paragraph (E) below, each such residence and permitted structure shall at all times be kept in good condition and adequately painted or otherwise finished. Owners shall maintain in good repair the exterior surfaces, including but not limited to, walls, roofs, porches, patios and appurtenances of every residence or permitted structure. Nothing shall be done in or to any such residence or permitted structure which will impair its structural integrity, except in connection with alteration or repairs specifically permitted or required under paragraph (E) below. Garages must be kept in a neat and tidy manner at all times, the determination of which shall be solely vested in the Board. The Association shall have no obligation or responsibility to keep any residence, improvement or permitted structure maintained or repaired, and the owner shall always have that responsibility.

- D. **MAINTENANCE ON LAWNS AND PLANTINGS.** The Owner shall keep all shrubs, trees, grass and plantings on each Owner's Lot, including set back and easement areas, neatly trimmed, properly cultivated and free of trash, weeds and other unsightly material.
- E. **IMPROVEMENTS AND ALTERATIONS, APPLICATIONS, AND FEES.** No improvement, alteration, repair, excavation, landscaping or other work which in any way alters the surface or exterior appearance of any Lot or the improvements located thereon from its natural or improved state as existing on the date of this Declaration, and no building, fence, wall, or other structure shall be commenced, erected, maintained, improved, altered, made or done to any Lot without the Owner's application for prior written approval of the Board ("Application"). Pursuant to its rule making power, the Board shall establish the procedures for the preparation, submission and determination of Applications for any such alteration or improvement, including the landscaping design for each lot. The Board shall have the right to refuse to approve any improvement or alteration plans which are not suitable or desirable, in its opinion, for aesthetic or other reasons. In so passing upon such plans, specifications and grading plans, and without any limitation on the foregoing, the Board shall have the right to take into consideration the suitability of the proposed residence or other structure and the materials of which it is to be built, any grading plans, and landscaping designs for the lot upon which the improvements are proposed to be made. The goal of the Board is to insure and maintain the harmony of improvements upon any lot with its surroundings and the Board may consider the effect of the building or other structure as planned, on the outlook from the adjacent or neighboring Lots. All subsequent additions to or changes or alterations in any residence, fence, wall, landscaping, or other permitted structure, including exterior color scheme, shall not be made without the prior written approval of the Board. All decisions of the Board shall be final and no Lot owner or other party shall have recourse against the Board for its refusal to approve any such plans and specifications or plot plan, including lawn area and landscaping.

The Board may establish and charge reasonable fees for review of Applications hereunder and will require such fees to be paid in full prior to review of any

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Applications. The Board may establish a refundable "Compliance Fee" to assure that all construction activities are in compliance with approved Applications.

The Board may delegate its duties hereunder to an Architectural Control Committee. Until the Developer has sold eight (8) Lots, it shall be the sole member of the Architectural Control Committee.

- F. ANIMALS. One large animal per acre size of any lot, such as a horse, cow, or llama, are permitted on a lot. No pigs, hogs, swine or any type of goat are permitted on any lot. All domestic pets shall be kept on a leash when outside of the dwelling and no animal shall be allowed to run at large and all feces picked up and discarded in a trash receptacle. No structure for the care, housing or confinement of any such large animal or domestic pet shall be constructed without the prior written approval of the Board. Any decision rendered by the Board shall be enforceable as other restrictions contained herein.
- G. ANTENNAS AND SATELLITE DISHES. No antenna or satellite dish larger than twenty (24) inches in diameter for transmission or tower used for the reception of television or radio (including shortwave) signals or any other form of electromagnetic radiation, shall be erected, used or maintained on any Lot, whether attached to a building or structure or otherwise, unless approved by the Board.
- H. UTILITY SERVICE. Lines, wires or other devices for the communication or transmission of electric current or power, including telephone, television and radio signals shall be constructed underground. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of an approved building.
- I. TEMPORARY OCCUPANCY. No trailer, basement of any incomplete building, tent, shack, garage or barn, and no temporary or incomplete building or structure shall be lived in or occupied in any manner.
- J. TRAILERS, BOATS AND MOTOR VEHICLES. No mobile home, trailer of any kind, tent, or similar structure, and no motor vehicle, car, truck, camper, recreational vehicle, motorcycle, go-cart, dune-buggy, boat, or boat trailer shall be kept, stored, placed, maintained, constructed, reconstructed or repaired, upon any Lot or street within the Residential Area for longer than forty-eight (48) hours unless the activity is attractively and adequately screened from view and such location and screening is first approved by the Board; provided, however, that the provisions of this paragraph shall not apply to emergency vehicle repairs or temporary construction shelters or facilities maintained during and used exclusively in connection with, the construction of, or any alteration or improvement approved by the Board.
- K. NUISANCES AND HAZARDOUS MATERIALS. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, and no odors shall be permitted to arise therefrom, so as to render any Lot or portion

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 thereof unsanitary, unsightly, offensive or detrimental to any of the Property in the vicinity thereof or to the occupants thereof. No nuisance shall be permitted to exist or operate upon any Lot so as to be offensive or detrimental to any Property in the vicinity thereof or to its occupants. External speakers may be installed near any deck or patio as long as their use does not constitute a noise nuisance. The Board in its sole discretion shall have the right to determine the existence of and prohibit the continuation of any such nuisance.

No hazardous materials, defined as any substance which is toxic, ignitable, reactive, or corrosive and which is regulated by any local government, the State of Idaho, or the United States government, and includes any and all material or substances which are defined as "hazardous waste," "extremely hazardous waste," or a "hazardous substance" pursuant to state, federal or local governmental law) shall not be permitted upon any Lot. Excessive storage of flammable or explosive substances is prohibited.

- L. **TRASH CONTAINERS AND COLLECTION.** All garbage and trash shall be placed and kept in covered containers of a type and style which shall be approved by the Board. In no event shall such containers be maintained so as to be visible from neighboring Property except to make the same available for collection and then only for the shortest time reasonably necessary to effect such collection. The Board shall have the right, in its sole discretion, to require all Owners to use a particular means of storing trash, pending collection by a trash service. All rubbish, trash or garbage shall be removed from the lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot.
- M. **MACHINERY AND EQUIPMENT.** No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any Lot within the Residential Area except such machinery or equipment as is usual and customary in connection with the use or maintenance of a Lot and its landscaping, or the construction of a residence in the Residential Area.
- N. **CONSTRUCTION.** Notwithstanding any provision herein contained to the contrary, it shall be expressly permissible for the builder of a major portion of home in the Residential Area to maintain during the period of construction and sale of said homes, upon such portion of the premises as such builder may choose, such facilities as in the sole opinion of said builder may be reasonably required, convenient or incidental to the construction and sale of said homes, including but without limitation, a business office, storage area, construction yard, signs, model units and sales office.
- O. **SIGNS.** No signs whatsoever (including but without limitation, commercial, political, and similar signs) which are visible from neighboring Property shall be erected or maintained on any Lot within the Residential Area except:
1. Such signs as may be required by legal proceedings;
 2. Not more than two (2) address identification for each Lot;

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3. "For Sale" or "Open House", signs may be placed upon a Lot by an Owner or the Owner's agent for such period of time, and no longer, as such Owner's Property is being offered for sale.

- P. DWELLING CONSTRUCTED ON LOTS. Any Dwelling constructed on any Lot subject to this Declaration, and its associated landscaping, shall have designs approved by Declarant and, after the triggering date in 4.3 (b), the Board. Any improvement shall comply with any governmental regulations, such as set-back requirements and building locations. Any single story dwellings shall contain a minimum of 1500 square feet of useable living space, excluding the attached garage; any two story dwellings shall contain a minimum of 1200 square feet of useable living space on the main level, and 800 square feet of useable living space on the upper level; any two story dwellings with a basement shall have 2300 square feet of useable living space; and any four or more level dwelling shall have a minimum of 1500 square feet of livable space on the upper two levels. Any dwelling must include an attached two (2) car garage having a minimum width of twenty-four (24) feet and served by a driveway having not less than four hundred (400) square feet of concrete or paved area sufficient for the off street parking of two automobiles. The exterior of every dwelling and permitted structure shall follow complementary design themes approved by the Board. The Board, in the exercise of its discretion, may grant variances from these square foot requirements upon good cause shown by the Owner.

Any detached structure must comply with any governmental set back requirements, and shall conform to the exterior appearance of any dwelling unit located upon the Lot.

- Q. MAILBOX LOCATION. Mailbox location shall be as determined by the United States Postal Service and Declarant. Declarant may choose to use a neighborhood box unit system and may choose not to allow individual mailboxes throughout the subdivision. Any individual mailboxes must be finished with the same materials and colors utilized in the exterior finish of the Dwelling to which it applies.

- R. UTILITIES. All lots shall be served by underground utilities. All electrical, telephone and cable television lines shall be buried underground. No above ground distribution lines shall be installed. Overhead wires of any kind shall not be allowed and are expressly prohibited. The Owner of any Lot shall be responsible for all costs associated with connecting to electrical, telephone and cable utilities, locating and drilling a domestic well and installing a septic system upon their lot. The Owner shall be responsible for all permits and/or licenses fees related thereto, and shall obtain all necessary governmental approvals for the same, and maintain the same in accordance with all governmental rules and regulations. The Owner of any Lot are required to locate their electric meters within 125 feet of their applicable transformer.

- S. LANDSCAPING. Landscaping must begin upon the occupancy of any dwelling, and shall be completed no later than nine (9) months following occupancy of any

12-26
dwelling. All landscaping must be completed in accordance with the approval of the Board in a professional manner and include a minimum of eight (8) trees having a minimum beginning height of eight (8) feet. In no event, however, shall any trees, landscaping, or fencing be installed in a manner which restricts a thirty (30) foot sight triangle at any intersection of roadways or driveways, as that term is defined in the applicable Bannock County zoning ordinance; or interferes with or damage existing utilities or drainage facilities.

The Owner is responsible for maintaining a wild fire defense around the perimeter of their Lot, such as fire breaks, fire-resistant landscaping, etc.

- T. **COMMENCEMENT OF CONSTRUCTION.** An Owner must commence construction of a residence, by completing the residence's foundation, within _____ months of the date the Owner has purchased the Lot. Once commenced, construction of the residence must be diligently pursued and completed within _____ months of the date the foundation construction was commenced. Completion of construction is defined as the date of issuance of a certificate of occupancy by the appropriate governmental agency.
- U. **HOLD HARMLESS.** Any Owner receiving approval for the construction of any improvement upon any Lot, shall indemnify and hold harmless the Declarant, Association and any other Owner from any damages they may suffer as a result of the Owner's construction of such improvement and fix or repair any such damage immediately.
- V. **APPLICATIONS AND RECORD.** Any Owner seeking approval for the construction of any improvement upon any Lot, shall provide the Board or its designee with the following records: (1) A complete set of construction plans, including exterior material specifications; (2) the elevations of improvements in relation to existing and finished ground elevations; (3) a map showing the location of all structures to be placed upon the Lot; (4) a site grading plan depicting storm water drainage (which must be capable of containing one inch of runoff water created by any hard surface such as roofs, driveways, sidewalks, etc.).

