

BINGHAM COUNTY PLANNING AND ZONING COMMISSION
PUBLIC HEARING DATE: July 10, 2024

STAFF REPORT

APPLICATION OF: Variance from the setback requirement from a right-of-way to a structure

PROPERTY OWNERS: Randy and Lana Line

REQUESTED ACTION: Property owners Randy and Lana Line request a variance to the required 50-foot setback for a structure from the I-15 Interstate Right-of-Way for placement of storage unit buildings at 20 feet from the Applicants property. The Applicants received a Conditional Use Permit to construct and operate a Storage Facility, Outside and Self Service/RV Facility at the Planning and Zoning Commissions May 22, 2024 Public Hearing which included ITD’s permission to be closer than allowed by Bingham County Code Section 10-6-3 but the application materials did not include this specific variance request. ITD’s letter, dated May 21, 2024, is included herewith and states “the Idaho Transportation Department (ITD) has no objection with local/Bingham County building/structure setback requirement(s) of 20-feet from the I-15/Randy Line property line(s).”

Pursuant to Bingham County Code Section 10-10-5 *Variances*, the Applicant must show an undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. Additionally, a Building Permit for the structures in question was applied for on June 3, 2024 which is pending contingent upon this Application. A Building Permit will not be issued without approval of this Variance Application and/or compliance with applicable Bingham County Codes.

PARCEL INFORMATION:

Approx. Parcel Location:	Located South and East of 599 E 1500 N, Shelley, Idaho
Parcel Information:	RP0373303 & RP0454802
Township, Range & Section	Lot 1/Parcel 3: Township 1 North, Range 36 East, Section 24 Lot 2/Parcel 4: Township 1 North, Range 37 East, Section 19
Total Acreage:	Approx. 3.03 acres combined
Intended Use:	Storage Facility, Outside & Self Service/RV Facility
Current Land Use:	Bare Ground
Flood Plain:	No
City Impact Area:	No
High Nitrate Priority Area:	No
Fire District:	Shelley/Firth

ZONING AND COMPREHENSIVE PLAN:

Zoning: "A" Agriculture

Comprehensive Plan Lot 1/Parcel 3 is in an Agriculture Map Area
Map Designation: Lot 2/Parcel 4 is in a Residential Agriculture Map Area

Surrounding land uses: Agriculture to the North, East, South and West with some Residential/Agriculture to the South consisting of a combination of smaller residential parcels and larger agricultural parcels in all directions

NOTICE OF PLANNING AND ZONING COMMISSIONS PUBLIC HEARING: In compliance with Idaho Code Title 67 Chapter 65 and Bingham County Code Section 10-3-6:

1. Notice was sent to Government Agencies and Property Owners within 300' of the subject parcels on June 14, 2024.
2. Notice was published in the Idaho State Journal and Post Register newspapers on June 14, 2024.
3. Notice was posted on-site and photographs of the project site were taken on June 18, 2024.

TESTIMONY RECEIVED PRIOR TO THE PLANNING AND ZONING COMMISSIONS PUBLIC HEARING:

(T-1) Bingham County Surveyor stated to ensure the required 50' setback from the canal can be met. (Ord. 10-6-5: Setback from Waterways.) *Staff notes this Application is not to consider a setback from a canal. All setbacks will need to be met or agreed upon by the Applicants and the canal owner/operator and are not subject to this Public Hearing.*

(T-2) Kail Sheppard, District Manager, New Sweden Irrigation District, stated the New Sweden Irrigation District operates the Lower Holmes canal through this property. The enclosed map that was provided with the notice of this meeting appears to indicate that a building is planned to be built 10-feet away from the canal on the west side and that a fence will be constructed over the piped portion of the canal at the point where the canal crosses I-15. It is unclear how the public access from Woodville Road will interact with the canal right of way but it appears it will be used as a public entrance point. The District has a minimum right of way of 16-feet of flat surface along both sides of the canal and to the outside toe of the east levied bank. There is a trash grate at the inlet of the piped section which requires unrestricted access to allow removal of debris which may block the canal. Idaho Statute 42-1102 requires that any encroachment upon the district's easements first obtain written permission from the District. No buildings, fences, or private or public roads will be approved which would block the access needed to operate this canal. *Staff notes this Application is not to consider the setback from a canal. All setbacks will need to be met or agreed upon by the Applicants and the Irrigation District and are not subject to this Public Hearing.*

(T-3) Bingham County Public Works has no objections or concerns at this time.

(T-4) Idaho Department of Environmental Quality provided general recommendations for land development projects. *Staff clarified with DEQ that the inclusion of Best Management Practices for gravel/mining was inadvertent and do not apply to this Application.*

BINGHAM COUNTY CODE - VARIANCE REGULATIONS:

10-2-3: DEFINITIONS: Variance: A modification of the bulk and placement requirements of this title as to size, 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 a parcel, or the size thereof.

10-10-5: VARIANCES: The Commission may authorize in specific cases such variance, as herein defined, from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance shall not be considered a right of a 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.

COMMISSION DISCUSSION: Pursuant to Bingham County Code Section 10-10-5(A)(4), a variance may not be granted unless the Planning and Zoning Commission makes specific findings of fact based directly on the particular evidence presented to it which supports conclusions that the above standards and conditions have been met by the Applicant:

1. Did the Applicant provide a statement demonstrating that the requested variance conforms to the following standards; and
2. That unique site characteristics exist which are peculiar to the land involved and which are not applicable to other lands; and
3. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this title; and
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same zone; and
5. That the public interest will not be harmed.

COMMISSION DECISION: The Commission may approve or deny the request for a Variance. The Planning and Zoning Commission Decision may be appealed to the Board of County Commissioners in writing within 10 days from the date of the Reason and Decision.

Sample Motion for Approval: Based on the record, I move to approve the request of Randy and Lana Line to place storage unit buildings within the 50-foot setback distance from the I-15 Interstate Right-of-Way located at 599 E 1500 N, Shelley, Idaho, as presented based on:

1. the unique characteristics of the property and that the Idaho Transportation Department has provided written permission for the structures to be 20-feet from the property line/ITD Right-of-Way; and
2. that the desired location will not cause harm to the public.

Sample Motion for Denial: Based on the record, I move to deny the request of Randy and Lana Line to place storage unit buildings within the 50-foot setback distance from the I-15 Interstate Right-of-Way at approx. 20-feet from the property line/ITD Right-of-Way located at 599 E 1500 N, Shelley, Idaho. This denial is based on Bingham County Code Section _____ or Idaho Code Section _____ (must specifically state which section and basis for denial)

ATTACHMENTS

EXHIBIT #

Application for Variance and documents provided by the Applicants and Staff	A1 – A4
Reason and Decision and Variance Hearing	A5
Maps	S2 – S6
Verification of compliance with notice requirements and photographs of the subject parcels	S7 – S10
Testimony received prior to the Planning and Zoning Commissions Public Hearing	T1 – T4

Appointment of Designated Agent

I/We the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my/our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County.

Property Owner(s): Randy & Lana Line

6-5-24
Date

Property Owner(s): _____

Date

Designated Agent: _____

APPLICATION FEE:

\$350

In granting a Variance the Planning & Zoning Commission may prescribe appropriate conditions and safeguards in conformity with the current Bingham County Zoning Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the Variance is granted shall be deemed a violation of the Ordinance. The approval of a Variance does not permit the violation of any section of the Building Code, or any other County Ordinance. All Variance, whether approved or denied have a ten(10) day appeal period and must be appealed in writing at the Bingham County Planning & Zoning Office.

DECLARATION: By signing this application, it is understood and agreed that permission is hereby given to the duly authorized representative of Bingham County to, place & remove signs on the subject property and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Zoning Administrator and staff may inspect the subject property, take photographs and obtain any verifications and data necessary for preparation of its report to the Planning & Zoning Commission. I hereby acknowledge that I have read this application and understand the contents. I also state that the above information is correct.

APPLICANT(S):

Signature: Randy Line

Date: 6-5-24

Signature: _____

Date: _____



WARRANTY DEED

Alliance Title & Escrow, LLC Order No.:657129

FOR VALUE RECEIVED

Jill Robertson, a single woman

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Randy L. Line and Lana R. Line, husband and wife

whose current address is

1081 W 100 S
Blackfoot, ID 83221

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

BEGINNING at a point that is South 00°09'04" West along the Section Line 20.00 feet from the Northwest Corner of Section 19, Township 1 North, Range 37 East of the Boise Meridian, Bingham County, said point being on the South Right-Of-Way Line of East 1500 North;

Thence Easterly along said South Right-Of-Way line the following two (2) courses:

- (1) Thence South 89°46'55" East 91.40 feet;
 - (2) Thence North 63°11'53" East 44.02 feet to the North line of said Section 19;
- Thence South 89°46'54" East along said North line 239.61 feet to the Westery Right-Of-Way line of Interstate 15, said point being on a non-Tangent curve with a radius of 19198.58 feet and a chord bearing South 40°44'59" West 568.96 feet;
- Thence to the left along said Non-Tangent curve 568.98 feet through a Central angle of 01°41'53" to the North-South line common to said Section 19 and Section 24, Township 1 North, Range 36 East of the Boise Meridian, said point being on said non-tangent curve with a radius of 19198.58 and a chord bearing South 39°38'31" West 173.53 feet;

Thence into said Section 24 the following seven (7) courses:

- (1) Thence to the Left along said non-Tangent curve 173.53 feet through a central angle of 00°31'00";
- (2) Thence North 61°31'59" West 103.40 feet;
- (3) Thence North 43°05'27" West 65.71 feet;
- (4) Thence North 00°14'10" East 203.31 feet;
- (5) Thence South 87°56'40" East 199.33 feet;
- (6) Thence South 00°01'09" West 137.49 feet;
- (7) Thence North 41°29'10" East 70.51 feet to said North-South line common to said Section 19 and said Section 24;

Thence North 00°09'04" East along said North-South line 337.30 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

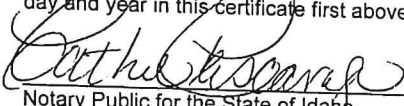
And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 23, 2024

Jill Robertson 

State of Idaho } ss
County of Bonneville }

On this 23 day of April, 2024, before me, The Undersigned, a Notary Public in and for said state, personally appeared Jill Robertson,, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged that he/she/they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for the State of Idaho
Residing at: Roxburg, ID
Commission Expires: 6-28-2028

CATHIE PASCAVAGE
COMMISSION NO. 20223196
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 06/28/2028



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 7129 • Boise, ID 83707-1129
(208) 334-8000 • itd.idaho.gov



May 21, 2024

To Whom it May Concern:

Re: Building/Structure set-back(s) for Randy Line properties: 1.77 acre within T1N, R37E, SEC 19, and 1.2 acre within T1N, R37E, SEC 24.

