

**BINGHAM COUNTY PLANNING AND ZONING COMMISSION
PUBLIC HEARING DATE: JUNE 12, 2024**

STAFF REPORT

APPLICATION OF: Conditional Use Permit for a Single Family Dwelling in a “M1” Light Manufacturing Zoning District

PROPERTY OWNER & APPLICANT: Clinton Harper

REQUESTED ACTION: Property owner Clinton Harper requests a Conditional Use Permit to allow a single-family dwelling to be constructed on 1.09 acres located in an “M1” Light Manufacturing Zoning District. The land is currently pasture ground with misc. items and materials which will be removed as part of the single-family residence construction and landscaping process with the intent of adding a private greenhouse and fruit trees on the property in the future. Additionally, the Applicant indicated the removal of an existing vacant home will be completed upon approval of this CUP. The Application may be considered for approval pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* which allows single-family dwellings in this zone with an approved Conditional Use Permit.

PARCEL INFORMATION:

Approx. Parcel Location:	East of 671 W 150 N, Blackfoot, Idaho 83221
Parcel Information:	RP0193403
Township, Range & Section	Township 2 South, Range 34 East, Section 25
Total Acreage:	Approx. 1.09 acres created using a division right
Floodplain:	No
City Impact Area:	No
High Nitrate Priority Area:	No
Fire District:	Blackfoot/Snake River
School District:	Snake River School District

PROPOSED UTILITIES AND SERVICES:

Road Access: The Applicant is proposing to use an existing access on the adjacent property to the east owned by B&K Harper Farms LLC which extends south from 150 N Moreland Road. Staff did not identify an easement to utilize this access in the Quit Claim Deed Provided (Instrument No. 761649). Therefore, easement access will need to be deeded to Mr. Harper or a new access will need to be established and approved by Bingham County Road and Bridge prior to issuance of a Building Permit.

Road Classification: 150 N Moreland Road has a Functional Classification of a Local Road

Sanitary Sewer: Private septic system and drain field proposed to serve the Applicants residence which is subject to permitting by the Idaho Department of Public Health.

Culinary Water: An individual culinary well is proposed to serve the Applicants residence subject to permitting by the Idaho Department of Water Resources.

Utilities Connection to gas and power services are available

ZONING AND COMPREHENSIVE PLAN:

Zoning: "M1" Light Manufacturing
Comprehensive Plan Map Area: Industrial/Commercial
Surrounding land uses: Residential to the North, Light Manufacturing to the South, East and West with some Residential/Agriculture to the West. The area is comprised of residential parcels, agriculturally farmed parcels and a few commercial businesses.

NOTICE OF 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 property on May 17, 2024.
2. Notice was also published in the Idaho State Journal and Post Register newspapers on May 15, 2024.
3. Notice was posted on-site and photographs of the site were taken on May 23, 2024.

TESTIMONY RECEIVED PRIOR TO THE PLANNING AND ZONING COMMISSION'S PUBLIC HEARING:

(T-1) Bingham County Surveyor had no comments or concerns.

(T-2) Department of Environmental Quality offered general recommendations for land development projects.

(T-3) Bingham County Public Works approves the change. 150 N East Moreland Road is a local road and is posted at 50 mph. All approaches at this location must meet Bingham County Standards and be 65 feet between approaches.

PLANNING AND ZONING COMMISSION STANDARDS FOR CONSIDERATION:

The Commission shall follow Bingham County Code Section 10-8-3: *Review of Application* as follows:



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:

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.
2. Be in accordance with the general objectives or with any specific objection of the Comprehensive Plan and/or this title.
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.
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.
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.
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.
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.
8. Not result in the destruction, loss or damage to a scenic or historic feature of major importance.
9. If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use.

PLANNING AND ZONING COMMISSION DECISION ON THE CONDITIONAL USE PERMIT APPLICATION: The Commission may approve, approve with conditions, or deny the request for a Conditional Use Permit.

If more information is needed for a determination to grant the Application, the Commission may request information from the Planning and Development Staff. The Commission may attach conditions that include but are not limited to those listed in Bingham County Code Section 10-8-7(B).

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 Conditional Use Permit Application requested by Clinton Harper to construct a single-family home in a “M1” Light Manufacturing Zoning District located East of 671 W 150 N, Blackfoot, as proposed in compliance with Bingham County Code Title 10 Chapter 8.

