### A. ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST- EX-PARTE COMMUNICATION AND SITE VISIT:

Disclose who was talked to, the basic substance of the conversation and if it had any influence. Disclose if a site visit was made, location(s) of the visit and what was seen.

### B. PRELIMINARY BUSINESS – Action Item:

- Agenda Clarification and Approval
- ELECTION OF OFFICERS – In accordance with the body’s by-laws, the Council will nominate and elect officers for the upcoming year.

### C. APPROVAL OF MINUTES – Action Item:

- November 20, 2019
- December 11, 2019

### D. ADOPTION OF DECISIONS - Action Item:

None

### E. PUBLIC HEARING ITEMS – Action Item:

1. **CONDITIONAL USE PERMIT – ACTION ITEM: Campground** – The applicant, Cameron Salt, petitions for a conditional use permit to expand an existing campground to include 20 additional RV sites. It is proposed that the additional RV sites would have water and power hookups. It is also proposed that 10 out of the 20 RV sites have sewer hookups along with power and water. A bath house and commercial septic system are also proposed. The affected property is known as parcel R4227015203 on E Fish Creek Rd, Lava Hot Springs. The land is located in the Recreational zoning district. At the hearing, the Council shall evaluate the proposed use against criteria established in §530 of the Zoning Ordinance Type of action: Decision.

2. **VARIANCE FROM 327 – TABLE OF BUILDING BULK AND PLACEMENT STANDARDS – ACTION ITEM:** In accordance with §540 of the Bannock County Zoning Ordinance, applicant Sean O’Brien, on behalf of Barry Finlay, requests a variance from minimum lot size requirements in the Residential Rural zone. The affected property is labeled as parcel RPRRBKS004700 and addressed as 7451 N Valley Vista, Pocatello 83201. The procedures and standards for evaluating a variance petition are found in §540 of the Bannock County Zoning Ordinance; approval or denial of this request shall be in accordance with standards prescribed therein. Type of action: Decision.

3. **SUBDIVISION CONCEPT – WESTFIELD ESTATES SUBDIVISION – DIVISION 2 & 3 – ACTION ITEM:** Pursuant to Section 302 of the Subdivision Ordinance, Applicant - Brady Smith, on behalf of Rio Vista Land, LLC proposes to subdivide approximately 16.9 acres of land into 29 lots. The subject property is located in the SW1/4 of the NW1/4 of Section 5, Township 6S, Range 34E, B.M., Bannock County on Rio Vista Road, Chubbuck, ID, with a parcel number of RPR3853006600. Applicant proposes Connecting to City Water and Sewer. Buildable lots will be between approximately 0.61 and 0.39 acres. Type of action: Decision
F. BUSINESS ITEM(S) – Action Item:

1. PRELIMINARY PLAT APPROVAL (Spartan Portneuf, LLC applicant). The applicant requests Preliminary Plat approval in accordance with procedures and standards established in the Subdivision and Zoning Ordinances.

G. ITEMS OF INTEREST:

   Update on recommendations to Commissioners (if any)
   -None
   Discussion of upcoming hearing items (if required)
   -None

H. CITIZEN COMMENTS: (Open time for general citizen comments)

I. WORK SESSION:

The application for each item will be available to the public by request at the Office of Planning and Development Services and on the Department’s website (https://www.bannockcounty.us/planning/) by December 27, 2019. Staff reports will be available to the public by request at the Office of Planning and Development Services. Written testimony of fewer than two (2) pages may be submitted up to the time of or at the hearing; other written testimony must be received by the PLANNING AND DEVELOPMENT SERVICES OFFICE, 5500 South Fifth Avenue, Pocatello, Idaho 83204 no later than January 7, 2020 at 12 PM (noon). Written testimony may also be sent to zoning@bannockcounty.us. 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.

Bannock County complies with requirements of the Americans with Disability Act. If you need special assistance, please call (208) 236-7230 to request accommodation.
MINUTES
BANNOC COUNTY PLANNING AND DEVELOPMENT COUNCIL

DRAFT MEETING MINUTES | November 20, 2019

BANNOC COUNTY STAFF PRESENT: Hal Jensen, Planning Director; Mike Jaglowski, County Engineer; Tristan Bourquin, Management Assistant.

Sherril Tillotson called the meeting to order at 4:15 p.m.

Tillotson reviews the public hearing procedures.

A. ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST:


Tillotson recuses herself from the Committee Chair on Public Hearing Item #3 and will speak from the public neutral position.

Tillotson notes Chris Adams will be arriving late and will acknowledge his arrival in the minutes.

Excused/Absent Council Members: Del Owens, due to illness.

B. AGENDA CLARIFICATION AND APPROVAL; APPROVAL OF MEETING MINUTES:

Jensen, Staff, notes no changes to the Agenda.

Tillotson inquires about a couple of late items of information and whether or not those items have been presented to the Applicants. Jensen indicates that he believes these items have been presented, but if they have not he will take copies to the Applicants now.

Tillotson calls for a motion to approve the Agenda as presented.

Erchul makes a motion to adopt the Agenda as amended. Egan seconds. Motion passes unanimously by acclamation.

Tillotson notes that there are minutes to approve from October 16, 2019. She states that the minutes are very well prepared and asks that the entity responsible for preparing them be given an acknowledgement of Council’s appreciation.

Tillotson asks Council if there are any comments or corrections to note. None.
Tillotson calls for a motion to approve the minutes as presented.

Erchul motions to approve the minutes as amended and corrected for the October 16, 2019 meeting. Egan seconds. Smith abstains from the vote, noting that he was not present at the October 16th meeting. Motion passes unanimously by acclamation.

Tillotson inquires if the audience can hear Council in the back of the room. Confirmed.

C. ADOPTION OF DECISIONS:

None.

D. PUBLIC HEARING ITEMS:

Tillotson reviews Public Hearing procedures.

1. VARIANCE REQUEST FOR DIVISIONS OF AGRICULTURALLY ZONED LAND FOR RESIDENTIAL USE - DOUG BRISCOE. Applicant Doug Briscoe, 5344 Kymball Ave, Chubbuck. Applicant notes that he is applying for a Variance on behalf of the landowner, Glenn Lemmon, who owns a piece of property off of Siphon which is about an acre and a half in size. Applicant indicates that the landowner would like to build a home there, but that the land is zoned Agricultural. He further notes that the zoning requires a 40-acre minimum piece, leading to the request for a Variance. Applicant indicates that Mr. Lemmon is surrounded by family and neighbors who all have under 40 acres within the agricultural zone. Applicant summarizes that they are applying for a Variance to allow the landowner to build a home on a piece of property, like properties around him.

Tillotson asks Council if there are any questions for Applicant.

Egan asks how large the lot is. Applicant indicates that the lot is just under one and a half acres. Egan references the map and asks for clarification on the agricultural zone.

Applicant notes that there is a sewer line running right through the property, with a sewer tap that they can tie into within Chubbuck sewer. He further notes that water will run from the southern street which borders the property, allowing them to tie into the City of Chubbuck water.

Jensen, Staff, presents the staff report. He reviews the lot history, noting a building permit sought in May of this year. He notes that Staff has attempted to find a way forward for Mr. Lemmon to receive a building permit under the Ordinance, and that conversations with the City of Chubbuck have been had relative to potential annexation. Staff indicates that they will move forward with annexation at some point, and that a zone change request would have resulted in annexation. He notes that the City of Chubbuck was not poised to proceed with annexation at this time, and so it has become a political issue for Mr. Lemmon and his adjoining neighbors.
Staff notes that the only way to pursue Mr. Lemmon’s request without triggering annexation is to request a Variance for density. Staff references the map and notes that the adjacent properties are in the agricultural zone, From Yellowstone Highway. He notes a new water tower provided by the City of Chubbuck and indicates that there is water and sewer available, as there is a line with easement that runs through the adjoining property. He indicates that, at some point, they will have the chance to remove themselves from septic systems and attach to that sewer line. Staff states that this is the most simple solution they could determine which would work for Mr. Lemmon. He shares that none of the adjacent property owners own 40 acres, despite currently being within the agricultural zone. He notes that based on a strict interpretation of the Ordinance, none of the adjacent property owners could make alterations to their properties. Staff indicates that, considering what they know to be occurring in the future, this is a good solution Mr. Lemmon.

Staff references the map and notes that the property in front of Mr. Lemmon’s property is owned by Mr. Lemmon’s father. He points out another adjacent property owned by Mr. Lemmon’s former brother-in-law. He indicates on the map which of the properties are agriculturally zoned, as well as the City of Chubbuck boundary. Staff sites page 29 of the packet which notes three parcels which would be combined into one, should Council grant this Variance. He indicates that there is access off of West Siphon Road and that there is a storage building on the site. Staff notes page 30 in the packet, which includes the proposed site plan. He indicates the structure on the map and notes that it meets all of the required setbacks. He further notes that there is a strip of land running alongside the garage, which indicates the easement for the sewer line.

Staff asks if Council has any other questions.

Smith asks if Mr. Lemmon has asked the City of Chubbuck to annex his property. Staff indicates he does not know. Staff states that the annexation came up not long after submittal and that it has taken them some time just to find a path forward. He indicates that Mr. Lemmon would have to wait even longer if he were to pursue annexation now. Staff clarifies that the City is not refusing annexation, but is not prepared at this time to go through the process of annexation with the property owners.

Tillotson asks for clarification on which parcels will be combined. Staff indicates that the three in question were originally a single parcel but, due to conversations between Mr. Lemmon and his lender, it was determined that they should be split prior to permit.

Tillotson asks how large the three parcels are. Staff indicates they are approximately 1.25 acres.

Staff notes that there is no concern on their part for public welfare or safety. He notes that Applicant will have to connect with sewer and secure a will serve letter. He indicates that Staff will be ready to proceed with his requests if the Variance is granted.
Staff notes that this is a sensitive area for development, relative to the aquifer, and so it is an advantage that he will not be adding another hole in the ground.

Erchul inquires if they have looked at every other alternative. Staff reiterates that they began this process in May, and after that length of time this was where they had arrived with a solution that works for Mr. Lemmon.

Tillotson asks Council if there are any questions for Staff. None.

Tillotson invites public testimony.

Public testimony in favor: NONE.

Public testimony neutral: NONE.

Public testimony opposed: NONE.

Tillotson asks Applicant if he has any further information to present. None.

Tillotson asks Council if there are any other questions. None.

Tillotson moves on to a review of the criteria and standards for approval of the Variance.

#1. Has the Applicant shown there is no reasonable alternative to the request?

Smith begins discussion of the first criteria, noting that there is no reasonable alternative for the landowner to build a home. He indicates that he feels the criteria has been met. Egan states his agreement with Smith, noting that the land will eventually be annexed but not in a time frame which will allow the landowner to build a house on it. He states his belief that this is the only reasonable alternative. Egan notes that Staff has been on this case since May and that it is time to move it forward.

Tillotson summarizes that the City of Chubbuck is not willing to annex at this time and, in order to build on the property at this time, a Variance to the County Ordinance is necessary, as there is no other option.

Smith adds that he would a statement noting that rezoning is not a viable option, citing the political issues.

Staff clarifies that zoning has to be contiguous, and that rezoning this space would not be possible in this instance.

#2. The Variance is or is not in conflict with the public interest?
Erchul begins discussion of the second criteria, finding that the Variance is not in conflict with the public interests. He states his agreement that this Variance meets the criteria, as the property is surrounded by consistent homes under the 40-acre minimum. He notes that they come across this at nearly every meeting, which he believes shows that the Ordinances are outdated.

Tillotson asks if there is any further comment from Council. None.

Tillotson summarizes, stating that the property is already surrounded with parcels of land with homes on them which are not 40-acre parcels.

#3. The Variance will or will not adversely affect adjacent property?

Egan begins discussion of the third criteria, finding that they Variance will not adversely affect the adjacent property. He notes that there has been no opposition to the proposed Variance after notifications have been made, so he does not believe it will negatively affect anyone.

Tillotson asks if there are any other comments. None.

Tillotson summarizes, stating that there is no public testimony and that Criteria #2 also applies here.

#4. If the Variance is not granted, the Applicant will or will not suffer undue hardship caused by the physical characteristics of the site?

Smith begins discussion of the fourth criteria, finding that, if the Variance is not granted, the Applicant will suffer undue hardship brought by the physical characteristics of the site. He references Criteria #1, noting that Mr. Lemmon can’t build a house there as it is, because of the physical characteristics of the parcel.

Erchul notes that the landowner also could not sell the land, or if he did the buyer would have to go through the same process. He notes his belief that it would cause undue hardship in that way.

Jensen, Staff, states that the financial hardship would be incurred as he would have to wait until he was annexed, and that that is currently an unknown time frame. He indicates there is a financial hardship in the amount of time he would have to wait for his land to become usable.

Tillotson summarizes, stating that the parcel boundaries are such that the land could not be developed until such time as the City of Chubbuck may annex, and that that time frame is unknown, so the property would be devalued, causing a financial hardship.

Tillotson notes that there is no reasonable alternative to the Variance, that there is no conflict with the public interest, that it will not affect adjacent property, and that it will otherwise cause an undue hardship for Applicant due to the characteristics of the site. She indicates that the
request has met the requirements to allow a Variance. She calls for a motion to take action on the request.

Smith notes the sewer and water would need to be connected and that they may want to make a condition that the Applicant connect to City water and sewer. Tillotson concurs.

Erchul makes a motion, based on the record and discussion this evening, to approve the request by Doug Briscoe, representing Phillip Lemmon, for a Variance from the minimum lot size in the agricultural zoning district, as described in the Application materials and supplemented with additional information attached in the Staff Report and according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair, with the condition that there must be connected to City water and sewer. Egan seconds the amended motion, which includes the condition. Roll call. Egan - yes. Tillotson - yes. Erchul - yes. Smith - yes. Motion passes by a 4-0 vote.

Smith makes a motion to close the public hearing for Item #1. Erchul seconds. Motion passes unanimously by acclamation.

Chris Adams joins the Council at 5:00pm. He notes no conflicts to report.

2. VARIANCE REQUEST FROM TABLE BUILDING BULK AND PLACEMENT STANDARDS - CHRISTOPHER GUTHRIE. Applicant Chris Guthrie, 8761 West Pocatello Creek Road. Applicant states that he is hoping to build an addition off the back of his house, which is within 100’ of Pocatello Creek. He indicates that the house was built before the Ordinance was in effect requiring that distance. He states that any way they attempt to build the addition will still put them within 100’ of the creek.

Smith asks if the home is currently within 100’ of the creek. Applicant indicates that it is.

Erchul asks Applicant about the size of the planned addition. Applicant states that it will be about 550 or 600 sq ft. He further states that the planned addition would put the house about 8’ closer to the creek than it currently is. He indicates that they are currently about 75’ from the creek. Erchul asks Applicant about the source of their water. Applicant indicates that they are on City water, but not sewer.

Egan asks where the septic sits. Applicant states that the septic is currently between the house and the creek. Egan asks if they are planning to add bedrooms. Applicant says they are adding a master bedroom.

Tillotson asks if there are any other questions from Council for Applicant.

Jensen, Staff, presented the staff report. He gives a synopsis of the history of the property, noting that no matter which direction Applicant seeks to extend his home, he will still be
required to ask for a Variance, and that there is no buildable area on the front or side of the home that would make sense. He notes that Applicant is seeking to add one bedroom and that he has secured information from the Health Department that the size should be sufficient to accept the addition without changing out the septic or drain field. Staff indicates he finds it difficult to come up with an alternative to this Variance, as without it the property sits as it is with no opportunity for addition, unless he was to cross the creek and build there. Staff notes that the property is zoned residential suburban, that the property is approximately 5.89 acres, and that you can see the property from Pocatello Creek Road looking to the south. He indicates that all of the properties in the area are zoned residential and vary in lot size from 5 acres and smaller. Staff notes that the addition may have some implications that they will need to help him study, relative to the floodplain, but that otherwise he should be fine if the Variance is granted.

Tillotson asks Council if there are any questions for Staff. Erchul asks for the floodplain classification. Staff indicates that he believes it is AO/AE. He asks if they currently carry flood insurance on their home. They do not. Erchul asks if what AO/AE signifies. Jaglowski, Staff, approaches and clarifies that AO indicates a special flood hazard area and that the A specifically indicates there is a 1% chance of flooding during any given flooding event. He notes that it is possible to have back-to-back 1% flooding opportunities. He continues AO indicates water with velocity and flooding depths that can reach up to 3’. Staff clarifies that AE signifies base flood elevations where the flood levels would occur. He notes that the current Ordinance requires they build 2’ above that level.

Tillotson notes that FEMA’s last assessment mapped much of the AO classification into a floodplain, but that it was not actually verified. Staff concurs that there have been assignments of floodplains throughout the County and that some have had detailed study but others have not. Staff reiterates that sometimes AO has an elevation attached, which will include more data. He indicates that much of this will depend on where they are and the time at which the study was conducted.

Erchul asks if there is any Staff concern about the floodplain. Staff notes that, at this stage, they are seeking a Variance and that, if the Variance is granted, Applicant will move to the Building Permit, and then the Floodplain Permit, which would trigger many of those questions. He notes that the Ordinance specifies substantial improvement completed to the structure requires the whole site to be brought to an acceptable level by a Flood Insurance Program. Staff indicates he has not looked at this plot yet, but that after the Variance is granted or refused they will begin to examine the implications of the floodplain.

Smith asks Jaglowski for confirmation that they do not need to consider the floodplain for the purposes of the Variance. Staff confirms.
Jensen, Staff, addresses the map. He indicates the floodplain for Pocatello Creek and the area in which Applicant is hoping to put his addition. He indicates no great concern with the placement of the addition.

Tillotson calls for public testimony.

Public testimony in favor: None.

Public testimony neutral: None.

Public testimony opposed: None.

Tillotson asks Applicant if he has any further information to provide. None.

Tillotson asks if Council has any questions. None.

Tillotson moves on to a review of the criteria for approval of the Variance.

#1. Has the Applicant shown there is no reasonable alternative to the request?

Adams begins discussion of the first criteria, finding that there is not a reasonable alternative to this Variance request. He notes that this is the best location for what Applicant is hoping to do.

Erchul indicates that, from Staff findings, they would need to apply for a Variance no matter where they put an addition. He further notes that, on the map, they appear to be filling in space already occupied by the home, rather than getting significantly closer to the creek. Staff notes that there is a concrete pad existing already.

Tillotson summarizes, stating that due to the location of the home and per information in the Staff Report there is no other option.

#2. The Variance is or is not in conflict with the public interest?

Smith begins discussion of the second criteria, finding that the Variance is not in conflict with the public interest. He notes that the house is already located within the setback and this addition represents a minimal change. He references the existing concrete pad, noting very minimal, if any, disturbance to the area.

#3. The Variance will or will not adversely affect adjacent property?

Erchul begins discussion of the third criteria, finding that there will be no adverse impact. He cites the rationale listed for criteria #2. Tillotson notes no public testimony opposed. Erchul notes that they are not changing their septic system or drainfield, as is sometimes required for additions.
#4. If the Variance is not granted, the Applicant will or will not suffer undue hardship caused by the physical characteristics of the site?

Egan begins discussion of the fourth criteria, finding that Applicant would suffer undue hardship if the Variance is not granted. He notes that the property was originally developed in the 60s and will require upgrades to meet modern standards which would be disallowed without the Variance. He notes that, without the Variance, Applicant would face limited use for his property.