ARTICLE IV

COYOTE HOLLOW HOMEOWNERS' ASSOCIATION, LLC

SECTION 4.1 ORGANIZATION AND MEMBERSHIP

- A. **THE ASSOCIATION.** The Association is a limited liability company charged with the duties and invested with the powers set forth herein. It was created by the Articles, and its affairs shall be governed by the Articles and Operating Agreement which shall not for any reason be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration. The Articles and Operating Agreement may be otherwise amended by affirmative vote of two-thirds of the voting members pursuant to such Notice of Meeting and Meeting as is consistent with Idaho law and the Operating Agreement.

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- B. **SUCCESSOR ASSOCIATION.** In the event that the Association is dissolved, a non-profit, unincorporated association shall forthwith and without further action or notice be formed and succeed to all the rights and duties of the Association hereunder. The affairs of said unincorporated association shall be governed by the laws of the State of Idaho and, to the extent not inconsistent therewith, by the Articles and Operating Agreement as if they were created for the purpose of governing the affairs of an unincorporated association.
- C. **BOARD OF DIRECTORS AND OFFICERS.** The affairs of the Association shall be conducted by a Board of Directors. Until such time as the Declarant has sold eight (8) Lots, the Declarant, alone, shall act as the Board. Once eight (8) Lots have been sold by the Declarant, the Board shall consist of three (3) members be duly elected by the Class A and Class B Members pursuant to the provisions of the Operating Agreement of the Association. The Directors may, from time to time, elect or appoint in accordance with the Operating Agreement of the Association, such officers as it deems necessary.

SECTION 4.2 MEMBERSHIP

- A. **OWNER MEMBERS.** Membership in the Association, except for membership of the Declarant, or any of its successors or assigns thereto, shall be limited to Owners, as that term is defined herein. Each Owner shall be a member of the Association, or, in the event of its dissolution, a member of the unincorporated association succeeding to the Association, as provided for in Paragraph (B) of Section 4.1. The rights and obligations of an Owner and membership in the Association shall not be assigned, transferred, pledged, conveyed, or alienated in any way except upon transfer of ownership to the Owner's Lot and then only to the transferee of ownership to such Lot, or by intestate succession, testamentary disposition, foreclosure of mortgage of record, or other legal process as now in effect or as may hereafter be established. Any attempt to make a prohibited transfer is void and shall not be recognized by the Association. In the event an Owner of any Lot should fail or refuse to transfer the membership registered in that Owner's name to the transferee of such Lot, the Association shall have the right to record the transfer upon the books of the Association and issue a new membership to the transferee and the old membership outstanding in the name of the Seller shall be null and void as though the same had been surrendered.
- B. **MEMBER'S RIGHTS AND DUTIES.** The rights, duties, privileges and obligations of an Owner as a member of the Association or its succeeding unincorporated association, shall be those set forth in, and shall be exercised and imposed in accordance with, the provisions of this Declaration, the Articles and the Operating Agreement. If any Owner fails to perform its obligations under this Declaration, the same may be performed, in the sole discretion of the Board, by the Association and the cost thereof assessed against the Owner.
- C. **RIGHTS UPON DISSOLUTION.** In the event of the dissolution of the Association and the formation of an unincorporated association, as provided for in paragraph (B) of Section 4.1, each member of the unincorporated association shall

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 have an underlying beneficial interest in all of the Association's Property transferred to or for the account or benefit of the unincorporated association, such interest being in direct proportion to the number of lots owned by such member; provided, however, that there shall be no judicial partition of such Property, or any part thereof, nor shall any such member or other person acquiring any interest in said Property, or any part thereof, seek judicial partition, the right to do so being expressly waived.

SECTION 4.3 VOTING CLASS

The Association shall have two (2) classes of voting membership.

- A. CLASS A. Class A Members shall be all those Owners as defined in Section 4.2. A Class A member shall be entitled to one vote for each Lot owned by said Owner.
- B. CLASS B. The Class B Member is the Declarant, its successors or assigns. The Class B member shall have _____ () votes, provided that the Class B membership shall cease and be terminated upon the happening of either of the following events, whichever occurs earlier:
1. When the Declarant or its successors and assigns shall have sold the last of Lots in the Residential Area, or
 2. October 1, 2028.
- C. JOINT OWNER. Class A Members shall have only one vote for each Lot owned, regardless of the number of Owners having an interest therein. The vote for each Lot must be cast as a unit, and fractional votes shall not be allowed. In the event that joint owners are unable to agree among themselves as to how their vote or votes shall be cast, they shall lose their right to vote on the matter in question. In the event more than one vote is cast for a particular Lot, none of said votes shall be counted as said votes shall be deemed void. If any owner or owners casts a vote representing a certain Lot, it will thereafter be conclusively presumed for all purposes that the owner or group were acting with the authority and consent of any other owners of the same Lot.
- D. TRANSFER OF VOTING RIGHT. The right to vote may not be served or separated from the Lot ownership to which it is appurtenant, and any sale, transfer or conveyance of such Lot to a new owner or owners shall operate to transfer the appurtenant vote without the requirement of any express reference thereto.

SECTION 4.4 DUTIES OF THE ASSOCIATION.

The Association shall have the duty, subject to and in accordance with this Declaration, to do and perform the following for the benefit of the owners and for the maintenance and improvement of the Residential Areas.

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- A. **TITLE TO PROPERTY UPON DISSOLUTION.** Immediately prior to any dissolution of the Association as a corporate entity, to convey all Property in it to any independent corporate trustee, to hold such Property in trust for the benefit of the unincorporated association formed pursuant to paragraph (B) of Section 4.1 and for the benefit of the owners pursuant to the terms hereof and the Articles and Operating Agreement.
 - B. **INSURANCE.** To obtain and maintain in force such policies of insurance as may be deemed necessary by the Board. The insurance referred to above, where applicable, shall name as separately protected insureds, the Association, the Board, any committees appointed by the Board, all Officers of the Association, and their representatives, agents, members and employees, and the owners (as a class) with respect to any liability arising out of the activities of the Association.
 - C. **RULE MAKING.** To make, establish, promulgate, amend and repeal Homeowners' Association Rules ("Rules").
 - D. **ENFORCEMENT OF RESTRICTIONS AND RULES.** To take such action as may be reasonably necessary to enforce the covenants, conditions and restrictions of this Declaration and the Rules.
 - E. **MAINTENANCE OF EASEMENTS.** To take such action as may be reasonably necessary to maintain, repair, and construct improvements upon any public easement upon or within Coyote Hollow Subdivision.
 - F. **DIRECTORY.** To compile, have printed, and distribute a Directory containing the names and addresses of all owners and such other information as the Board desires to insert therein.
 - G. **NOTIFICATION.** To notify any owner of any violation or breach of any of the matters contained in this Declaration or the Rules.
 - H. **OTHER.** To do and carry out the duties of the Association set forth in other sections of this Declaration, the Articles and the Operating Agreement, and such other duties as may reasonably be inferred from this Declaration, the Articles and the Operating Agreement.

SECTION 4.5 POWERS AND AUTHORITY OF THE ASSOCIATION.

The Association shall have all of the powers of a limited liability company organized under the laws of the State of Idaho in operating for the benefit of its members, subject only to such limitations upon the exercise of such powers as are expressly set forth in the Articles, the Operating Agreement and this Declaration. It shall have the power to do any and all lawful things which may be authorized, required or permitted to be done by the Association under and by virtue of this Declaration and the Rules, including all things which may be reasonably inferred therefrom, and to do and perform any and all acts which may be necessary or proper for or incidental to the exercise of any of the express powers of the Association or for the peace, health,

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

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 comfort, safety or general welfare of the owners. Without in any way limiting the generality of the foregoing, the Association shall have the power and authority at any time:

- A. FEES. The Association may assess any Lot, and also charge an Owner or any other person reasonable dues, use or other fees as the Board may deem necessary or desirable to carry out its duties and responsibilities under this Declaration, the intent and purposes of this Declaration, the Articles, and the Operating Agreement. Any unpaid assessment, dues, use fee or other fee shall be subject to a lien and charge upon a Lot as provided by, and enforceable pursuant to, the provisions of *Idaho Code § 45-810*.
- B. ENFORCEMENT. The Association shall have the power and authority, from time to time, in its own name on its own behalf, or on the behalf of any owner or owners who consent thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of this Declaration and to enforce, by mandatory injunction, collection, foreclosure, or otherwise, all of the provisions of this Declaration. When in the discretion of the Board it is determined that an owner or other person has failed, refused or neglected to comply with any provision contained herein, the Board or any Officer of the Association or other authorized person shall give such owner ten (10) days' notice in writing of the failure to comply with said provision, setting forth the nature of the failure to comply and the change required. If upon the expiration of said ten (10) days from the date of such notification, the owner fails to remedy such non-compliance, the Association may thereupon cause same to be performed or remedy the non-compliance and in such event the owner shall reimburse the Association for all expenses incurred in connection therewith upon demand, including, as such expenses, and without limitation costs, investigation and collection fees. If such expenses are not promptly paid by the owner to the Association, the Association acting through the Board shall levy in reimbursement a special individual assessment against such owner pursuant to Section 5.4 hereof.
- C. EASEMENTS AND RIGHTS OF WAY. The Association may grant and convey to any third party or governmental entity such easements or rights of way to parcels or strips of land, in, on, over or under the Property under its jurisdiction, for the purpose of constructing, erecting, operating or maintaining thereon, therein and thereunder (1) roads, streets, walks, driveways, parkways and park areas, (2) underground wires and conduits or other devices for the transmission of electricity for lighting, heating, cable television, power, telephone and other purposes, (3) public sewers, storm water drains and pipes, water systems, sprinkling systems, water, heating and gas lines or pipes and (4) any similar public or quasi-public improvements or facilities, including walking or bike paths and an entrance landscape feature.
- D. EMPLOYMENT OR CONTRACT WITH AGENTS. The Association may employ or contract for the services of a secretary, manager, architect, engineer, consultant, other employee or employees, and attorneys and accountants, to manage and carry out the affairs of the Association, and, to the extent not inconsistent with the laws of the State of Idaho and upon such conditions as are

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 otherwise deemed advisable by the Board, to delegate to any of said persons any of its rights, powers and duties.

