

# Bingham County

Planning & Development Department  
490 N. Maple Suite A, Blackfoot, Idaho 83221  
Phone: (208) 782-3178 | Fax: (208) 782-3868  
Email: buildingpermits@co.bingham.id.us

File No. \_\_\_\_\_  
Date: 18-March-24

## APPLICATION FOR CONDITIONAL USE PERMIT

Applicant: Jared Wattenbarger	Phone: 208-569-0857
Address: 5032 W 81 S	City/Zip: Shelley/83274
Location: _____ (project location for application)	Email: jwatt1234@gmail.com
Property Owner(s): Riverbend Farms, LLC	

**Location & Legal Description**

<input type="text"/>	<input type="text"/>	<input type="text"/>	Zoning: RA & A
Township	Range	Section	Acreage: _____
			Parcel No. Multiple - See Site Plan

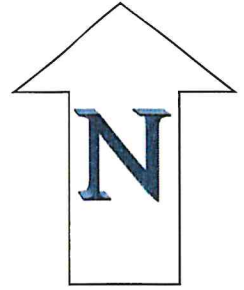
**Submit:**

- Completed Application
- Recorded Deed to Property
- Detailed Site Plan
- Narrative - write a detailed narrative addressing the following:
  - Identify the existing use of the property
  - Reason for Conditional Use Permit Request
  - Evaluating effects of proposed Conditional Use on adjoining property that may include, but is not limited to, such elements as noise, odor, fumes and vibration
  - General compatability with other properties and uses in the area
  - Evaluating effects of proposed Conditional Use on public facilities/utilities
- application fee paid

**Application Fees:**

Application Fee	275
Deposit for Mailing & Publication	75
<b>Total=</b>	<b>350</b>

**Site Plan** - Show drawing of location (including roads, all buildings, parking areas, service areas, yards, signs, utilities, traffic - pattern, etc.). **Please show all distances between buildings & property lines.**



T1N R37E SEC 16

RP0450002 (~~434753~~), RP0449902 (~~538067~~), RP0449905 (~~675643~~), & RP0448606 (~~675643~~)  
(Approximately 43 acres for reference)

T1N R37E SEC 34

RP0482201 (752091) (Approximately 57 acres for reference)

Riverbend Farms, LLC owns several parcels and submits this conditional use permit (CUP) to transfer all division rights (county research indicates 8 or 9) from parcels RP0450002, RP0449902, RP0449905, & RP0448606 to parcel RP0482201. The reason for this CUP is that a subdivision is being platted on parcels RP0450002, RP0449902, RP0449905, & RP0448606 and the division rights will be deleted once the platt is finalized.

There is no intended use for the division rights that are being transferred at this time, however Riverbend Farms, LLC does not want to lose the division rights hence the submittal of this CUP.

**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): Riverbend Farms, LLC 18-March-24

Date

Property Owner(s): \_\_\_\_\_


Date

Designated Agent: \_\_\_\_\_

**In granting a Conditional Use Permit 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 Conditional Use Permit is granted shall be deemed a violation of the Ordinance. The approval of a Conditional Use Permit does not permit the violation of any section of the Building Code, or any other County Ordinance. All Conditional Use Permits, 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):

Property Owner(s) Signature:  Date: 18-March-24

Designated Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CHAPTER 8  
CONDITIONAL USE PERMIT**

**SECTION:**

- 10-8-1: General Statement
- 10-8-2: Contents Of Application For Permit
- 10-8-3: Review Of Application
- 10-8-4: Additional Studies
- 10-8-5: Land Use Time Limitations
- 10-8-6: Hearing And Notice
- 10-8-7: Action By Commission
- 10-8-8: Supplementary Conditions And Safeguards
- 10-8-9: Appeal To Board
- 10-8-10: Request For Time Extension For Permit
- 10-8-11: Revocation Of Permit
- 10-8-12: Modification Of Approved Permit