Tillotson summarizes, stating that the home could never be upgraded because of existing characteristics developed in the 1960s and the owner would not be able to use his private property for his own enjoyment. She notes that the home would devalue over time without the ability to improve the exterior.

Erchul indicates that the setback requirement has changed and that the building will only be placed 8’ closer to the creek and will not require the relocation of drainfields or septic systems. Egan notes that the setback from the creek as it is today has worked well since the 1960s.

Tillotson notes that there is no reasonable alternative to the Variance, that there is no conflict with the public interest, that it will not affect adjacent property, and that it will otherwise cause an undue hardship for Applicant due to the characteristics of the site. She indicates that the request has met the requirements to allow a Variance. She calls for a motion to take action on the request.

Erchul makes a motion, based on the record and discussion this evening, to recommend to the Board of County Commissioners the request made by Chris Guthrie for a Variance from the minimum setback from the riparian area from 100’ to 65’, as described in the application materials and supplemented by additional information attached in the staff report and according testimony received, and to adopt the proposed findings and order for signature by Chair or Vice Chair. Smith seconds. Roll call. Egan - yes. Tillotson - yes. Erchul - yes. Smith - yes. Adams - yes. Motion carries with all Council present by a 5-0 vote with one Councilperson absent.

Egan makes a motion to close the public hearing on Item #2. Erchul seconds. Motion passes unanimously by acclamation.

3. VARIANCE REQUEST FROM TABLE BUILDING BULK AND PLACEMENT STANDARDS - CAMERON SALT.

Tillotson notes that she has recused herself from Item #3 on the grounds that she is a native of Lava Hot Springs and is acquainted with Applicant. She states that she does have testimony
neutral that applies to the request. She appoints Adams to lead this Public Hearing. Adams accepts the appointment.

Adams notes that he has items to cover ahead of the discussion of the Variance Request, noting that the process is usually to seek a Conditional Use Permit and then to make a Variance Request but that, in this case, Staff created an oversight. He indicates that the Conditional Use Permit was not advertised for a sufficient number of days to be added to the meeting. He states that Applicant will be approaching the Variance first due to the exclusion of the Conditional Use Permit, but that the Variance will have to be conditioned that the Variance will be granted after the CUP hearing due to the technicality.

Applicant Elizabeth Salt, 11759 East Fish Creek Road, Lava Hot Springs, Idaho, 83246. Ms. Salt indicates that she will be speaking on behalf of Cameron Salt. She indicates that they are hoping to extend their campground next month, with the CUP, and that they will be adding 20 more RV sites and a bathhouse. She notes that 10 of the proposed RV sites are within the setback for the riparian area. Applicant states that she is seeking the Variance so that they may put the water pedestal and the power pedestal at a 50’ setback instead of the 100’ setback currently required, to allow campers to back up to the creek as they do on their campgrounds on the other side of the creek. Applicant indicates that, in order for this to occur, they will need to put the power pedestals towards the back to accommodate the RV plug-ins that are located in the rear of the RV. She notes that this will make it easier on the campers who come, as they will not have to rely on a long extension cord.

Applicant reads a prepared statement which indicates why she feels they meet the criteria to be granted the Variance. Her statement notes that the property is currently being used for farming, though it is poorly suited for agriculture due to its odd shape; that failure to grant the Variance would create a burden to campers, who may not have electrical cords long enough to reach the pedestals at 100’; that the property is currently zoned recreational, and that they feel the Variance would further increase recreation in Lava Hot Springs; that the proposal is in the public interest, as it creates more places to stay within the community; that the placement of the power and the water of the plan allows for the least amount of disturbance; that the proposed Variance will not affect adjacent property, as it is currently used as a campground as well; that the campground will meet Ordinance requirements by being elevated 2’ above the highest adjacent grade; that recreational vehicles permitted to camp at the site would be required to be fully licensed and highway-ready for quick disconnect with no allowance for permanent attachment; that all improvements will be anchored to prevent flotation or collapse; that all utilities will be put in such a way to minimize or eliminate flood waters into the system; that potential flooding would not impact the area, as all adjacent areas would be secured; that they will use best practices to preserve the riverbank and riparian area; that if Variance is not granted, the land will not be used for farming due to its odd shape, rendering it useless to the property owners; and that denial of this proposal would result in undue hardship caused by the physical characteristics of the property.
Erchul asks if Council previously granted a similar Variance for the campground at the other side of the creek. Applicant confirms that they did. He asks if the Variance Request is necessary only for the power and water pedestals. Applicant confirms, noting that the campground itself would not require the Variance without the pedestals, which are considered structures. Erchul asks if the site pads are gravel. Applicant confirms and notes that they have a sites for both the camper and vehicle to park, as well as a grass area, with the power and water pedestal in between the parking. Egan notes that it is just the power and water hookup triggering the Variance Request. Applicant confirms. She notes that campers frequently request sites by the creek.

Adams references the map, asking to see an enhanced view of where the sites are proposed to go. Applicant notes the location on the map. Erchul asks about the access for this portion of the campground. Applicant confirms that they will need to install a road, and notes that they have been approved by two of the three governing agencies for this project already, with the third in process. Egan asks if they are doing the same thing they have already done on the other side of the creek. Applicant confirms it will be very similar. She notes that they will be unable to be present for the CUP meeting, but that their representative will present a plan at that meeting which includes additional sites along the mountainside. She indicates they selected these sites to avoid the floodplain and disturb the least amount of usable farming area by putting the sites along the mountainside and creekside.

Erchul asks if Applicants own the property. She confirms that they do.

Jensen, Staff, presents the Staff Report. He notes that the parcel is in a recreational zone and the total land area owned is 58.46 acres with visibility to the south side of Fish Creek from Highway 30. He further notes that the existing use as an RV park with small commercial structures, as well as a personal residence. He indicates that there is a septic tank and drain fields and that there is municipal water that has been extended to the west side of the property. He states that the property borders the city of Lava Hot Springs boundary line on the western side.

Adams recognizes that there have been two communications to Staff regarding this proposal: one from Idaho Fish and Game and the other from the City of Pocatello.

Staff notes that Jaglowski can speak more about the nature of structures required by the Variance, if necessary.

Adams calls for public testimony.

Public testimony in favor:

Cameron Salt, 11759 East Fish Creek Road, Lava Hot Springs, Idaho, 83246. Mr. Salt references the map and notes Adams’ previous questions about the location of the creek, noting the
locations of the pedestals.

Public testimony neutral:

Sherril Tillotson, 11937 South Dempsey Creek Road, Lava Hot Springs, Idaho. Ms. Tillotson offers her perspective of the area, noting that people want to recreate along the creek but many of the waterways are on private ground; that the riparian area can be protected while still allowing for camping; that the electrical code and health department code are also restricting and monitoring what can be done in the area in order to protect it; and that agriculture along the waterway has a much greater impact on the riparian area than does a well-run campground, as there is no setback requirement for equipment and animals.

Public testimony opposed: NONE.

Cameron Salt approaches again with additional information. He concurs with Ms. Tillotson’s statements and reiterates that the farming side of this area is fairly detrimental to the area, with all of the sediment being plowed into the creek and eroding the bank. He notes that they take care to protect the bank and make sure all campers are following the rules.

Adams reads the included statements from the agencies in full. The first letter is from Becky Johnson, the Environmental Staff Biologist with Idaho Department of Fish and Game, and notes their concern with the proposal citing specific concerns for the Yellowstone cutthroat trout. The second letter is from Hannah Sanger, science and environment administrator for the City of Pocatello and notes their concern specific to the water quality and riparian habitat.

Egan notes that he is familiar with the property and has been impressed by how they have taken care of the area. He notes that he is involved in agriculture and agrees with Ms. Tillotson’s comments about the campgrounds creating an improvement to the water quality, as opposed to the impact of cattle and equipment due to agricultural use. Erchul notes that he has also seen the impact of agriculture on the rivers.

Adams moves on to a review of the criteria for approval of the Variance.

#1. Has the Applicant shown there is no reasonable alternative to the request?

Smith begins discussion of the first criteria, finding that there is not a reasonable alternative to this Variance request. He notes that the other alternatives for site placement are not reasonable, that the public wants to camp along the river, and that the Variance is only for the pedestals. Egan notes that the electrical requirements dictate that the pedestal be a certain distance from the parking area.

Adams summarizes, stating that the Applicant has shown there is not a reasonable alternative, based on the fact that moving the site further into the agricultural area of the property will impact the land currently used as quality ag land.
#2. The Variance is or is not in conflict with the public interest?

Erchul begins discussion of the second criteria, finding that the Variance is not in conflict with the public interest. He notes that the proposal is in line with the property and uses around them. He notes the concern from the City of Pocatello and the Department of Fish and Game, but indicates that he does not see how placing the pedestals 50’ closer to the creek would have any impact on the riparian area, and that the area would be improved by not having the impact from agriculture so close to the creek. He notes a demand for more campsites.

Adams summarizes, stating that the Variance is not in conflict with the public interest, based on current uses that align with the requested Variance and established use as a campground.

#3. The Variance will or will not adversely affect adjacent property?

Egan begins discussion of the third criteria, finding that there will be no adverse impact. He notes that there has been no testimony against the proposal from the adjacent property owners.

Adams summarizes, stating no public testimony was given against the proposal and the property is not near adjacent landowners.

#4. If the Variance is not granted, the Applicant will or will not suffer undue hardship caused by the physical characteristics of the site?

Smith begins discussion of the fourth criteria, finding that if the Variance is not granted, the Applicant will suffer undue hardship caused by the physical characteristics of the site. He notes that Applicant would be unable to expand their campground in optimally without the Variance, causing an undue financial hardship. Egan notes that they would be unable to expand in a way that’s attractive to campers without the Variance.

Adams cites Staff findings in their records as the rationale behind the decision. He notes the condition of the Conditional Use Permit.

Smith makes a motion, based on the record and discussion this evening, to recommend to approve the request made by the Salts for a Variance from the minimum setback from the riparian area from 100’ to 50’, as described in the application materials and supplemented by additional information attached in the staff report and according testimony received, and to adopt the proposed findings and order for signature by Chair with one condition for approval, that this Variance is subject to approval of the Salts’ conditional use permit. Egan seconds. Roll call. Egan - yes. Erchul - yes. Smith - yes. Adams - yes. Motion carries with all Council present by a 4-0 vote with one Councilperson absent and Tillotson recused.

Smith makes a motion to adopt the Agenda as amended. Egan seconds. Motion passes unanimously by acclamation.
Adams yields his position as acting chairperson and Tillotson rejoins Council.

E. BUSINESS ITEMS:

No business items.

F: ITEMS OF INTEREST:

1. UPDATE ON RECOMMENDATIONS TO OR FROM THE COMMISSIONERS.

Staff notes Greg Boettcher application for a Variance which was appealed by Tom Katsilometes. He states that the appeal was denied and Council's decision was upheld by the Commissioners, noting that Mr. Katsilometes consideration of appeal for Buckskin Ranch Estates was discussed. He mentions some items of clarification which are being discussed among adjacent property owners. Staff indicates that Kirk Jackson applied, representing three property owners, to rezone and make changes to the Future Land Use Map, heard on the 19th and approved by the Commissioners. He notes that Greg Boettcher had a vacation of Aubrey Lane which was granted and Dan Williams had a vacation of an old section of road in the middle of his property which was granted.

2. UPCOMING HEARING ITEMS.

Staff notes that the Salts will not be in attendance at the upcoming meeting on the 11th of December to hear their Conditional Use Permit. He indicates that what was just discussed in the Public Hearing will be discussed for the Conditional Use Permit. He notes that next month they will need to have a motion on when Council will meet, at what time they will meet, and whether or not they would like to have additional meetings, indicating that Staff has discussed having two meetings per month in March, April, May, June, July, and August. He states that they would call the second meeting as needed, having it calendared, and that it would be cancelled if it was not needed, or use it as a work session. Staff notes that, historically, those six months have been busy. He states that they will be heavily involved next year in the rewriting of Ordinance, requiring Council’s input. He recommends that they consider moving the time back to account for Council members having a difficult time accommodating their work schedules. He indicates that they would like to have that motion taken care of at the next meeting, as they move into 2020.

Tillotson notes that, relative to the upcoming CUP meeting, they have used a set of standards to make their determinations in the past which have not been codified. She recalls several meetings regarding campgrounds that have occurred recently, and indicates that the set of standards may apply and requests that they be pulled from prior CUPs.
Council discusses the importance of considering the criteria for the public hearing items. Adams indicates that they may not need to deliberate Staff findings if they do not disagree with them. Adams indicates that there is no need to reiterate the Staff report if there is nothing to add. Staff agrees that the information included in the packet should be sufficient to inform Council to move, and requests that they review them ahead of time.

Staff notes that they have suspended work on the Comprehensive Plan until they receive comments back from Council and Commissioners. He notes that he has comments from Tillotson and that he has had conversations with Egan and Owens. He asks that the other Council members provide their comments, at which point they can approach the Consultants and begin moving to approve and send the Comprehensive Plan along to the Commissioners. He indicates that the Commissioners have stated that they will not approve the Comprehensive Plan as it stands now. He indicates that they will not burden Council with small edits, but that they will rely heavily on Council for the rewriting of Ordinance.

Tillotson asks if they will share with Council what goes to the Commissioners for approval. Staff confirms that they will. Staff indicates that they would like to define a building right required when a primary or secondary residence is built on the property, not applicable to billboards, signs, or accessory structures.

Smith notes that these items are not on the agenda.

Tillotson asks if definitions, such as the definition of a structure, in the Ordinances will be a topic of discussion. Staff indicates that they will be discussing that as part of the redesign of the Zoning Ordinance, which will mimic the formatting of the Building Code.

**G: WORKSHOP: NONE.**

**H: CITIZENS COMMENTS: NONE.**

Tillotson adjourns the meeting at 6:25pm.
BANNOCK COUNTY STAFF PRESENT: Hal Jensen, Planning Director; Tristan Bourquin, Management Assistant.

Del Owens called the meeting to order at 4:30 p.m.

Owens notes that they do not have a quorum present and cannot hear the Public Items.

A. ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST:

Present Council Members: Wade Egan, Del Owens, Thomas Smith

Owens makes a disclosure, noting that Madam Chair had discussed last month’s meeting with him to bring him up to date after his absence due to illness. He further notes that he has discussed ordinance and requirements with Staff, but that none of the discussions will affect his decisions.

Excused/Absent Council Members: Rory Erchul, Sherril Tillotson, Chris Adams.

B. AGENDA CLARIFICATION AND APPROVAL; APPROVAL OF MEETING MINUTES:

Owens notes there are no minutes to approve or adoptions of decisions. He states that they will have to table Item E at the present time without a quorum.

C. ADOPTION OF DECISIONS:

None.

D. PUBLIC HEARING ITEMS:

None.

E. BUSINESS ITEMS:

None.
No business items.

F: ITEMS OF INTEREST:

1. UPCOMING HEARING ITEMS

Jensen, Staff, introduces himself. He notes one item of interest: a discussion for next meeting about a Variance applied for by Sean O’Brien of Rocky Mountain Engineering, who is representing a client. He indicates that the Applicant is seeking a Variance of lot size, which will require Council’s consideration for one lot slightly under the 5-acre minimum parcel size. Staff notes that this is the only item currently on the Agenda scheduled for next month. Staff further notes that, because there is not a quorum present at the meeting today, they will have two items for the month of January.

Staff is informed that they do also have a preliminary plat for Tom Katsilometes next month. He indicates that he was not aware of this and did not have the information in his notes.

G: CITIZENS COMMENTS:

None.

H: WORKSHOP:

Staff notes that, because they do not have a quorum, they will have to have a workshop and need to publish a meeting time for the month of January. He further indicates that the entire year of Council meetings is usually acted on and published at once. Staff states recalls their last discussion, in which they talked about having one meeting a month for all months and two in April through August. He indicates that they may or may not have submissions for all meetings and can use them for work sessions or simply cancel them, but that he believes it is better to have them on the agenda for those particular months rather than having to call a special meeting.

Smith asks if they would schedule on the first meeting until it has filled up and then allocate submissions to the second meeting time. Staff confirms that this is correct.

Staff notes that there has been a request to move the meeting time back to 5:00 or 5:30, in light of the fact that it is difficult for Council and the general public who make applications to take the time off work or other commitments. Smith notes that the meeting time used to be 6:30, but that they switched it to 4:15 because of how late the meetings ran. Smith indicates that 5:30 or 5:15 seems reasonable. Egan concurs. Staff indicates that they will support whatever decision Council reaches on a start time.
Owens asks if Tillotson’s statements are available to be read. Staff indicates that he does have them in his notes.

Smith asks if Tillotson is available by phone.

Staff notes that Tillotson’s recommendation is to meet at 5:15 or 5:30 and have two meetings a month in the months of April through September. Staff notes that Thursdays are not a good time for the meetings, as the Public Hearings in the City of Pocatello are held on Thursdays, leading to potential conflicts. He indicates that the first and third Wednesday would likely be the preferred evening.

Owens notes that Tillotson sent him an email saying, “I have let Tristan know that I won’t be there. I told her my time preference is either 5:15 or 5:30, two meetings a month at least April through September.”

Egan asks if there is going to be Ordinance work or other workshop work due to the Comprehensive Plan that Council will need to be involved in. Staff confirms that there will be. Egan notes that he is ok with having the two meetings, as long as they have the regular meeting with the optional work session meeting, if needed.

Smith notes that during those months they often ended up scheduling a second meeting anyway, at which point there was a big scramble at the last minute to schedule it and get availability. He agrees that it will be easier not to have it than it would be to schedule it last minute.

Egan notes that there will be plenty of things needing to be done.

Staff notes that the regular meeting would be the third week of every month, with everything else being pushed to the first week of the following month. He indicates that, if they did not have other items scheduled for the first week and knew that there would be work sessions requiring a fair amount of time, they could hold them then to specifically address their time and attention to those items.

Egan indicates that he would like to see a vote on this. He does note that they seem to have trouble getting people to the regularly scheduled meetings and it may be difficult to get them to two. Staff indicates that the majority of their time will be in workshop. Egan states that he likes the idea of moving the workshops to the other meeting, as they are often exhausted after making it through the Public Hearing Items.

Owens calls Tillotson via phone in order to form a quorum. Tillotson is placed on speakerphone. She confirms that she can hear Council.

Tillotson formally introduces herself, listing her address as 1193 South Dempsey Creek Road, Lava Hot Springs, Idaho, 83246.
Owens notes that Staff explained the calendar and meetings, and that he covered the major intent. He indicates that they have been provided the sheet with the dates for each month, with two dates per month for April, May, June, July, and August. Owens asks Tillotson if she would like to add two meetings for September as well. Tillotson indicates that, if Staff is comfortable with April through August, she is fine moving forward with those recommendations, indicating that they can always call a special meeting in September if needed.

Smith notes that Staff proposed scheduling the first and third Wednesday of each month, with the third Wednesday being their regular meeting and the first Wednesday of the following month provided to absorb any overflow meetings or workshops.

Owens recommends 5:15 as the start time, but says 5:30 is also acceptable for him. Tillotson indicates she is fine with either time. She notes that whatever will work best for the most people will work for her. Owens asks if Staff has anything to add. He notes that he has received text messages and a telephone call from Mr. Erchul apologizing for his absence as he has two company parties at his place of business and asks to be excused.