E. **PUBLIC SERVICE.** The Association may contract for or provide (to the extent adequate services are not provided by a public authority) police and fire protection, refuse disposal, street light maintenance, security patrol and such other services, facilities and maintenance of a public or quasi-public nature as may be deemed necessary or desirable by the Board for the effectuation of the purposes of this Declaration. In connection with providing such facilities and services, the Association may contract with or assign its duties to any public authority, governmental body or special district, or other private entity deemed appropriate by the Board.

F. **WITHDRAWAL OF RIGHTS AND PRIVILEGES OF OWNERS.** In the event any owner fails to perform or breaches or violates any provision, restriction, or requirement contained in this Declaration or incorporated herein by reference, the Board may, without in any way limiting any of its other rights, and in its sole discretion, withdraw from the owner any of the rights and privileges of the owner or take any other action deemed appropriate by the Board including, but not limited to, the following:

1. Exclude said owner from any rights or benefits from any security or emergency service or other service then operating pursuant to any contract with the Association.
2. Deprive said owner of all voting rights and privileges, and exclude said owner from all meetings of the Association.
3. Limit or exclude said owner from all service performed by the Association on behalf of its members.
4. Identify said owner as delinquent and as not in good standing in the Directory.

G. **ESTABLISHMENT OF BANK ACCOUNTS AND USE OF FUNDS.** The Association may establish bank accounts and borrow money and lend or invest its funds upon such terms and conditions as shall be determined by the Board in accordance with the intent and purposes of this Declaration.

H. **PROPERTY.** The Association may own and hold the title to real and personal Property.

I. **ADDITIONAL TERRITORY.** The Association may accept and include within Coyote Hollow Subdivision, and the operation of the Association, by deed, contract, or otherwise, additional residential or common areas as and when approved by the Board, subject to ratification by a majority vote of the votes entitled to be cast by the owners present at any regular meeting of the owners of the Association or any special meeting called therefor, upon such terms and

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 conditions as the Board may determine, including, by way of example and not by way of limitation, the roads and roadways presently located adjacent to lots in the Residential Area and other properties adjoining the Residential Area and its entry way.

- J. COMMITTEES. The Board may, in its sole discretion, establish whatever committees it deems necessary, either temporary or permanent, to carry out the intent and purposes of this Declaration, the Articles and the Operating Agreement. Any Committee member may be a member of the Board, an owner, or such other person as the Board may appoint, for whatever term or terms the Board deems appropriate. To the extent not inconsistent with the laws of the State of Idaho, and upon such conditions as are otherwise deemed advisable by the Board, the Board may delegate to any such Committee or Committees any of its rights, powers and duties.
- K. VARIANCES. The Association may grant to any owner a right of variance or modification of and from any of the provisions of this Declaration, the Articles or Operating Agreement, upon the unanimous approval of the Board, whenever it is determined by the Board that same would be in the best interests of the Association.
- L. ESTOPPEL CERTIFICATE. Upon such terms and conditions as the Board may determine, the Association may issue an Estoppel Certificate binding the Association to the position or determination stated therein, and anyone interested therein shall be entitled to rely on the matters stated therein. Said Certificate to be valid and binding on the Association shall be executed by at least one member of the Board, or the President of the Association, or such other person or persons as the Board in its discretion may determine and designate.
- M. APPEAL. Any owner aggrieved by any action taken by the Board or any Committee shall have a right of appeal to the Association to consider same, the Association having the final right to approve, rescind or modify any action taken by the Board or by any Committee, by a majority vote of the votes entitled to be cast by the owners present at any regular meeting or special meeting called therefor. Votes shall include both Class A and Class B votes as defined in Section 4.3. Any aggrieved owner desiring a special meeting of the Association to consider same may call for same in the manner set forth in the Operating Agreement of the Association.
- N. EQUAL TREATMENT OF OWNERS. No action shall at any time be taken by the Association or its Board which in any manner would unreasonably discriminate against any owner or owners in favor of any other owner or owners.

SECTION 4.6 LIABILITY OF MEMBERS OF THE BOARD, THE COMMITTEE AND OFFICERS.

No member of the Board or any Committee or any officer of the Association shall be personally liable to any Owner or to any other person, including the Association, for negligence

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or for any error or omission of the Board, the Association, its representatives, agents, and/or employees or any Committee, except for the willful and intentional misconduct of any such person.

**ARTICLE V
FUNDS AND ASSESSMENTS**

SECTION 5.1 DECLARATION OF ASSESSMENT AND AGREEMENT OF PAYMENT.

The Declarant, for each Lot owned within the properties, hereby covenants, and each owner of any Lot by the acceptance of a deed therefore or acceptance of an agreement to purchase, whether or not it shall be so expressed in any such deed or otherwise conveyance, is deemed to covenant and agree to pay to the Association the assessments made as hereafter provided in Section 5.3.

SECTION 5.2 PURPOSE OF ASSESSMENTS.

The annual and special assessments levied by the Association shall be used exclusively for the purpose of promoting the health, safety, and welfare of the residents of Coyote Hollow Subdivision, and in particular for the improvement and maintenance of the services and facilities devoted to these purposes. No owner of a residence may be exempt from liability for contribution toward the Association's expenses.

SECTION 5.3 ASSESSMENTS.

- A. At least thirty (30) days prior to the commencement of each fiscal year, the Board shall estimate the costs and expenses to be incurred by the Association during such fiscal year in performing its functions under this Declaration (including a reasonable provision for contingencies and replacements), and shall subtract from such estimate an amount equal to the anticipated balance (exclusive of any reserves) in the operating fund at the start of such fiscal year which is attributable to fees and assessments received for the prior fiscal year. The foregoing computations shall constitute the budget, which shall be presented to the owners at the Annual Meeting of the Association. The Directors shall determine the amount of an annual assessment necessary to meet the Budget. The amount so determined shall be levied as an assessment against each improved Lot in the Coyote Hollow Subdivision and against each owner individually. The amount of each assessment may vary from year to year, and may vary in any one year as between improved and unimproved lots. A Lot shall be deemed to be improved upon the completion of construction of the residence's foundation or 30 days from the date construction of the foundation commenced, whether or not construction of the foundation is completed within that time.
- B. **PAYMENT OF ANNUAL ASSESSMENT.** The time of the first conveyance or occupancy (whichever occurs first) of each unit and from time to time thereafter, the Board shall notify the owner or owners of each Lot as to the amount of the annual assessment and shall each month collect for each Lot one-twelfth (1/12) of said Lot's proportional share of said annual assessment.

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- C. **SPECIAL ASSESSMENTS.** In addition to other assessments authorized by this Declaration, the Board shall have the right and power to levy a special assessment applicable for the purpose of providing for the construction of additional recreational and other common facilities, unexpected repairs, or the alteration, replacement, demolition or removal of existing recreational and other common facilities, from time to time, as in its discretion appears to be in the best interests of the Association. Any such alternation, demolition, removal, construction, improvements or additions increasing the owner's assessment for that year over the then maximum limitation shall be authorized by an affirmative vote of a majority of the Board at a duly called meeting at which a quorum is present, and ratified and approved by a majority vote of the members who shall vote in person or by proxy at a meeting called for that purpose.
- D. **UNIFORM RATE OF ASSESSMENT.** Both annual and special assessments must be fixed at a uniform rate for all improved Lots, and may be collected on a lump sum or on a monthly installment basis. Each owner's prorata share of any assessment shall be determined by a fraction, the numerator of which shall be the number of lots owned by that owner and the denominator shall be the total number of lots subject to the assessment.

SECTION 5.4 SPECIAL INDIVIDUAL ASSESSMENT.

The Board may levy a special assessment against any owner and owner's Lot as a result of whose failure to comply with this Declaration, or the Rules, for an amount of money expended by the Association from the operating fund in performing its functions under the Declaration, the Articles and Operating Agreement. Such assessments shall include, but not be limited to, reimbursement to the Association for any amount so expended or to be expended, and shall be due and payable to the Association when levied. Special individual assessments shall be enforced in the same manner as annual or other special assessments.

SECTION 5.5 OPERATING FUND.

There shall be an operating fund from which the Association shall make disbursements in performing the functions of the Association, and into which the Association shall deposit all monies paid to it as:

- A. Annual Assessments;
- B. Special Assessments;
- C. Miscellaneous fees; and
- D. Income and profits attributable to the operating fund.

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SECTION 5.6 ENFORCEMENT OF ASSESSMENTS.

Each assessment levied hereunder shall be a separate, distinct and personal debt and obligation of the owner or owners against whom same is assessed, and shall constitute a lien and charge upon the Lot to which the assessment relates or is owned by said owner. Each owner of any Lot, becoming an owner of any Lot, or by acceptance of a deed relating thereto or by acceptance of any other document or instrument conveying an ownership interest herein, whether or not it shall be so expressed in any such deed or other document or instrument, is and shall be deemed to covenant and agree to pay the Association the assessments provided for herein, and agrees to the enforcement of the assessments in the manner herein specified. In the event the Association employs an attorney or attorneys for collection of any assessment, whether by suit or otherwise, or to enforce compliance with or specific performance of the terms and conditions of this Declaration, or for any other purpose in breach of this Declaration, each owner agrees to pay reasonable attorney's fees and costs thereby incurred in additions to any other amounts due from the owner or any other relief or remedy obtained against said owner. In the event of a default in payment of any such assessment when due, in which case and assessment shall be deemed delinquent, and in addition to any other remedies herein or by law provided, the Association may enforce each such obligation in the manner provided by law or in equity, or without any limitation of the foregoing, by either or both of the following procedures:

A. ENFORCEMENT BY SUIT. The Association may bring a suit at law against each owner or owners to enforce each such assessment obligation. Each owner agrees that any judgment rendered in any such action shall include a sum for reasonable attorney's fees in such amount as the court may adjudge against the defaulting owner, plus all Court costs and necessary expenses and accounting fees incurred by the Association, plus interest on the amount of said assessment at the maximum legal rate allowed by law from the date the assessment becomes delinquent until paid in full.