Sample Motion for Approval with Conditions: Based on the record, I move to approve the Conditional Use Permit Application requested by Clinton Harper to construct a single-family home in a “M1” Light Manufacturing Zoning District located East of 671 W 150 N, Blackfoot, as proposed in compliance with Bingham County Code Title 10 Chapter 8 SUBJECT to the following conditions:

1. Applicant receive legal access to the parcel;
2. miscellaneous items and materials be removed from the 1-acre parcel of land, bringing the parcel into compliance with Bingham County Code Title 10 prior to the issuance of a Certificate of Occupancy for the residence; and
3. removal of the existing vacant home to the east.

Sample Motion for Denial: Based on the record, I move to deny the Conditional Use Permit Application requested by Clinton Harper to construct a single-family home in a “M1” Light Manufacturing Zoning District located East of 671 W 150 N, Blackfoot, as proposed with compliance with Bingham County Code Title 10 Chapter 8 based on: _____

Bingham County Code or Idaho Code (specifically state which section and basis for denial)

ATTACHMENTS

EXHIBIT #

Application and documents provided by the Applicant	A1 – A4
Maps	S2 – S8
Verification of compliance with notice requirements and photographs of the subject parcel	S9– S13
Testimony received prior to the Planning and Zoning Commissions Public Hearing	T1 – T3

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: 5/10/24

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant: <u>Clinton Harper</u>	Phone: <u>(208)681-3028</u>
Address: <u>391 S 3000 W</u>	City/Zip: <u>Syracuse, UT 84075</u>
Location: <u>To be determined</u> (project location for application)	Email: <u>clintonharper2@gmail.com</u>
Property Owner(s): <u>Clinton Harper</u>	

Location & Legal Description			Zoning: <u>M1</u>
<u>2S</u>	<u>34E</u>	<u>25</u>	Acreage: <u>1.09</u>
Township	Range	Section	Parcel No. <u>RP0193403</u>

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	<u>75</u>
Total=	350

**Exhibit
A-1**

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.