Owens notes that they will table the Public Hearing Items until next month. He indicates that he will entertain a motion to approve the meeting dates and times for the coming year of 2020.

Smith makes a motion that the meeting dates for 2020 be, for all months, would be the third Wednesday of the month at 5:15 and additionally add a second meeting for the months of March through August that would fall on the first Wednesday of the following month at 5:15. Tillotson seconds the motion. Motion passes unanimously by acclamation.

Tillotson asks if she is still needed on the phone. Owens indicates she is not.

Owens asks Staff if they have the schedule now. Staff confirms that they do and will publish it on the website.

Owens notes that the first meeting in January will include the nomination and election of Chair and Vice Chair, indicating that it will need to be on the agenda. Staff concurs and notes that the meeting will be held on the 15th of January.

Owens discusses the meetings that had been planned that night with the people in attendance.

Owens closes the meeting at 4:34pm.
HEARING ITEM 1
APPLICATION FOR A CONDITIONAL USE PERMIT – COMMUNICATION TOWER

FACTS

REQUEST (EXHIBIT 1): The applicant, Cameron Salt, petitions for a conditional use permit to expand an existing campground to include 20 additional RV sites. It is proposed that 10 of the new RV sites will have water and power hook-ups; also, it is proposed that 10 of the new RV sites will have sewer, water and power hook-ups. A bath house with a commercial septic system is also proposed.

TYPE OF COUNCIL ACTION: Quasi-Judicial (Subject to judicial review; decisions must be supported by the evidence and by applying law to the facts; decisions shall be based on the standards for approval). The Council may approve with or without conditions, may table a decision, or may deny with application.

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.

PROPOSED SITE IMPROVEMENTS: The applicant, Cameron Salt, petitions for a conditional use permit to expand an existing campground to include 20 additional RV sites. It is proposed that 10 of the new RV sites will have water and power hook-ups; also, it is proposed that 10 of the new RV sites will have sewer, water and power hook-ups. A bath house with a commercial septic system is also proposed.

OWNER / APPLICANT:
Cameron Salt
11759 E. Fish Creek
Lava Hot Springs, ID 83246

PARCEL NUMBER AND LOCATION (EXHIBIT 2): The Bannock County tax parcel number is R4227015203 and addressed as 11759 E. Fish Creek and consists of approximately 58.46 acres.
SITE CHARACTERISTICS AND ZONING:

DESIGNATION: Agricultural.
PROPERTY SIZE: ~58.46 acres.
VIEWS: The property is visible from State Hi-Way 30.

IMPACT AREA: Within the City of Lava Hot Springs Impact Area.
OTHER: Adjacent to Portneuf River and Fish Creek runs through property.
SURROUNDING LAND USES AND ZONING:
NORTH: State Hi-Way District
EAST: Recreational zoning district
SOUTH: Recreational zoning district, bare ground
WEST: City of Lava Hot Springs City Boundary

SERVICES:
ACCESS STREET: Access is from State Hi-Way 30.
FIRE PROTECTION: Lava Rural Fire District.
SEWAGE DISPOSAL: Septic Tank and Drain Field.
WATER SERVICE: City Water is Available, currently well.
APPLICABLE LAWS AND PLANS:
  a. Idaho Code §67-6512, SPECIAL USE PERMITS, CONDITIONS, AND PROCEDURES  
  b. 2008 Bannock County Comprehensive Plan.  
  c. Bannock County Zoning Ordinance, 1998-1, specially:  
     i. §340 RECREATIONAL  
     ii. §395 USE REGULATIONS SUMMARY  
     iii. §530 CONDITIONAL USES  

AGENCY COMMENTS:  
  a. None received at the time of this report.  

PUBLIC COMMENTS:  
  b. None received at the time of this report.  

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 GRANTING 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 the Facts
The applicant states he currently has a Conditional Use Permit in place for the existing RV Park. Applicant desires to expand his existing use, therefore, he is required by ordinance to apply for a new Conditional Use Permit.

Within the Recreational zoning district, the following is an example of land use which may be permitted:

- *Outdoor for-pay recreation uses.*

The Council should review the use to determine whether this proposed use would adversely affect surrounding properties to a materially great extent than would a permitted use in the district.

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

Staff Findings of the Facts
The applicant states a minor increase in traffic along this route. Until the State completes the Hi-Way 30 re-route it will always be somewhat disrupted. Traffic along this route has continually increased, the traffic generated along this route due to the 20 new RV spaces is minimal compared to the overall traffic growth in this area.

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

Staff Findings of the Facts
The applicant states that public health will not be damaged. The greatest concern is the proximity to the Portneuf River and Fish Creek which runs through the property, the septic use is seasonal and has a low impact due to the seasonal nature.

D. The proposed use would be consistent with the goals and policies of the Comprehensive Plan.
Staff Findings of the Facts

The applicant states the use is in compliance with the Comprehensive Plan and will promote greater economic growth to the area.

The staff finds the following within the Comprehensive Plan that may assist the Council’s discussion:

1.1 Future Land Use Plan to Define Growth Patterns –

The Future Land Use Plan will guide future growth and development by defining appropriate land use types, densities, and character in different locations including cities and towns’ Area of City Impact (ACI) areas, Master Planned Communities (Amendment #2, December 2015), farm and ranch land, hillsides, and public lands.

1.2 Growth Pays for Needed Services –

New development will bear costs associated with providing services to it. (See Chapter 9, Public Services, Facilities, and Utilities goals.)

Goal ED 3: Encourage the development of green businesses and industries in Bannock County to promote a healthy, vital economy.

Policies

3.2 Support “Quality of Life” Initiatives that Attract Employers

Continue to support other “quality of life” initiatives that attract employers and families, including support for education and training, cultural facilities, and outdoor recreation.

3.3 Home Occupations

Support home occupations and small start-up businesses that create local employment opportunities.

Goal PS 4: Coordinate County and city development standards to provide consistent infrastructure requirements within ACIs and Master Planned Communities

Goal PR 1: Ensure that the county’s land use policies and regulations do not violate private property rights.

Policies

3.1 Balance Property Rights with Planning Objectives
Balance private property rights with community planning, public health, and safety needs within the accepted confines of national, state, and local laws.

3.2 Avoid Unconstitutional Takings of Property

Ensure that county land use actions, decisions, and regulations will not cause an unconstitutional physical taking of private property, and do not effectively eliminate all economic value of the property.

3.3 Dependence on the County’s Responsibility to Protect Public Health, Safety, and Welfare

Ensure that county land use actions, decisions, and regulations mesh with the county’s responsibility to protect public health, safety, and welfare.

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 the Facts
The applicant states the additional RV spaces is compatible with the surrounding area for building height, bulk, scale, setbacks, open space, etc.

CONDITIONS OF APPROVAL (ZONING ORDINANCE §530.7)

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; and
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
Conditions are not limited to those identified. The council may condition the application however it sees fit. Draft conditions attached to similar applications are attached.

**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.

**REPORT BY:** Hal W. Jensen, Director  
halj@bannockcounty.us  
**REPORT DATED:** November 13, 2019

*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  
2. Maps  
3. Evidence of Notices (on file with Staff)  
4. Applicable laws (on file with Staff)  
5. Agency/Pol. Subdivision/Utility Comments
EXHIBIT
Conditional Use Permit

CUP-19-3

Submitted On: Oct 15, 2019

Applicant

Cameron Salt
2083398880
salt.annie@gmail.com

Location

11759 E FISH CREEK
Rural South, ID 832460000

Conditional Use Permit

Zoning
Recreational

Please describe your project.
A request to expand existing campground to include 20 additional RV sites. It is proposed that the additional RV sites would have water and power hookups. It is also proposed that 10 out of the 20 RV sites have sewer hookups along with power and water. A bath house a commercial septic system is also proposed

What product or service are you providing?
recreational campground

Proposed hours of operation
Normal Business hours 9am-5pm

Proposed days of the week operation will be in use
7 Days a week

Will there be any emissions, such as smoke, dust, etc.?
no

Method for Handling Waste
M R and E waste service, four J's portable toilets

Water Supply
Private

Proposed number of employees
0

Will New Buildings be Required?
Yes

Will Existing Buildings be Utilized?
No

Equipment and Machinery Use
lawn mower

Sewage Disposal
Private

If yes, describe:
--

Vehicles Used in Operation:
no

Daily One-Way Vehicle Trips, Including Employees, Deliveries, etc.
no

Standards for Approval

Static Field
--

Static Field
--

Static Field
--

Static Field
--

Narrative addressing how your application meets criterion 1
This proposed property is zoned recreational. The purpose of a recreational zoned district is "to encourage a compatible blend of recreation used in such a way to preserve bannock county's recreational uses." We feel the additional RV sites, bath house and septic system would further increase recreation in Lava Hot Springs. Proposal is with in public interest because it creates more places to stay in the community. Adjacent property is currently used as a campground. If proposal is granted the adjacent property would not be affected due to it having similar property use. This property bordering the existing and proposed additional sites is State of Idaho to the North and State of Idaho to the west. The property to the west is currently being used as the KOA.

Narrative addressing how your application meets criterion 2
Currently the road entering the campground is permitted and maintained as other county roads allowing heavy trucks and equipment to go as they please. Our proposed usage will not be more harmful then the already permitted activity on the county road.

Narrative addressing how your application meets criterion 3
This proposal respects the private property rights of all land owners not part of this proposal will infringe upon any ones private property right. The campground will be adequate facilities at no cost to public. All sites will be maintained at our expense, while being compliant with state and local agencies. No excessive cost to public because we will supply our own well, power, sewer any cost there in will be obligations to Cameron and Elizabeth Salt.

Narrative addressing how your application meets criterion 4
The proposed additional RV sites, bath house and septic system fits in with the goals and policies of the comprehensive plan. The property is zoned recreational which means this addition to Lava Campground would cause visitors to Lava Hot Springs and Bannock County who will look it the many other interesting recreation activities the county has to offer. In our opinion this is exactly what the comprehensive plan would like to see in a recreational zoned parcel.

Narrative addressing how your application meets criterion 5
Yes the proposed use would be designed in such a way to be compatible with proper setbacks open spaces and landscaping.

Acknowledgement

Electronic Signature [Typed Name of Applicant]  Date
Cameron Salt  09/29/2019

P&Z Council Public Hearing Information

Hearing Date  Council Decision
--  --

Date of Recorded Findings  Findings Inst. #
--  --

Appeal Window Opens  Appeal Window Closes
--  --

Electronic Signature [Typed Name of Applicant]  Date
Cameron Salt  09/29/2019
Conditional Use Permit Narrative

Introduction

This narrative is to serve as supplementary information related to conditional use permit application for an extension of a RV/Tent Campground. Lava Campground is the campground that would like to have expansion considered. The applicants Cameron and Elizabeth Salt are applying.

Site Description

A request by Cameron and Elizabeth Salt for conditional use permit to expand an operating campground. The proposed expansion would be just north of the existing campground and would require approximately acres of additional land use. The current campground is approximately 60 acres with around 2 acres being used for the current campground. An additional 10 acres is proposed for the additionan to the campground. The proposed property is located at 11759 East Fish Creek Road, Lava Hot Springs Idaho in Bannock. Parcel Number: R4227015203. The following described premises: A portion of section 22, township 9 south, range 38, EBM, Bannock County Idaho, as follows: The SW ¼ and SE ¼ and all that portion of lost 4 lying southerly and westerly of U.S. highway 30. On the same property south of Lava Campground, the same access currently being used for Lava Campground would be used which is traveling east on Highway 30 turn south which is right onto Fish Creek Road. For ¼ mile then turn west, which is right onto Fish Creek extension. Travel on that road ¼ mile until entering campground. The property bordering the current and proposed extension is state of Idaho to the north of campground and state of Idaho to the west which is currently leased by the KOA campground. It is proposed that the campground be given 25 additional RV sites. These sites would require power and water hookups. 10 of the 25 RV sites would also have sewer hookups. We also proposed a bath house and septic system also be added to the campground conditional use permit

Existing Use

The current property contains our home and the existing campground. The existing campground accommodates both RV and Tent campers. The current campground is open 9:00a.m. -5:00p.m. 7 days per week. The remaining land is used for farming and cattle grazing. The Fish Creek runs through the property as well as the Portneuf River. The expansion of the campground should not further disturb these water ways.

Proposed Use

The extension for Lava Campground would accommodate more RV campers. It is proposed the extension would include 25 additional RV sites. It is proposed that 10 of the additional sites include sewer. The proposed 25 sites would include water hydrants and electrical hookups. It is proposed that a commercial septic system also be installed to accommodate the 10 RV sites to have sewer hookups. We would also propose that a bath house be added to the campground. It is proposed that the bath house would include two bathrooms and laundry facilities. The bathhouse would be constructed using
high quality construction materials. Concrete sides and with vertical siding and horizontal siding to be used on the front of the building. It is proposed that the extension of the campground follow the same hours of business that Lava Campground now uses. Normal business hours are 9:00 a.m.- 5:00p.m. 7 days per week. The proposed extension would include designated garbage areas. We propose that local companies be employed to take care of waste generated by campers. These local companies would be Four J’s Inc. Portable Toilets put of Pocatello Idaho and M R and E waste. The equipment being used on a regular basis will be a lawn mower. The campground will be checked and maintained daily. The proposed water supply for the extension of the campground would be from a current Lava Campground private well. We do not plan on the use of any existing buildings to be used for the purpose of the campground. The current campground in and around the surrounding areas of Lava Hot Springs as well as Lava Campground are often full. Due to the close proximity and easy access to and from Lava Hot Springs we feel this extension would be a great place to accommodate more RV campers.

- The property in question is zoned recreational
- Currently the road entering the campground is permitted and maintained as other county roads allowing heavy trucks and equipment to go as they please. Our proposed usage will not be more harmful then the already permitted activity on county road.
- This proposal will be no excessive cost to public because we will supply our own well, electrical and sewer. Of any cost therein will be obligations to Cameron and Elizabeth Salt.
- The core objective is to provide additional space for campers to stay. This addition could provide increase in visitors to Lava Hot Springs and Bannock County.
- The operation of this addition to the campground will not violate other private property rights
- While this is a recreational development this proposal will protect the character of Bannock County. All water, electrical and sewer lines will be congruent with and protect the existing character of the surrounding area.
- All water, electrical and sewer lines will be kept to a concentrated area.
- The additional RV sites and sewer system will be constructed using attractive high-quality methods. Public works licensed excavation, electricians, and plumber companies will be used to construct the site.
- The proposed land will be protected and utilized as such in a responsible, sustainable manner.
- The campground expansion will be adequate facilities at no cost to public. All addition sites will be maintained at our expense, while being compliant with state and local agencies.
- The proposed campground will not affect the March Valley School system
- The proposed addition will have limited effect on the use of Fish Creek Road.
- All areas of historic, archeological, architectural scenic, biological, geological significance will be preserved and protected.
- No existing buildings will be used for the addition of this campground.
- No buildings are planned in floodplains or on unstable slopes
- Proposed campsites will each have their own water and electrical supply
- Health Department has a evaluated our parcel and is in approval of an engineered septic system
- The proposed septic system and bath house will not be located within the floodplain area
- The proposed bath house would accommodate 2 toilets and 2 showers
CONDITIONS OF APPROVAL for Prior CUP granted:

1. A Record of Survey for the proposed addition shall be recorded with the Clerk of Bannock County.
2. A revised site plan shall be submitted to show additional information: riparian area and setback, Flood Plain delineation, any easements and site drainage before and after proposed improvements.
3. Variance (or exception) to the 100 foot setback is granted. Campsite improvements including the posts with electricity and campfire pits will be set back from the riparian area and stream in an amount to be determined by the council.
4. Recreational vehicle parking will be set back from the riparian area and stream in an amount to be determined by the council.
5. Separate permit applications and permit approvals are required for any structures and prior to any excavation or grading.
6. A 25' foot wide driveway with a circular turnaround is proposed. The driveway surface should be an all-weather dust-free surface and meet applicable Bannock County driveway standards and Fire District requirements.
7. Improvements in the flood plain must meet the requirements of the Flood Damage Prevention Ordinance.
8. Signage for the campground will require a separate permit application and approval.
9. The proposed future development of the culinary water system and the sewage septic system must be approved by the appropriate regulatory agency.
10. Fire pits at each of the (10) individual camp spaces and the group fire pits near the proposed picnic pavilions will be installed in accordance with Lava Rural Fire District and Bannock County requirements. Campfires will be in accordance with the regulations of the Lava Rural Fire District and will comply with applicable Bannock County burning and fire requirements.
11. Outdoor lighting shall be directed downward and shielded. Pole mounted lighting shall not exceed fifteen feet in height.
12. Adequate trash collection and disposal for the campground will be provided by the owner.
13. Recreational Vehicles shall be directed to approved sanitary dump stations.
14. Campground development and improvements will follow Idaho Department of Fish and Game suggestion in the publication "Living with Wildlife."
15. A suitable flood warning system for the camping area is advisable. At a minimum, the owner shall provide adequate notice of risk to overnight campers.
16. Improvements will meet approval of Army Corps of Engineers where applicable.
EXHIBIT
January 7, 2020

Mr. Hal Jensen, Planning Director  
Bannock County Office of Planning and Development Services  
5500 South Fifth Avenue  
Pocatello, ID 83204

Subject: Conditional Use Permit – RV Expansion Request 11759 E. Fish Creek

Dear Mr. Jensen,

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

The subject property is located immediately adjacent to both the Portneuf River and Fish Creek, is within the Grace Nitrate Priority Area, and is approximately 0.3 miles upgradient of the following water delineations for public water systems:

- Cottonwood Campground Well
- Lava Hot Springs Foundation Cottonwood #1

The presumed water supply well at the subject property does not appear to have met Department requirements for a public water supply system. The system must meet regulatory requirements before approval may be granted for continued public use.

Because there is no plan view of the proposed additional camping sites or where the proposed facilities including septic systems or sewage connections would actually be placed, it is difficult for the Department to make informed comments on appropriate stream setback distances or design and placement of the proposed wastewater system.

Whenever feasible, the Department recommends consolidation of drinking water and/or wastewater services to minimize the potential for public health impacts to individual well users and public water systems. The use of numerous individual onsite septic systems increases the potential for the introduction of contaminants to ground water. Rather than using individual
onsite septic system, we strongly recommend that the county require the developer to investigate the following alternatives:

- Provide a centralized community wastewater system, or
- Connect to an existing wastewater system as a condition of approval.

In addition, because of the location of the proposal adjacent to both the Portneuf River and Fish Creek, the Department recommends that the operator be required to submit a petroleum spill response plan. Included in the plan it should state that petroleum spill response equipment (i.e. absorbent material and booms) should be housed on site to be used in minimizing environmental damage should an RV have a petroleum release. Additionally the plan should state that external fuel tanks (i.e. gas cans) will not be stored within 100’ of the river or creek high water mark. General recommendations for land development projects are attached.

If you have questions or comments, please contact me at 236-6160 or via email at david.goings@deq.idaho.gov.