B. ENFORCEMENT BY LIEN AND NOTICE. Any unpaid assessment shall be a lien and charge upon a Lot as provided by, and enforceable pursuant to, the provisions of *Idaho Code §45-810*. The Association shall give notice to each Lot owner whose assessment is due and unpaid by mailing to said owner a copy of the notice and claim of lien which shall state the following:

1. The last known name of the delinquent owner or reputed owner, if known, and the name of the Association;
2. The legal description and street address of the Lot against which the claim of lien is made;
3. A true statement of the amount claimed to be due and owing after deducting all just credits or offsets;
4. That the claim of lien is made by the Association pursuant to the terms of the Declaration; and

5. That a lien is claim against the Lot in an amount equal to the amount of the stated delinquency, and so long as the original or any subsequent unpaid assessment remains unpaid, such claim shall automatically accumulate the subsequent unpaid assessments without the necessity of further filings by the Association.

C. **ASSESSMENT, FEES, COSTS AND FORECLOSURE.** The Association shall immediately record a duly executed original or copy of such notice and claim of lien and the lien claimed therein shall immediately attach and become effective as a lien upon the Lot against which such assessment was levied. Each default in payment of an assessment shall constitute a separate basis for a claim of lien or a lien, but any number of defaults may be included within a single notice and claim of lien. The amount of the lien shall include the amount of all unpaid assessments, plus interest at the legal rate of 12% per annum on the amount of the assessment from the date the assessment becomes delinquent until paid in full, plus a lien charge to cover recording, legal and accounting expenses incident thereto. The amount of said lien charge may be increased or decreased by the Board in its sole discretion. Any such lien may be foreclosed by appropriate action in court or in the manner provided by *Idaho Code §45-810*, as the same may be changed or amended. The lien provided for herein shall be in favor of the Association and shall be for the benefit of all other Lot owners. The Association shall have the power to bid in its interest at any foreclosure sale and to purchase, acquire, hold, mortgage and convey any Lot. In the event such foreclosure is by action in court, reasonable attorney's fees, court costs, title search fees, interest and all other costs and expenses shall be allowed to the extent permitted by law. Each owner, by becoming an owner of a Lot in Coyote Hollow Subdivision, hereby expressly waives any objection to the enforcement and foreclosure of this lien in this manner and also hereby expressly waives the defense of the Statute of Limitations applicable to the bringing of any suit or action thereon.

D. **ESTOPPEL CERTIFICATE.** Any owner shall be entitled to an Estoppel Certificate from the Board setting forth the amount of any due and unpaid assessments with respect to said owner's Lot (or the fact that all assessments due or paid if such is the case) within a reasonable time after demand therefor and upon payment of a reasonable fee to be determined by the Board.

E. **NOTIFICATION.** The Association may notify all owners of the names of all person who have defaulted in the payment of any assessment when due and the amount thereof in the discretion of the Board.

SECTION 5.7 SUBORDINATION TO MORTGAGES AND DEEDS OF TRUST

A. **SUBORDINATION.** The lien or liens created hereby upon any Lot shall be subject to and shall not affect the rights of the holder of an indebtedness made in good faith, for value, and secured by a duly executed mortgage or deed of trust upon such Lot and recorded prior in time to the recording of the notice and claim of lien provided for above, in favor of or for the benefit of an institutional lender (such as a bank, insurance company, mortgage loan company, or savings and loan

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 or building and loan association). However, after the foreclosure of any such mortgage by any such institutional lender, there may be a lien created pursuant to Section 5.6 on the interest of the purchaser at such foreclosure sale to secure all assessments hereunder assessed to such purchaser as an owner after the date of such foreclosure sale, which lien shall have the same effect and be enforced in the same manner as provided herein.

- B. **AMENDMENT.** No amendment to Paragraph (a) above shall affect the rights of the holder of any such mortgage recorded prior to the recordation of such amendment who does not join in the execution thereof.
- C. **RIGHT UPON FORECLOSURE.** In the event of a foreclosure of its lien by a bank, insurance company, mortgage loan company, savings and loan or building and loan association (or similar bona fide lender), the foreclosing party shall not have the right nor the power to exercise any of the rights or privileges of an Owner, including voting rights, until such party has acquired or become record Owner of the Lot and the Owner be subject to all of the terms and conditions of this Declaration, including but not limited to the obligation to pay for all assessments and charges accruing thereafter, in the same manner as any other Owner.

ARTICLE VI MISCELLANEOUS PROVISIONS

SECTION 6.1 AMENDMENT AND DURATION.

- A. **AMENDMENT OR REPEAL.** Except as otherwise provided in this Declaration, this Declaration may be amended, modified, repealed, added to, or changed, either increasing or decreasing burdens or benefits with respect to Property or as to the owners, at any time, by the vote of a majority of the votes (Class A and Class B) entitled to be cast by the owners of Lots at any annual meeting of the Association or any special meeting called therefor, and any such amendment or modification shall be recorded by the Association and shall have the same force and effect as though set forth in full herein.
- B. **DURATION AND RESTRICTIONS.** This Declaration shall continue and remain in full force and effect at all times with respect to all Property included within Coyote Hollow Subdivision, the owners and the Association (subject, however, to the right to amend and repeal as provided in Paragraph (A) above), until January 1, 2035. However, unless within one year prior to October 1, 2028, an instrument directing the termination of this Declaration is signed by owners of not less than two-thirds (2/3) of the residential lots and is recorded, this Declaration, as in effect immediately prior to the expiration date, shall, subject to the provisions of paragraph (A) above, continue in effect automatically for an additional period of ten (10) years and thereafter for successive periods of ten (10) years unless within one year prior to the expiration of any period of this Declaration is terminated as set forth above in this paragraph (B).

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SECTION 6.2 ENFORCEMENT AND NON-WAIVER

- A. **RIGHT OF ENFORCEMENT.** Except as otherwise provided herein, the Association, in the discretion of the Board, shall have the right to enforce any and all of the covenants, conditions and restrictions now or hereafter imposed by this Declaration as to the owners of any Property within the Residential Area.
- B. **VIOLATIONS AND NUISANCE.** Every act or omission whereby a covenant, condition or restriction of this Declaration is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action, by the Association, in the discretion of the Board.
- C. **VIOLATION OF LAW.** Any violation of any state, municipal or local law, ordinance or regulation pertaining to the ownership, occupation or use of any Property within the Residential Area is hereby declared to be in violation of this Declaration and subject to any or all of the enforcement procedures herein set forth.
- D. **REMEDIES CUMULATIVE.** Each remedy provided by this Declaration is cumulative and not exclusive.
- E. **NON-WAIVER.** The delay, failure or omission to enforce the provisions of any covenant, condition or restriction contained in this Declaration is the event of a breach thereof shall not constitute a waiver of any right to enforce any such provision or any other provisions of this Declaration, or acquiescence therein, and no right of action shall accrue nor shall any action be brought or maintained by anyone whatsoever against the Board, the Association, or any owner for or on account of the failure to bring any action or take any steps as to any breach hereof.

SECTION 6.3 DELIVER OF NOTICES AND DOCUMENTS

Any notice required by this Declaration to be given shall be in writing and may be delivered either personally or by mail. If sent by mail, it shall be deemed to have been delivered forty-eight (48) hours after same has been deposited in the United States mail, postage prepaid, addressed to the last known address of the parties to whom notice is sent.

SECTION 6.4 CONSTRUCTION AND SEVERABILITY, SINGULAR AND PLURAL TITLES

- A. **RESTRICTIONS CONSTRUED TOGETHER.** All of the covenants, conditions and restrictions of this Declaration shall be liberally construed together to promote and effectuate the fundamental concepts set forth in the Preamble of this Declaration.
- B. **RESTRICTIONS SEVERABLE.** Notwithstanding the provisions of Paragraph (a) above, the covenants, conditions and restrictions of this Declaration shall have been deemed independent and severable, and the invalidity or partial invalidity of

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any provision or portion thereof shall not affect the validity or enforce ability of any other provisions.

- C. SINGULAR INCLUDES PLURAL. The singular shall include the plural and the plural the singular unless the context requires the contrary, and the masculine, feminine or neuter shall each include the masculine, feminine and neuter as the context requires.
- D. CAPTIONS. All captions or titles used in this Declaration are intended solely for convenience of reference and shall not affect that which is set forth in any of the terms or provisions of said Declaration.

SECTION 6.5 ACQUIRING OWNERSHIP

By acceptance of a deed or by acquiring any ownership interest in any of the real Property included within this Declaration, each person or entity, for that person or entity and for that person or entity and heirs, personal representatives, successors, transferees and assigns, to all of the provisions, restrictions covenants, conditions, rules and regulations now or hereafter imposed by this Declaration and any amendments thereof. In addition, each such person or entity by so doing thereby acknowledges that this Declaration sets forth a general scheme for the improvement and development of the real Property covered thereby and hereby evidences interest that all the restrictions, conditions, covenants, rules and regulations contained herein shall run with the land and be binding on all subsequent and future owners, grantees, purchasers, assignees and transferees thereof. Furthermore, each such person fully understands and acknowledges that this Declaration shall be mutually beneficial, prohibitive and enforceable by the various subsequent and future owners.

SECTION 6.6 MERGER AND INTEGRATION

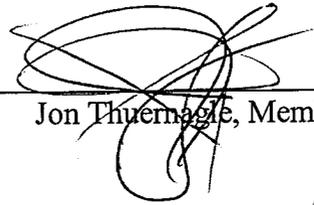
This Declaration, along with any exhibits, appendices, addendums, schedules, and amendments hereto, encompasses the entire agreement of the parties, and supersedes all understandings and agreements or representations of the Declarant, whether oral or written. By acceptance of a deed or by acquiring any ownership interest in any of the real Property included within this Declaration, each person or entity, for that person or entity and for that person or entity and heirs, personal representatives, successors, transferees and assigns acknowledges and represents, that said parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance by the Declarant, except those set out in this Declaration, and waive all rights and remedies, at law or in equity, arising or which may arise as the result of a party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance.

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IN WITNESS WHEREOF, the undersigned have executed this DECLARATION the

8th day of March, ~~2018~~ ²⁰¹⁹ ~~16~~

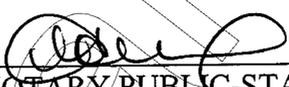
**“DECLARANT”
COYETE HOLLOW, LLC**

By 
Jon Thuernagle, Member

STATE OF IDAHO)
 :SS
County of Bannock)

On this 8th day of March, ~~2018~~ ²⁰¹⁹ ~~16~~, before me, the undersigned Notary Public, in and for said State, personally appeared Jon Thuernagle, known or identified to me to be a one of the members of Net Prophet, LLC, the limited liability company who executed foregoing instrument, and acknowledged to me that he executed the same on behalf of Net Prophet, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed official seal the day and year first written above.