The Idaho Transportation Department (ITD) has no objection with a local/Bingham County building/structure set-back requirement(s) of 20-feet from the I-15 Interstate right-of-way/Randy Line property line(s).

Regards,

A handwritten signature in black ink, appearing to read 'Justin Pond'.

Justin Pond
Right-of-Way Manager
Idaho Transportaion Department

Exhibit
A-4

**BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION**

APPLICATION OF: Conditional Use Permit for a Storage Facility, Outside Storage and Self Service/RV Facility, in an "A" Agriculture Zoning District and if approved, a Variance Application to Deviate from the Setback Requirement from an Easement to a Structure

**PROPERTY OWNERS &
APPLICANTS:** Randy & Lana Line

Requested Action: Property owners Randy and Lana Line requested a Conditional Use Permit for a combination of an outside storage facility and self-service storage facility for RV's, motorhomes, boats, utility trailers, ATV/UTV's and personal storage items in an "A" Agriculture Zoning District on two (2) parcels. The parcels are currently primarily bare ground containing some agricultural structures and dilapidated structures, all of which will be removed to facilitate the requested use. These land uses may be considered with an approved Conditional Use Permit in the current zoning designation pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* and compliance with the Special Use Performance Standards of Bingham County Code Sections 10-7-32 *Storage Facility, Outside* and 10-7-33 *Storage Facility, Self-Serve*. All storage facilities are subject to approval and issuance of Building Permits prior to commencement of structure construction, if approved.

If the Conditional Use Permit Application is approved, a request for a variance to Bingham County Code Section 10-6-3 *Setback from Road Right-of-Way or Front Property Line* to deviate approximately 15 feet from the required 20-foot distance from an easement to a structure. The variance is necessary to provide adequate space between storage facility buildings in order to accommodate vehicles safely backing into storage units/areas. The subject easement provides access to the neighboring property and will only serve the subject parcels as secondary access to the storage facility property in the event of an emergency.

Property Location: South and East of 597 E 1500 N, Shelley, Idaho, Parcel No. RP0373303 & RP0454802, Lot 1/Parcel 3: Township 1 North, Range 36 East, Section 24, Lot 2/Parcel 4: Township 1 North, Range 37 East, Section 19 consisting of approx. 3.03 acres combined

Applicable Regulations: Bingham County Comprehensive Plan, Dated November 20, 2018
Bingham County Zoning Ordinance 2012-08

Public Hearing Date: May 22, 2024

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:
 - a. Application;
 - b. Staff Report; and
 - c. Testimony presented prior to the Public Hearing which included:
 - (T-1) New Sweden Irrigation Company;
 - (T-2) Bingham County Surveyor;
 - (T-3) Bingham County Public Works;
 - (T-4) Idaho Department of Environmental Quality; and
 - (T-5) Idaho Department of Transportation Right of Way Manager.
2. After the Staff Report was presented, Commissioner Carroll questioned if his understanding was correct in that Idaho Transportation Department needs to have a minimum of 50 feet from the Right-of-Way? Assistant Director corrected the distance the Idaho Transportation Department is allowing from the Right-of-Way to the structure is 20 feet. She further advised Planning Staff is preparing a text code amendment where deviations from the required setback distance is allowed without a Variance if the applicable agency provides permission to be closer to the structure.
3. The Public Hearing was opened and testimony was presented by Applicant (T-6) Randy Line, 1081 W 100 S, Blackfoot, Idaho, who believed the Application to be straight forward. Commissioner Adams asked if the main reason for the variance is to provide a bigger gap between multiple buildings for trailers? Mr. Line said it is for trailer maneuvering to get in and out of the buildings. Director Olsen interjected and approached the podium to show where the easement is subject to the Variance Application. Director Olsen explained it is the secondary access easement and the distance requested is to be closer to the easement by 15 feet where a 20-foot distance is required to a structure.
4. After clarification was provided on the location of the easement and variance request, testimony from the audience was requested. With no testimony being received the Public Hearing portion for this item was closed after Mr. Line's testimony.

5. The Commission didn't express any concerns with the Application nor did the Commission have any additional questions for staff.

II. REASON

The Planning and Zoning Commission found:

1. the Application met the requirements of Bingham County Code Section 10-5-3 as the land use of a storage facility with outside storage and self-service, may be considered with an approved Conditional Use Permit in a "A" Agriculture zoning district; and
2. the Application met the requirements of Bingham County Code Section 10-8-2(F) subsections 1-3, as the Applicant provided a site plan depicting the storage building areas, traffic access to the property from 1500 N Woodville Road (subject to approach permitting by Bingham County Public Works), location of the gated entrance, and location of secondary access for emergency purposes; and
3. the Applicant provided information with his Application that he has removed dilapidated structures and miscellaneous items from the property which has enhanced the area as well as cured public nuisance of abandoned materials; and
4. the Applicant is required to comply with the Specific Use Performance Standards of Bingham County Code Sections 10-7-32 and 10-7-33 where the property will be sight obscured with a 6-foot-tall screened fence to limit vision of outside storage. The Applicant provided in his Application that he will have a gate securing the entrance to the storage facility, camera surveillance, and will have set operating hours to control traffic; and
5. the Applicant is able maintain the required 25 feet between structures and has secured written approval from the Shelley/Firth Fire District Marshal of his preliminary site plan; and
6. the Applicant requested a variance to Bingham County Code Section 10-6-3 *Setback from Road Right-of-Way or Front Property Line* to deviate approximately 15 feet from the required 20-foot distance from an easement to a structure. The Commission found the variance is necessary to provide adequate space between storage facility buildings in order to accommodate vehicles safely backing into storage units/areas. Further, the subject easement provides access to the neighboring property and will only serve the subject parcels as secondary access to the storage facility property in the event of an emergency; and
7. the Applicant provided a letter from the Idaho Department of Transportation allowing storage structures to be closer to the I-15 Right-of-Way than required by Bingham County Code Section 10-6-3. Deviation from this setback may require an additional variance application to proceed with the desired location of the storage structure; and

8. the Application is in conformance with the Bingham County Comprehensive Plan. The proposed land use should not harm the public and isn't anticipated to create any more noise or dust than the current land use; and
9. the Application met the notice requirements of Idaho Code and Bingham County Code Title 10 Chapter 3.

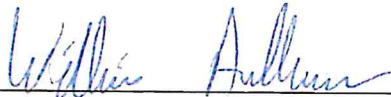
III. DECISION

Based on the record, Commissioner Adams moved to approve the request by property owners Randy & Lana Line for a variance to the 20-foot setback requirement from an easement to a structure per Bingham County Code Section 10-6-3 of approximately 15 feet on property located South and East of 597 E 1500 N, Shelley, Idaho as presented with the property owners applying for and receiving Building Permits for the structure(s) prior to construction commencing.

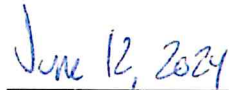
Commissioner Jolley seconded the motion. Commissioners Adams, Jolley, Bingham, Butler, Carroll, Jensen, and Johns voted in favor and the motion carried.

Next, Commissioner Jolley moved to approve the Conditional Use Permit Application by property owners Randy & Lana Line, located South and East of 597 E 1500 N, Shelley, Idaho for a Storage Facility including Outside Storage and Self Service/RV Facility in an "A" Agriculture Zoning District with building permits to be acquired prior to structure construction.

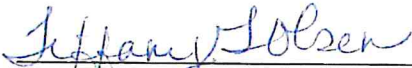
Commissioner Johns seconded the motion. Commissioners Jolley, Johns, Adams, Bingham, Butler, Carroll and Jensen voted in favor and the motion carried.



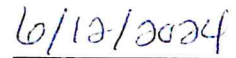
William Aullman, Chairman
Bingham County Planning and Zoning Commission