Sincerely,

David Goings
Senior Hydrogeologist

Attachment: General Recommendations

c: Steve Pew, Southeastern Idaho Public Health
   Jennifer Cornell, DEQ, Pocatello Regional Office
   Trina Burgin, DEQ, Pocatello Regional Office
   Doug Tanner, DEQ, Pocatello Regional Office
   Bruce Olenick, Regional Administrator, 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. The Department provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

Engineering

The Department 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. The Department 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. The Department 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

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:

1. 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.
2. 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.
3. 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.
4. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.
5. Paving. Paving of roadways and their maintenance in a clean condition, where practical.
6. 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. The DEQ recommends the development of a Storm-Water Pollution Prevention Plan (SWPPP) in accordance with federal requirements and the proper construction and maintenance of the best management practices (BMPs) associated with storm-water management. BMPs are required to prevent sediment resulting from construction from entering any surface water body. 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.

**Hazardous Waste**

Accidental surface spills of petroleum hydrocarbon products (i.e. fuel, oil and similar products) are most commonly associated with the transportation and delivery of fuel to work sites or facilities. The Idaho Release, Reporting and Corrective Action Regulations (IDAPA 58.01.02.851 and .852), 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 are also contained in those regulations.

Both federal and Idaho regulations require the cleanup of any spill or release of used oil. [IDAPA 58.01.05.015; 40 CFR 279.22(d)(3)].
Regulatory Division

SUBJECT: NWW-2019-515-102, Variance and Conditional Use Permit for Cameron Salt’s Proposed RV Site Expansion

Hal Jensen, Planning Director
Bannock County
5500 South Fifth Avenue
Pocatello, Idaho 83204

Dear Mr. Jensen:

This is in response to your undated Notices of Public Hearing requesting comments on Cameron Salt’s request for a Variance and Conditional Use Permit relative to his proposed RV Campground expansion along Fish Creek and the Portneuf River. Thank you for providing the Corps of Engineers (Corps) the opportunity to provide comment.

The site is located at 11759 E Fish Creek, within Section 22 of Township 9 South, Range 38 East, near latitude 42.62250° N and longitude -111.99579° W, in Bannock County, near Lava Hot Springs, Idaho. The project has been assigned Department of Army (DA) File # NWW-2019-515-102, which should be referred to in all future correspondence.

AUTHORITY

The DA exerts regulatory jurisdiction over waters of the United States (U.S.), including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Section 404 of the Clean Water Act requires a DA permit be obtained prior to discharging dredged or fill material into Waters of the U.S., which includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, irrigation and drainage canals and ditches that are tributaries to other waters, and wetlands.

Based on our review of the information you furnished and available to our office, we have preliminarily determined that as currently proposed the project may involve work requiring DA authorization. The project area may impact the Portneuf River, Fish Creek, and/or wetlands adjacent to those streams. While much of the area appears to be upland the proximity of the proposed work to the above streams and their potentially wetland riparian corridors could potentially trigger the need for a DA permit if fill material is to be discharged either below the ordinary high water mark of the streams or in adjacent wetlands.
Please contact me by telephone at (208) 522-1676, by mail at the address in the letterhead, or via email at james.m.joyners@usace.army.mil if you have any questions or need additional information. For informational purposes, a copy of this letter is being sent to: Mr. Cameron Salt.

Sincerely,

James M. Joyner

James M. Joyner
Sr. Project Manager, Regulatory Division
November 20, 2019

Bannock County Planning & Development Services
5500 South 5th Avenue
Pocatello, ID 83205

RE: Parcel # R4227015203 Parcel Split – Cameron & Annie Salt, Property Owners; S22-T9S-R38E; Tr Lot 4, Tax 33, 17.20 AC; SW4SE4; 40 AC

To Whom It May Concern:

The City Council at the October 10, 2019 Regular City Council Meeting reviewed an aerial map provided by Cameron and Annie Salt, Property Owners who propose to split Parcel #R4227015203 which is located in the City’s impact area into three parcels. One parcel is for the development of a new residential home site with hillside acreage, another parcel is the existing campground and the third parcel is the existing single family dwelling site. The City of Lava Hot Springs supports the referenced parcel split into three parcels as proposed.

At the Regular City Council meeting held on November 14, 2019, the City Council voted unanimously that as of this date the City would not proceed with annexation so that Cameron and Annie Salt could proceed with plans to build themselves a single family dwelling. The City of Lava Hot Springs reserves the right to proceed with annexation at a future date.

Sincerely,

Jon Thomson
Council President

JT/cd

cc: Cameron Salt
Cameron Salt  
11759 East Fish Creek Rd.  
Lava Hot Springs, ID 83246

Dear Mr. Salt:

On 9/4/19, I conducted an onsite evaluation. The Parcel Survey Application and submitted documents say this is on a total of 59 acres for an RV Park with 1375 gallons per day. The property is located in Township 9 South, Range 38 East, of the Boise Meridian, Section 22 in Bannock County, Idaho.

As part of the onsite evaluation I observed multiple test pits with a 0-3% slope. All three test pits had similar soil characteristics as follows: 0 – 108 inches is silty clay loam. IDAPA 58.01.03 Individual/Subsurface Sewage Disposal rules recognizes the soil as a C-1 soil with a loading rate of 0.3. The GPS coordinates for the test pits are TP1 (42.621606, -111.994965), TP2 (42.621189, -111.993719), and TP3 (42.621602, -111.994356).

The area near the test pits has shown to be suitable for subsurface sewage disposal. The system would require an engineered pressurized system. Additional test pits may be required on the parcel if the subsurface sewage disposal system is not installed within a 50 foot radius of the approved test pits.

The parcel survey application is not transferable to any other party and is valid for one year from 8/27/2019. Please let me know how you would like to proceed. If you have any questions, please contact me at (208) 547-4375 or janglesey@siph.idaho.gov.

Sincerely,

Jesse Anglesey  
Environmental Health Specialist
EXAMPLE MOTION

Based on the record and the discussion this evening, I move to [approve] [deny] [table] the request by Cameron Salt 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. ....
FINDINGS
REQUEST:
The applicant, Cameron Salt, petitions for a conditional use permit to expand an existing campground to include 20 additional RV sites. It is proposed that 10 of the new RV sites will have water and power hook-ups; also, it is proposed that 10 of the new RV sites will have sewer, water and power hook-ups. A bath house with a commercial septic system is also proposed.

PARCEL OWNER:
Cameron Salt
11759 E. Fish Creek
Lava Hot Springs, ID 83246

PARCEL NUMBER AND LOCATION: The Bannock County tax parcel number is R4227015203 and addressed as 11759 E. Fish Creek.

FINDINGS:

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

SITE CHARACTERISTICS AND ZONING:
DESIGNATION: Recreational
PROPERTY SIZE: ~58.46 acres
VIEWS: The property is visible from State Hi-Way 30
IMPACT AREA: Adjacent to the City of Lava Hot Springs Impact Area
OTHER: Directly adjacent to Portneuf River and Fish Creek runs through property.

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 CONDITIONAL USE PERMIT:

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

This is based on:
1. The uses in the Recreational District vary and this is an expansion of an existing use.
2. ____________________________________________________________________________________________.

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.

This is based on:
1. ____________________________________________________________________________________________.
2. ____________________________________________________________________________________________.
3. ____________________________________________________________________________________________.
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.

This is based on:
1. ______________________________________________________________________________________.
2. ______________________________________________________________________________________.

D. The proposed use *(would) (would not)* be consistent with the goals and policies of the Comprehensive Plan.

This is based on:
1. ______________________________________________________________________________________.
2. ______________________________________________________________________________________.

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.

This is based on:
1. ______________________________________________________________________________________.
2. ______________________________________________________________________________________.

Additional facts relied upon:
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

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

1. 

2. 

3. 

(REMAINDER OF THE PAGE LEFT INTENTIONALLY BLANK)
ORDER: CONCLUSION AND DECISION

The Planning and Commission, pursuant to the aforementioned, finds that the request of Cameron Salt, 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 Tillotson  
Voted (Yay)(Nay)(Recused)(Absent)

Councilperson Owens  
Voted (Yay)(Nay)(Recused)(Absent)

Councilperson Egan  
Voted (Yay)(Nay)(Recused)(Absent)

Councilperson Smith  
Voted (Yay)(Nay)(Recused)(Absent)

Councilperson Adams  
Voted (Yay)(Nay)(Recused)(Absent)

Councilperson Erchul  
Voted (Yay)(Nay)(Recused)(Absent)

Motion to (approve) (deny) (table) carried by a _______ to _____ vote.

Dated this ____________ day of ________________, 2019.

__________________________________________________
Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of ______________, in the year of 2019, 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____
CONDITIONS OF APPROVAL Lava Campground:

1. A Record of Survey for the proposed addition shall be recorded with the Clerk of Bannock County.

2. A revised site plan shall be submitted to show additional information: riparian area and setback, Flood Plain delineation, any easements and site drainage before and after proposed improvements.

3. Variance (or exception) to the 100 foot setback is granted. Campsite improvements including the posts with electricity and campfire pits will be set back from the riparian area and stream 50’ or further.

4. Recreational vehicle parking will be set back from the riparian area and stream in an amount to be determined by the council.

5. Separate permit applications and permit approvals are required for any structures and prior to any excavation or grading.

6. A 25’ foot wide driveway with a circular turnaround is proposed. The driveway surface should be an all-weather dust-free surface and meet applicable Bannock County driveway standards and Fire District requirements.

7. Improvements in the flood plain must meet the requirements of the Flood Damage Prevention Ordinance.

8. Signage for the campground will require a separate permit application and approval.

9. The proposed future development of the culinary water system and the sewage septic system must be approved by the appropriate regulatory agency.

10. Fire pits at each of the (20) individual camp spaces will be installed in accordance with Lava Rural Fire District and Bannock County requirements. Campfires will be in accordance with the regulations of the Lava Rural Fire District and will comply with applicable Bannock County burning and fire requirements.

11. Outdoor lighting shall be directed downward and shielded. Pole mounted lighting shall not exceed fifteen feet in height.

12. Adequate trash collection and disposal for the campground will be provided by the owner.

13. Recreational Vehicles shall be directed to approved sanitary dump stations.

14. Campground development and improvements will follow Idaho Department of Fish and Game suggestion in the publication “Living with Wildlife.”

15. A suitable flood warning system for the camping area is advisable. At a minimum, the owner shall provide adequate notice of risk to overnight campers.

16. Improvements will meet approval of Army Corps of Engineers where applicable.
VARIANCE FROM MINIMUM LOT SIZE REQUIREMENTS

FACTS

REQUEST (Exhibit 1): Applicant, Sean O’Brien, representing Barry Finlay, seeks a variance from §327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS of the Bannock County Zoning Ordinance. Applicant intends to subdivide an existing parcel into two parcels. One new parcel will be 5.03 acres and the other new parcel will be 4.83 acres. The owner requests a variance regarding the density required in the Residential Rural zoning district from 5 acres to 4.83 acres.

TYPE OF COUNCIL ACTION: Quasi-Judicial (Subject to judicial review; decisions must be supported by the evidence and by applying law to the facts; decisions shall be based on the standards for approval). The Council may approve with or without conditions, may table a decision, or may deny the application.

“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 (Zoning Ordinance §540.1)… 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” (Zoning Ordinance §540.3).

PROPOSED SITE IMPROVEMENTS: Applicant, Sean O’Brien, representing Barry Finlay, seeks a variance from §327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS of the Bannock County Zoning Ordinance. Applicant intends to subdivide an existing parcel into two parcels. One new parcel will be 5.03 acres and the other new parcel will be 4.83 acres. The owner requests a variance regarding the density required in the Residential Rural zoning district from 5 acres to 4.83 acres.

OWNER:
Barry Finlay
7451 Valley Vista Road
Pocatello, Idaho 83201

APPLICANT:
Sean O’Brien
600 E. Oak St.
Pocatello, Idaho 83201

PARCEL NUMBER AND LOCATION: The Bannock County tax parcel number is RPRRBKS004700 and addressed as 7451 N. Valley Vista Road, Pocatello, Idaho 83201
SERVICES:

ACCESS STREET: The property can be accessed from Valley Vista Road.

FIRE PROTECTION: The property is located in the North Bannock Fire District.

SEWAGE DISPOSAL: Private septic tank and drain field

WATER SERVICE: Private well
SITE CHARACTERISTICS:
ZONING: Residential Rural  
PROPERTY SIZE: Approx. 9.86
Parcel 1 - Approximately 5.03 acres  
Parcel 2 – Approximately 4.83 acres

VIEWS: Property is visible from Valley Vista Road
EXISTING STRUCTURES: Residential
OTHER: None

SURROUNDING LAND USES AND ZONING:
NORTH: The sites consist of residential uses, and are located within the Residential Rural zoning district.
EAST: The sites consist of residential uses, and are located within the Residential Rural zoning district.
SOUTH: The sites consist of residential uses, and are located within the Residential Rural zoning district.
WEST: The sites consist of residential uses, and are located within the Residential Rural zoning district.
APPLICABLE LAWS AND PLANS (Exhibit 3):
B. 2008 Bannock County Comprehensive Plan.
C. Bannock County Zoning Ordinance, 1998-1, especially:
   i. §320 RESIDENTIAL RURAL
   ii. §540 VARIANCES

AGENCY COMMENTS:
None received at the time of this report.

PUBLIC COMMENTS:
None received at the time of this report.
STANDARDS FOR GRANTING A VARIANCE (ZONING ORDINANCE §540.4)

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

1. **The applicant has shown that there is no reasonable alternative.**
   
   **Staff Findings.**
   
   Staff finds that there does not appear to be any reasonable alternatives and the subdivision is comparable in size to other approved surrounding parcels that are just less than 5 acres.

2. **The variance is not in conflict with the public interest.**
   
   **Staff Findings**
   
   The property is keeping with the adjacent established uses.

   Staff finds that the variance does not appear to be in conflict with the public interest. However, the Council should determine if any aspect of the proposed variance is in conflict with the public interest based on information provided by the applicant and any public testimony.

3. **The variance will not adversely affect adjacent property.**
   
   **Staff Findings**
   
   This use will not adversely affect the adjoining properties.

   Staff finds that the variance does not appear to be in conflict with the adjacent property owners. The subdivision is comparable in size to other approved surrounding parcels that are just less than 5 acres. Council should determine if any aspect of the proposed variance is in conflict with the adjacent property owner’s interest based on information provided by the applicant and any public testimony.

4. **If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.**
   
   **Staff Findings**
   
   The owner will not suffer undue hardship; yet, the council should not hinder the owner’s right to develop his land if it meets the requirements of the ordinance. Other surrounding properties are within the sizes that are being requested, this size exception request is not an anomaly with the surrounding area.

IDAHO CODE REGARDING VARIANCES

- **IC 67-6516: VARIANCE — DEFINITION — APPLICATION — NOTICE — HEARING.**

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

REPORT BY:
Hal W. Jensen
halj@bannockcounty.us
(208) 236-7230

REPORT DATED:
January 7, 2020

*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 for Variance
2. Evidence of Notices (on file with Staff)
3. Zoning Ordinance Excerpts: (on file with Staff)
   a. §320 – RESIDENTIAL RURAL
   b. §540 – VARIANCES
4. Comments Received (if any)
EXHIBIT
Application for Variance

Narrative addressing how your application meets criterion 1

There is an existing road known as N. Valley Vista Road bisecting this lot in half. Acquiring any additional lands to meet this minimum will have to be taken from adjacent land owners, which could greatly affect their lot sizes and development options. A zone change wouldn't be allowed due to 'spot zoning' as this land is not abutting any other zones. A majority of the lots and parcels in the Buckskin Saddle Subdivision are also less than the currently required minimum of 5.00 acres.

Narrative addressing how your application meets criterion 2

There will not be a conflict with the interest of the public. This variance will allow an additional residence to be placed on the northeasterly lot. This new lot will be involved in assisting with the removal of snow during the winter months which will benefit the adjoining lot owners. Additionally, if N. Valley Vista Road were to be paved, an additional land owner benefiting from that roadway would also likely contribute to its construction. There is also pre-existing infrastructure so new utility lines wouldn't need to be installed. The proposed lot size is consistent with the surrounding properties and there is sufficient area which is suitable for the construction of a new home and associated appurtenances.

Narrative addressing how your application meets criterion 3

There will be no adverse affects on adjoining lot owners if this variance were to be granted. The proposed lot size is consistent with the surrounding properties and public utilities are available for a new home. This area is wooded and full of very tall trees. A new residence would be difficult to view from the road and from adjoining properties.

Narrative addressing how your application meets criterion 4

This property is already bisected by an existing road known as N. Valley Vista Road. The vacant portion of this lot is currently going unused and is completely separate from the other half of the lot. Being that the parcel determination indicates this parcel may still be "developed/built upon", it makes sense that a new home is constructed on it and is allowed to be on an individual lot so that it may be sold separately from the current residence.

Certification

Electronic Signature [Typed name of applicant]  
Sean O'Brien  
I agree that my electronic signature above is equivalent to a handwritten signature and is binding for all purposes related to this transaction
## P&Z Council Public Hearing Information

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### Attachments (2)

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### Timeline

- **Variance Fee**
  - **Status:** Paid November 22nd 2019, 11:00 am

- **Application Intake Review**
  - **Status:** Completed December 3rd 2019, 4:27 pm
  - **Assignee:** Tristan Bourquin

  Tristan Bourquin November 27th 2019, 11:12:20 am
  May only need a minor variance. @Hal Jensen when you hear back from Linda and Matt on this application will you please let me know?
  Thank you.

- **P&Z Council Hearing Date**
  - **Status:** Completed December 18th 2019, 10:27 am
  - **Assignee:** Tristan Bourquin

  Tristan Bourquin December 18th 2019, 10:27:23 am
  Sean,
  The variance has been scheduled and will be heard at the Council Meeting on January 15, 2020. The meeting will be at 5:15pm at the Bannock County Courthouse, Room 212.

- **Legal Notice to ISJ**
  - **Status:** Completed December 26th 2019, 10:22 am
  - **Assignee:** Jim Bagley
**Jim Bagley** December 26th 2019, 10:22:13 am
Completed 12/26/19

- **Address Checks**
  - **Status:** Completed December 26th 2019, 12:44 pm
  - **Assignee:** Jim Bagley

- **Draft Public/Agency Notice**
  - **Status:** In Progress
  - **Assignee:** Jim Bagley

- **Mail & Post Public/Agency Notice**
  - **Status:** In Progress
  - **Assignee:** Jim Bagley

- **Staff Report**
  - **Status:** In Progress
  - **Assignee:** Hal Jensen

- **Draft Findings**
  - **Status:** In Progress
  - **Assignee:** Hal Jensen

- **Post Notice on Property**
  - **Status:** In Progress
  - **Assignee:** Jim Bagley

- **P&Z Council Decision**
  - **Status:** Pending

- **Record Findings**
  - **Status:** Pending

- **Variance Approval**
  - **Status:** Pending

- **10 day appeal window**
  - **Status:** Pending

- **Submit a building/zoning permit or subdivision application**
  - **Status:** Pending

- **Close Permit**
  - **Status:** Pending
OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE DIVIDED INTO LOTS AND BLOCKS AND STREETS, TO BE KNOWN HEREAFTE AS THE "BUCKSKIN SADDLE SUBDIVISION," DO HEREBY RESERVE LAND AND SAVE THE SAME FROM ANY ENFORCEMENTS OR ENCUMBRANCES AND DO HEREBY GIVE GRANT AND DEEDS FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THE PLAT GET INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 8th DAY OF MAY, 1974.