NOTARY PUBLIC-STATE OF IDAHO
My commission Expires: June 21, 2022

(SEAL)



Unofficial Copy

EXHIBIT 5

Drainage Plan

CONSTRUCTION PAY ITEMS

PIDCOCK RD. CENTERLINE GEOMETRY

Commencing at the West Quarter Corner of Said Section 26, Township 7 South, Range 36 East and running thence N 89°16'00" E 1318.94 feet along the latitudinal centerline of Section 26 to the West 1/16th corner on the latitudinal centerline, thence S 00°20'09" W 935.78 feet along the west 1/16th line, thence N 89°39'51" W 105.47 feet to the True Point of Beginning; Thence N 41°42'11" E 112.74 feet to a tangent curve to the left, Thence along said curve to the left 191.54 feet (Curve Data: Radius = 215.00', Delta = 51°02'36", Chord = N 16°10'42" E 185.26'), Thence N 09°20'36" W 102.96 feet to a tangent curve to the right, Thence along said curve to the right 375.85 feet (Curve Data: Radius = 215.00', Delta = 100°09'42", Chord = N 40°44'15" E 329.79'), Thence S 89°10'54" E 277.19 feet to a tangent curve to the left, Thence along said curve to the left 63.41 feet (Curve Data: Radius = 400.00', Delta = 09°04'58", Chord = N 86°16'37" E 63.34'), Thence N 81°44'08" E 180.00 feet to a tangent curve to the right, Thence along said curve to the right 127.65 feet (Curve Data: Radius = 250.00', Delta = 29°15'18", Chord = S 83°38'13" E 126.27'), Thence S 69°08'34" E 172.39 feet to a tangent curve to the left, Thence along said curve to the left 183.18 feet (Curve Data: Radius = 500.00', Delta = 20°59'26", Chord = S 79°30'17" E 182.15'), Thence S 89°59'55" E 1126.15 feet to a tangent curve to the right, Thence along said curve to the right 94.15 feet (Curve Data: Radius = 200.00', Delta = 26°58'20", Chord = S 76°30'34" E 93.28'), Thence S 63°01'24" E 113.88 feet to a tangent curve to the left, Thence along said curve to the left 105.52 feet (Curve Data: Radius = 75.00', Delta = 80°36'34", Chord = N 76°40'19" E 97.03'), Thence N 36°22'02" E 51.62 feet to a tangent curve to the right, Thence along said curve to the right 120.53 feet (Curve Data: Radius = 75.00', Delta = 92°04'39", Chord = N 82°24'21" E 107.97'), Thence S 51°33'19" E 109.97 feet to a tangent curve to the left, Thence along said curve to the left 51.50 feet (Curve Data: Radius = 100.00', Delta = 29°30'26", Chord = S 66°18'32" E 50.93'), Thence S 81°03'45" E 923.66 feet to the Point of Terminus.

CONSTRUCTION NOTES

- 1 RETAIN AND PROTECT
- 2 MATCH EXISTING

NOTE:

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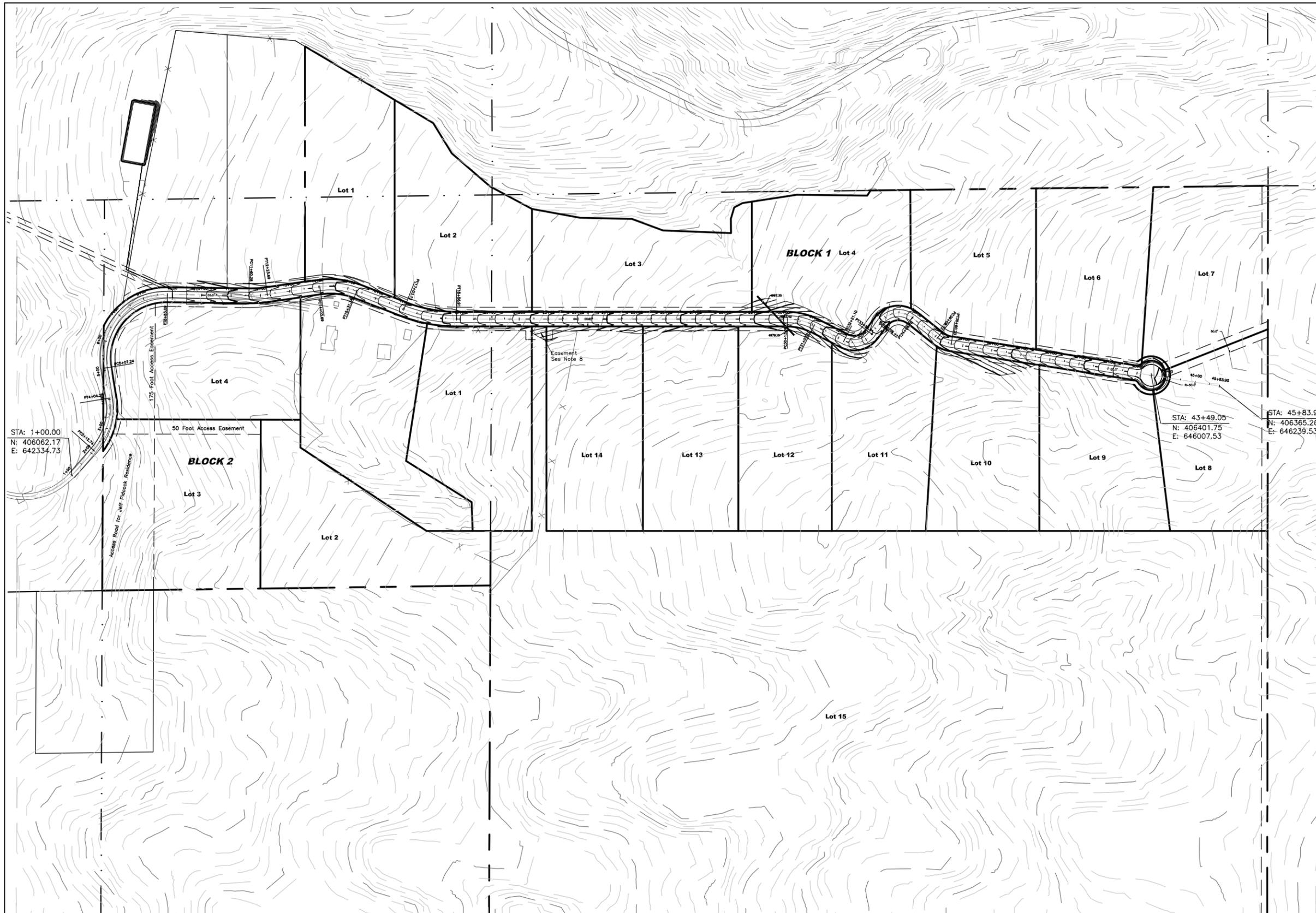
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ALL CONCRETE AND PAVEMENT MATCH AREAS SHALL BE SAW CUT TO NEAT LINES.

IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION

CONSTRUCTION ON THIS PROJECT SHALL CONFORM TO THE I.S.P.W.C. STANDARDS AND CITY OF CHUBBUCK STANDARDS.



3 OF 15
5/29/18

NO.	BY	DATE	DESCRIPTION
1	SKW	6/18	REVISED ROADWAY ALIGNMENT AND PROFILE

DESIGNED BY: SKW
CHECKED BY: MJH
PROJECT NO: 17006
FILE:
LAYOUT:

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A Company of Geomatics Professionals
4880 Clover Dell, Chubbuck, ID. 83202 Ph:208-237-7373
www.dioptrageomatics.com

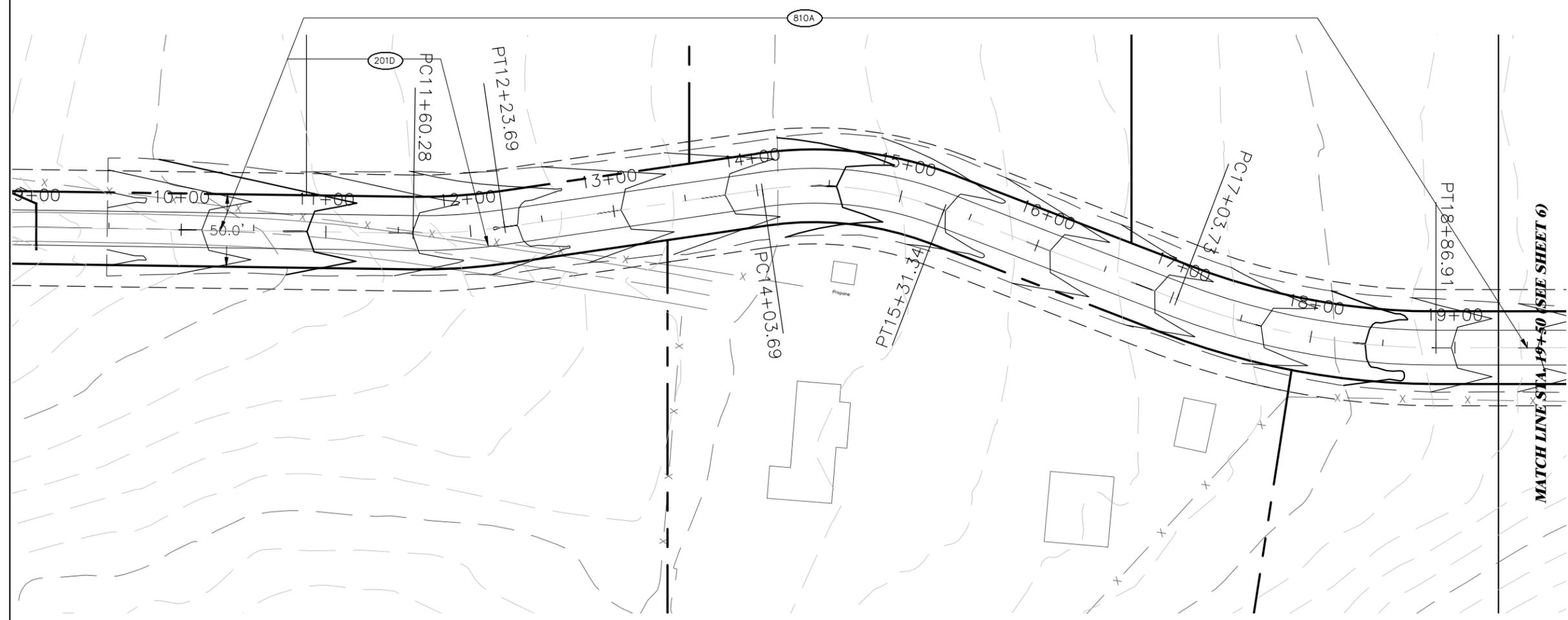
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Coyote Hollow
Construction Plans
Site Overview