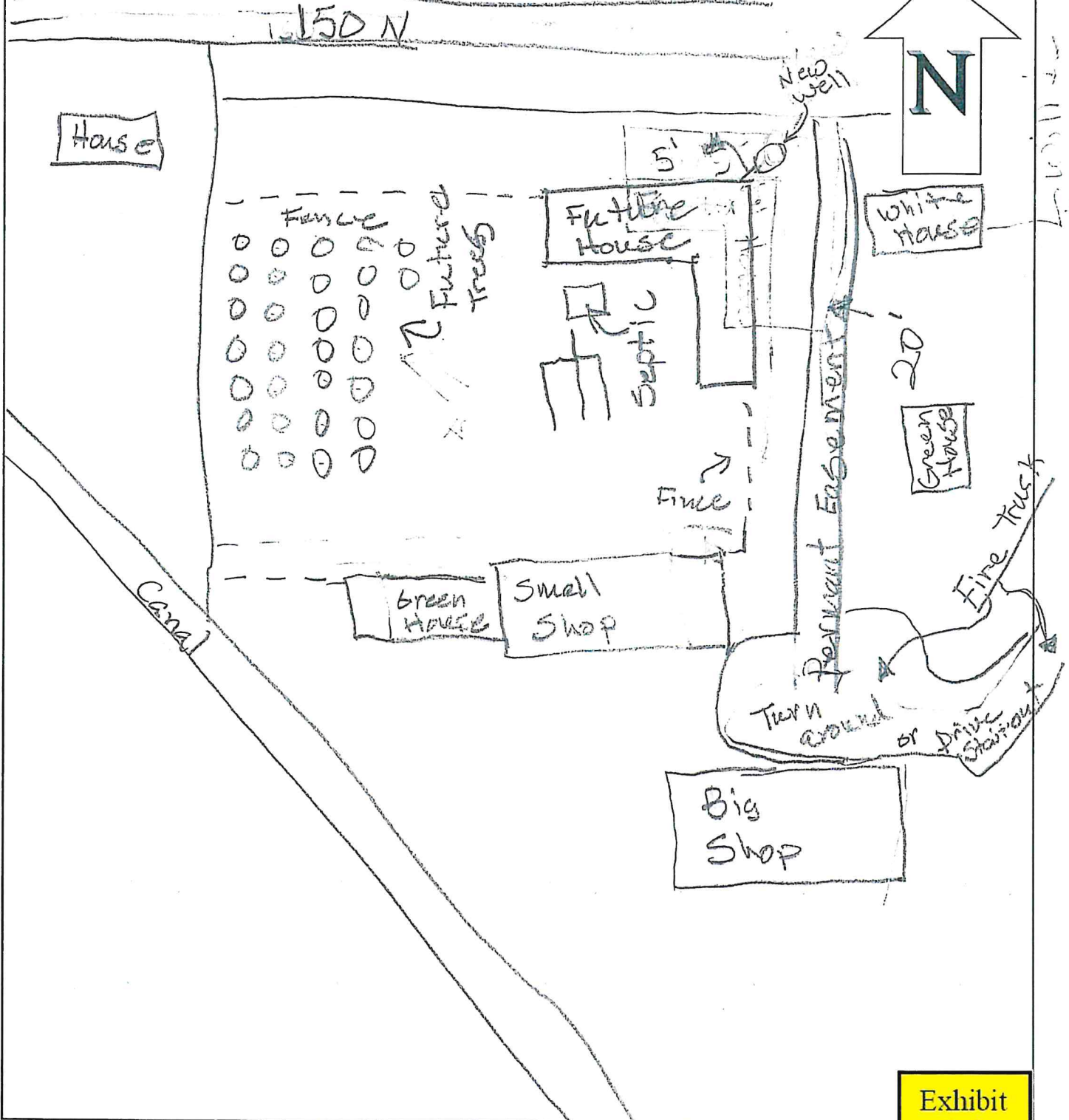


Exhibit A-3

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): _____ 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: Clinton Harper Date: 5/10/24

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. Clinton Harper
391 S. 3600 W. Syracuse, UT 84075 (208) 081-3028
- B. Legal description of the property.
- C. Description of existing use. Pasture, place to put equipment

-
-
-
- D. Current zoning designation. M1
- E. Description of use being proposed. Single family residence with fruit trees & green house, a well & septic ~~house~~ system
-
- 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. _____
 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. Any noise would be from dogs & kids playing. This house would be next to another house, a vacant house that will be torn down & shops.
 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. Not applicable because it is a single family residence.
 - b. Radioactivity and electric or electromagnetic disturbances that unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties. Not applicable because it is a single family residence.
 - c. Any other emission or radiation that endangers human health, results in damages to vegetation or property or which exceeds health and safety standards. Not applicable because it is a single family residence.
 - 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.
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. It would clean up the junk in the pasture & not be an eye sore.
- b) To ensure that adequate public facilities and services are provided to the people at reasonable cost. We would be another tax paying citizens.
- c) To ensure that the economy of the county is protected and enhanced. We would be tax paying citizens shopping locally.
- d) To ensure that the important environmental features of the county are protected and enhanced. The pasture is only holding junk currently & is flat & boxed in by 2 houses & a shop.
- e) To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals. It is only holding junk & we would plant fruit & nut trees & grow a garden.
- f) To encourage urban and urban-type development within or near incorporated cities. We would be tax paying citizens shopping locally.

- g) To avoid undue concentration of population and overcrowding of land. A single family residence doesn't put an undue concentration of people like apartments, etc. would.
- h) To ensure that the development on land is commensurate with the physical characteristics of the land. 1 acre is a good size for a single family residence on flat ground.
- i) To protect life and property in areas subject to natural hazards and disasters. The property is not in a flood plain.
- j) To protect fish, wildlife and recreation resources. Not in an area with fish nearby or that wildlife would live. 1 acre is surrounded by 2 houses & a shop.
- k) To avoid undue water and air pollution. A single family residence doesn't create water & air pollution like manufacturing, etc. would.
- l) To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis. A single family doesn't rapidly increase the number of students attending school.
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. A single family residence would fit in with the other houses nearby.
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. Not applicable because it is a single family residence, not a business, etc.