Bannock County Planning and Development Council
January 15, 2020
Page 71 of 162

BOUNDARY DESCRIPTION

BEGINNING AT THE W½ CORNER ON THE NORTH LINE OF SECTION 26, T6S, R35E, B.M., TIDEB

COURE D

DISTANCE

N 46° 48' 16" W 2040.0' 3051.6' TIDEB

N 050° 48' 16" S TO THE WESTERLY ROW OF THE BUCKSKIN ROAD

S 17° 37' 11" E FROM SAID ROW TO THE W½ LINE OF SAID SECTION 26, TIDEB

N 64° 31' 11" W ALONG SAID V LINE TO THE POINT OF BEGINNING

ENGINEER'S CERTIFICATE

I LES B. BAILLIFF DO HEREBY CERTIFY THAT I AM A REGISTERED CIVIL ENGINEER, AND THAT I MADE THIS PLAT ACCORDING TO THE LAWS OF THE STATE OF IDAHO.


LES B. BAILLIFF

The Lots shown on this plat conform with the decree of record

The Lots shown on this plat conform with the decree of record

On the 29th Day of May, 1974, personally appeared before me, the undersigned Notary Public, in and for the State of Idaho, W.A. Kettrick, who acknowledged to me that he signed for and in behalf of Caroline McNeil and Nancy H. I. Jarvis for and in behalf of Caroline McNeil and Nancy H. Jarvis, and that he was acting in their behalf at the same time as their attorneys in fact for the purpose therein stated.

By Commission expires June 4, 1977

Mary G. Brown
Notary Public

BUCKSKIN SADDLE SUBDIVISION

A SUBDIVISION IN SECTION 26, T6S, R35E, B.M.

BANNOCK COUNTY

IDAHO

DATE: 9-5-73

L.H. BAILLIFF ASSOCIATES

CONSULTING ENGINEERS

POCATELLO, IDAHO

JOB No. 7383

SHEET: 2 OF 2
CORRECTION OF DIMENSION ON PLAT

655482

It is hereby certified that the undersigned was the Registered Civil Engineer under whose direction the plat of Buckskin Saddle Subdivision, a subdivision in Sec. 26, T.6S., R. 35 E., B.M., Bannock County, Idaho, was prepared from deeds of record for the lots and other information of record, said plat having been recorded in Bannock County on May 9, 1974 as Inst. No. 522476 (Plat Book 9, Page 5) and it appears there is an error in the given dimension for the tangent between Curve "A" and Curve "B" theron, to wit:

Given bearing and dimension S58°58' W-376.00 feet
Corrected bearing and dimension S58°58' W-236.41 feet

This corrected dimension is based upon field notes dated July 1952, said notes being marked "As Built", and a plat on file in the Bannock County Engineer's Office, both of which purportedly give the alignment of Buckskin Road through the affected area.

Les H. Ballif
P.E. & L.S. Reg. No. 399

Date 10-1-80

Subscribed and sworn to before me this 15th Day of October, 1980.

Notary Public

NOTARY SEAL

655482

Bannock County

'80 000 11 302

Official Recorder No. 359

Bannock County Planning and Development Council

January 15, 2020

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RESOLUTION

WHEREAS, a public hearing upon the Petition to Vacate the Private Drive in Block 8, Buckskin Saddle Subdivision was heard on August 21, 1998 at the hour of 10:00 a.m. in the chambers of the Bannock County Commissioners; and

WHEREAS, after hearing evidence for and against the Petition and having considered the file and all the evidence presented at the hearing; and

WHEREAS, the Commissioners have reviewed and approved the findings of fact and conclusions of law;

NOW, THEREFORE, BE IT RESOLVED in a motion made by Commissioner Carolyn Meline, seconded by Commissioner J. O. Cotant, that the Petition to Vacate the Private Drive in Block 8, Buckskin Saddle Subdivision be granted according to its terms, that said private drive be replaced with Easement Agreements Recorded as Instruments 96019674, 98020086, and 98020087 at the office of the County Recorder and title to the vacated private drive shall be distributed in accordance with Idaho Code 15-1320 and Section 50-311, to adjoining landowners.

The motion passed with Commissioners Meline and Cotant voting in the affirmative, Commissioner Katsilometes did not vote citing a possible conflict of interest.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Carolyn Meline, Member

J.O. Cotant, Member

ATTEST: LARRY W. GHAN

Larry W. Ghan, Clerk

Bannock County Planning and Development Council
January 15, 2020
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EXHIBIT
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.
### 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**

<table>
<thead>
<tr>
<th>Minimum Setbacks (FT)(1)</th>
<th>From Local Road R-O-W</th>
<th>From Arterial or Collector R-O-W</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Structure Ht. (FT.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERMITTED USES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single–family Residence</td>
<td>30</td>
<td>50</td>
<td>30</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>Two–family Residence</td>
<td>30</td>
<td>50</td>
<td>30</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>Residential Accessory Structures (see section 401.C.4)</td>
<td>30</td>
<td>50</td>
<td>20[a]</td>
<td>20[a]</td>
<td>35</td>
</tr>
<tr>
<td>Agricultural Structures</td>
<td>30</td>
<td>50</td>
<td>20</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Farm Animal Structures</td>
<td>30</td>
<td>50</td>
<td>30</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>Commercial Agriculture Accessory Structures for Farm Animals</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td>Non-Residential Buildings</td>
<td>30</td>
<td>50</td>
<td>20(b)</td>
<td>20(b)</td>
<td>-</td>
</tr>
</tbody>
</table>

**CONDITIONAL USES**

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

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

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

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

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

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

A. Application for a variance shall be filed by the owner of the subject property with the Planning Director at least 30 days prior to the public hearing. The application shall include the information necessary to enable the Planning and Zoning Department to make a complete analysis of the variance request.

B. The Planning Director may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.

C. The application shall be accompanied by a fee established by the Board of County Commissioners. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

D. The applicant shall also provide the Planning Director with the names and addresses of the owners of property that abuts the applicant's parcel.

540.2 PUBLIC HEARING NOTICE:

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

540.3 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:

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

540.4 STANDARDS:

The Planning and Development Council may grant a variance if it makes affirmative findings of fact on each of the following standards:
1. The applicant has shown that there is no reasonable alternative.

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

3. The variance will not adversely affect adjacent property.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.

540.5 EFFECTIVE DATE OF VARIANCE:

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

540.6 APPEAL TO BOARD OF COUNTY COMMISSIONERS:

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

540.7 LAPSE OF VARIANCE:

A. Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse six months following the date on which the variance is issued, unless prior to the expiration of the six months, a building permit and a zoning permit are issued.

B. A variance subject to lapse may be renewed by the Planning and Development Council for an additional period of six months, provided that prior to the expiration date, a written request for renewal is filed with the Planning and Development Council.

C. The Planning and Development Council may grant or deny an application for renewal upon a showing by the applicant that circumstances beyond his control caused the delay.

540.8 SUSPENSION AND REVOCATION:

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

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

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

A. A minor variance may not reduce a requirement by more than ten percent of its original standard, except in situations where proposed building additions would conform to established setbacks.

B. The applicant shall furnish the Planning Director with written consent from abutting property owners before the Director approves a minor variance.

C. If a minor variance request is denied, the applicant may appeal by proceeding through the regular variance process.

550 APPEALS OF PLANNING AND DEVELOPMENT COUNCIL'S DECISIONS:

A. The Board of County Commissioners shall serve as the decision–making body for appeals of decisions of the Planning and Development Council. The Planning and Development Council's decision may be appealed to the Board of County Commissioners by the applicant or any other aggrieved person within ten days after the date on which the decision is made. Notice of the appeal shall be filed with the Planning Director.

B. A transcript of the Planning and Development Council's consideration of the request shall be provided by the County at the expense of the appellant. The Board of County Commissioners shall determine the fee per page to be charged for transcripts. The appellant shall pay the estimated cost of the transcript to the County in advance, and be refunded money or owe additional money when the transcript has been prepared, and the actual cost determined.

C. Not more than 30 days following the preparation of transcripts, the Board of County Commissioners shall meet to consider the appeal. The hearing shall not be a public hearing, but shall be open to the public. The hearing shall be an "on the record review." During the hearing, County staff shall be available to present the application and answer questions; however, comments will not be received from the audience. The Board of County Commissioners shall consider such findings, reports, minutes, comments, and recommendations as are forwarded to them by the Planning and Development Council in rendering their decision. Any applicant or other affected person may request a reconsideration of the Board of County Commissioners' decision.

550.1 RECONSIDERATION OF A DECISION OF THE BOARD OF COUNTY COMMISSIONERS:

Any applicant or any other affected person may request a reconsideration of the Board of County Commissioner’s decision within fourteen (14) days. The reconsideration
January 7, 2020

Mr. Hal Jensen, Planning Director
Bannock County Office of Planning and Development Services
5500 South Fifth Avenue
Pocatello, ID  83204

Subject: Variance from 327 Table of Building Bulk and Placement Standards – 7451 N. Valley Vista

Dear Ms. Davis,

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

The location intersects no known source water delineations for public water systems.

Whenever feasible, the Department recommends consolidation of drinking water and/or wastewater services to minimize the potential for public health impacts to individual well users and public water systems. The use of numerous individual onsite septic systems increases the potential for the introduction of contaminants to ground water. Rather than using individual onsite septic system, we strongly recommend that the county require the developer to investigate the following alternatives:

- Provide a centralized community drinking water and centralized community wastewater system, or
- Connect each lot to existing community drinking water and wastewater systems as a condition of approval.

General recommendations for land development projects are attached.

If you have questions or comments, please contact me at 236-6160 or via email at david.goings@deq.idaho.gov.

Sincerely,

David Goings
Senior Hydrogeologist

Attachment: General Recommendations

c: Steve Pew, REHS, Environmental Health Director, Southeastern 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. The Department provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

Engineering

The Department 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. The Department 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. The Department 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

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. The DEQ recommends the development of a Storm-Water Pollution Prevention Plan (SWPPP) in accordance with federal requirements and the proper construction and maintenance of the best management practices (BMPs) associated with storm-water management. BMPs are required to prevent sediment resulting from construction from entering any surface water body. 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.

**Hazardous Waste**

Accidental surface spills of petroleum hydrocarbon products (i.e. fuel, oil and similar products) are most commonly associated with the transportation and delivery of fuel to work sites or facilities. The Idaho Release, Reporting and Corrective Action Regulations (IDAPA 58.01.02 .851 and .852), 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 are also contained in those regulations. Both federal and Idaho regulations require the cleanup of any spill or release of used oil. [IDAPA 58.01.05.015; [40 CFR 279.22(d)(3)].
EXAMPLE MOTION
Based on the record and the discussion this evening, I move to [approve] [deny] [table] the request by Sean O’Brien, representing Barry Finlay, for a variance from the minimum lot size in the Residential Rural zoning district, as described in the application materials, as supplemented with additional information attached in the staff report, according to testimony received, and to adopt the proposed findings and order for signature by the Chair or Vice-Chair.

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

1. ....

2. ....
FINDINGS
REQUEST: Applicant, Sean O’Brien, representing Barry Finlay, seeks a variance from §327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS of the Bannock County Zoning Ordinance. Applicant intends to subdivide an existing parcel into two parcels. One new parcel will be 5.03 acres and the other new parcel will be 4.83 acres. The owner requests a variance regarding the density required in the Residential Rural zoning district from 5 acres to 4.83 acres.

APPLICANT:        OWNER:
Sean O’Brien
600 E. Oak St.
Pocatello, Idaho 83201

Barry Finlay
7451 Valley Vista
Pocatello, Idaho 83201

PARCEL NUMBER AND LOCATION: The Bannock County tax parcel number is RPRRBKS004700 and addressed as 7451 N. Valley Vista Road, Pocatello, Idaho 83201.

FINDINGS:
JUSTIFICATION FOR THE DECISION/Criteria,Standards and Facts Relied Upon

SITE CHARACTERISTICS AND ZONING:
ZONING: Residential Rural
PROPERTY SIZE: Parcel 1 - Approximately 5.03 acres
 Parcel 2 – Approximately 4.83 acres

VIEWS: Property is visible along Valley Vista Drive
EXISTING STRUCTURES: Residential
OTHER: None

NOTICE AND TESTIMONY REQUIREMENTS:
Notice of the public hearing was completed according to statutory requirements. Public comment was taken according to statutory requirements.
REQUIRED FINDINGS FOR VARIANCE:

1. The applicant has shown there [is] [is not] a reasonable alternative.
   
   This is based on:

   ______________________________________________________________

   ______________________________________________________________

   ______________________________________________________________

2. The variance [is] [is not] not in conflict with the public interest.
   
   This is based on:

   ______________________________________________________________

   ______________________________________________________________

   ______________________________________________________________

3. The variance [will] [will not] adversely affect adjacent property.
   
   This is based on:

   ______________________________________________________________

   ______________________________________________________________

   ______________________________________________________________

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

   ______________________________________________________________

   ______________________________________________________________

   ______________________________________________________________
ORDER: CONCLUSION AND DECISION

The Planning and Zoning Commission, pursuant to the aforementioned, finds that the request of Sean O’Brien, representing Barry Finlay, for a Variance from the Residential Rural zone density requirements, as described in the application, shall be [approved] [denied] [tabled].

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

1. 
2. 
3. 

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

ROLL CALL:

Councilperson Tillotson  Voted [Yes] [No] [Absent/Recused]
Councilperson Owens  Voted [Yes] [No] [Absent/Recused]
Councilperson Adams  Voted [Yes] [No] [Absent/Recused]
Councilperson Erchul  Voted [Yes] [No] [Absent/Recused]
Councilperson Smith  Voted [Yes] [No] [Absent/Recused]
Councilperson Egan  Voted [Yes] [No] [Absent/Recused]

Motion carried by a _______ to _______ vote.

Dated this ______________ day of ___________________, 2019.

________________________________________________
Signed by (Chairperson) (Vice chair)

ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of ______________, in the year of 20___, 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____
HEARING ITEM 3
REQUEST: The applicant requests Concept Plan approval in accordance with procedures and standards established in the Subdivision and Zoning Ordinances.

TYPE OF COUNCIL ACTION: Quasi-Judicial (Subject to judicial review; decisions must be supported by the evidence and by applying law to the facts; decisions shall be based on the standards for approval). The Council may approve with or without conditions, may table a decision, or may deny the application.

OWNER:
Rio Vista Land LLC
1505 E. Center St.
Pocatello, ID 83201

ENGINEERING FIRM
RMES
600 E. Oak St.
Pocatello, ID 83201

FPROPOSAL SUMMARY (Exhibit 1):
DEVELOPMENT NAME: Westfield Estates Divisions 2 & 3
AREA: Division 2 is approximately 6.71 acres and Division 3 is approximately 10.19 acres, with a total of 16.90 acres.
BUILDING SITES: The proposal is for a total of 29 residential lots with Division 2 proposing 12 residential lots and Division 3 proposing 17 residential lots.
DENSITY: Average buildable lot density is approximately 0.49 acres/lot; buildable lots range in size from approximately 0.38 acres to 0.61 acres.
WATER SUPPLY: Connection to the water line located in Westfield Estates Division 1. Irrigation lines will also be provided.
SEWAGE: Connection to the City of Chubbuck sewer system.
UTILITIES: Gas, power, telephone, cable TV, etc. will be provided within development.
FIRE PROTECTION: Subdivision is within the North Bannock Fire District, and fire hydrants will be placed every 500 feet, or as the Fire District requires.
ROADS: Access to the lots will be from internal proposed roads named Berkshire Avenue and Oxford Lane.

PARCEL NUMBER AND LOCATION: The parcel number is RPR3853006600. The subject property is located in the SW ¼ of the NW ¼ of Section 5, Township 6 South, Range 34 East, B.M., Bannock County south of the intersection of Rio Vista Road and Siphon Road. The property is within the City of Chubbuck’s Area of City Impact and is approximately a quarter mile from the nearest City boundary.
**SURROUNDING ZONING AND LAND USES:**

NORTH: The site is primarily agricultural use and is located within the Residential Suburban zoning district.

EAST: The site is primary residential use and is located within the Residential Suburban zoning district.

SOUTH: The site is primarily residential use and is located within the Residential Suburban zoning district.

WEST: The site is a mix of residential and agricultural use and is located within the Residential Suburban zoning district.
SITE CHARACTERISTICS AND ZONING (Exhibit 2):
ZONING: Residential Suburban
VIEWS: The property is generally visible from all directions.
TERRAIN: The site is relatively flat.
EXISTING STRUCTURES: None.
FLOODPLAIN: The proposed subdivision is not located in a SFHA (FIRM panel 16005C0225D (dated 7/6/09).

SOIL TYPE: Per NRCS Soil Survey (accessed 12/16/2019), the soil type is:
1. Bahem silt loam, 0-2% slopes; and
2. Broxon silt loam, 2-4% slopes.
OTHER: The site has historically been used for agricultural purposes.

Site Map

APPLICABLE LAWS AND PLANS (Exhibit 3):
- Bannock County Subdivision Ordinance, 1997-4.
- Bannock County Zoning Ordinance, 1998-1.
- 2008 Bannock County Comprehensive Plan.
AGENCY/POLITICAL SUBDIVISION/UTILITY COMMENTS (Exhibit 4):
- A comment was received from Julianne Shaw with Idaho Department of Lands (Statewide Rights-of-way Agent) – no impact.
- A comment was received from David Goings with the Idaho Department of Environmental Quality – comments regarding concern over groundwater as the proposal is within the area of EDB groundwater contamination/high nitrate priority area, and it is recommended that connection or consolidation of water and sewer services be considered.
- In speaking directly with Bridger Morrison, the City of Chubbuck Engineer, he mentioned that they would like to withhold on comments until the Preliminary Plat when more information is provided.

PUBLIC COMMENTS:
No comments have been received as of the date of this report.

COMMUNITY IMPACT ANALYSIS:
A total of twenty-nine (29) new residential lots are proposed. Population at build out is projected to be 92.8 persons (29 x 3.2 persons per household). Population five to seventeen years of age is projected to be 22.3 persons (24% of total household). Water use per unit is projected to be 13,000 gal per day per household with a total project estimated use per day of 377,000 gallons per day. Sewage produced per unit is estimated to be 372 gallons per day per household with an estimated project total of 10,788 gallons per day. Tax generated for an average developed lot is estimated to be approximately $3,500 per lot assuming a dwelling and land value of $275,000 with a homeowner’s exemption of $50,000. Cost to provide services is not known. The approximate number of home-based daily trips for the twenty-nine (29) residentially developed lots is calculated to be about 303.9 trips (Source: 29 x 10.48). The factor of 10.48 for all home-based trips per day is from telephone conversation with Mori Byington, Bannock Transportation Planning Organization, 8/28/13.

CONCEPT PLAN REVIEW CRITERIA (SECTION 302.E)
The Council will review the Concept Plan as a hearing item, considering the plat for:

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.

<table>
<thead>
<tr>
<th>CHAPTER 3: FUTURE LAND USE PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND USE PLAN CATEGORIES – SUBURBAN RESIDENTIAL</td>
</tr>
<tr>
<td>Uses Allowed – allows mix of housing types, agricultural livestock for personal domestic use (on parcels &gt; 1 acre), parks and recreation, golf courses, accessory buildings, civic uses, and places of worship.</td>
</tr>
<tr>
<td>Intent, Character, and Location – areas located near cities within ACI areas and where municipal services are either already available or planned to be extended. The category provides for small residential lots on municipal sewage treatment facilities and water systems.</td>
</tr>
<tr>
<td>Density and Intensity – Inside ACIs, maximum density is one unit per five acres unless provisions are made for extension of future water and sewer service to the property.</td>
</tr>
</tbody>
</table>

DESIGN & DEVELOPMENT PRINCIPLES – URBAN HOUSING AND NEIGHBORHOOD DESIGN PRINCIPLES
1. Design for Pedestrians: Residential neighborhoods will be compact and walkable with short
blocks, and incorporate wide and detached sidewalks and paths, seating, low-level lighting, and signs that are scaled for pedestrians in high activity areas.