CONSTRUCTION PAY ITEMS

- 201D REMOVAL OF EXISTING ASPHALT
STA. 10+27 - 12+11 (239 S.Y. REQ'D)
- 810A PLANT MIX PAVEMENT (SEE DETAIL SHT. #15)
STA. 10+27 - 19+50 (2385 S.Y. REQ'D)



CONSTRUCTION NOTES

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4 OF 15
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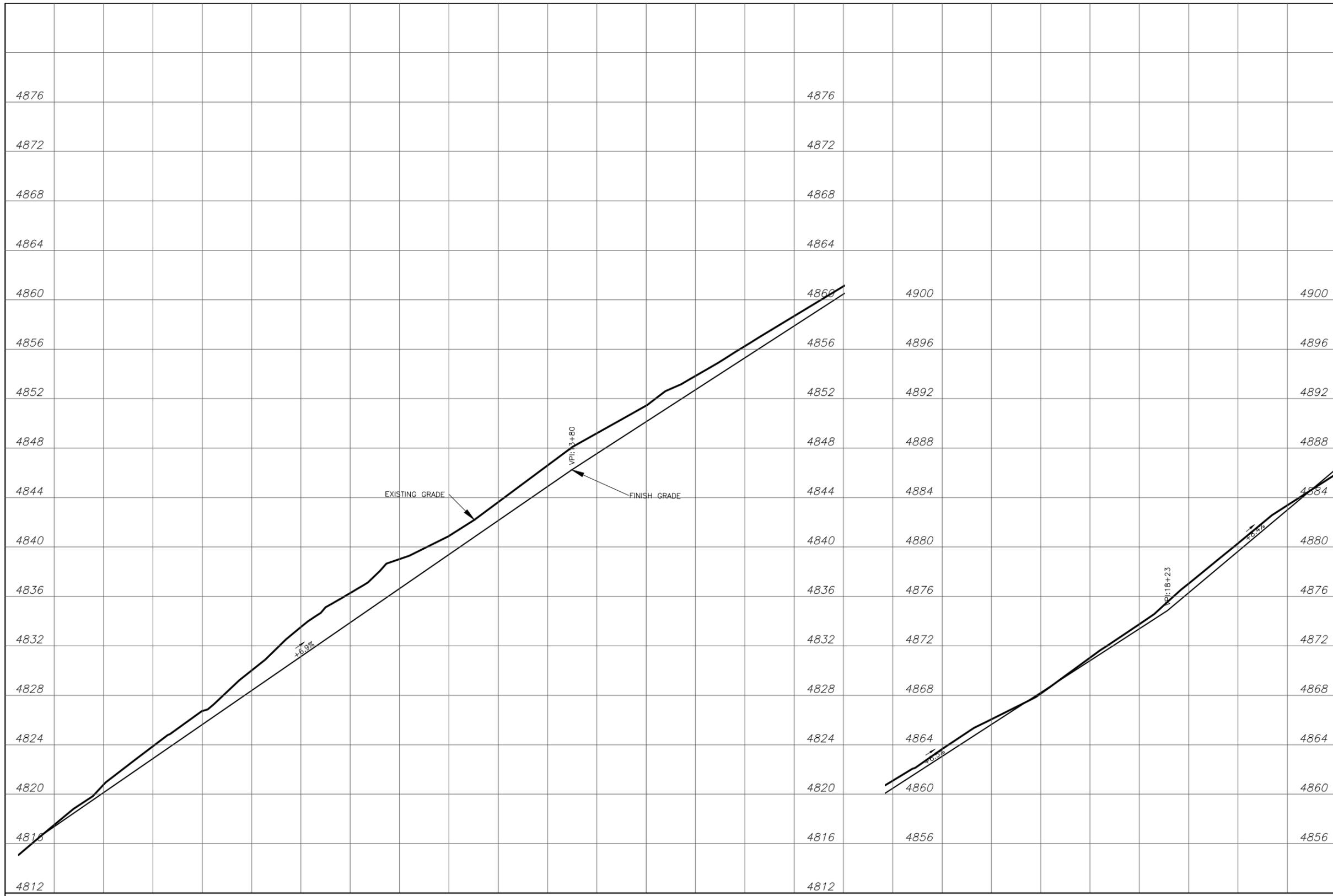
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Coyote Hollow
 Pidcock Road
 Plan Sta. 9+00 - 19+50





5 OF 15
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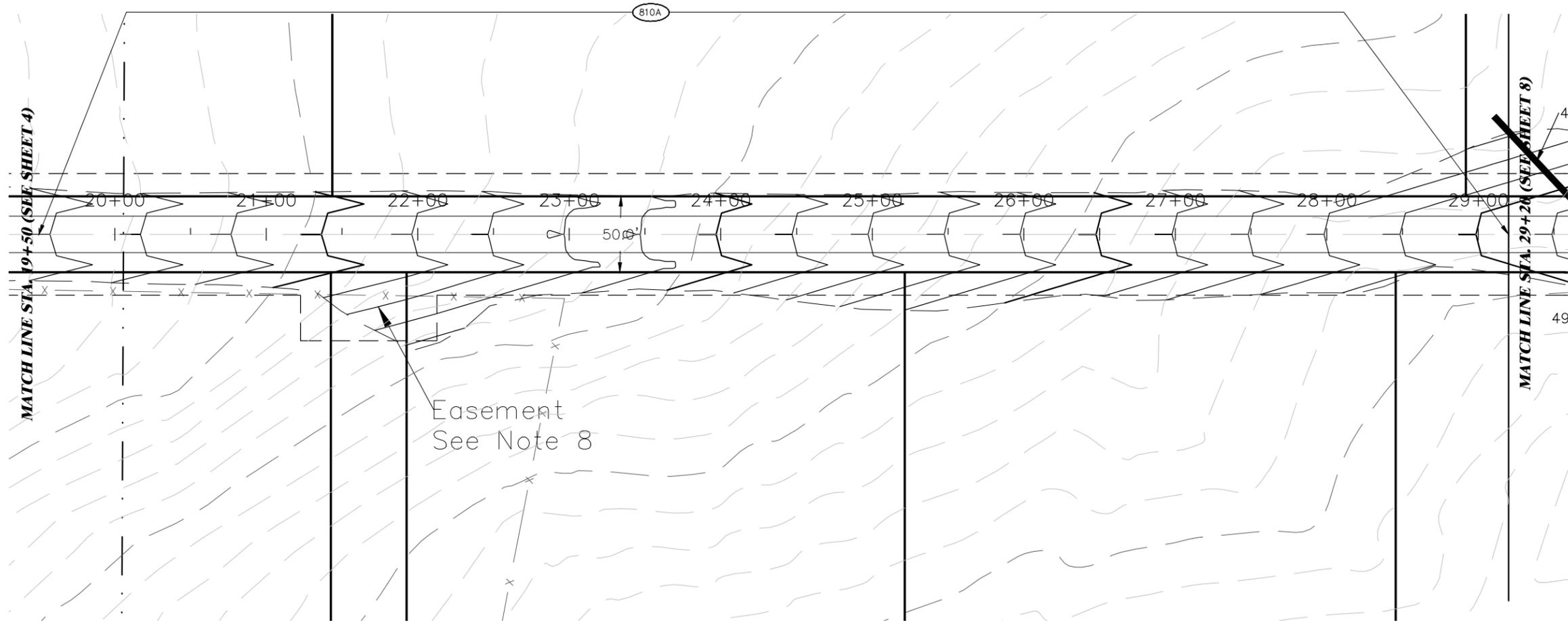
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Coyote Hollow
 Pidcock Road
 Profile Sta. 9+50 - 19+50



CONSTRUCTION PAY ITEMS

810A PLANT MIX PAVEMENT (SEE DETAIL SHT. #15)
STA. 19+50 - 29+50 (2587 S.Y. REQ'D)



CONSTRUCTION NOTES

RETAIN AND PROTECT

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6 OF 15

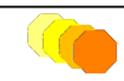
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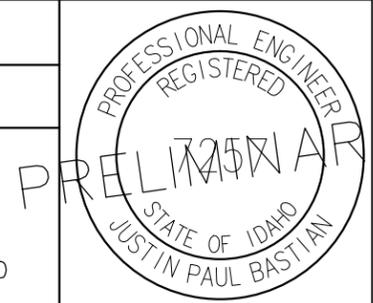


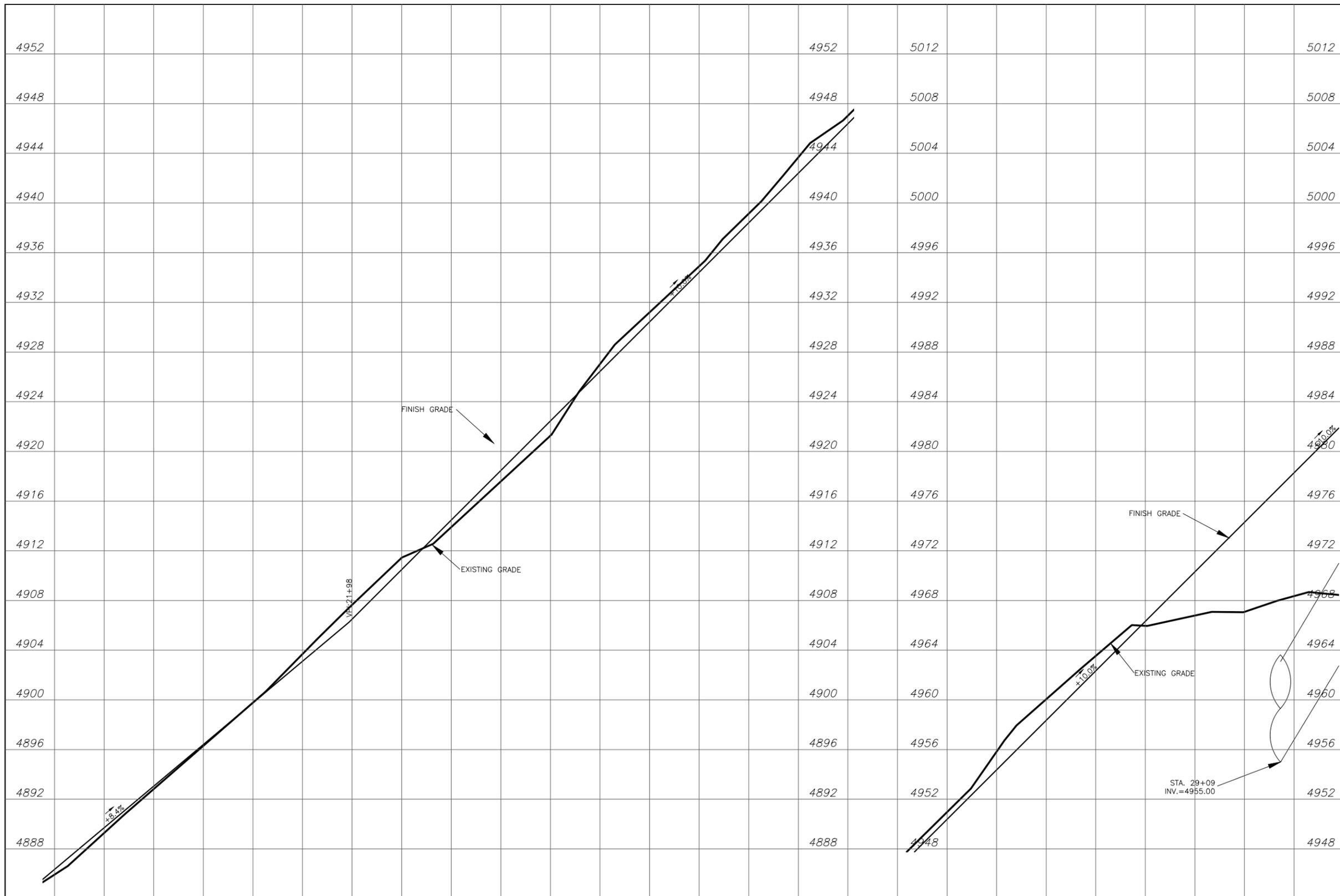
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Coyote Hollow
Pidcock Road
Plan Sta. 19+50 - 29+20