**10-8-1: GENERAL STATEMENT:**

- A. It is recognized that an increasing number of uses are appearing that have characteristics of a unique and special nature such that the specific use must be considered individually. We recognize that these uses are not permitted without adding certain conditions making them compatible with permitted uses in the underlying zone. The commission may require higher standards of site development than those listed specifically in this title in order to assure that the proposed use will be compatible with other conforming property and uses in the vicinity.
- B. The commission shall hold a public hearing on each conditional use permit as listed on the land use chart and new uses brought by the Administrator. The commission may approve, conditionally approve or deny a conditional use permit under the standards listed in this chapter and may require such additional safeguards that will uphold the intent of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

**10-8-2: CONTENTS OF APPLICATION FOR PERMIT:**

An application for a conditional use permit shall be filed with the Administrator by the property owner or by the occupant with owner approval. At a minimum, the application shall contain the following information:

Please explain how the application provided is complete and meets the following requirements of this code section: (if a question is not applicable to your application please state not applicable and explain why)

- A. Name, address and phone number of applicant. Jared Wattenbarger for Riverbend Farms, LLC - 5032 W 81 S Shelley, Idaho 83274 208-569-0857
- B. Legal description of the property. Warranty Deeds are attached.
- C. Description of existing use. Agriculture farmland
- D. Current zoning designation. RA & A
- E. Description of use being proposed.

Riverbend Farms, LLC owns several parcels of land near 1561 N 800 E Shelley, Idaho 83274 (East of Woodville Townsite) and wants to transfer the division rights (county research indicated 8 or 9) to another parcel of land that Riverbend Farms, LLC owns near 1296 N 950 E Shelley, Idaho 83274 (East of Shelley Townsite). The intent is to not lose the divisions due to a Platt being developed near the Woodville Townsite. There is no current use being planned for the division rights being moved, rather Riverbend Farms, LLC just does not want to lose the rights. In the future, the rights may be moved to another parcel in order to use them.

F. A scaled site plan/drawing showing the location of the following:

1. All buildings, parking and loading area.
2. Traffic access and traffic circulation.
3. Open spaces, landscaping, refuse and service areas.
4. Utilities, signs.
5. Any other information that may be required to determine if the proposed conditional use meets the requirements of this title.

NA

6. A statement evaluating the effects on adjoining property that may include, but is not limited to, such elements as noise, odor, fumes and vibration. An accurate statement of the compatibility with adjacent and other properties in the zone, and the relationship of the proposed use to the plan.

NA

7. More specifically, the following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:

- a. Noise, odor, or vibrations, or direct or reflected glare detectable by the human senses without the aid of instruments.

NA

- b. Radioactivity and electric or electromagnetic disturbances that unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.

NA

- c. Any other emission or radiation that endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.

NA

- d. The appropriate filing fees. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

### **10-8-3: REVIEW OF APPLICATION:**

- A. The commission shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

**Please explain how your request complies with the following criteria:**

1. Constitute a conditional use as established on the official schedule of zoning regulations or as determined by the commission to be a conditional use for the zone involved. Moving division rights are allowable as a conditional use.

2. Be in accordance with the general objectives or with any specific objection of the Comprehensive Plan and/or this title.

The general objectives and specific purpose of the Comprehensive Plan is to promote the health, safety and general welfare of the people of the county as follows:

- a) To protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary.

NA

- b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.

NA

- c) To ensure that the economy of the county is protected and enhanced.

NA

- d) To ensure that the important environmental features of the county are protected and enhanced.

NA

- e) To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals.

NA

- f) To encourage urban and urban-type development within or near incorporated cities.

NA

- g) To avoid undue concentration of population and overcrowding of land.

NA

- h) To ensure that the development on land is commensurate with the physical characteristics of the land.

NA

- i) To protect life and property in areas subject to natural hazards and disasters.

NA

- j) To protect fish, wildlife and recreation resources.

NA

- k) To avoid undue water and air pollution.

NA

- l) To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis.

NA

3. Be designed, constructed, operated and maintained to be appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area as far as is possible.

NA

4. Not be unduly hazardous or disturbing to existing or future neighboring uses; nor involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants.

NA

5. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the County.

NA

6. Be served adequately by essential public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such services.

NA

7. Have legal access to the subject property for the development. Have vehicular approaches to the property that are designed to eliminate a traffic hazard on adjacent public thoroughfares.