2. Include Community Facilities and Services: Neighborhoods should include schools, fire and police stations, libraries, parks and open space, local-serving commercial services, and other community facilities to serve the needs of residents.

3. Connected Open Space: Provide connected open space within developments that is sited to protect natural areas and provide neighborhood amenity.

4. High Density Housing near Services

5. Designed for Multiple Transportation Modes: Provide for interconnected block and street patterns and provide access to the arterial street system, help meet national emergency service response time standards...provide connections to trails and greenways.


7. Variety and Community Identity

CHAPTER 5: POPULATION, GROWTH, & LAND USE

POPULATION, GROWTH, & LAND USE GOALS & POLICIES – GOAL LU 5

1. Future Land Use Plan to Guide Location of Urban Development in ACIs

2. Urban Service Boundaries to Define Service Areas

3. Urban Development Required – All new development within the ACI areas that are planned for future water and sewer by the City shall be urban, to occur at densities of no less than one dwelling units per gross acre.

4. Require Development to be Served by Municipal Water and Sewer

5. Require Development to Retain and Treat Stormwater – New development will be required to retain and treat stormwater, or shall make provisions for retention and/or treatment through municipal services or stormwater treatment projects.

ZONING ORDINANCE

RESIDENTIAL SUBURBAN DISTRICT (§330)

§336 SUBDIVIDING IN THE RESIDENTIAL SUBURBAN DISTRICT

B. Conventional Subdivision

1. Within a city’s area of impact, a minimum lot size of five acres is required where septic tank and drainfield sewage disposal systems are proposed. Lots of less than five acres must employ municipal treatment of sewage or private sewage treatment systems built to the design standards of the city whose impact area it is within.

SUBDIVISION ORDINANCE

CONCEPTUAL OR MASTER PLAN REVIEW

§302.A SUBMITTAL REQUIREMENTS

3. A sketch, accurate to plus or minus 5 percent, showing:
   f. Legal description to quarter-quarter section, township and range.
   j. Road names – subject to County Addressing Ordinance.

ROADS, BRIDGES, AND STREETS (§402)

§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.

**BLOCKS (§403)**

**§403.B. PEDESTRIAN WALKS**
In blocks more than 1,000 feet long, pedestrian walks may be required in situations deemed necessary by the Council. Such walkways shall be three to ten feet wide.

**LOTS (§404)**

**§404.B. RESTRICTED LOTS**
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… shall be noted on the plat.

2.d. Lots bounded by collector or arterial roads or streets. No access shall be permitted onto such roads or streets.

**§404.E. APPROVED ROAD OR STREET**
All lots must front upon an approved road or street, either public or private; all roads must be certified by the County as a suitable road or street, as shall be constructed in accordance with Section 402 of this Ordinance.

**§404.G. REVERSE FRONTAGE**
All lots in subdivisions of more than four lots shall access to an interior subdivision road or street.

1. Access shall not be permitted onto functionally classified roads, highways or streets.

**STORMWATER RUNOFF (§410)**

**§410.A. ON-SITE DETENTION**
Each development shall provide for the on-site or off-site detention of excess Stormwater runoff resulting from that development.

**§410.B. LIMITATION OF STORMWATER RUNOFF**
No development shall cause downstream property owners, water courses, channels, or conduits to receive Stormwater runoff from proposed developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped condition.

**§410.C. DESIGN REGULATION**

**§410.D. MAINTENANCE OF FACILITIES**

**§410.E. INSPECTION OF FACILITIES**

**OTHER DESIGN REQUIREMENTS FOR SUBDIVISIONS WHICH CREATE MORE THAN FOUR LOTS (§412)**

**§412.A. CENTRAL MAIL BOX DROPS**
Shall be required on all developments as per U.S. Postal Requirements and this Ordinance.

**§412.B. SCHOOL BUS ACCOMMODATIONS**
Shall be provided at School District’s request and preference for locations.

**STAFF FINDINGS**
Council should discuss if the items presented below are of any concern.

*Comprehensive Plan*
- Recommends lot sizes of one (1) acre or greater with densities of no less than one (1) dwelling units per gross acre. The proposal has lots sizes ranging from 0.38 to 0.61 acres. (Ch. 3 & 5)
- Recommends including community facilities and services. Division 1 has a proposal for a walking trail along the path, but no further facilities and services have been proposed. It is unclear if later divisions will include such facilities or services. The Council should discuss if such facilities or services should be considered at this time. (Ch. 3)

Zoning Ordinance
- The subdivision is within the Residential Suburban zoning district and within the City of Chubbuck’s ACI, as such the Conventional Subdivision states that lots of less than five acres must employ municipal treatment of sewage, which this subdivision is proposing to do. (ZO-336)

Subdivision Ordinance
- The section is incorrectly labeled on the Concept Plan site map, and should be corrected on the Preliminary Plat. (SO-302)
- One of the proposed road names is Oxford Lane. This name closely resembles other road names in the County and/or Cities, and it is recommended that a new name, preferably one that does not use “Oxford” be proposed. (SO-302)
- The proposed subdivision creates more than 20 lots, and combined with the Westfield Estates Phase 1 subdivision to the south and the Chilton Subdivision to the east, it creates more than 25 lots. The proposal shows a secondary ingress/egress in a future development that connects back to Rio Vista Road. The future development also provides a stub out to the eastern boundary for a connection to the Chilton Subdivision. Council should discuss if it is acceptable that the secondary ingress/egress is not provided for at this time, but will be in a future development. (SO-402)
- All lots need to access off of an interior road, and shall not access off of an arterial or collector road. Since Rio Vista Road is an arterial road, staff recommends that Lots 7 and 8 of Block 2 be restricted so that they can only access off the interior road, which is currently labeled Oxford Lane. Also, since they are corner lots and front both Oxford Lane and Berkshire Avenue, staff recommends that Lots 1 and 14 of Block 2 should also be restricted to have access only from the currently labeled Oxford Lane. If these lots are to be restricted, the lots shall be marked with an “R” and a note placed on the plat stating the reason for the restriction. (SO-404)
- The stormwater runoff/drainage is proposed to be detained in oversized roadside swales, similar to what was proposed in Phase 1. Council should determine if this is an appropriate method to capture the stormwater so as to not increase the amount of runoff downstream owners receive. (SO-410)
- A central mail box will be used, but the locations(s) have not yet been determined. It is recommended that a proposed location(s) be given on the Preliminary Plat. (SO-412)
- The representative for the applicant has addressed the accommodations for the school district and proposes that a school bus pickup be located at or near the intersection of Berkshire Avenue and Rio Vista Road. (SO-412)
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.

STAFF FINDINGS OF FACT
Two roads are proposed to be constructed for Divisions 2 and 3, Oxford Lane and an extension of Berkshire Avenue. Since there are already road names in the County/Cities that are very similar to Oxford Lane, staff recommends that an alternate name for Oxford Lane be chosen.

The applicant’s representative has stated in conversations with staff that the road design will meet the standards of both the County and the City of Chubbuck. Staff requests that a road profile and cross section be provided on the Preliminary Plat. In addition, the proposed cul-de-sac, currently labeled as Oxford Lane, is approximately 880 feet long and appears to meet the length requirement to not exceed 1,320 feet. Per Ordinance, the cul-de-sac turnaround radius will need to be 45 feet. The road right-of-way widths will need to be a minimum of 50 feet.

No design deviations have been requested.

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

STAFF FINDINGS OF FACT
This criterion appears to be met.

Phase 1 provides additional right-of-way for Rio Vista Road for future expansion, and the applicant’s representative has stated that Phases 2 and 3 also plan to provide this additional right-of-way. As such, it will need to be shown on the Preliminary Plat.

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

STAFF FINDINGS OF FACT
This criterion appears to be met.

5. The blocks or 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 OF FACT
This criterion appears to be met.

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

STAFF FINDINGS OF FACT
The property is relatively flat and is surrounded by residential uses. The subdivision will connect to both the water and sewer services provided by the City of Chubbuck. Within the Zoning Ordinance for subdivisions in the RS zone in an ACI, no minimum lot size or density is specified if municipal treatment of sewage is employed. The proposed subdivision has an average buildable lot density of 0.49 acres, with buildable lots range in size from approximately 0.38 acres to 0.61 acres. Council should determine if the proposed density and small lot sizes comply with the County Zoning Ordinance.

The proposed subdivision is in an area of concern for ethylene dibromide (EDB); however, it is proposed that culinary water be supplied by the City of Chubbuck water lines and that irrigation be provided through water rights associated with the Church Lateral Canal. Staff recommends that, for general public
safety, a note stating that the subdivision is located in this area of concern for EDB contamination be placed on the plat.

**SUMMARY OF CONCERNS NOTED:**

1. The lot sizes and densities are smaller than that recommended in the Comprehensive Plan; however, the Zoning Ordinance does not specifically set a minimum lot size or density if the subdivision employs municipal services. (Criteria #1 and #6)
2. No community facilities or services have been proposed for these divisions as recommended in the Comprehensive Plan. Division 1 proposes a trail along the canal, but is unclear any other community facilities or services will be provided in later divisions. (Criteria #1)
3. The section provided in the legal description is incorrect. (Criteria #1)
4. The proposed road name, Oxford Lane, closely resembles other road names in the County/City. A new road name, preferably without the name “Oxford”, may need to be created. (Criteria #1 and #2)
5. The proposed subdivision creates more than 20 lots, and combined with the Chilton Subdivision directly to the east, it creates more than 25 lots. The proposed divisions only have one proposed ingress/egress at this stage. (Criteria #1)
6. Lots 7 and 8 of Block 2 may need to be restricted so that they can only access off the interior road, which is currently labeled Oxford Lane. Also, since they are corner lots and front both Oxford Lane and Berkshire Avenue, Lots 1 and 14 of Block 2 may also need to be restricted to have access only from the currently labeled Oxford Lane. If these lots are to be restricted, the lots shall be marked with an “R” and a note placed on the plat stating the reason for the restriction. (Criteria #1)
7. The stormwater runoff/drainage is proposed to be detained in oversized roadside swales, instead of having a retention pond and drainage system to catch and collect all runoff. (Criteria #1)
8. A central mail box location is not yet given and a proposed location should be required for the Preliminary Plat. (Criteria #1)
9. Even though it is stated that the road will be designed to meet both County and City standards, no road profile or cross section has been provided as verification. (Criteria #2)
10. The proposed subdivision is in an area of concern for ethylene dibromide (EDB) and a note should be provided on the plat stating this fact for general public safety. (Criteria #6)

**IDAHO CODE REGARDING SUBDIVISIONS**

- IC 67-6513: Denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.
BANNOCK COUNTY PLANNING & DEVELOPMENT COUNCIL STAFF REPORT
CONCEPT PLAN REVIEW: WESTFIELD ESTATES DIVISIONS 2 & 3

MEETING DATE: JANUARY 15, 2020

REPORT BY:
Caryn Havlovick, Engineer Tech.
carynh@bannockcounty.us

PRESENTED BY:
Michael R. Jaglowski, P.E., County Engineer

REPORT DATED:
January 8, 2020

*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 meeting.

EXHIBITS:

1. Application for Concept Plan Review
2. Maps
   a. NRCS map
3. Bannock County Codes and Ordinances (on file with Staff)
4. Agency or Political Subdivision Comments
EXHIBIT
Subdivision Concept Plan Application

SUCP-19-15

Owner/Developer Information

Are the Owner and Developer the same?
true

Owner Name
Rio Vista Land L.L.C (Dannis Adamson is Authorized Contact Person)

Location
0 0
Rural North , ID 832010000

Applicant

Brady Smith
208-234-0110
brady@rmes.biz

Submitted: Dec 12, 2019

Owner/Developer Information

Are the Owner and Developer the same?
true

Owner Name
Rio Vista Land L.L.C (Dannis Adamson is Authorized Contact Person)

Street Address
1505 East Center

City
Pocatello

State
Idaho

Zip Code
83201

Email Address
dannisadamson@gmail.com

Phone Number
208-251-7107

Site Information

Proposed Subdivision Name
Westfield Estates Divisions 2 & 3

Parcel Number(s)
R3853006600

Number of Lots
29

Quarter
SW 1/4, NW 1/4

Section
5

Township
6 S

Range
34 E

Subdivision Information

Current zoning
Residential Suburban

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.

To subdivide the unimproved agricultural land into 29 residential lots and construct all of the necessary site improvements i.e. utilities & roadway / Timing of improvements are planned to be made starting in the spring of 2020 and finishing by the fall of 2020.

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

None that we are aware of

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

The proposed water supply (potable water) and sewage disposal will be provided by the City of Chubbuck, storm water will be retained and managed within enlarged roadside swales.
Proposed utilities and location/placement of utilities.
Project will have potable water, irrigation and sewer located within the project ROW under the roadway

Proposed fire suppression and prevention measures.
Fire Hydrants will be placed every no more than 500’ as part of the potable water supply provided in this project / North Bannock County Fire District will be servicing this project

Proposed road name(s)
Berkshire Avenue / Oxford Lane

Will this be a phased subdivision?
Yes

Number of phases
2

Description of the timing of the total project and intervals between phases, schedule for construction of improvements in each phase, and sequence of phases.
Timing of improvements are planned to be made starting with Division 2 in the spring of 2020 and finishing by the fall of 2020. Division 3 will likely start the fall of 2020 and finish early spring of 2021

Comments from Reviewing Agencies
Email was sent to reviewing agencies on 12/12/19

Subdivision Pre-development Meeting
Pre-development Meeting Date
03/18/2019

Comments from Pre-development Meeting
Pre-Development Meeting was held in the initial stages of Division 1

Engineer/Planner/Surveyor Information
Engineer/Planner/Surveyor Name
RMES

Email
brady@rmes.biz

Phone Number
208-234-0110

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.
true

Electronic Signature [Typed Name of Applicant]
Brady Smith (On Behalf of Rio Vista Land, LLC)

Date of Signature
12/12/2019

P&Z Council Public Hearing Information
Hearing Date
--

Council Decision
--

Date of Recorded Council Findings
--

Findings Inst. #
--
Appeal Window Opens
--

Appeal Window Closes
--

Attachments (1)

pdf  Concept Plan Sketch
   Dec 12, 2019

Timeline

☐ Application Intake Review
   Status: Completed December 12th 2019, 4:37 pm
   Assignee: Caryn Havlovick

   Caryn Havlovick December 12th 2019, 4:37:09 pm
   Brady,
   The application appears to have all the necessary information uploaded, thank you!

☐ Concept Plan Fee
   Status: Due Now

   Caryn Havlovick December 12th 2019, 4:38:07 pm
   Brady,
   In order to get on the meeting schedule for January, please make sure the fee is paid before next Tuesday, Dec. 17th.
   Thank you!

☐ P&Z Council Meeting Date
   Status: Pending

☐ Legal Notice to ISJ
   Status: Pending

☐ Agency/Political Notice
   Status: Pending

☐ Neighbor Notice
   Status: Pending

☐ Concept Plan Staff Report
   Status: Pending

☐ Concept Plan Findings (draft)
   Status: Pending

☐ On-site Notice
   Status: Pending

☐ P&Z Council Hearing Decision
   Status: Pending

☐ P&Z Council Findings
   Status: Pending
10-day Appeal Window
Status: Pending

Complete Concept Plan
Status: Pending
CONCEPT PLAN FOR:
WESTFIELD ESTATES DIVISIONS 2 & 3
LOCATED IN THE SW 1/4 - NW 1/4 OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO

NOTES
1. EXISTING ZONING: RESIDENTIAL SUBURBAN
2. LOT SIZE DATA
   LARGEST LOT: 0.61 ACRES
   SMALLEST LOT: 0.39 ACRES
3. SUBDIVISION STATS
   DIVISION 2 - 12 RESIDENTIAL LOTS
   DIVISION 3 - 17 RESIDENTIAL LOTS
   29 TOTAL RESIDENTIAL LOTS
4. GAS, POWER, CABLE TV ETC. TO BE PROVIDED

BASIS OF BEARING
PER CITY OF CHUBBUCK DATUM BASED ON THE CENTRAL MERIDIAN
OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM

CONCEPT PLAN FOR:
WESTFIELD ESTATES DIVISIONS 2 & 3
LOCATED IN THE SW 1/4 - NW 1/4 OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO

DEVELOPER INFORMATION
NAME
RIO VISTA LAND, LLC
CONTACT
DANNIS ADAMSON
ADDRESS
1505 EAST CENTER STREET
POCATELLO IDAHO, 83201
PHONE
(208) 251-7107

SHEET INFORMATION
DRAWN BY
BMS
PROJECT #
17161
CHECKED BY
JMG
DATE CREATED
12/12/19
LAST REVISED

FILE PATH
R:\17\Adamson, Dannis\Siphon and Rio Vista Subdivision - 17161\DES\BASE\Division 2-3\WE CONCEPT PLAN_12.12.19.dwg
CONCEPT PLAN WITH LOT AREAS FOR:

WESTFIELD ESTATES DIVISIONS 2 & 3

LOCATED IN THE SW 1/4 - NW 1/4 OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY, IDAHO

NOTES

1. EXISTING ZONING: RESIDENTIAL SUBURBAN

2. LOT SIZE DATA

   LARGEST LOT: 0.61 ACRES
   SMALLEST LOT: 0.38 ACRES

3. SUBDIVISION STATS

   DIVISION 2 - 12 RESIDENTIAL LOTS
   DIVISION 3 - 17 RESIDENTIAL LOTS
   29 TOTAL RESIDENTIAL LOTS

4. GAS, POWER, CABLE TV ETC. TO BE PROVIDED
RRRES000800
Gayleen Sorensen
10810 N. Cumberland Rd.
Pocatello, ID 83202

R3853008500
Jesse A. Cass
11573 N. Rio Vista Rd.
Pocatello, ID 83202

R3853008410
Jimmy W. Blaylock
11595 N. Rio Vista Rd.
Pocatello, ID 83202

R3853008409
Matthew B. Spanbauer
11615 N. Rio Vista Rd.
Pocatello, ID 83202

R3853008411
Brady Anderson
818 Wendy St.
Chubbuck, ID 83202

RRCHI000300
Miguel E. Gunn
11791 N. Nelson Ln.
Pocatello, ID 83202

RRCHI000400
Rick L. Pence
11717 N. Nelson Ln.
Pocatello, ID 83202

RRCHI000503
James T. Burrup
11679 N. Nelson Ln.
Pocatello, ID 83202

RRCHI000504
Edsel T. Christensen
11631 N. Nelson Ln.
Pocatello, ID 83202

RRCHI000600
Rio Vista Land, LLC
1505 E. Center St.
Pocatello, ID 83201

R3853006600
R3853008414
Rio Vista Land, LLC
1505 E. Center St.
Pocatello, ID 83201

Gayleen Sorensen
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Pocatello, ID 83202

Rio Vista Land, LLC
1505 E. Center St.
Pocatello, ID 83201
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 14, Sep 17, 2019

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 14, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
## Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Bahem silt loam, 0 to 2 percent slopes</td>
<td>11.4</td>
<td>96.2%</td>
</tr>
<tr>
<td>22</td>
<td>Broxon silt loam, 2 to 4 percent slopes</td>
<td>0.5</td>
<td>3.8%</td>
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<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>11.9</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
January 7, 2020

Mr. Hal Jensen, Planning Director
Bannock County Office of Planning and Development Services
5500 South Fifth Avenue
Pocatello, ID  83204

Subject: Westfield Estates Subdivision Concept Plan

Dear Ms. Davis,

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

The proposed site lies within the Ethylene Dibromide Degraded Area and is approximately 0.5 miles west of the North Pocatello Nitrate Priority Area. The location intersects the following source water delineations for public water systems:

- Simplot Company Pocatello Well #4
- Simplot Company Pocatello Well #5
- Simplot Company Pocatello Well #7
- Simplot Research Center Frontier Well
- Twin Pines Mobile Park Well

Whenever feasible, the Department recommends consolidation of drinking water and/or wastewater services to minimize the potential for public health impacts to individual well users and public water systems. The use of numerous individual onsite septic systems increases the potential for the introduction of contaminants to ground water. Rather than using individual onsite septic system, we strongly recommend that the county require the developer to investigate the following alternatives:

- Provide a centralized community drinking water and centralized community wastewater system, or
- Connect each lot to existing community drinking water and wastewater systems as a condition of approval.
General recommendations for land development projects are attached.