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. We would be tax paying citizens that shop locally to increase the economic welfare of the County.
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. Gas & power are already nearby.
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. 1 acre next to a road & we would have a garage & drive way.
8. Not result in the destruction, loss or damage to a scenic or historic feature of major importance. NO scenic or historic features are on the 1 acre we would build the house.
9. If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use. We would put in a septic system, well & connect to electric & gas to serve the house.

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)

Re. Record to Co ~~Grantor~~ # 761485

Instrument # 761649
BINGHAM COUNTY
4-15-2024 09:15:07 AM No. of Pages: 2
Recorded for : KIM HARPER
PAMELA W. ECKHARDT
Ex-Officio Recorder Deputy

Fee: 16.00 *[Signature]*

Quit Claim Deed

For value received,
Kimberly Ann Harper, owner of B&K Harper Farms LLC, do(es) hereby, release, remise, and forever quit claim unto Clinton Harper, whose current address is: 391 S 3000 W, Syracuse, UT, 84075 *KN CH*

Part of the NE 1/4 of the SW 1/4 of Section 25, Township 2 South, Range 34 East, B.M. Bingham County, Idaho described as:
Commencing at the West 1/4 corner Section 25, which lies N 0° 23' 44" E 2663.23 feet from the Southwest corner of said Section; Thence, S 89° 37' 33" E along the East-West Center Section line 1558.42 feet to the Northeast Corner of Deed Inst. No. 648150 also being the Point of Beginning; Thence, continuing along said Section line S 89° 37' 33" E 209.08 feet; Thence, S 01° 12' 09" E 223.20 feet; Thence, N 89° 37' 24" W 215.22 feet to a point on the East line of said Deed; Thence N 00° 22' 27" E along said East line 223.11 feet to the Point of Beginning.

Parcel contains 1.09 acres more or less and is subject to County Right of Way along the North line.

The following described premises:

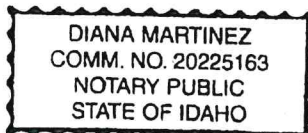
Dated 4/12/2024

Clinton Harper

[Signature of Clinton Harper]

Kimberly Harper

[Signature of Kimberly Harper]



Diana Martinez
IDAHO, Bingham County
Exp. 10-28-2028

ACKNOWLEDGEMENT/ LLC

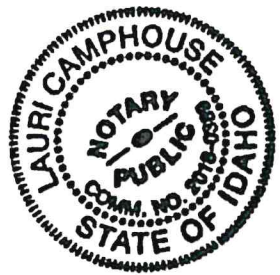
STATE OF Idaho)
COUNTY OF Bingham) ss.

On this 12th April 2024, before me, a Notary Public in and for said State, personally appeared Kimberly Ann Harper, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the B&K Harper Farms LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in said Limited Liability Company's name. Kimberly Ann Harper