NA

8. Not result in the destruction, loss or damage to a scenic or historic feature of major importance.

NA

9. If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use.

NA

- B. If the literal enforcement of the provisions herein contained would result in unnecessary hardship, the commission may consider exceptions to nonconforming uses as permitted in chapter 9 of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

#### **10-8-4: ADDITIONAL STUDIES:**

Prior to making a decision concerning a conditional use permit request, the commission or Board may request additional studies at the applicant's expense, of the social, economic, fiscal, and environmental effects of the proposed conditional use permit. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

#### **10-8-5: LAND USE TIME LIMITATIONS:**

- A. When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the commission, or the Board or a court of appropriate jurisdiction, if appealed, and completed within five (5) years of the same date. The following exceptions shall be limited to ten (10) years of the date of the final decision by the commission or the Board or a court of appropriated jurisdiction, if appealed. If the use is not implemented within this time period, the use and its approval shall expire:
  1. Gravel pits in other than A or A/NR Zones.
  2. Electrical public service facilities.

3. Commercial wind turbines in other than A or A/NR Zones.
- B. Upon expiration of the use or the approval of that use as provided by this section, the applicant may seek approval of the use only by filing a new initial application for review by the commission. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

**10-8-6: HEARING AND NOTICE:**

Prior to granting a conditional use permit, the commission shall follow the hearing procedures as identified in chapter 3 of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

**10-8-7: ACTION BY COMMISSION:**

- A. The commission shall approve, conditionally approve or disapprove the application as presented. If more information is needed for a determination to grant a conditional use permit, the commission may request information from the planning staff or public agencies concerning social, economic, fiscal and environmental effects of the proposed conditional use. If the application is approved or approved with modifications, the commission shall direct the Administrator to issue a conditional use permit listing the conditions specified for approval.
- B. The commission may attach conditions that include, but are not limited to, the following:
  1. Minimizing adverse impact on other development.
  2. Controlling the sequence and timing of development.
  3. Controlling the duration of development.
  4. Assuring that plans are developed to properly maintain the project.
  5. Designating the exact location and nature of development.
  6. Requiring more restrictive standards than those generally required in this title.
  7. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

**10-8-8: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:**

The commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title over and above those listed in section 10-8-7 of this chapter. Violations of any conditions, bonds or safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this title.

- A. Upon granting or denying an application, the commission shall specify:
  1. The ordinance and standards used in evaluating the application.
  2. The reasons for approval or denial.
- B. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)



**10-8-9: APPEAL TO BOARD:**

The applicant or any affected person may appeal the decision of the commission to the Board, following the hearing procedures requirements of chapters 3 and 10 of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