Date

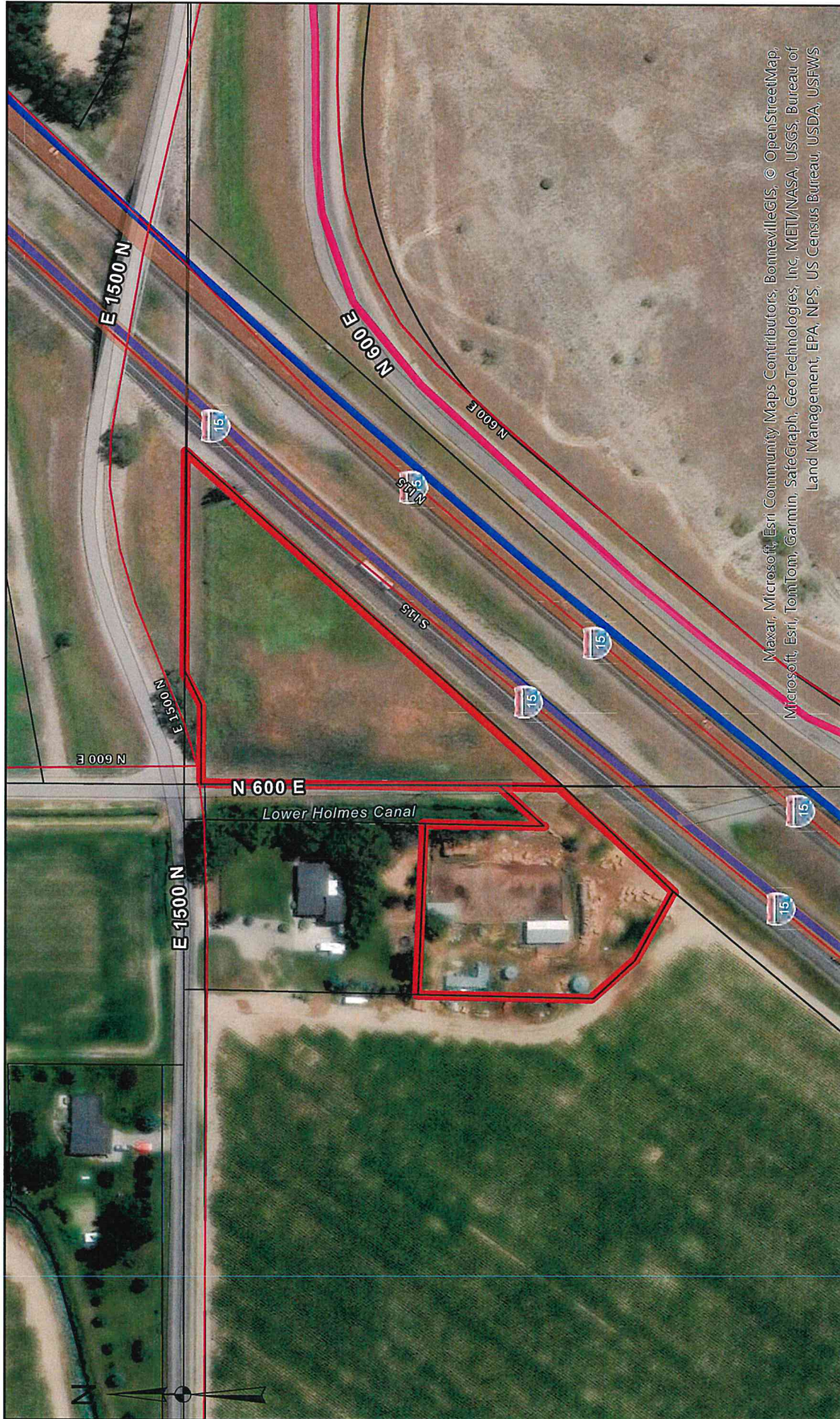


Tiffany G. Olsen
Planning & Development Director



Date




LINE VARIANCE : ITD RIGHT OF WAY - AERIAL MAP



Maxar, Microsoft, Esri, Community Maps Contributors, BonnevilleGIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS



LEGEND

-  Line Variance
-  Roads
-  Parcels

-  Interstate 200-400'
-  Major Collector 70' ROW

Exhibit S-2



LINE VARIANCE : ITD RIGHT OF WAY - SUBDIVISION MAP






BonnevilleGIS, Est. TomTom, Garmin, SatGraph, GeoTechnologies, Inc, MET/NASA, USGS, Bureau of Land Management, USFS, USDA, USFWS, Maxar

Exhibit S-4



LEGEND

-  Line Variance
-  Roads
-  Parcels

-  Subdivisions



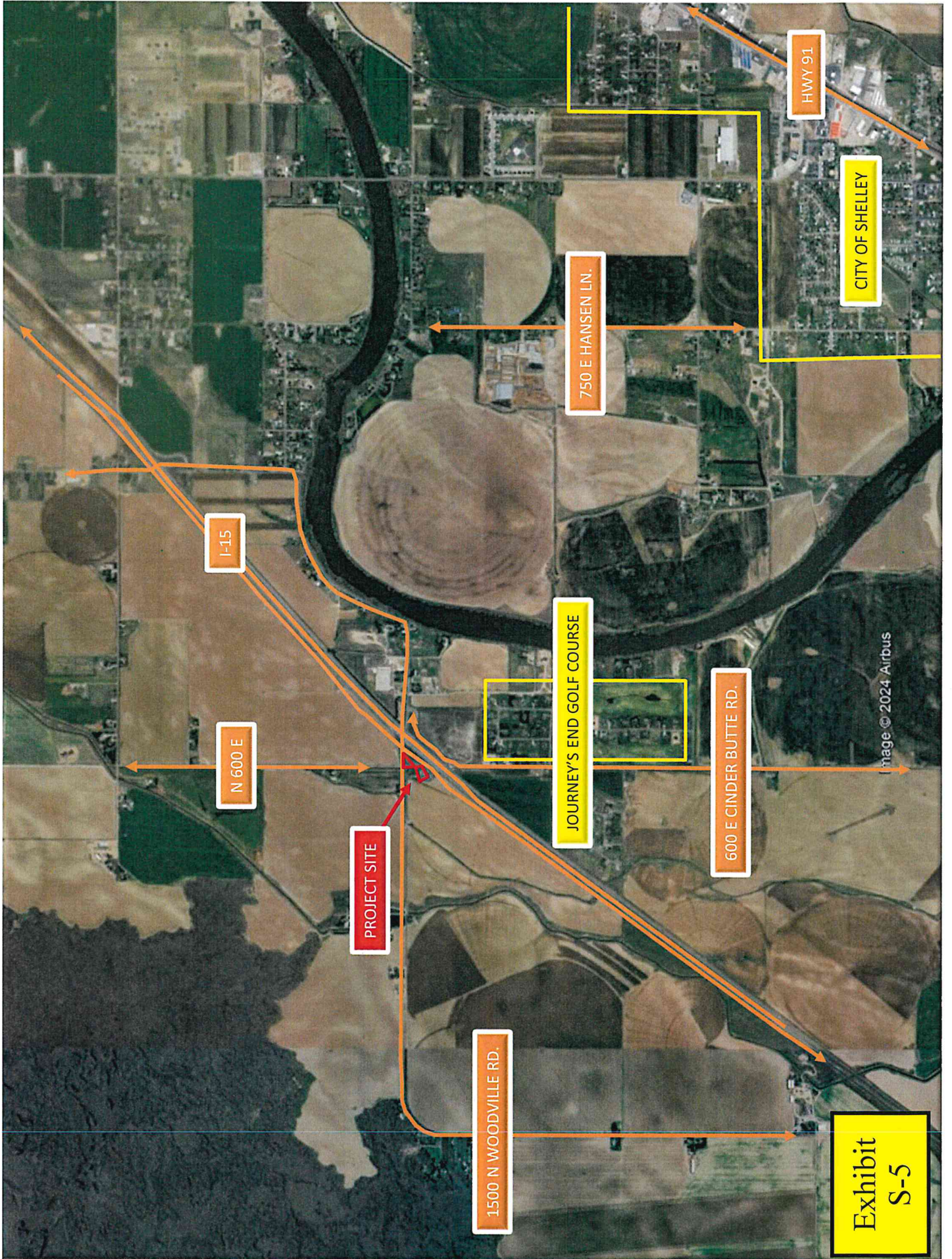


Image © 2024 Airbus

PROJECT SITE

I-15

N 600 E

1500 N WOODVILLE RD.

JOURNEY'S END GOLF COURSE

600 E CINDER BUTTE RD.

750 E HANSEN LN.

HWY 91

CITY OF SHELLEY

Exhibit S-5

**FACING EAST FROM
PROPERTY ACCESS ON 1500
NORTH WOODVILLE ROAD**

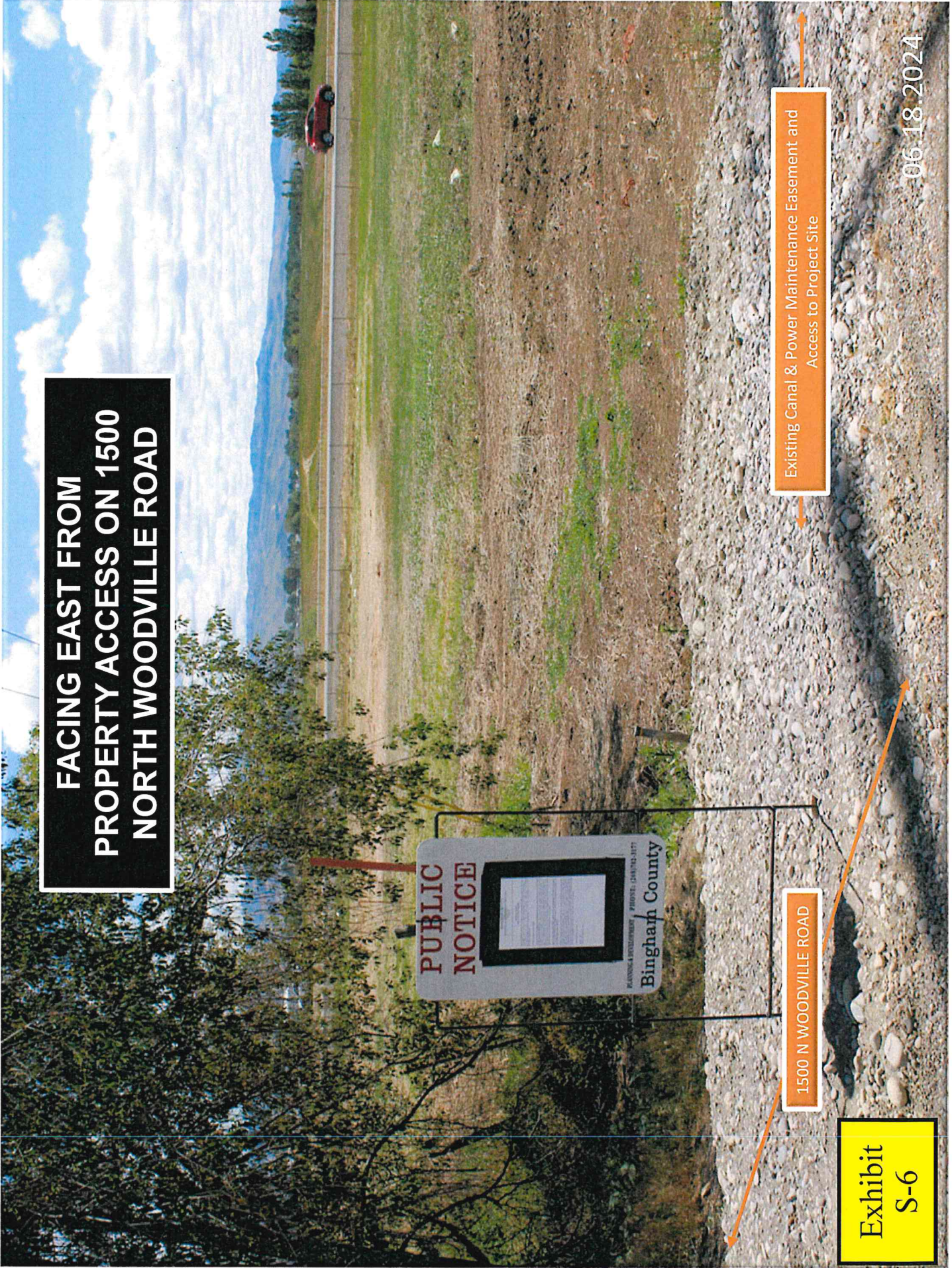
**PUBLIC
NOTICE**
PLANNING & DEVELOPMENT / PROJECTS / LAND USE / NET
Bingham County