If you have questions or comments, please contact me at 236-6160 or via email at david.goings@deq.idaho.gov.

Sincerely,

[Signature]

David Goings
Senior Hydrogeologist

Attachment: General Recommendations

c: Bruce Olenick, Regional Administrator, Pocatello Regional Office
   Steve Pew, REHS, Environmental Health Director, Southeastern 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. The Department provides this guidance in lieu of more site-specific comments when information regarding the land use proposal is limited.

Engineering

The Department 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. The Department 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. The Department 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

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. The DEQ recommends the development of a Storm-Water Pollution Prevention Plan (SWPPP) in accordance with federal requirements and the proper construction and maintenance of the best management practices (BMPs) associated with storm-water management. BMPs are required to prevent sediment resulting from construction from entering any surface water body. 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.

**Hazardous Waste**

Accidental surface spills of petroleum hydrocarbon products (i.e. fuel, oil and similar products) are most commonly associated with the transportation and delivery of fuel to work sites or facilities. The Idaho Release, Reporting and Corrective Action Regulations (IDAPA 58.01.02 .851 and .852), 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 are also contained in those regulations. Both federal and Idaho regulations require the cleanup of any spill or release of used oil. [IDAPA 58.01.05.015; [40 CFR 279.22(d)(3)].
--------- Forwarded message ---------
From: Julianne Shaw <JShaw@idl.idaho.gov>
Date: Fri, Dec 13, 2019 at 4:50 PM
Subject: RE: Westfield Estates Divisions 2 & 3 Concept Plan - Agency Review
To: Brady Smith <brady@rmes.biz>
Cc: Pat Brown <pbrown@idl.idaho.gov>

Thank you Brady,

The Idaho Department of Lands sees no impact to the School trust or Endowment Lands, and therefore has no comments at this time.

Best,

Julianne Shaw

Statewide Rights-Of-Way Agent

Idaho Department of Lands

(208) 334-0262

jshaw@idl.idaho.gov
EXAMPLE MOTION

Based on the record and the discussion this evening, I move to [approve] [deny] [table] the request for the Westfield Estates Divisions 2 & 3 Concept Plan 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. ....
FINDINGS
BANNOCK COUNTY PLANNING & DEVELOPMENT COMMISSION
FINDINGS AND ORDER

INTRODUCTION

REQUEST: The applicant requests Concept Plan approval in accordance with procedures and standards established of the Subdivision and Zoning ordinances.

OWNER: Rio Vista Land LLC
1505 E. Center St.
Pocatello, ID 83201

ENGINEER/SURVEYOR: RMES
600 E. Oak St.
Pocatello, ID 83201

PARCEL NUMBER AND LOCATION: The parcel number is R3853006600. The subject property is located in the SW ¼ of the NW ¼ of Section 5, Township 6 South, Range 34 East, B.M., Bannock County south of the intersection of Rio Vista Road and Siphon Road. The property is within the City of Chubbuck’s Area of City Impact and is approximately a quarter mile from the nearest City boundary.

FINDINGS:

PROPOSAL SUMMARY:
DEVELOPMENT NAME: Westfield Estates Divisions 2 & 3
AREA: Division 2 is approximately 6.71 acres and Division 3 is approximately 10.19 acres, with a total of 16.90 acres.
BUILDING SITES: The proposal is for a total of 29 residential lots with Division 2 proposing 12 residential lots and Division 3 proposing 17 residential lots.
DENSITY: Average buildable lot density is approximately 0.49 acres/lot; buildable lots range in size from approximately 0.38 acres to 0.61 acres.
WATER SUPPLY: Connection to the water line located in Westfield Estates Division 1. Irrigation lines will also be provided.
SEWAGE: Connection to the City of Chubbuck sewer system.
UTILITIES: Gas, power, telephone, cable TV, etc. will be provided within development.
FIRE PROTECTION: Subdivision is within the North Bannock Fire District, and fire hydrants will be placed every 500 feet, or as the Fire District requires.
ROADS: Access to the lots will be from internal proposed roads named Berkshire Avenue and Oxford Lane.

SURROUNDING ZONING AND LAND USES:
NORTH: The site is primarily agricultural use and is located within the Residential Suburban zoning district.
EAST: The site is primary residential use and is located within the Residential Suburban zoning district.
SOUTH: The site is primarily residential use and is located within the Residential Suburban zoning district.
WEST: The site is a mix or residential and agricultural use and is located within the Residential Suburban zoning district.
SITE CHARACTERISTICS AND ZONING:

ZONING: Residential Suburban

VIEWS: The property is generally visible from all directions.

TERRAIN: The site is relatively flat.

EXISTING STRUCTURES: None.

FLOODPLAIN: The proposed subdivision is not located in a SFHA (FIRM panel 16005C0225D (dated 7/6/09).

SOIL TYPE: Per NRCS Soil Survey (accessed 12/16/2019), the soil type is:
1. Bahem silt loam, 0-2% slopes; and
2. Broxon silt loam, 2-4% slopes.

OTHER: The site has historically been used for agricultural purposes.

NOTICE AND TESTIMONY REQUIREMENTS:

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

REQUIRED FINDINGS FOR CONCEPT PLAN – CONCEPT PLAN REVIEW CRITERIA (SECTION 302.E)

The Council finds:

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 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 block or 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.

CONDITIONS (if any)
ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request for the Westfield Estates Divisions 2 & 3 Concept Plan, as described in the application should be [approved] [denied] [tabled].

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

ROLL CALL:

Councilperson Tillotson  
Voted [Yes] [No] [Recused/Absent]
Councilperson Owens  
Voted [Yes] [No] [Recused/Absent]
Councilperson Adams  
Voted [Yes] [No] [Recused/Absent]
Councilperson Smith  
Voted [Yes] [No] [Recused/Absent]
Councilperson Erchul  
Voted [Yes] [No] [Recused/Absent]
Councilperson Egan  
Voted [Yes] [No] [Recused/Absent]

Motion to approve carried by a _____ to _____ vote.

Dated this _______ day of ________________, 2020.

__________________________________________________
Signed by [Chairperson] [Vice-Chair]

ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of ________________, in the year of 20___, 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 he (she) (they) executed the same.

S
E
A
L

Notary Public
My Commission Expires on _____________ 20____
BUSINESS ITEM 1
Facts

Request: The applicant requests Preliminary Plat approval in accordance with procedures and standards established of the Subdivision and Zoning ordinances.

Type of Council Action: Quasi-Judicial (Subject to judicial review; decisions must be supported by the evidence and by applying law to the facts; decisions shall be based on the standards for approval). The Council may approve with or without conditions, may table a decision, or may deny the application.

Proposal Summary (Exhibit 1):

Development Name: Buckskin Ranch Estates.
Area: Approximately 106 acres.
Building Sites: Fifteen (15) residential lots and five (5) open space lots.
Density: Average gross density including open space lots is approximately 5.3 acres/lot (106/20), and the average buildable lot density is approximately 3.53 acres/lot (53.4/15); buildable lots range in size from approximately 2.50 acres to 6.60 acres.
Water Supply: Individual or shared culinary wells.
Sewage: Individual or shared wastewater disposal systems
Utilities: Power and telephone are nearby and are proposed to be placed underground in the utility easement along the Buckskin Estates Drive.
Fire Protection: The property is located within the North Bannock Fire District, and a 15,000 gallon tank for fire suppression is proposed at the cul-de-sac between lots 5 and 20.
Roads: Access to the lots will be from the internal proposed road, Buckskin Estates Drive, which comes off of Buckskin Road. Lots 2, 3, 9, and 12 will have access through easements off of either Buckskin Estates Drive or an existing private drive.

Owner/Applicant: Spartan Portneuf LLC
PO Box 11
Pocatello, ID 83204

Engineering Firm: Diorpra
4880 Clover Dell
Chubbuck, ID 83202

Parcel Number and Location: The parcel numbers are RPR3851022322 and RPR3851022101. The subject property is located in the W ½ of the SW ¼ and the SW ¼ of the NW ¼ of Section 24, Township 6 South, Range 35 East, B.M., Bannock on Buckskin Road. The property is not within any Area of City Impact and is approximately four miles from Pocatello’s City boundary.

Surrounding Zoning and Land Uses:
NORTH: The site is a mix of agricultural use and bare ground and is located within the Residential Rural zoning district.

EAST: The site is a mix of agricultural and residential use and is located within the Residential Rural zoning district.

SOUTH: The site is primarily residential use and is located within the Residential Rural zoning district.

WEST: The site is a mix of agricultural and residential use and is located within the Residential Suburban zoning district.

ZONING: Residential Rural

VIEWS: The property is generally visible from all directions.

TERRAIN: The site contains slopes.

EXISTING STRUCTURES: None.

FLOODPLAIN: The south boundary of the proposed subdivision is located in a SFHA, Flood zone A (FIRM panel 16005C0265D (dated 7/6/09).

SOIL TYPE: Per NRCS Soil Survey (accessed 1/8/2020), the soil type is:
1. Lanoak-Hades complex, 6-20% slopes;
2. Moonlight-Camelback association, 30-60% slopes;
3. Moonlight-Pavohroo complex, 30-60% slopes; and,
4. Valmar-Camelback-Hades complex, 30-60% slopes.

OTHER: The site has historically been used for agricultural purposes.
APPLICABLE LAWS AND PLANS (Exhibit 3):
A. Idaho Code § 67-6513, Local Land Use Planning- Subdivision Ordinance.
B. 2008 Bannock County Comprehensive Plan.
C. Bannock County Subdivision Ordinance, 1997-4, §303.
D. Bannock County Zoning Ordinance, 1998-1, §320.

ORDINANCE REVIEW

SECTION 303.B – PRELIMINARY PLAT REVIEW CRITERIA
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
   After review, Staff finds that the Preliminary Plat:
   a. Has not altered water sources or delivery systems, or other utilities including sewage treatment, as approved in concept.
   b. Did not increase the number of lots by 10% or more.
   c. Did not change the access points to existing collector or arterial roads or streets by a distance greater than 50’.

2. Utility easements and facilities.

   STAFF FINDINGS
   Per the condition placed on the Concept plan and the Commissioner’s decision on the appeal, an easement will need to be provided for the future access road that will service the property to the west of Lot 5.
   There are 5 easements as shown and noted on the plat:
   1. Unrecorded access & utility easements exist on the west side of the property to service the existing 5 acre parcel.
   2. A 15’ utility, drainage and snow removal easement on both sides of the new road and Buckskin Road.
   3. A slope maintenance easement.
   4. An access easement from the existing driveway to Lots 2 & 3.
   5. An access easement from the end cul-de-sac bulb through Lots 11 and 10R to service Lots 9 and 12R.
3. Open space if required in concept approval: amount of land, location, use, ownership and management plan.

**STAFF FINDINGS**
Open space is required for this subdivision, and it is proposed that approximately 53 acres will be set aside as open space, which meets the 50% requirement. The open space is proposed to be located within Lots 1, 5, 13R, and 20, with the road to also be included as 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.
   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 re-plat and must be submitted and processed according to the Ordinance.
   b. Membership of Homeowners’ Association: All lot owners shall be voting members the Associations. Owners of multiple lots shall have one vote.

**STAFF FINDINGS**
No homeowner’s association or CC&Rs were given at this point in time.

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**
The applicant proposes the new road name of Buckskin Estates Drive which, although it shares the same first word as Buckskin Road, does not duplicate any existing street names and does not appear to be derogatory. Council should determine if the proposed name too closely resembles Buckskin Road.

STAFF FINDINGS
A Water Users association is not proposed at this point; however, since it may be proposed that there be shared wells, an agreement of sorts may need to be created for those owners who may share wells.

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

STAFF FINDINGS
No Maintenance and Operation Plan was given at this point in time; however, one may be required as the open space may be commonly-owned, and there may be shared wells and wastewater systems. In addition, the private section of the proposed Buckskin Estates Drive will need some sort of maintenance plan or road user’s agreement.

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. Compliance with the Council’s approved concept plan

   STAFF FINDINGS
   The conditions given on the concept plan approval, and determination whether conditions have been met, are given as follows:

   i. Assure there is a buildable area on each lot.
      Staff – Based on the shading on the plat for areas that are greater than 20% slopes, it appears that the majority of the residential lots have buildable areas. However, it appears that Lot 14R has very limited areas that appear to be buildable due to the slopes. Council should discuss whether Lot 14R is a buildable lot.

   ii. Work with the USPS to determine a central mailbox location.
      Staff – There does not appear to be a proposed location for a central mailbox. The applicant will need to work with the USPS to determine the location, and that location will need to be shown on the final plat/final plat construction drawings.

   iii. That all driveways servicing two or more structures shall be built to County standards, and a note to be placed on the plat informing of such requirements for the driveways that will be placed in designated access easements.
      Staff – The plat contains a note that states that all road design will be coordinated with Bannock County, and that the road will be designed to Bannock County standards.

   iv. Dedicate a public access for future road development to the adjoining property on the west boundary of Lot 5.
      Appeal – This condition was appealed to the Board of Bannock County Commissioners who ultimately changed the wording to say, “The construction of a road with an easement to grant access to the property owners to the west and that the road be built
and follow County ordinances and Zoning requirements to the standard as indicated and is customary in construction of a County road.”
Staff – The plat shows a location for a future access road and notes state that all roads will be designed and built to County standards.

v. Show two blocks and renumber Lots accordingly.
Staff – The plat shows two blocks, but has maintained the original numbering. Based on the decision of the Commissioners to not require a right-of-way to the property to the west, it no longer seems applicable that there be two Blocks and that the Lots be renumbered since the road will be constructed within an easement. However, if a right-of-way is given on the final plat, staff will need to check that there are two Blocks and that the Lots are renumbered accordingly.

vi. That the preliminary plat reflect all easements.
Staff – The plat appears to reflect all easements, or at least provide acknowledgement to easements. The specific widths of some of the easements are not stated, but will be determined with staff at the time of the final plat review. In addition, per the Commissioner’s decision, an easement will need to be provided for the future access road to the property to the west of Lot 5.

vii. That lots with restrictions such as steep slopes and water problems should be labeled with an “R” and the reasoning for restrictions be stated on the plat.
Staff – All lots that contain slopes greater than 20% over more than a quarter of the lot have been labeled with an “R” and the reason has been stated on the plat. The labeling of the restrictions should be carried over and shown on the final plat for development purposes.

viii. Work with staff to identify natural drainage and any areas culverts are needed.
Staff – This condition will take place more specifically during the final plat/construction plan review stage. The applicant will need to work with staff and any other applicable agencies to make sure natural drainages and flow paths are maintained.

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

<table>
<thead>
<tr>
<th>CHAPTER 3: FUTURE LAND USE PLAN</th>
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<tbody>
<tr>
<td>LAND USE PLAN CATEGORIES – RURAL RESIDENTIAL</td>
</tr>
<tr>
<td>Uses Allowed – allows single family residential, attached residential and residential accessory structures, agricultural structures and stables, and civic uses and places of worship are appropriate if the scale and appearance fits the rural character.</td>
</tr>
<tr>
<td>Intent, Character, and Location – have rural characteristics and provide for low density housing and agricultural uses. Rural Residential will develop at densities higher than Agricultural and lower than Suburban Residential. Generally located outside cities, towns, and their ACIs. Land owners may develop on large-lot single-family housing or they may cluster houses on smaller lots to conserve open space, views, agricultural land, and natural features. Rural Residential is typically sited off local roads rather than collector or arterial roads.</td>
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Bannock County Planning and Development Council
January 15, 2020
Page 134 of 162
Open Space Subdivisions – Lots shall be a minimum of 1 acres with at least 50% of the parcel retained as conservation area with maximum overall development density of one unit per 5 acres.

**DESIGN & DEVELOPMENT PRINCIPLES – RURAL DESIGN AND DEVELOPMENT PRINCIPLES**

Development in these areas should minimize its impacts on natural areas and on nearby ranching and agricultural operations. The following design principles are appropriate for all rural development that occurs outside of cities and towns and their ACIs.

1. Minimize cut and fill for roads and site grading.
2. Use native and non-invasive plants for landscaping.
3. Steer development away from geologic features, such as rock outcroppings or steep slopes, and natural features such as streams.
4. Use setbacks and position structures to be compatible with adjacent agricultural activities.
5. Design buildings with styles and materials that reflect the rural architectural heritage.
7. Consider location of neighboring structures and locate buildings sensitively.

**CHAPTER 5: POPULATION, GROWTH, & LAND USE**

**POPULATION, GROWTH, & LAND USE GOALS & POLICIES – GOAL LU 8**

1. Except for approved Master Planned Communities, support continuance of farming and ranching for the production of food, fiber, and minerals in rural areas outside cities and towns and ACIs.

**ZONING ORDINANCE**

**RESIDENTIAL RURAL DISTRICT (§320)**

**§323 USES PERMITTED**

A. All uses listed as permitted in the RS district, except attached housing unless such housing is in an open space designed subdivision.

**§326 SUBDIVIDING IN THE RESIDENTIAL RURAL DISTRICT**

A. Open Space Designed Subdivision (Sec. 401 of Subdivision Ordinance) with density of one dwelling to 2.5 acres. Open Spaced 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.*

**SUBDIVISION ORDINANCE**

**PRELIMINARY PLAT REVIEW (§303)**

**§303.A SUBMITTAL REQUIREMENTS**

1.h. The location and width of all existing and proposed easements, including the purpose of
such easement.