**10-8-10: REQUEST FOR TIME EXTENSION FOR PERMIT:**

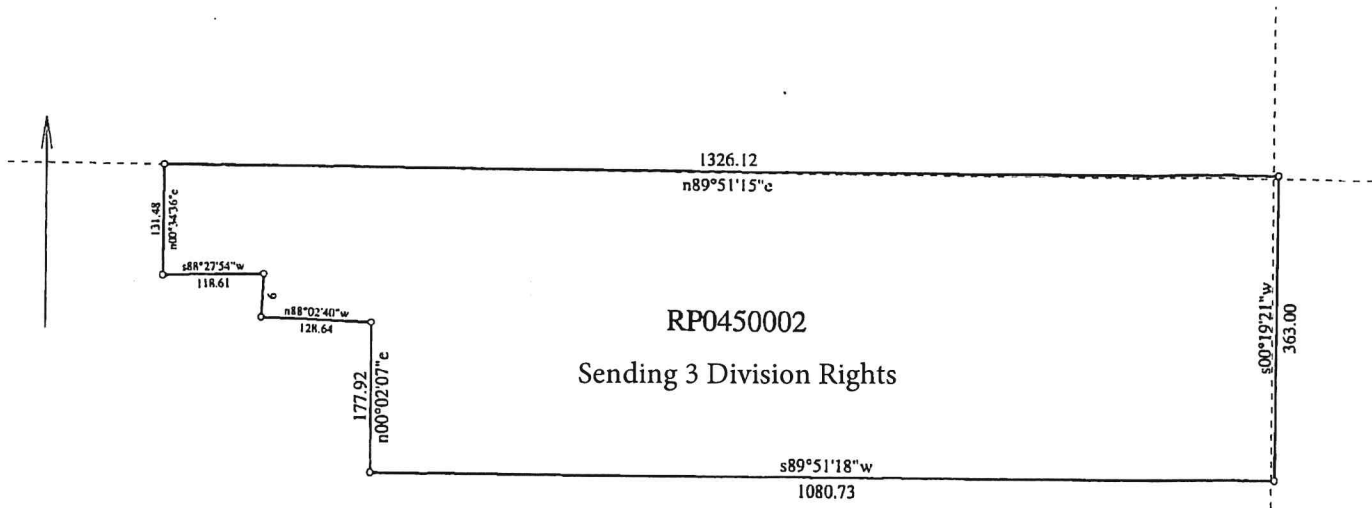
- A. An applicant may request extension of the time period provided by this section by filing an application for extension with either the commission or the Board depending on who approved the conditional use permit.
  - 1. Such application must be filed at least sixty (60) calendar days prior to the date of expiration.
  - 2. The matter shall be heard at a public hearing before the commission or the Board, whichever made the final decision, in accordance with the notice and hearing procedures of chapter 3 of this title.
  - 3. A renewal extension, if granted, shall be limited to three hundred sixty five (365) calendar days.
- B. The commission or the Board, whoever made the final decision, may extend the commencement period or the completion period as provided in subsection A of this chapter upon proof of good cause by the applicant. Good cause shall be determined at the discretion of the commission or the Board. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