Existing Canal & Power Maintenance Easement and
Access to Project Site

1500 N WOODVILLE ROAD

**Exhibit
S-6**

06.18.2024



FACING NORTHEAST

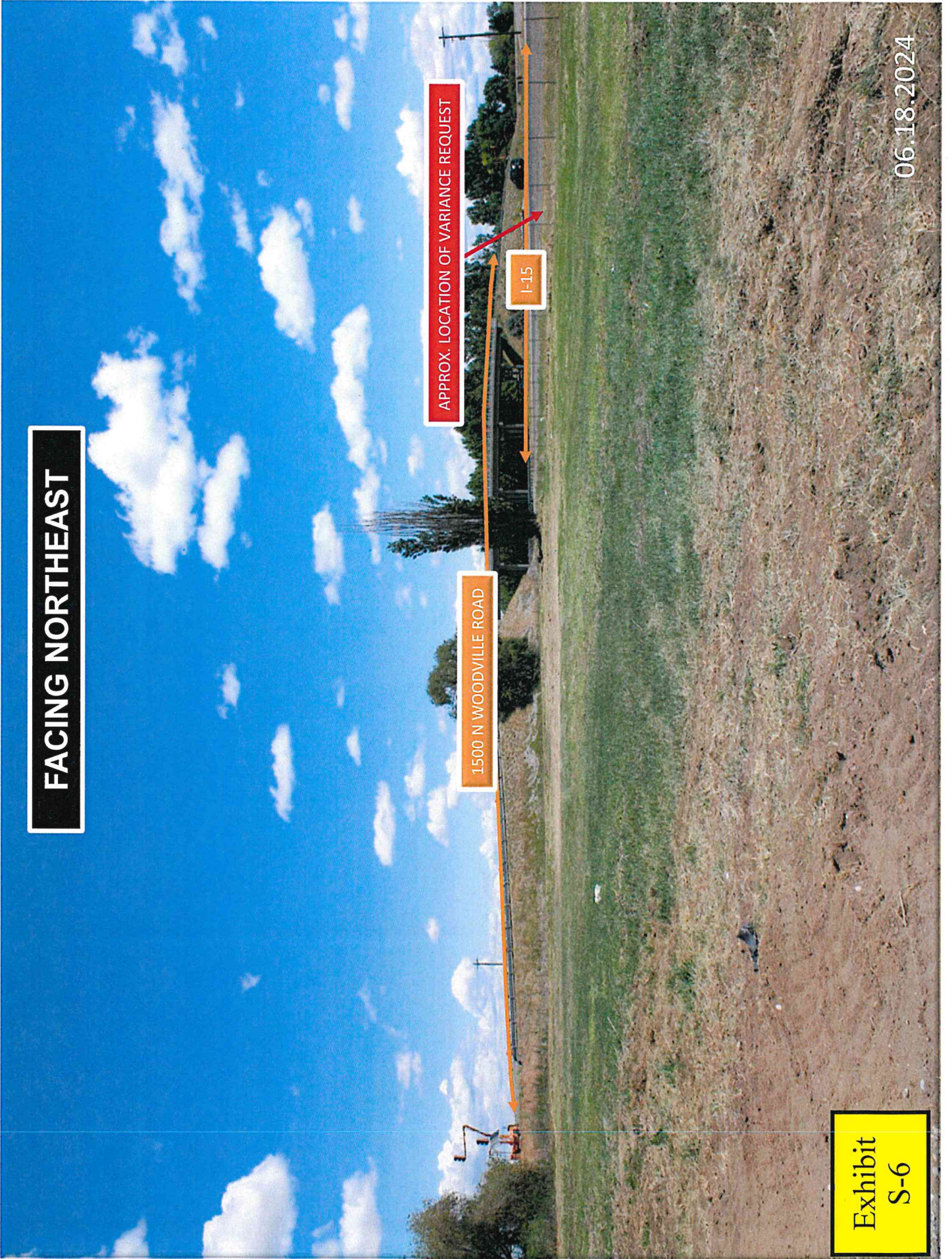
1500 N WOODVILLE ROAD

I-15

APPROX. LOCATION OF VARIANCE REQUEST

Exhibit
S-6

06.18.2024



FACING NORTH FROM PROPERTY ACCESS

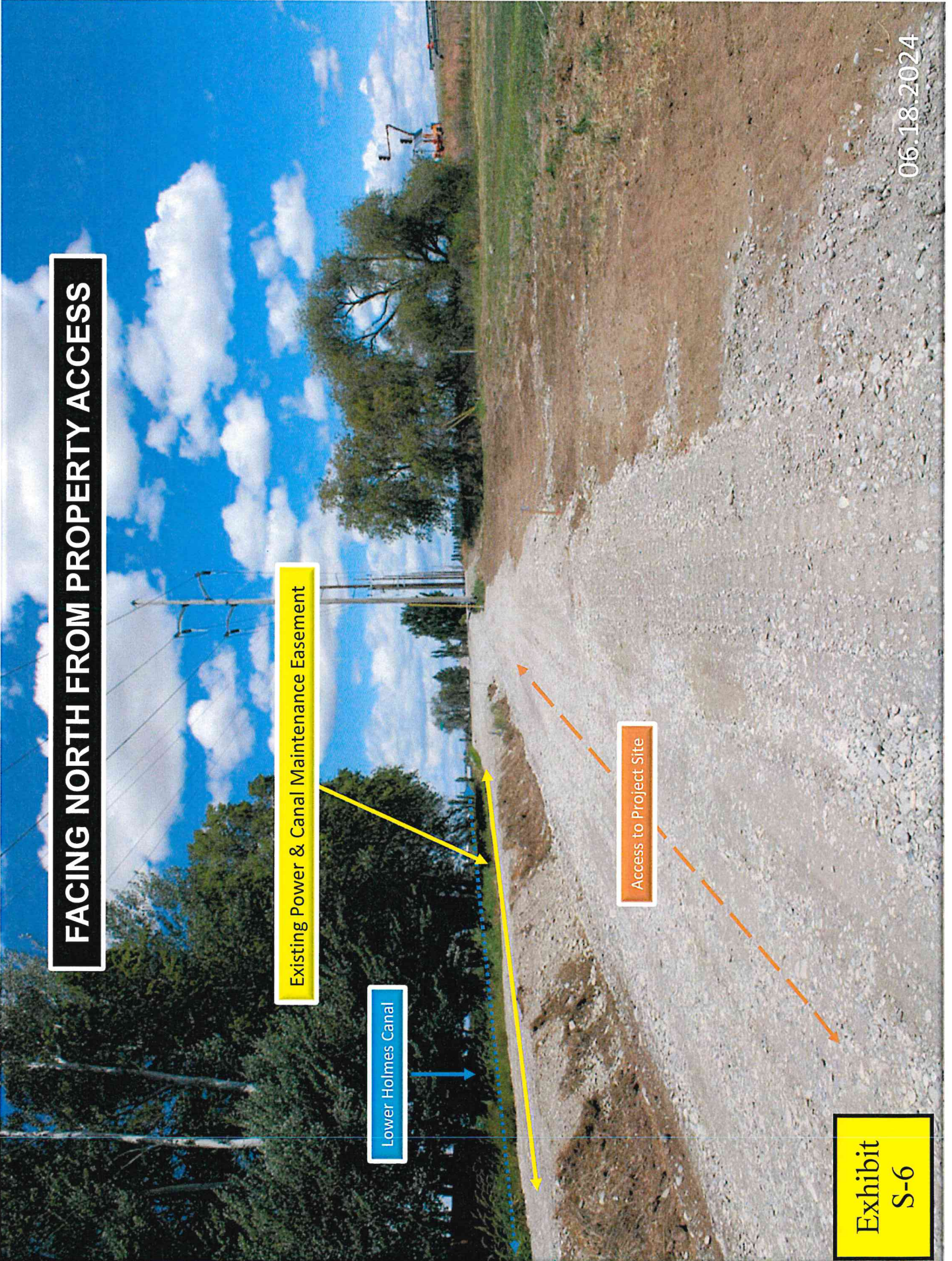
Existing Power & Canal Maintenance Easement