Lauri Camphouse
Notary Public for Idaho

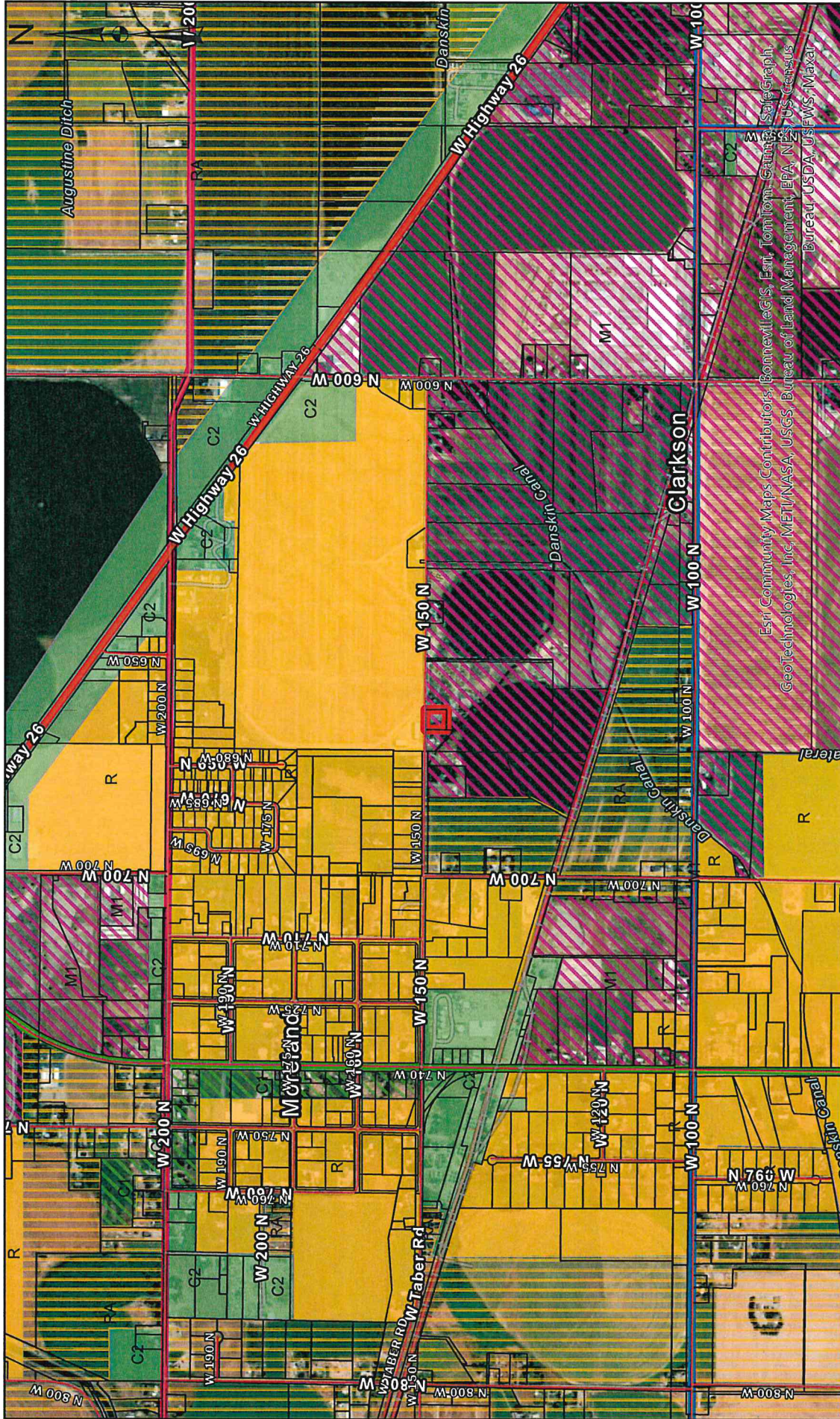
Residing at: Donneville Id

Commission Expires: 3/2/2030



761649

HARPER CUP FOR A DWELLING IN A M1 ZONING DISTRICT - ZONING MAP



- M1 - Light Manufacturing
- R - Residential
- RA - Residential/Agriculture
- A - Agriculture
- C2 - Heavy Commercial
- C1 - Light Commercial