**10-8-11: REVOCATION OF PERMIT:**

A conditional use permit may be revoked upon violation of any of the conditions imposed therein. The Administrator or designee shall verify that a violation has occurred. The permit holder shall be notified that a violation has been noted and shall be given a reasonable time to correct said violation. If compliance is not or cannot be reached within an approved time, the Administrator shall notify the commission or Board, whichever approved the original conditional use permit, so that they may review the preponderance of the evidence to determine if after due process the conditional use permit should or should not be revoked. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

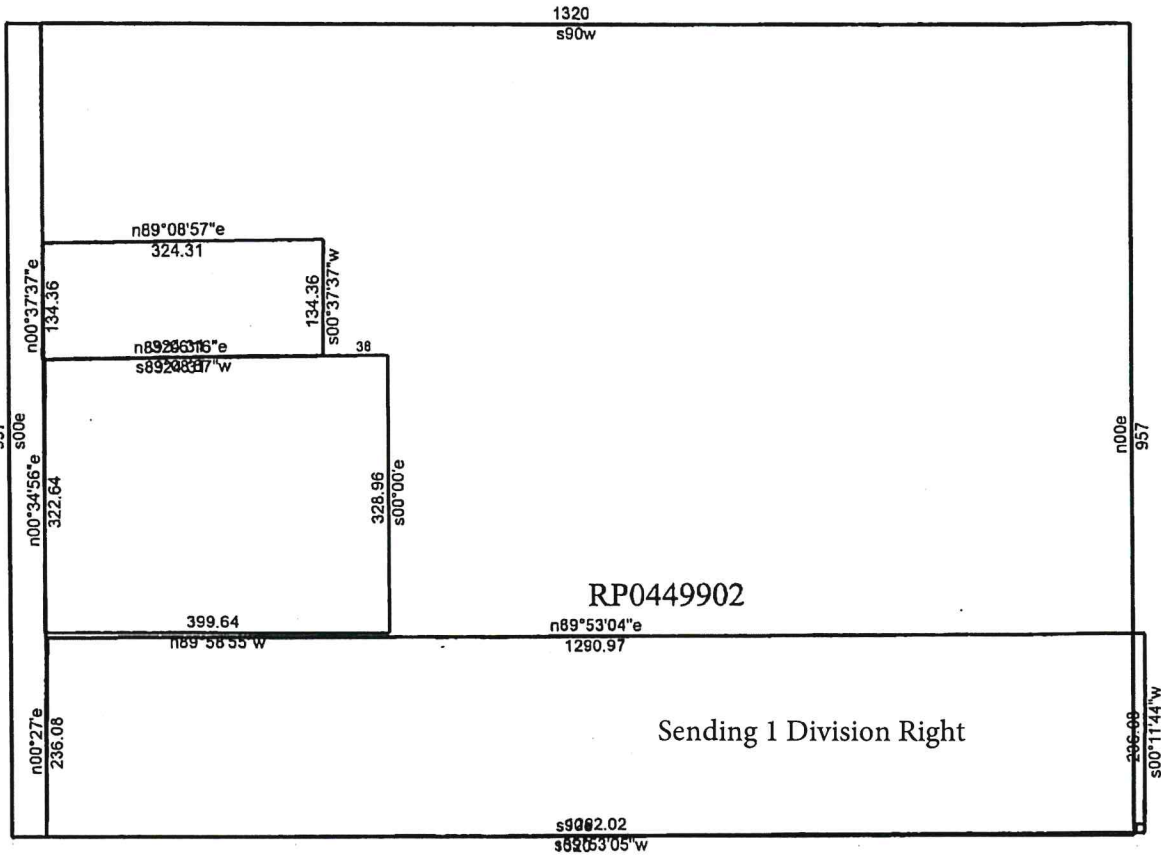
**10-8-12: MODIFICATION OF APPROVED PERMIT:**