Lower Holmes Canal

Access to Project Site

Exhibit
S-6

06.18.2024



FACING NORTH ALONG I-15

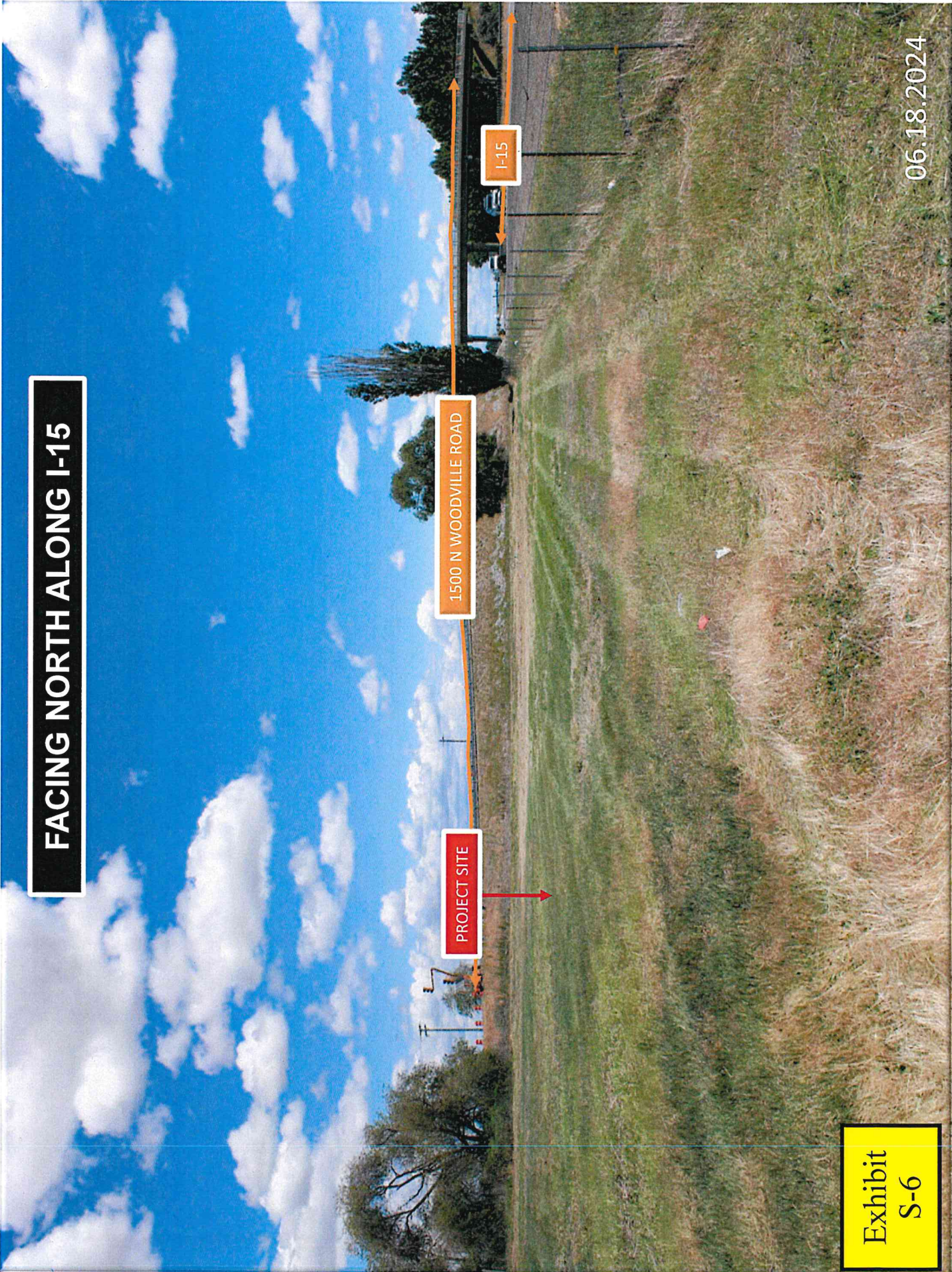
PROJECT SITE

1500 N WOODVILLE ROAD

I-15

**Exhibit
S-6**

06.18.2024



**FACING WEST FROM IDAHO
DEPARTMENT OF
TRANSPORTATION RIGHT OF WAY**

Access to Project Site

I-15

**Exhibit
S-6**

06.18.2024



FACING SOUTH ALONG I-15

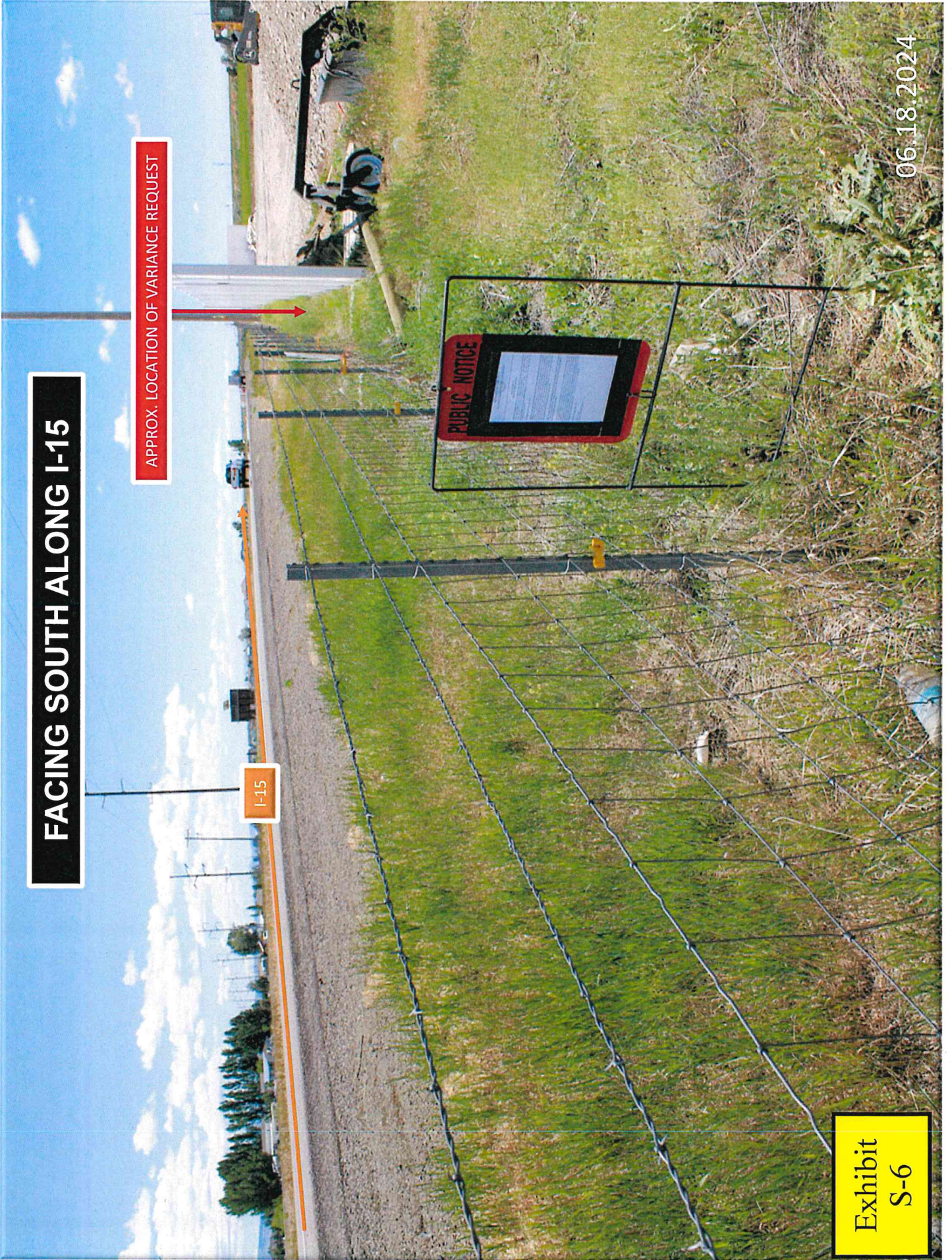
APPROX. LOCATION OF VARIANCE REQUEST

I-15

PUBLIC NOTICE

Exhibit
S-6

06.18.2024




BINGHAM COUNTY
PLANNING & DEVELOPMENT SERVICES

NOTICE OF POSTING

I hereby certify that on June 18, 2024, I personally posted the Bingham County, Planning & Development Department Notice for File No. 3222 at the following location(s):

Approx. Location: East of 597 E 1500 N, Shelley, Idaho. Parcel No. RP0454802, Township 1N, Range 37E, Section 19 consisting of approx. 1.77 acres and South of 597 E 1500 N, Shelley, Idaho RP0373303, Township 1N, Range 36E, Section 24 consisting of approx. 1.26 acres. Total acreage is approx. 3.03 acres



SIGN PLACED ALONG I-15

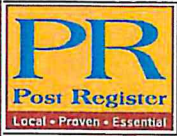


SIGN PLACED ALONG 1500 N
WOODVILLE ROAD

Addie Jo Harris

Addie Jo Harris
Assistant Director/Lead Planner

Exhibit
S-7



PROOF OF PUBLICATION Idaho State Journal and Post Register

State of Idaho
County of Bingham

I, Collins Crapo first being duly sworn, depose and say: That I am the Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Idaho State Journal and Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Saturday, at Pocatello and Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal and Post Register and on IdahoPublicNotices.com for 1 day(s), first publication having been made on 06/15/2024 last publication having been made on 06/15/2024, and that the said notice was published in the regular and entire issue of said papers on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 17th day of June, 2024

Beth Crossley

Notary Public
My commission expires:

_____ attached jurat _____

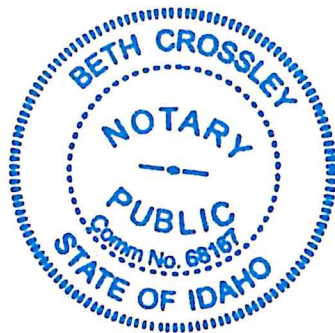
STATE OF IDAHO

ss.