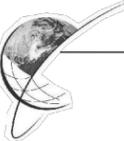




7 OF 15
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Coyote Hollow
 Pidcock Road
 Profile Sta. 19+50 - 29+20

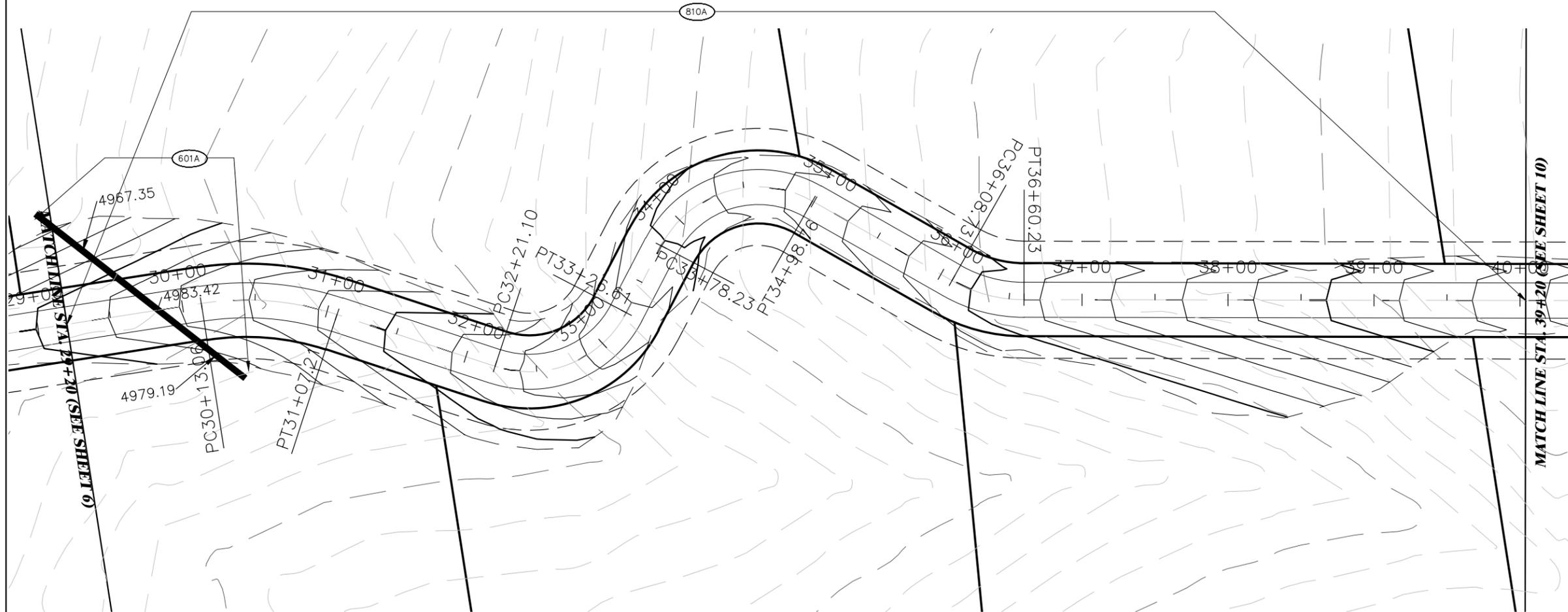
PRELIMINARY



PROFESSIONAL ENGINEER
 REGISTERED
 STATE OF IDAHO
 JUSTIN PAUL BASTIAN

CONSTRUCTION PAY ITEMS

- 601A 48" CORRUGATED METAL CULVERT
STA. 29+09 - 30+43 (180 L.F. REQ'D)
- 810A PLANT MIX PAVEMENT (SEE DETAIL SHT. #15)
STA. 29+20 - 39+20 (2628 S.Y. REQ'D)



CONSTRUCTION NOTES

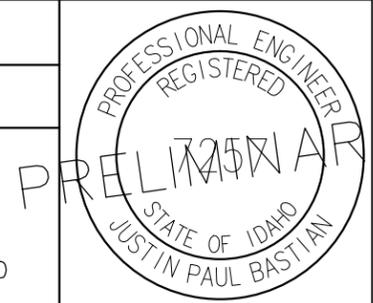
- 1 RETAIN AND PROTECT
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8 OF 15
 5/29/18



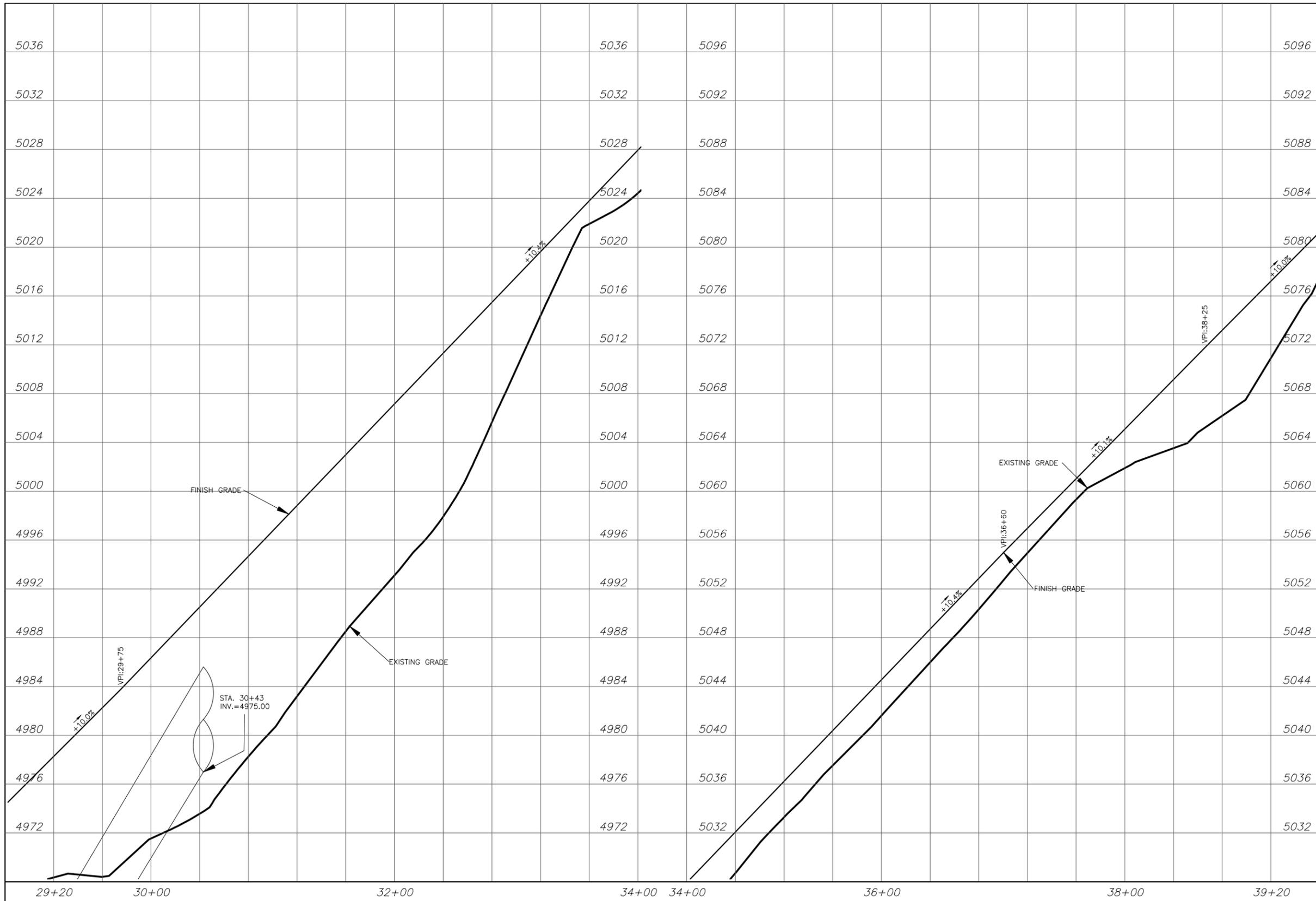
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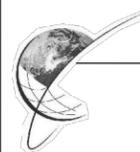
Coyote Hollow
 Pidcock Road
 Plan Sta. 29+20 - 39+20



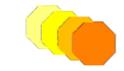
9 OF 15
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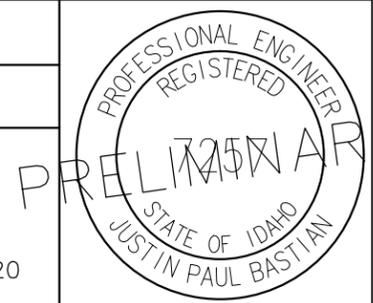