- A. A conditional use permit or previously approved special use permit may be modified upon a request of the Board, commission or the property owner(s). The Board or commission shall follow the same hearing procedures as per chapter 3 of this title for a conditional use permit.
- B. Modification shall only be granted if the Board or commission finds that the modification is consistent with the provisions of the plan and will not be detrimental to the general public health, safety or welfare. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)



Title:		Date: 03-08-2024
Scale: 1 inch = 200 feet	File:	
Tract 1: 9.896 Acres: 431079 Sq Feet: Closure = n41.0534e 0.00 Feet: Precision >1/999999: Perimeter = 3378 Feet		
001=/nw,sw,nw,16,1n,37e	005=n00.0207e 177.92	009=n00.3436e 131.48
002=n89.5115e 1326.12	006=n88.0240w 128.64	
003=s00.1921w 363.00	007=n02.3610e 51.80	
004=s89.5118w 1080.73	008=s88.2754w 118.61	

160836



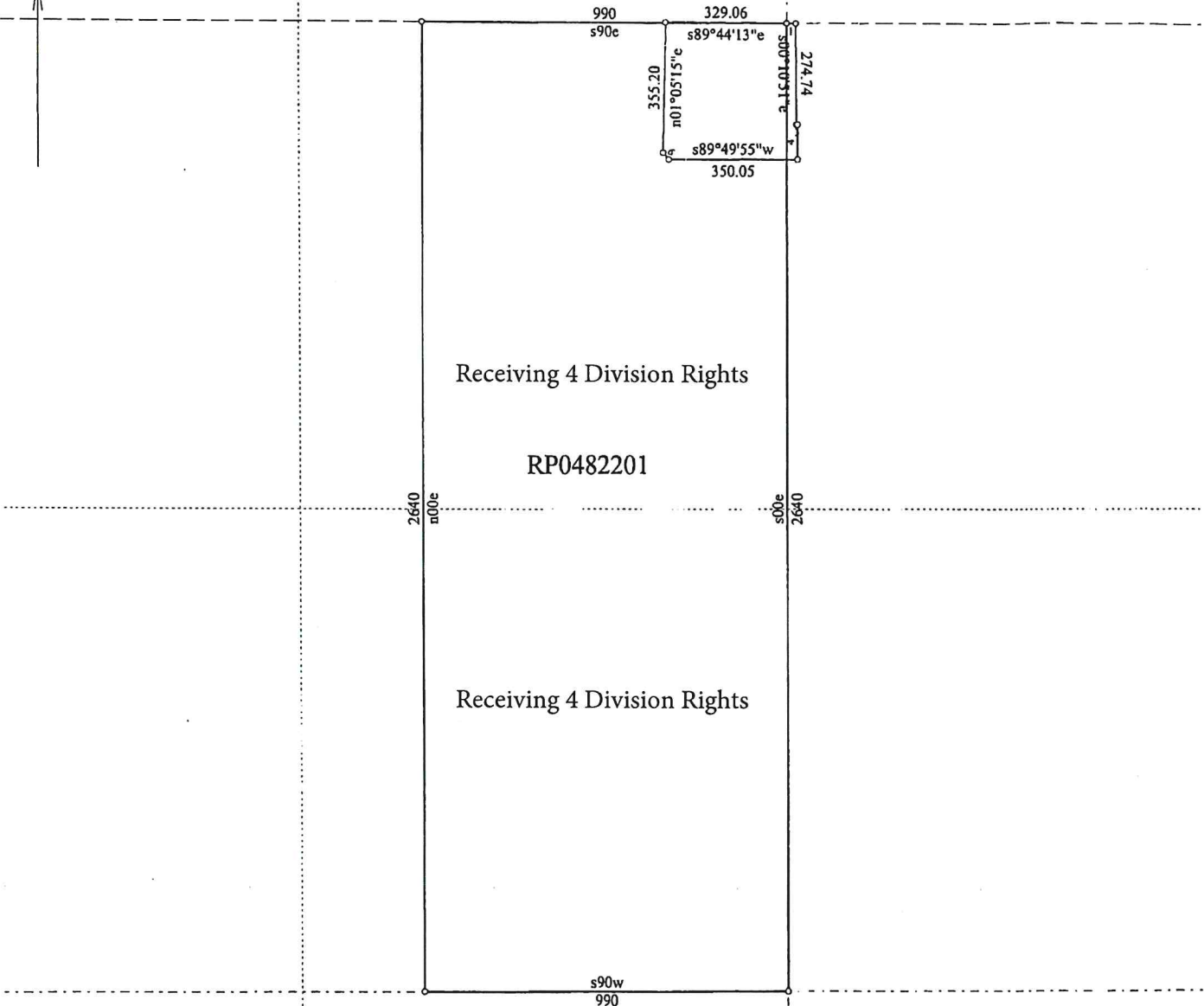
3/8/2024

Scale: 1 inch= 200 feet

File:

- \*Tract 1: 29.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=4554 ft.
  - Tract 2: 0.8788 Acres (38280 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=1994 ft.
  - Tract 3: 6.9992 Acres (304886 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=3055 ft.
  - Tract 4: 0.0023 Acres (100 Sq. Feet), Closure: s89.4423e 0.04 ft. (1/901), Perimeter=40 ft.
  - Tract 5: 2.9777 Acres (129707 Sq. Feet), Closure: s89.1626w 0.30 ft. (1/4828), Perimeter=1448 ft.
  - Tract 6: 1.0000 Acres (43560 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=917 ft.
- Net Area= 17.1420 Acres, (746707) Sq. Feet.