COUNTY OF BINGHAM

On this 17th day of June, 2024 before me, the undersigned, a Notary public for said state, personally appeared Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Beth Crossley
Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires: 7/28/28

**Exhibit
S-8**

**BINGHAM COUNTY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Bingham County Planning & Zoning Commission will hold Public Hearings on **July 10, 2024** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. The meeting will start at 6:00 pm or as soon as it may be heard. For more information on the Applications please refer to <https://www.binghamid.gov/departments/planninganddevelopment/PublicHearings>

- A. The following Public Hearing Applications will be heard:
 - 1. VARIANCE FROM THE SETBACK REQUIREMENT TO A WATERWAY FOR A STRUCTURE (ACTION ITEM: DECISION)** Property Owner: Jason Stevens. Approx. Location: 1288 N 590 E, Shelley, ID. Parcel No. RP8270460. T1N, R36E, Sec36, approx. 1.22 acres
 - 2. VARIANCE FROM THE SETBACK REQUIREMENT FROM AN EASEMENT TO A STRUCTURE (ACTION ITEM: DECISION)** Property Owner: Trent Armstrong. Approx. Location: 907 E 1230 N, Shelley, ID. Parcel No. RP8247700. T1N, R37E, Sec 34, approx. 0.91 acres
 - 3. LIMITED PUBLIC HEARING RE: CONDITIONAL USE PERMIT AND VARIANCE REQUEST FOR AN EXISTING MONOPOLE TOWER BY APPLICANT, VISION WIFI, INC.: (ACTION ITEM: DECISION)** Property owner Darrell M. Oler. Approx. Location: 75A E Rich Lane, Blackfoot, ID. Parcel No. RP0447613, T3S, R36E, Sec 6, approx. 3.2 acres
 - 4. 1st AMENDED ESTELLA ROSE SUBDIVISION (ACTION ITEM: RECOMMENDATION) AND IF RECOMMENDED FOR APPROVAL, A VARIANCE FROM THE SETBACK REQUIREMENT FROM AN EASEMENT TO A STRUCTURE (ACTION ITEM: DECISION)** Property Owners Terry and Penny Fowler. Approx. Location: 134B N 150 W, Blackfoot, ID. Parcel No. RP8267490, T2S, R35E, Sec 26, approx. 3.79 acres
 - 5. FREEDOM ESTATES SUBDIVISION (ACTION ITEM: RECOMMENDATION) AND IF RECOMMENDED FOR APPROVAL, A VARIANCE FROM THE SETBACK REQUIREMENT FROM AN EASEMENT TO A STRUCTURE (ACTION ITEM: DECISION)** Property Owners: Jason and Rebecca Young. Approx. Location: 755 W 25 S, Blackfoot, ID. Parcel No. RP0229109, T3S, R34E, Sec 2, approx. 7.25 acres
 - 6. SOUTH THOMPSON LANE SUBDIVISION (ACTION ITEM: RECOMMENDATION)** Property Owners: Lynn Coe Leavitt, Linnea Chidester, & Jenny Orgill. Approx. Location: South of 81 S 35 E, Blackfoot, ID. Parcel No. RP0447203, T3S, R36E, Sec 6, approx. 11.69 acres
 - 7. VARIANCE FROM THE SETBACK REQUIREMENT FROM A RIGHT OF WAY TO A STRUCTURE (ACTION ITEM: DECISION)** Property Owners: Randy and Lana Line. Approx. Location: Parcel No. RP0454802, East of 597 E 1500 N, Shelley, ID. T1N, R37E, Sec 19, approx. 1.77 acres & Parcel No. RP0373303, South of 597 E 1500 N, Shelley, ID, T1N, R36E, Sec 24, approx. 1.26 acres. for a total of approx. 3.03 acres

All persons interested or persons who are affected are invited to attend said Public Hearings to show cause, if any, if the requested Applications meet Bingham County Code and may give testimony in favor, neutral, or in opposition of said requests. According to Bingham County Code Section 10-3-6(7) no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. Written testimony can be provided via mail at 490 N. Maple, Suite A, Blackfoot, ID 83221 or by email at planningtestimony@binghamid.gov Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 11th day of June, 2024.
/s/Tiffany G. Olsen
Tiffany G. Olsen
Planning & Development Director
Bingham County, Idaho
Published: June 15th, 2024 (PR/ISJ26092-524725)



Shelley Government Agency Notice

Company Name	Attention	Address	City	St	Zip
Bingham County Appraisal		Service By Email			
Bingham County Assessor		Service By Email			
Bingham County Building Official		Service By Email			
Bingham County Public Works		Service By Email			
Bingham County Sheriff		Service By Email			
Bingham County Surveyor		Service By Email			
Bingham County Treasurer		Service By Email			
Aberdeen/Springfield Canal Co.		P.O. Box 857	Aberdeen	ID	83210
Bureau of Land Management	Land & Realty	4350 S. Cliffs Dr.	Pocatello	ID	83204
Bureau of Land Management	Land & Realty	1405 Hollipark Dr.	Idaho Falls	ID	83401
Bureau of Reclamation	Laura Crandall	470 22nd Street	Heyburn	ID	83336
City of Firth	Mayor/City Council	P.O. Box 37	Firth	ID	83236
City of Shelley	Mayor/City Council	101 E. Emerson	Shelley	ID	83274
Department of Environmental Quality	Allan Johnson	444 Hospital Way #300	Pocatello	ID	83201
Department of Water Resources		900 N. Skyline Dr. #A	Idaho Falls	ID	83401
Eastern Idaho Regional Waste Water Authority	Scott Barry	618 E 1250 N	Shelley	ID	83274
Eastern Idaho Water Company		279 N 400 E	Blackfoot	ID	83221
Firth Post Office	Postmaster	323 N Main	Firth	ID	83274
Firth School District	Superintendent	319 Lincoln	Firth	ID	83236
Firth/Shelley Fire District	Randy Adams	924 E 1400 N	Shelley	ID	83274
Fort Hall Business Council		PO Box 306	Fort Hall	ID	83203
Idaho Department of Lands	Pat Brown	3563 Ririe Highway	Idaho Falls	ID	83401
Idaho Department of Transportation	Eric Staats	5151 S. 5th Ave	Pocatello	ID	83204
Idaho Fish & Game	Becky Johnson	1345 Barton Rd	Pocatello	ID	83201
Idaho Irrigation District		496 E. 14th Street	Idaho Falls	ID	83404
Idaho Public Health Department	Ken Keller	1901 Alvin Ricken Dr.	Pocatello	ID	83201
Intermountain Gas Co	Pocatello Marketing	12584 N Tyhee Rd.	Pocatello	ID	83202
Lavaside Canal	Von Cornelison	66 E. River Rd.	Blackfoot	ID	83221
New Sweden Irrigation		2350 W 17th S	Idaho Falls	ID	83402
People's Canal		1050 W. Hwy 39	Blackfoot	ID	83221
Qwest Engineering	Jon Davidson	930 W. Cedar St	Pocatello	ID	83201
Riverside Canal Co		379 W 150 N	Blackfoot	ID	83221
Rocky Mountain Power	Bill Brabec	852 E. 1400 N.	Shelley	ID	83274
Shelley Post Office	Postmaster	244 W Pine	Shelley	ID	83274
Shelley School District	Superintendent	545 Seminary Ave	Shelley	ID	83274
Shoshone Bannock Tribal Land Use Commission		PO Box 306	Fort Hall	ID	83203
Snake River Valley Irrigation		P.O. Box 70	Basalt	ID	83218

**Exhibit
S-9**

Shelley Government Agency Notice

United Canal Co.		762 W Hwy 39	Blackfoot	ID	83221
United Canal Company	Spencer Larsen	864 W 650 N	Blackfoot	ID	83221
Woodville Canal Co		7475 S 35 W	Idaho Falls	ID	83402
Woodville Water & Sewer District	Maureen Anderson	704 E 1550 N	Shelley	ID	83274

40 Government Agencies

NOTICE OF MAILING

I hereby certify on June 14, 2024, I, Ashley Taylor, personally mailed notice of the proposed request to the above named Government Agencies.

Ashley Taylor

Ashley Taylor
Planner

**PROPERTY OWNERS LIST
RANDY LANA LINE VARIANCE TO I-15 ROW**

OWNER	ADDRESS	CITY STATE ZIP
GARY & RUTH HAMMER	165 W MAPLE ST	SHELLEY ID 83274-0000
JOSEPH KEATE & JONI SHAPLEY	597 E 1500 N	SHELLEY ID 83274-0000
KEVIN & JANET KIDMAN	592 E 1500 N	SHELLEY ID 83274-0000
RANDY & LANA LINE	1081 W 100 S	BLACKFOOT ID 83221-0000
SHUMWAY BROTHERS LLC	648 E 1500 N	SHELLEY ID 83274-0000

5 PROPERTY OWNERS

NOTICE OF MAILING

I hereby certify on June 14, 2024 I, Ashley Taylor, personally mailed notice of the proposed request to the above named property owners who are within 300 feet of the property in question.

Ashley Taylor

Ashley Taylor
Planner

Exhibit
S-10



BINGHAM COUNTY

PLANNING & DEVELOPMENT SERVICES

NOTICE TO PROPERTY OWNERS WITHIN 300 FEET NOTICE TO GOVERNMENT AGENCIES PER BINGHAM COUNTY CODE SECTION 10-3-6

BINGHAM COUNTY NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Bingham County Planning & Zoning Commission will hold a Public Hearing **July 10, 2024** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. The meeting will start at 6:00 pm or as soon as it may be heard. Please refer to our website <https://www.binghamid.gov/planning-zoning-commission> to see the order of the meeting and for more information on the Application.

The following Application will be heard:

VARIANCE FROM THE SETBACK REQUIREMENT FROM A RIGHT-OF-WAY TO A STRUCTURE (ACTION ITEM: DECISION) Property owners Randy and Lana Line request a variance to the required 50-foot setback for a structure from the I-15 Interstate Right-of-Way for placement of storage unit buildings at 20 feet from the Applicants property. The Applicants received approval to construct and operate a Storage Facility, Outside and Self Service/RV Facility at the Planning and Zoning Commissions May 22, 2024 Public Hearing which included ITD's permission to be closer than allowed by Bingham County Code Section 10-6-3 but the application materials did not include this specific variance request.