- Principal Arterial 100' ROW
- Minor Arterial 80' ROW
- Major Collector 70' ROW

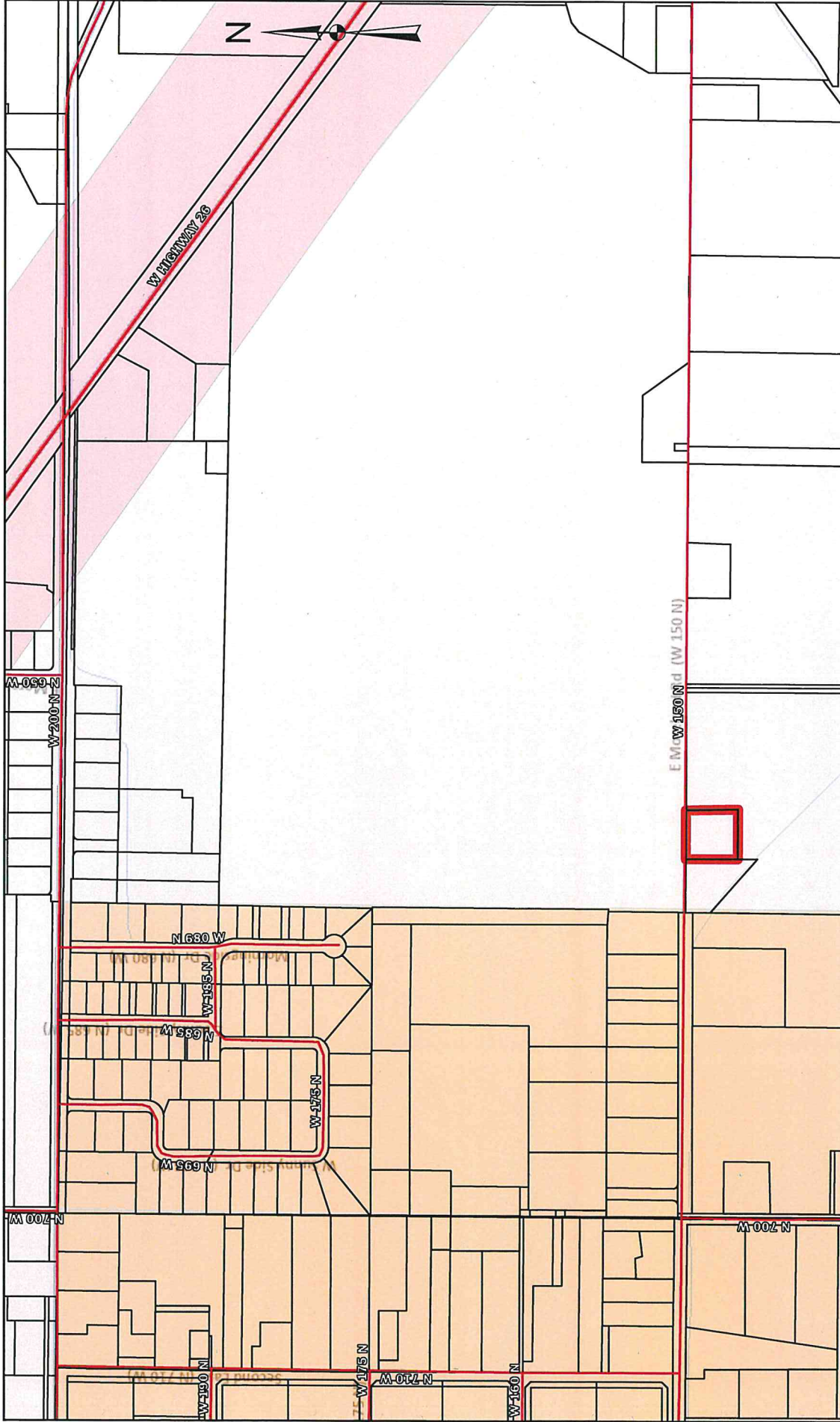
- Harper CUP
- Roads
- Parcels

Exhibit S-3

0 0.070.15 0.3 Miles

Esri Community Maps Contributors, BonnevilleGIS, Esri, TomTom, Garmin, SuiGraph, GeoTechnologies, Inc, METUNASA, USGS, Bureau of Land Management, EPA, NCEM, US Census Bureau, USDA, USFWS, Maxar