<table>
<thead>
<tr>
<th>OPEN SPACE SUBDIVISIONS (§401)</th>
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<tbody>
<tr>
<td>§401.B DESIGN CRITERIA</td>
</tr>
<tr>
<td>Open space subdivisions will be designed to:</td>
</tr>
<tr>
<td>1. Assure buildable areas on individual lots which will assure privacy to that lot and its neighbors and preserve open lands</td>
</tr>
<tr>
<td>a. Dwelling sites [buildable area] and building height limits, if appropriate, will be specified for each lot on the preliminary plat in such a manner as to provide privacy to subject lot and adjoining lots.</td>
</tr>
<tr>
<td>2. Reduce road-building which increases traffic dust, stormwater runoff, and road maintenance expense.</td>
</tr>
<tr>
<td>a. No more than an average of 100 feet of interior subdivision road is permitted per dwelling, not including arterial or collector roads or streets which connect to the subdivision.</td>
</tr>
<tr>
<td>i. A design deviation to this requirement may be applied for to connect separate groups of home sites.</td>
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<tr>
<td>3. Save water by using multi-party wells or community water systems if municipal utilities are not available.</td>
</tr>
<tr>
<td>4. Protect groundwater quality by using appropriate sewage and effluent pre-treatment.</td>
</tr>
<tr>
<td>5. Protect wildlife, crucial habitats and corridors.</td>
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<tr>
<td>6. Retain and enhance rural character of the area.</td>
</tr>
<tr>
<td>7. Preserve farmland, including dry grazing and wooded lands.</td>
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<tr>
<td>8. Reduce infrastructure costs and service needs.</td>
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<tr>
<td>9. Reduce visibility of development in rural areas.</td>
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<tr>
<td>10. Offer on-site outdoor recreational opportunities.</td>
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<tr>
<th>ROADS, BRIDGES, AND STREETS (§402)</th>
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<tr>
<td>§402.C SUBDIVISION INGRESS AND EGRESS</td>
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<tr>
<td>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.</td>
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<tr>
<th>LOTS (§404)</th>
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<tr>
<td>§404.A BUILDING SITE</td>
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<tr>
<td>Each lot shall contain a satisfactory building site which is related to topography and conforms to the District Health Department requirements and this Ordinance.</td>
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<tr>
<th>WATER SYSTEMS (§406)</th>
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<tr>
<td>§406.A. CULINARY WATER SYSTEMS</td>
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Culinary water systems must be approved by Division of Environmental Quality, Bannock County Engineer, and District Health Department.

1. Such systems must be designed by a licensed engineer, who will sign the plans and certify that the system was installed according to the approved plans.

### STORMWATER RUNOFF (§410)

#### §410.A. ON-SITE DETENTION

Each development shall provide for the on-site or off-site detention of excess Stormwater runoff resulting from that development.

#### §410.B. LIMITATION OF STORMWATER RUNOFF

No development shall cause downstream property owners, water courses, channels, or conduits to receive Stormwater runoff from proposed developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped condition.

#### §410.C. DESIGN REGULATION

#### §410.D. MAINTENANCE OF FACILITIES

#### §410.E. INSPECTION OF FACILITIES

### OTHER DESIGN REQUIREMENTS FOR SUBDIVISIONS WHICH CREATE MORE THAN FOUR LOTS (§412)

#### §412.A. CENTRAL MAIL BOX DROPS

Shall be required on all developments as per U.S. Postal Requirements and this Ordinance.

#### §412.B. SCHOOL BUS ACCOMMODATIONS

Shall be provided at School District’s request and preference for locations.

### FLOOD DAMAGE PREVENTION ORDINANCE

### PROVISIONS FOR FLOOD HAZARD REDUCTION (§500)

#### §510 GENERAL STANDARDS

D. Subdivision proposals

1. All subdivisions proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and,
3. All subdivisions proposals shall have adequate drainage provided to reduced exposure to fold damage; and,
4. Where Flood protection elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
STAFF FINDINGS
Council should discuss if the items presented below are of any concern:

Subdivision Ordinance
- Assure buildable areas on each lot. (SO-401)
- The subdivision proposal is for a total of 20 lots, and per section 402.C, a secondary ingress/egress is needed for any subdivision that has 20 or more lots. However, since five of the 20 lots are for open space, and only 15 lots are being used for residential purposes, the Council should discuss if a secondary ingress/egress should be required. (SO-402)
- If shared wells are going to be used, they will need to work with the County and appropriate agencies to make sure they are designed correctly. (SO-406)
- The proposal should not cause an increase in stormwater runoff to downstream owners. The applicant will need to work with staff to make sure the necessary measures are taken to retain the stormwater runoff onsite. (SO-410)
- The location for a central mailbox has not yet been given, and will need to be shown on the final plat after the applicant works with the USPS to determine an appropriate location. (SO-412)

Flood Damage Prevention Ordinance
- The location of the floodplain will need to be depicted on the final plat along with the base flood elevations, which have yet to be determined. (FDPO-510)

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

STAFF FINDINGS
There do not appear to be any changes to the proposed layout of Buckskin Estates Drive. In addition, notes have been placed on the plat referencing that the roads and driveways, both public and private, will be built according to County standards.

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.

STAFF FINDINGS
An easement will need to be shown for the future access road to the property on the west side of Lot 5, per the Commissioner’s decision. All other adjoining properties appear to have alternative access, and the subdivision proposal is not limiting such access.

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

STAFF FINDINGS
With the limiting physical characteristics of the property, the lot lines appear to relate to the land shapes and existing development as best as they can.
SUMMARY OF CONCERNS

1. The proposed name for the main road closely resembles another in the County/City. (Review Criteria #5)
2. If shared wells are going to be used, they will need to work with the County and appropriate agencies to make sure they are designed correctly. In addition, the appropriate agreements between owners and any maintenance/operations plans will need to be created. (Review Criteria #6 and Approval Criteria #1)
3. No maintenance or operations plan or road user agreements have been proposed, even though there appears to be some commonly-owned areas such as the private section of the proposed road, driveways, and shared wells and wastewater systems. (Review Criteria #7)
4. It appears that Lot 14R has very limited areas that appear to be buildable due to the slopes. (Approval Criteria #1)
5. There does not appear to be a proposed location for a central mailbox. (Approval Criteria #1)
6. The plat shows two blocks, but has maintained the original numbering. Based on the decision of the Commissioners to not require a right-of-way to the property to the west, it no longer seems applicable that there be two Blocks and that the Lots be renumbered since the road will be constructed within an easement. However, if a right-of-way is given on the final plat, staff will need to check that there are two Blocks and that the Lots are renumbered accordingly. (Approval Criteria #1)
7. All easements, specifically for the easement for the future access road to the property to the west of Lot 5, need to be given on the final plat with all widths/dimensions provided. (Approval Criteria #1 and #3)
8. The applicant will need to work with staff and any other applicable agencies during the final plat/construction plan review stage to make sure natural drainages and flow paths are maintained. (Approval Criteria #1)
9. The location of the floodplain does not appear to be shown on the preliminary plat, and it does not appear that the base flood elevations have been determined either. These will be required to be shown on the final plat. (Approval Criteria #1)

IDAHO CODE REGARDING SUBDIVISIONS

IC 67-6513: Denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.
MEETING DATE: JANUARY 15, 2020

REPORT BY:
Caryn Havlovick, County Engineer Tech.
Tristan Bourquin, Management Assistant

PRESENTED BY:
Michael R. Jaglowski, P.E., County Engineer

REPORT DATED:
January 8, 2020

*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 meeting.

EXHIBITS:
1. Application for Preliminary Plat (includes plat)
2. NRCS Soil Map
3. Bannock County Ordinances & Idaho Codes (on file with Staff)
**Project:** Buckskin Ranch Estates

**Owner/Developer Information**

| Are the Owner and Developer the same? | false |
| **Owner Name** | Spartan Portneuf LLC |
| **Street Address** | P.O. Box 11 |
| **City** | Pocatello |
| **State** | ID |
| **Zip Code** | 83204 |
| **Phone Number** | 208-772-7826 |
| **Email** | TJK@208Lawyers.com |
| **Developer Name** | Spartan Portneuf LLC |
| **Street Address** | P.O. Box 11 |
| **City** | Pocatello |
| **State** | ID |
| **Zip Code** | 83204 |
| **Phone Number** | 208-772-7826 |
| **Email** | TJK@208Lawyers.com |

**Site Information**

| **Proposed Subdivision Name** | Buckskin Ranch™ Estates |
| **Parcel Number(s)** | R3851022101 & R3851022322 |
| **Number of Lots** | 19 |
| **Concept Plan Approval Date** | 04/17/2019 |
| **Quarter** | W1/2SW1/4 & SW1/4NW1/4 |
| **Section** | 24 |
| **Township** | 6 South |
| **Range** | 35 E.B.M. |
### Engineer/Planner/Surveyor Information

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<tr>
<td>Phone Number</td>
<td>208-233-4226</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:Elle@AE-Eng.com">Elle@AE-Eng.com</a></td>
</tr>
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### 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.

<table>
<thead>
<tr>
<th>Electronic Signature [Typed Name of Applicant]</th>
<th>T. Katsilometes</th>
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<tbody>
<tr>
<td>Date of Signature</td>
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### P&Z Council Meeting Information

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### Attachments (4)

- **Conditions Checklist**
  - pdf
  - Sep 25, 2019

- **Preliminary Plat**
  - pdf
  - Sep 25, 2019

- **Drainage Plan**
  - pdf
  - Sep 25, 2019

- **Engineer/Study Data**
  - pdf
  - Sep 25, 2019

### Timeline

- **Application Intake Review**
  - Status: Completed September 25th 2019, 5:29 pm
  - Assignee: Caryn Havlovick

- **Thomas Katsilometes** September 25th 2019, 2:14:20 pm
  The calendar pop-up for this online application software erroneously shows Monday as the first day of the week. By law, all calendars must depict Sunday as the first day of the week.

- **Caryn Havlovick** September 25th 2019, 5:27:17 pm
  It appears that all the necessary information and Attachments are included. I uploaded the Findings from the Concept Plan to the Attachments for the "Conditions Checklist". In the Details section I also changed the Range for the property to be 35E instead of
Please keep in mind that as decisions are still being made regarding the Concept Plans Findings and a more in depth review of the submittals is completed, that additional or revised information may be required.

### Preliminary Plat Fee

**Status:** Paid December 9th 2019, 9:49 am

**Caryn Havlovick** September 25th 2019, 5:29:47 pm

Fee calculation is as follows:

\[ $315.00 + $40.00 \times (5 \text{ lots}) + $15.00 \times (14 \text{ lots}) = $315.00 + $200.00 + $210.00 = $725.00 \]

**Caryn Havlovick** October 29th 2019, 4:51:03 pm

@Hal Jensen @Michael Jaglowski @Richard Ashcraft @Jim Bagley

Hello, I was going to send the following comment to Mr. Katsilometes regarding this preliminary plat application. I tried to explain the reasoning behind the decisions since Tom always seems to ask. Please let me know if you have any suggestions or edits regarding the following comment:

"The Preliminary Plat will not be scheduled to be heard by the Planning Council until this Preliminary Plat fee has been paid and the appeal/request for reconsideration on the Concept Plan Application has been completed. We are waiting for the Concept Plan's appeal and reconsideration to be completed in case the Council's original Findings are further altered, which would affect the Preliminary Plat's process and staff findings. As an office policy, items for the Planning Council are not scheduled until the application is submitted and the fees paid. The reasoning behind this is to allow staff to have the time, information, and means to complete the work necessary for that item."

Thanks!

**Caryn Havlovick** November 6th 2019, 8:41:42 am

Tom,

The Preliminary Plat will not be scheduled to be heard by the Planning Council until this Preliminary Plat fee has been paid and the appeal/request for reconsideration on the Concept Plan Application has been completed. We are waiting for the Concept Plan's appeal and reconsideration to be completed in case the Council's original Findings are further altered, which would affect the Preliminary Plat's process and staff findings. As an office policy, items for the Planning Council are not scheduled until the application is submitted and the fees paid. The reasoning behind this is to allow staff to have the time, information, and means to complete the work necessary for that item.

The due date to get on the December 11, 2019 hearing is November 11, 2019. So if you wish to get on the agenda for December, please pay the fee by next Monday, November 11, 2019. Please keep in mind that this office will be closed on November 11, 2019 for Veteran's Day, so if you wish to pay with a check or card at our office you will need to come in by 5:00pm this Friday, November 8, 2019. If you wait till Monday, then you will need to pay online using the link at the top of this page. If you pay online, please upload a copy or screenshot of the receipt.

Thank you, Caryn.

### P&Z Council Meeting Date

**Status:** Completed December 18th 2019, 10:28 am

**Assignee:** Tristan Bourquin

**Thomas Katsilometes** December 17th 2019, 1:40:06 pm

Could you please confirm via email that this application is now on the agenda for the Planning and Development Council's January 15, 2020 meeting? Thank you.

**Tristan Bourquin** December 17th 2019, 1:47:56 pm

Good afternoon Tom,

Our due date for all Council items closes today at 11:59 pm. As soon as I have a complete list of Public Hearing Items and Business Items for our January meeting, I will complete this step in ViewPoint and give you a confirmation of date and time.

Thank you!

**Tristan Bourquin** December 18th 2019, 10:28:48 am

Tom,

The Preliminary Plat has been scheduled and will be heard at the Council Meeting on January 15, 2020. The meeting will be at 5:15pm at the Bannock County Courthouse, Room 212.

### Preliminary Plat Staff Report
Caryn Havlovick  December 9th 2019, 2:17:18 pm
Tom,
If you could, would you please upload a draft version of the drainage plan specific to this subdivision so that we can address this topic sufficiently on the staff report? A more detailed plan will be required during the final plat/construction plan review, but we would appreciate a draft version at this time.
Also, could you please let us know if the subdivision will have any Codes, Covenants, and Restrictions (CC&Rs) and any Operations and Maintenance Plans for commonly owned/open space areas?
Thank you!

Preliminary Plat Findings (draft)
Status: In Progress
Assignee: Caryn Havlovick

P&Z Council Meeting Decision
Status: Pending

P&Z Council Findings
Status: Pending

10-day Appeal Window
Status: Pending

Complete Preliminary Plat
Status: Pending
EXHIBIT
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 14, Sep 17, 2019

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 imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
## Map Unit Legend

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<th>Acres in AOI</th>
<th>Percent of AOI</th>
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EXAMPLE MOTION
EXAMPLE MOTION

Based on the record and the discussion this evening, I move to [approve] [deny] [table] the request for the Buckskin Ranch Estates Preliminary Plat 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. ....
FINDINGS
BANNOCK COUNTY PLANNING & DEVELOPMENT COMMISSION
FINDINGS AND ORDER

INTRODUCTION

REQUEST: The applicant requests Preliminary Plat approval in accordance with procedures and standards established of the Subdivision and Zoning ordinances.

OWNER: Spartan Portneuf LLC
PO Box 11
Pocatello, ID 83204

ENGINEER/SURVEYOR: Dioptra
4880 Clover Dell
Chubbuck, ID 83202

PARCEL NUMBER AND LOCATION: The parcel numbers are RPR3851022322 and RPR3851022101. The subject property is located in the W ½ of the SW ¼ and the SW ¼ of the NW ¼ of Section 24, Township 6 South, Range 35 East, B.M., Bannock on Buckskin Road. The property is not within any Area of City Impact and is approximately four miles from Pocatello’s City boundary.

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

PROPOSAL SUMMARY:
DEVELOPMENT NAME: Buckskin Ranch Estates.
AREA: Approximately 106 acres.
BUILDING SITES: Fifteen (15) residential lots and five (5) open space lots.
DENSITY: Average gross density including open space lots is approximately 5.3 acres/lot (106/20), and the average buildable lot density is approximately 3.53 acres/lot (53.4/15); buildable lots range in size from approximately 2.50 acres to 6.60 acres.
WATER SUPPLY: Individual or shared culinary wells.
SEWAGE: Individual or shared wastewater disposal systems
UTILITIES: Power and telephone are nearby and are proposed to be placed underground in the utility easement along the Buckskin Estates Drive.
FIRE PROTECTION: The property is located within the North Bannock Fire District, and a 15,000 gallon tank for fire suppression is proposed at the cul-de-sac between lots 5 and 20.
ROADS: Access to the lots will be from the internal proposed road, Buckskin Estates Drive, which comes off of Buckskin Road. Lots 2, 3, 9, and 12 will have access through easements off of either Buckskin Estates Drive or an existing private drive.
SITE CHARACTERISTICS AND ZONING:
ZONING: Residential Rural
VIEWS: The property is generally visible from all directions.
TERRAIN: The site is contains slopes.
EXISTING STRUCTURES: None.
FLOODPLAIN: The south boundary of the proposed subdivision is located in a SFHA, Flood zone A (FIRM panel 16005C0265D (dated 7/6/09).
OTHER: The site has historically been used for agricultural purposes.

SOIL TYPE: Per NRCS Soil Survey (accessed 1/8/2020), the soil type is:
1. Lanoak-Hades complex, 6-20% slopes;
2. Moonlight-Camelback association, 30-60% slopes;
3. Moonlight-Pavohroo complex, 30-60% slopes; and,
4. Valmar-Camelback-Hades complex, 30-60% slopes.

NOTICE AND TESTIMONY REQUIREMENTS:
Notice of the public hearing was completed according to statutory requirements.

REQUIRED FINDINGS FOR PRELIMINARY PLAT:
PRELIMINARY PLAT CRITERIA OF APPROVAL (SECTION 303.C)

The Council finds:
1. The plat [is] [is not] 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] [will not] permit its development in accordance with this Code.
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.

_______________________________________________________________________________________________

_______________________________________________________________________________________________

_______________________________________________________________________________________________

_______________________________________________________________________________________________

ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of the Preliminary Plat for Buckskin Ranch Estates, as described in the application should be [approved] [denied] [tabled].

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

ROLL CALL:

Councilperson Tillotson Voted [Yay] [Nay] [Absent/Recused]
Councilperson Owens Voted [Yay] [Nay] [Absent/Recused]
Councilperson Adams Voted [Yay] [Nay] [Absent/Recused]
Councilperson Erchul Voted [Yay] [Nay] [Absent/Recused]
Councilperson Smith Voted [Yay] [Nay] [Absent/Recused]
Councilperson Egan Voted [Yay] [Nay] [Absent/Recused]

Motion to approve carried by a ___ to ___ vote.

Dated this ______ day of ________________, 2020.

__________________________________________________
Signed by [Chairperson] [Vice-Chair]
ACKNOWLEDGEMENT CERTIFICATE

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

On this _____ day of _____________, in the year of 20___, 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 he (she) (they) executed the same.

S
E
A
L

______________________________________________
Notary Public

My Commission Expires on _____________ 20___
ITEMS OF INTEREST
BANNOCK COUNTY
PLANNING & DEVELOPMENT COUNCIL
2020 MEETING SCHEDULE

The Planning and Development Council’s regular meeting time is 5:15 p.m. Meetings are held in the Chambers of the Bannock County Commissioners, Bannock County Courthouse, Room 212, 624 E. Center Street, Pocatello, Idaho. Public hearing and business items need to be received by the Office of Planning and Development Services located at 5500 S Fifth Ave, Pocatello, Idaho 83204 on or before the due date.

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>PUBLIC HEARING AND BUSINESS ITEMS DUE BY</th>
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<tbody>
<tr>
<td>JANUARY 15, 2020</td>
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<tr>
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LOOKING AHEAD TO 2021

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<tbody>
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When the application is submitted thirty calendar days prior to the meeting date, and determined to be complete, the item will be scheduled on the next regularly scheduled hearing which is the third Wednesday of the month. If there are excess hearing items, they will be scheduled for the next meeting, held the first Wednesday of the following month.

*IF NEEDED
February 19 Council Meeting Agenda Items
**This may not be a complete list. February meeting items can be turned in through January 20.

Hearings
NONE

Business Item
NONE
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<th>Chris</th>
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