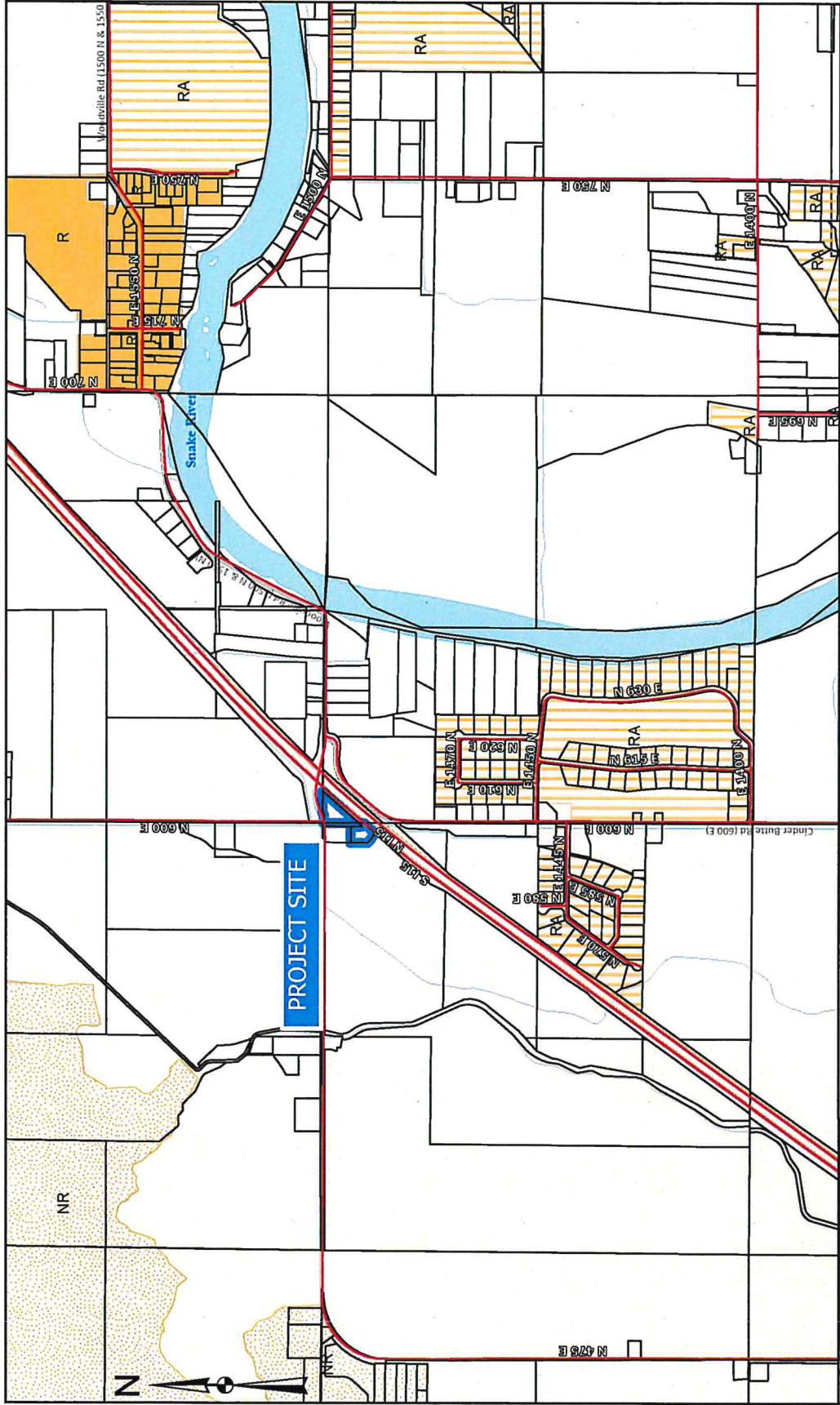
Approx. Location: East of 597 E 1500 N, Shelley, ID. Parcel No. RP0454802, T1N R37E Sec 19, at approx. 1.77 acres & South of 597 E 1500 N, Shelley, ID. Parcel No. RP0373303, T1N R36E Sec 24, at approx. 1.26 acres. Total acreage is approx. 3.03 acres

All persons interested or persons who are affected are invited to attend said Public Hearing to show cause, if any, if the requested Application meets Bingham County Code and may give testimony in favor, neutral or in opposition of said request. According to Bingham County Code Section 10-3-6(7), no more than two pages of written testimony will be accepted less than eight calendar days before a hearing. You may send testimony by mail to 490 N. Maple, Suite A, Blackfoot, ID 83221 or email to planningtestimony@binghamid.gov Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 14th day of June, 2024.

Tiffany G. Olsen
Planning & Development Director

LINE VARIANCE : ITD RIGHT OF WAY - ZONING MAP



- LEGEND**
- RA - Residential/Agriculture
 - R - Residential
 - A - Agriculture
 - NR - Natural Resources

- Line Variance
- Roads
- Parcels

Exhibit S-3



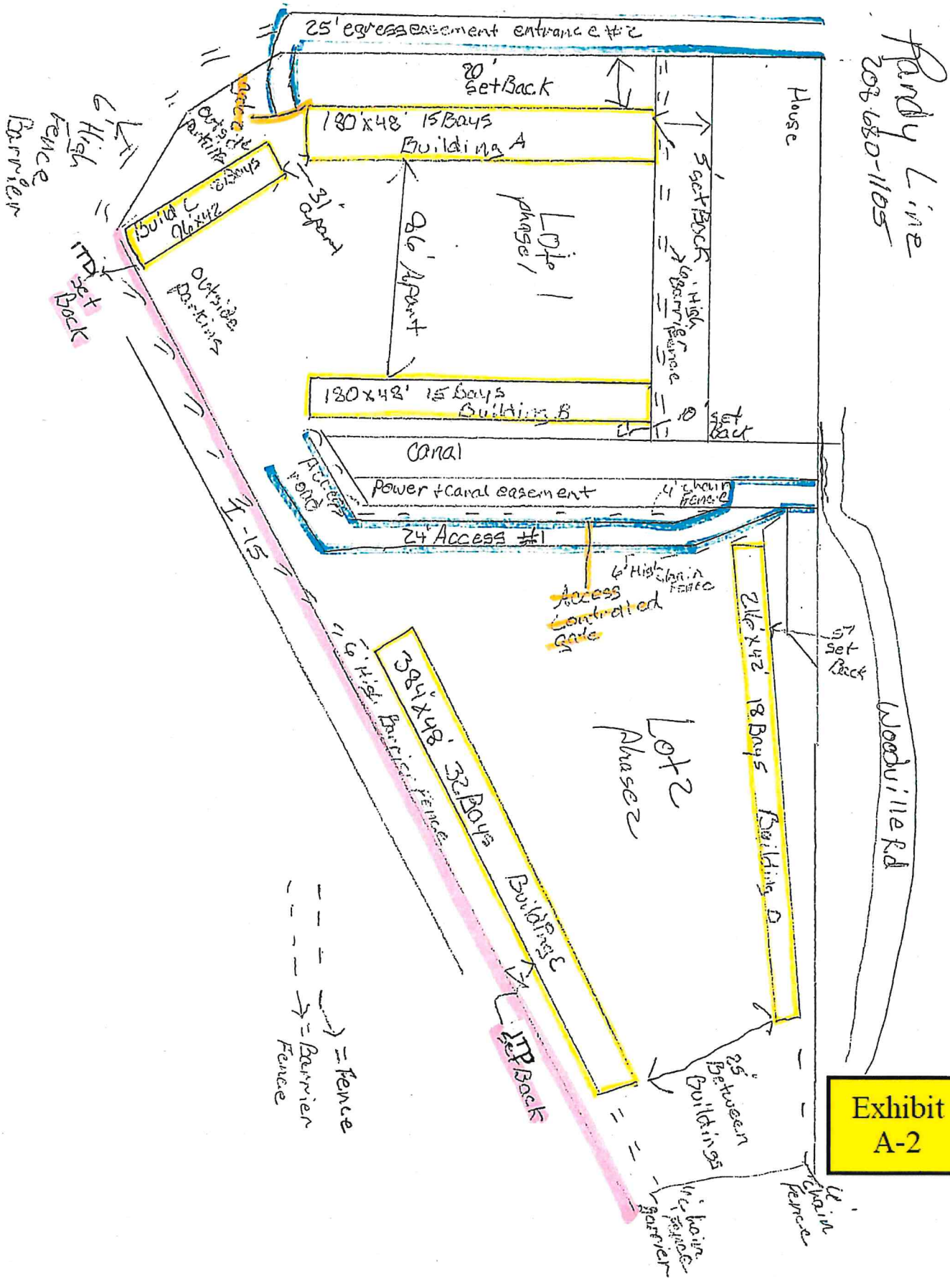


Exhibit A-2

From: [Gwen Inskip](#)
To: [Planning Testimony](#)
Subject: July Hearing Notices
Date: Tuesday, June 18, 2024 3:55:23 PM

South Thompson Lane Subdivision:

1. Please show a 1 mile radius on vicinity map
2. Please refer to the US Fish and Wildlife Services mapping system and show approximate location of Freshwater Pond, Freshwater Emergent Wetlands and Rivine (currently being shown as a ditch)
3. Verify BFE is correct. Case No. given shows a different elevation
4. Please show all existing easements of record as indicated in redlines
5. Please monument irrigation where necessary
6. It appears that the allowable 4 buildable parcels from a private easement will be exceeded (10-6-8:Easement Regulations). Is there a separate/alternate easement planned for one or more of the existing parcels?

1st Amended Estella Rose Estates:

1. Please add curve data to boundary. Does not close as is.
2. Please show distance from proposed access easement to existing structure west of existing house. Will a variance be needed for this as well?
3. Please indicate a proposed road name
4. Transformer and proposed pump are encroaching into access easement.
5. Please add note indicating subdivision is subject to an existing pole line easement as described in Misc. Book I Page 321.

Freedom Estates:

1. Please review Grant Avenue deed and exception in vesting deed. Appears to be an encroachment into proposed boundary.
2. Please show missing lot distances and proposed road name.
3. Please ensure proposed irrigation covers pump location.
4. Determined boundary falls within an existing approach (physical boundary) along the east side. Will an easement be granted to the Wheelers to continue to use said existing approach?
5. Intermountain gas shows a possible existing gas line near the west line of Lot 1 and is believed to be serving the existing house. Please have this line located and provide an easement if necessary.
6. Please show correct irrigation company in owners Dedication and disclose that shares will be held by a Homeowners Association (per letter provided by Wearyrick Ditch Co)
7. There will be a small triangular piece southeast of the proposed private road disconnected from the rest of Lot 5. Recommend incorporating this small piece into Lot 3 if possible.

Vision Wifi CIP:

No comments or concerns

Line Variance:

Please ensure the required 50' setback from the canal can be met. (ord. 10-6-5: Setback

Exhibit
T-1

from Waterways)

Armstrong Variance:

No comments or concerns.

Stevens Variance:

If structure is measured to be 50-60 feet from ordinary high water it will be encroaching upon a platted irrigation easement per Inst. No. 727168. Property pins are shown to have been set as part of the platting process and should be used to verify, if possible.