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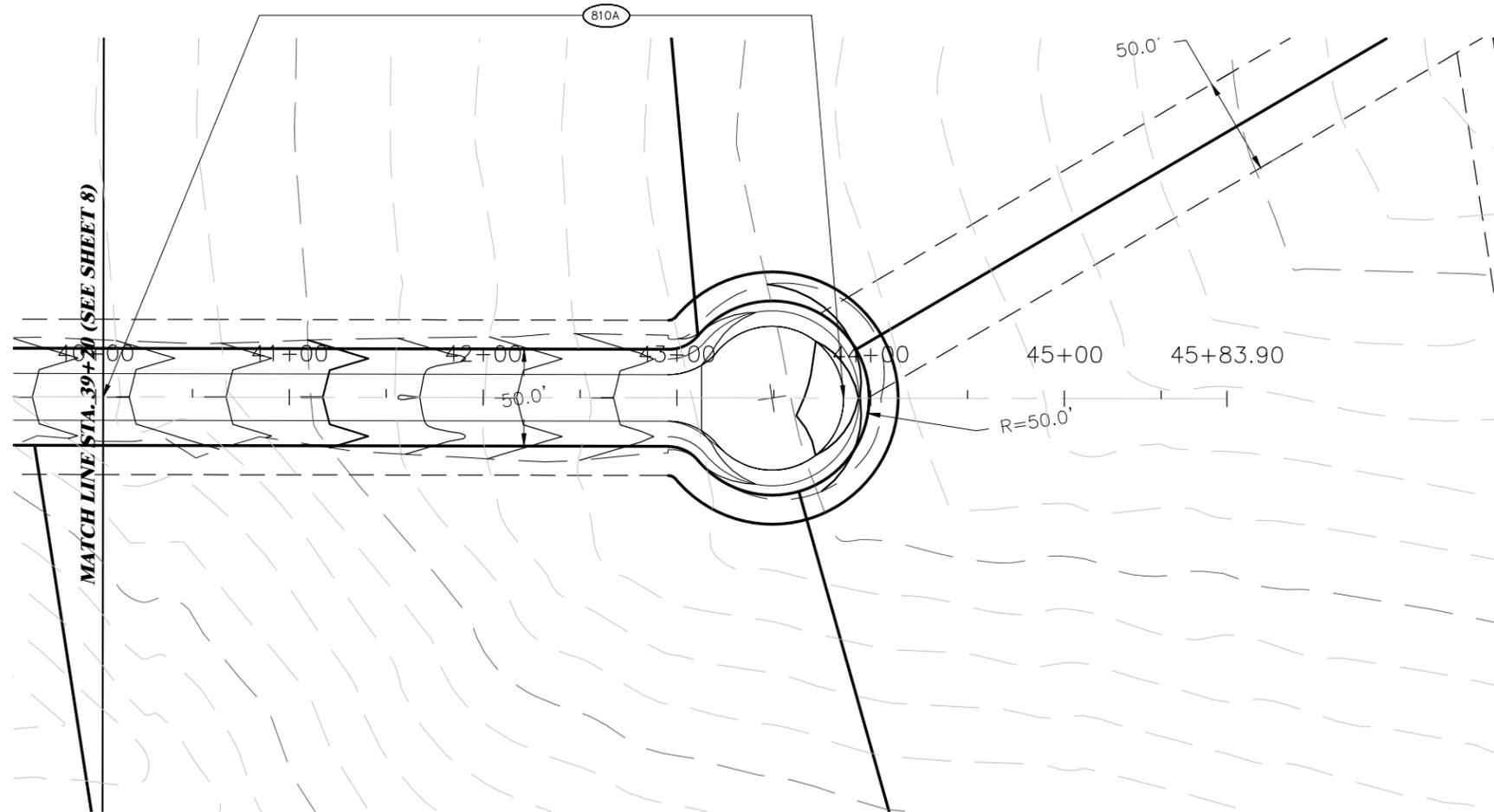
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Coyote Hollow
 Pidcock Road
 Profile Sta. 29+20 - 39+20



CONSTRUCTION PAY ITEMS

810A PLANT MIX PAVEMENT (SEE DETAIL SHT. #15)
STA. 39+20 - 43+02 (1312 S.Y. REQ'D)



CONSTRUCTION NOTES

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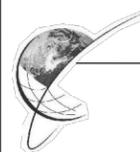
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10 OF 15

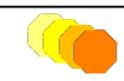
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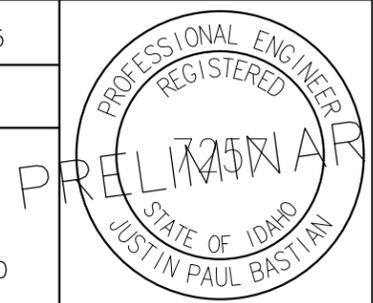


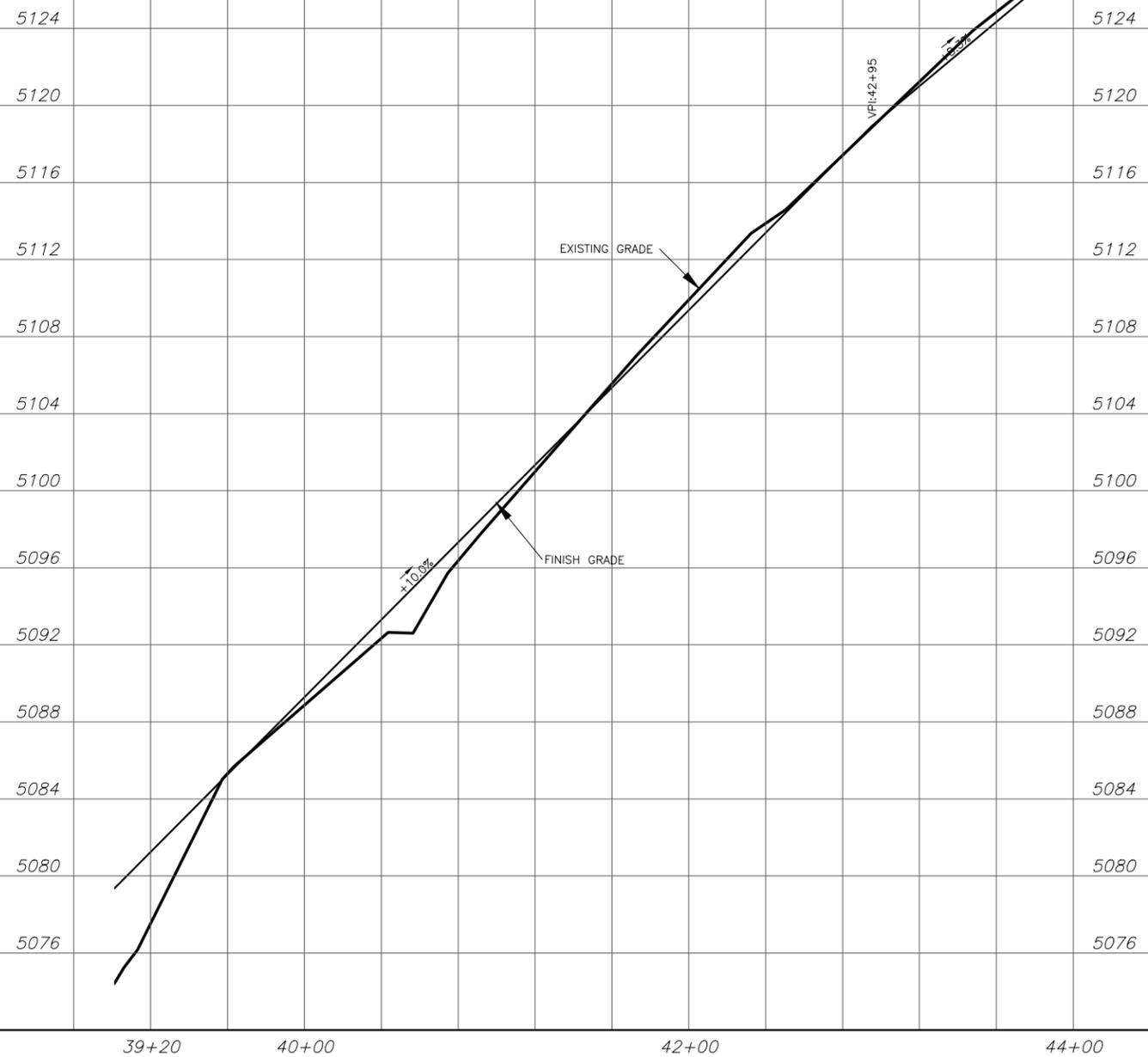
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Plan Sta. 39+20 - 45+00

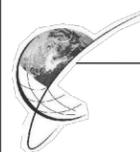




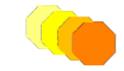
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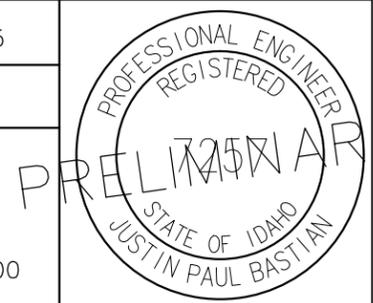


EXHIBIT 6
Ordinance Excerpts

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

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

322 CHARACTERISTICS OF LAND IN THIS DISTRICT:

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

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

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

324 USES CONDITIONALLY PERMITTED:

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

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

325 PARKING STANDARDS:

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

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

A. Open Space Designed Subdivision (see design standards of Subdivision Ordinance) with density of one dwelling to 2.5 acres.

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

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

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

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

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

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

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

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327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

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

RESIDENTIAL RURAL DISTRICT

MINIMUM SETBACKS (FT)

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

(Amendment 63, Ordinance 2024-02)

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

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

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

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

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

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

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

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

303 PRELIMINARY PLAT REVIEW:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304 FINAL PLAT:

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

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

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

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

FINDINGS

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

**PRELIMINARY PLAT–TOM’S HOLLOW SUBDIVISION
MEETING DATE: JANUARY 21, 2026**

FILE #: SPP-25-4
LOCATION: RPRRCHS000300, currently unaddressed and RPRRCHS000400, currently addressed as 620 E. Pidcock Road Inkom, ID 83245.

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

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 Tom’s Hollow Subdivision, as described in the application, shall be **[approved]** **[denied]** **[tabled]**.

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

ROLL CALL:

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

Motion carried by a _____ to _____ vote.

Dated this _____ day of _____, 2026.

Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of _____, in the year of 2026, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) (he) executed the same.

S
E
A
L

Notary Public
My Commission Expires on _____ 20____

MOTION

EXAMPLE MOTION

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

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

1.

2.

AGENDA ITEM NO. 11

Items of Interest

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