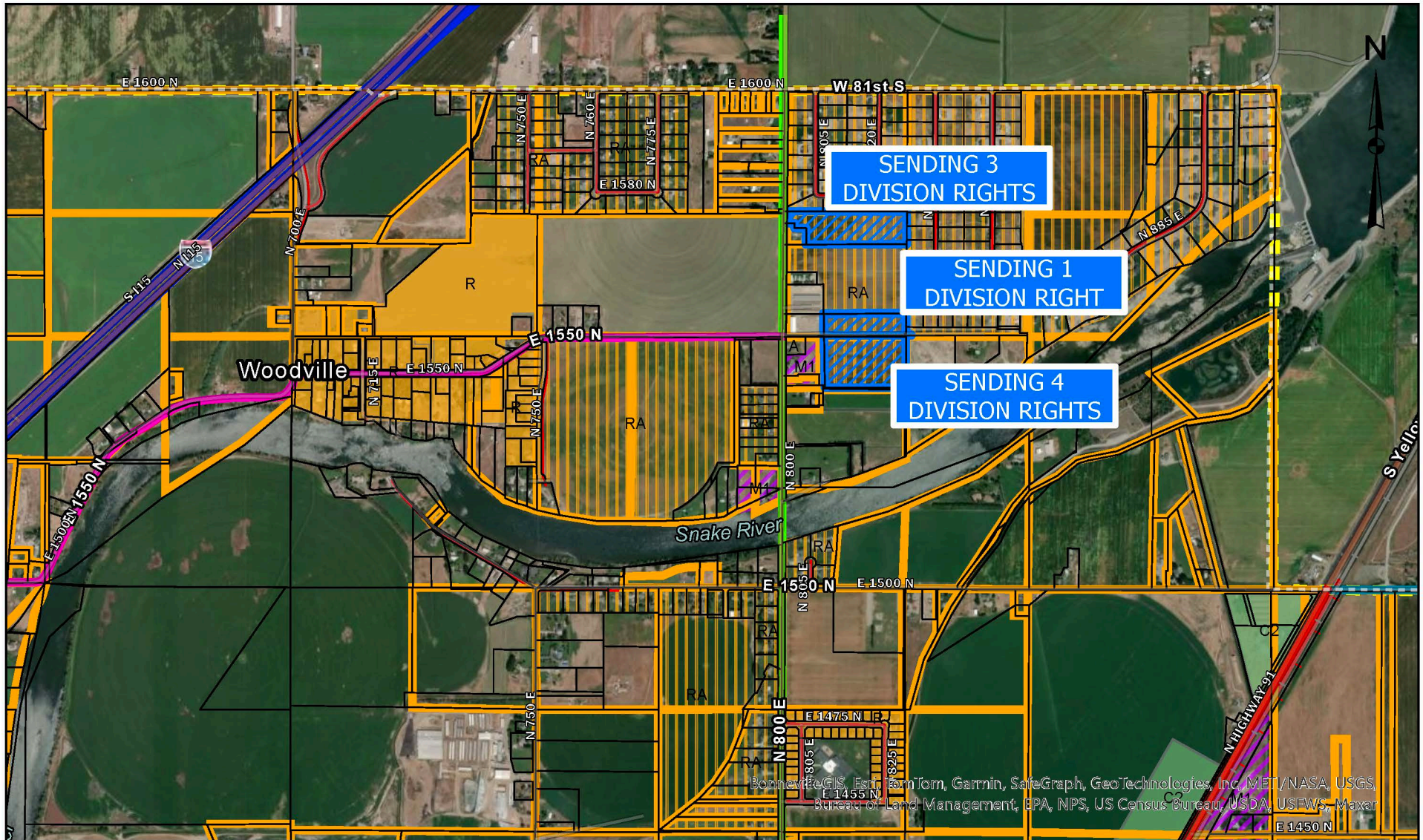
760837



Title:		Date: 03-08-2024
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001=nc,nw,34,1n,37e	006=@1 -	011=s89.4955w 350.05
002=s00e 2640	007=s89.2329e 25.00	012=n38.5604w 23.72
003=s90w 990	008=s00.1051e 274.74	013=n01.0515e 355.20
004=n00e 2640	009=s89.4206e 3.40	014=s89.4413e 329.06
005=s90e 990	010=s00.0401w 96.02	