Gwen Inskeep, PLS
Bingham County Surveyor
501 N. Maple St.
Blackfoot ID 83221
208-782-3172

My email address has recently changed to ginskeep@binghamid.gov

THE NEW SWEDEN IRRIGATION DISTRICT

2350 W. 1700 SO.
IDAHO FALLS, IDAHO

OFFICE OF THE SECRETARY-TREASURER



June 20, 2024

Bingham County Planning and Zoning Commission

Subject; Randy Lines storage facility

The New Sweden Irrigation District operates the Lower Holmes canal through this property. The enclosed map that was provided with the notice of this meeting appears to indicate that a building is planned to be built 10 feet away from the canal on the west side and that a fence will be constructed over the piped portion of the canal at the point where the canal crosses I-15. It is unclear how the access from Woodville Road will interact with the canal right of way but it appears it will be used as a public entrance point. The District has a minimum right of way of a 16 feet of flat surface along both sides of the canal and to the outside toe of the east levied bank. There is a trash grate at the inlet of the piped section which requires unrestricted access to allow removal of debris which may block the canal. Idaho Statute 42-1102 requires that any encroachment upon the District's easements first obtain written permission from the District. No buildings, fences, or private or public roads will be approved which would block the access needed to operate this canal.

A handwritten signature in cursive script that reads "Kail Sheppard".

Kail Sheppard
District Manager
208-523-0175 Office
208-317-1685 Cell

Exhibit
T-2

Family Line
207.680-1105

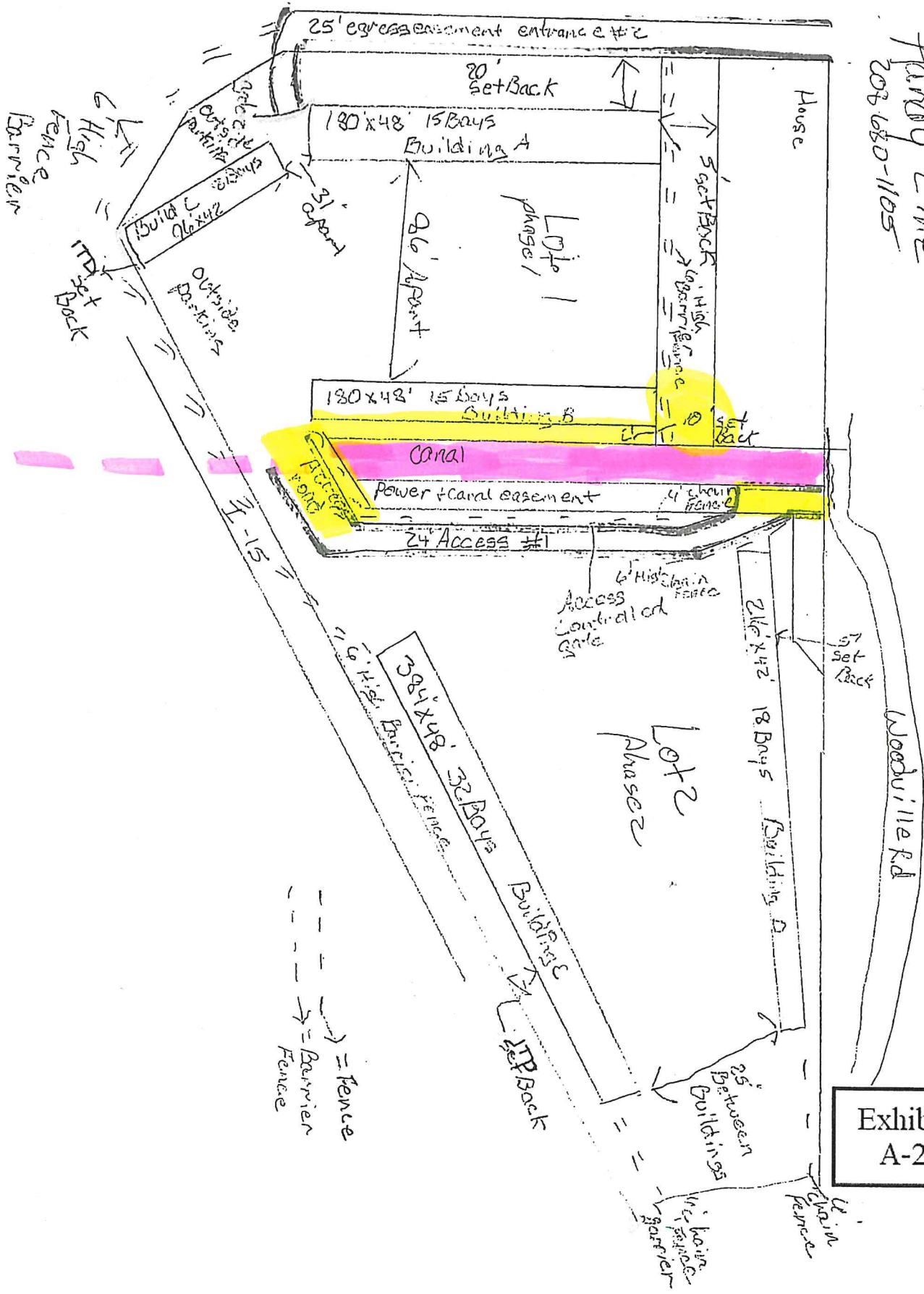


Exhibit
A-2

Ashley Taylor

From: Rebecca Fangsrud
Sent: Thursday, June 20, 2024 4:53 PM
To: PlanningTestimony
Cc: Boyd Jensen
Subject: July 10, 2024 Hearing

South Thompson Lane Subdivision

The division of block 1 seems to allow more than 4 houses on a private road. (35 E Pintail Ln) Therefore, there would be 1 unbuildable lot other than the lane.

Vision Wifi - Oler

Due to Olers tower being out of the right of way, Bingham County Public Works has no comment.

Stevens Variance

Bingham County Public Works has reviewed this request and there are no objections or concerns at this time.

Freedom Estates Subdivision and Variance

25 S Grant Avenue is a local dead-end road and is posted at 25 mph. Therefore, required spacing between driveway approaches is 20 ft.

Amended Estella Rose Estates Subdivision and Variance

The existing subdivision approach must remain the only access point off of Rose Road.

Line Variance

Bingham County Public Works has reviewed this request and there are no objections or concerns at this time.

Armstrong Variance

Bingham County Public Works has reviewed this request and there are no objections or concerns at this time.

Thanks,

Rebecca Fangsrud, Administrative Assistant

Bingham County Public Works
245 N 690 W
Blackfoot, ID 83221

208 782-3173
rfangsrud@binghamid.gov

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



Brad Little, Governor
Jess Byrne, Director

June 24, 2024

Ms. Addie Jo Harris, Planner
planningtestimony@co.bingham.id.us
Bingham County Planning & Zoning
501 N. Maple #203
Blackfoot, ID 83221

Subject: Variance from the Setback Requirement from a Right-of-Way to a Structure – Line

Dear Ms. Harris:

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

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

Sincerely,

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

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

EDMS# 2024AGD4346

Attachments: DEQ General Recommendations for Land Development Projects.

c: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office
Tiffany Olsen, Bingham County Planning & Development Director

Exhibit
T-4

Best Management Practices for Ground Water Protection at Gravel Mining Sites

The Ground Water Quality Rule, IDAPA 58.01.11, is administered by the Department of Environmental Quality (DEQ). Section 301.02 of the rule requires that DEQ ensure activities with the potential to degrade General Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best practical methods to the maximum extent practical. Section 150.04 of the rule directs DEQ to coordinate with other agencies when necessary to protect ground water. The Rules Governing Exploration and Surface Mining In Idaho, IDAPA 20.03.02, are administered by the Idaho Department of Lands (IDL). Section 001.03 of these rules requires all operators to comply with all applicable rules and regulations and laws of the state of Idaho.

DEQ and IDL have worked together to address the potential for ground water contamination from gravel sources and developed a list of best management practices (BMPs). It is the responsibility of gravel mine owner/operator to adopt BMPs, as appropriate, to ensure protection of the ground water. The following are key issues that need to be addressed:

Reclamation

- Meet with IDL and DEQ prior to development of the final reclamation plan to discuss the details of the plan. The plan should address final grading of slopes, details regarding topsoil or suitable growth medium to be spread across the walls and floor for reclamation, and revegetation. The type and quantities of seed, fertilizer, and mulch to be applied to all disturbed areas should be specified and any plans for a seasonal wetland to be created on the pit floor should be described.
- The plan should describe how mining activities will be conducted concurrently with reclamation in order to maintain a minimal area of exposed gravels at any given time. The plan should include methods of replacing topsoil on all disturbed lands during reclamation, including land covered by water.
- The plan should specify that final reclamation activities will be completed within six (6) months after termination of mining activities.
- Following final reclamation, it will be necessary for the owner/operator to cooperate with DEQ and IDL in a joint inspection of the mining site. If the reclamation meets specifications, IDL/DEQ will provide documentation of final approval.

Operations

- Vehicular access to the site should be controlled by means of fences, gates, or other types of barriers as appropriate. Signs should be posted to emphasize restricted access. Periodic inspection and maintenance of access control structures will be needed to ensure effectiveness.
- Access by heavy equipment should be limited to only those times when active mining and reclamation activities are underway.
- Crushers, asphalt batch plants, and concrete plants should be operated only in areas well away from exposed gravels and ground water. "Baghouse" dust collection systems are preferred for use with mixing plants. However, if "wet" or pond scrub systems are to be utilized, they must be in lined areas well away from exposed gravels and ground water.
- Berms, ditches, etc. must be constructed as appropriate to divert surface water run-on/run-off around the mining area.
- Fueling and equipment service/maintenance/storage should be staged in areas well away from exposed gravels and ground water.
- Fuel storage facilities should be placed in bermed areas with HDPE liners well away from exposed gravels and ground water.

- A spill prevention control and countermeasure (SPCC) plan should be implemented on each occasion that mining or reclamation activities are conducted. The plan should specify the maximum response time for spill clean up.
- Portable toilet facilities should be located well away from exposed gravels and ground water.

Environmental Monitoring

Under certain circumstances, such as mining below the ground water table, monitoring of surface water and ground water may be necessary.

General Recommendations

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

Engineering

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

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

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

Air Quality

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

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

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

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

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

Section 651 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric

conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

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

Surface Water Quality

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

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

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

Waste Management - Hazardous Material - Petroleum Storage

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

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most associated with the transportation and delivery to work sites or

facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

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

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

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