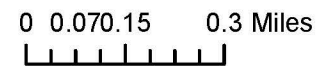
1760838

# RIVERBEND FARMS, LLC - CUP, DIVISION RIGHTS TRANSFER - ZONING MAP



Bonneville GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Maxar

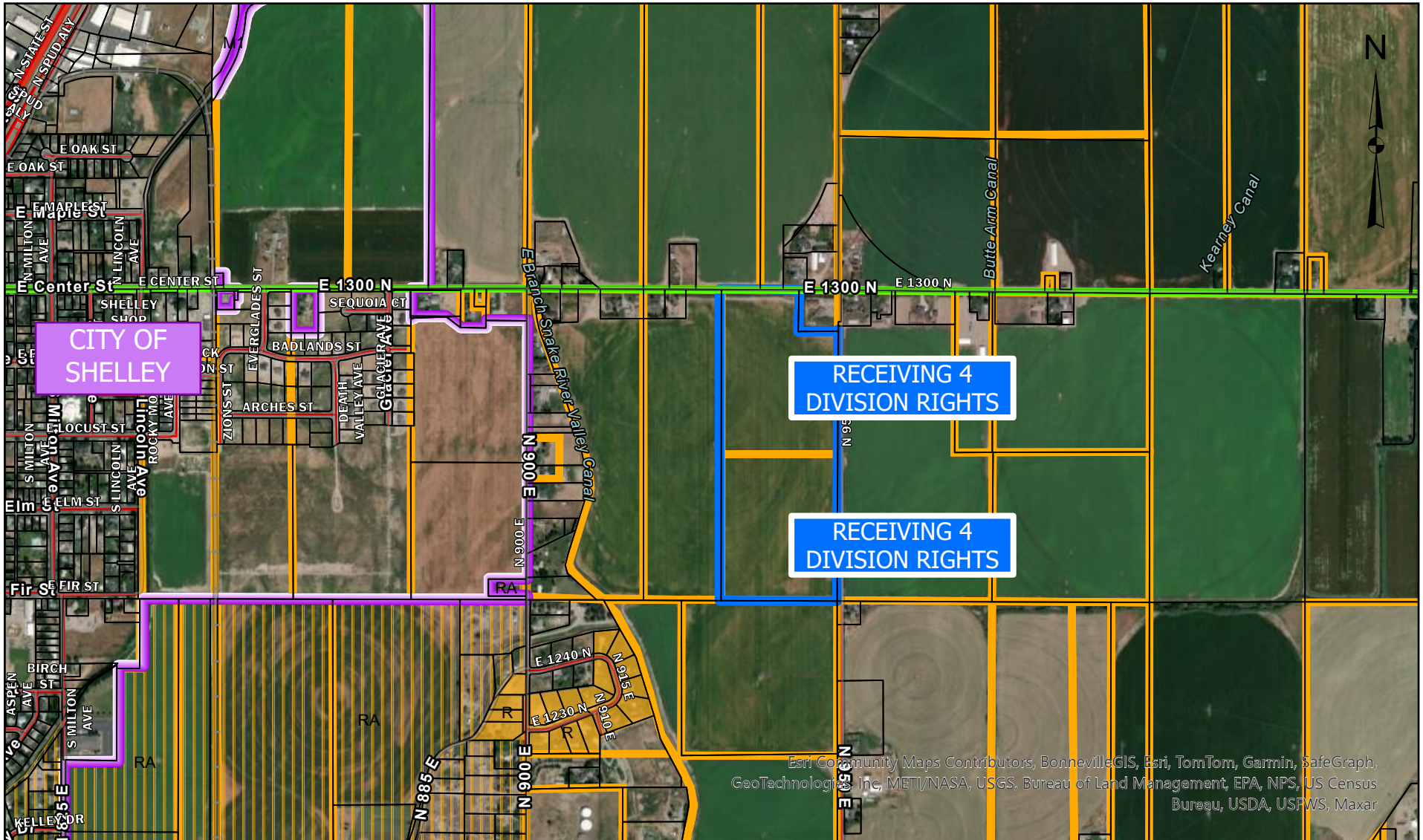
**Exhibit  
S-3**



LEGEND	
	Riverbend Farms - Sending
	Original Parcel Designation
	County Boundary
	Roads
	Parcels
	Principal Arterial 100' ROW
	Minor Arterial 80' ROW
	Interstate 200-400'
	Major Collector 70' ROW
	Minor Collector 60' ROW
	C2 - Heavy Commercial
	R - Residential
	RA - Residential/Agriculture
	A - Agriculture
	M1 - Light Manufacturing

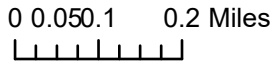


# RIVERBEND FARMS, LLC - CUP, DIVISION RIGHTS TRANSFER - ZONING MAP



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

**Exhibit  
S-3**



LEGEND			
	Riverbend Farms - Receiving		City Boundary
	Original Parcel Designation		R - Residential
	Roads		RA - Residential/Agriculture
	Principal Arterial 100' ROW		A - Agriculture
	Minor Arterial 80' ROW		M1 - Light Manufacturing
	Parcels		
	County Boundary		