HARPER CUP FOR A DWELLING IN A M1 ZONING DISTRICT - COMPREHENSIVE PLAN MAP

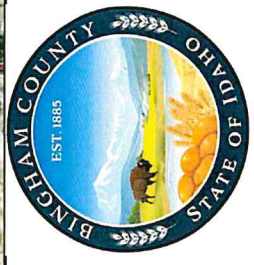
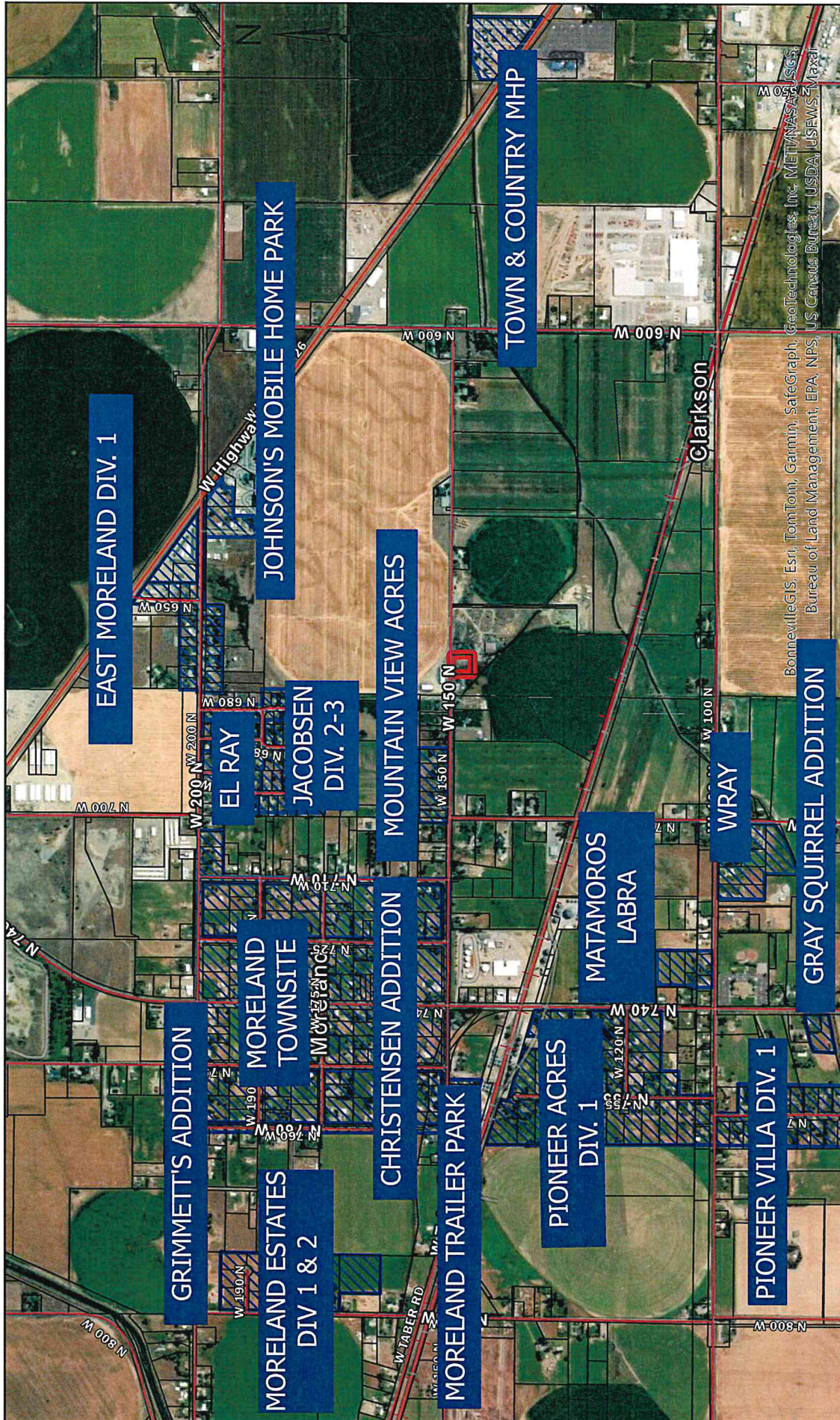



- LEGEND**
- Harper CUP
 - Roads
 - Parcels
 - Industrial/Commercial
 - Multi_Use
 - Natural Resource Area/Agriculture
 - Residential/Residential Agriculture

Exhibit S-4



HARPER CUP FOR A DWELLING IN A M1 ZONING DISTRICT - SUBDIVISION MAP



 Subdivisions

LEGEND




-  Harper CUP
-  Roads
-  Parcels

Exhibit S-5



BonnevilleGIS, Est. TomTom, Garmin, SafeGraph, GeoTechnologies, Inc. METNASCOR, US Census Bureau, USDA, USEWIS, Maxxi




HARPER CUP FOR A DWELLING IN A M1 ZONING DISTRICT - UTILITIES MAP



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



LEGEND

-  Harper CUP
-  Roads
-  Parcels


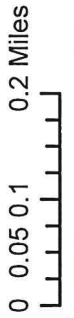
 Gas Service Line

Exhibit S-6



HARPER CUP FOR A DWELLING IN A M1 ZONING DISTRICT - IRRIGATION PROVIDER MAP






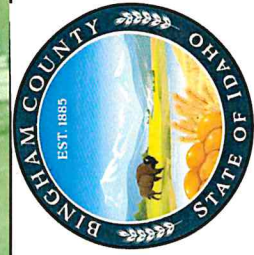
Maxar, Microsoft, Esri Community Maps Contributors, BonnavilleGIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

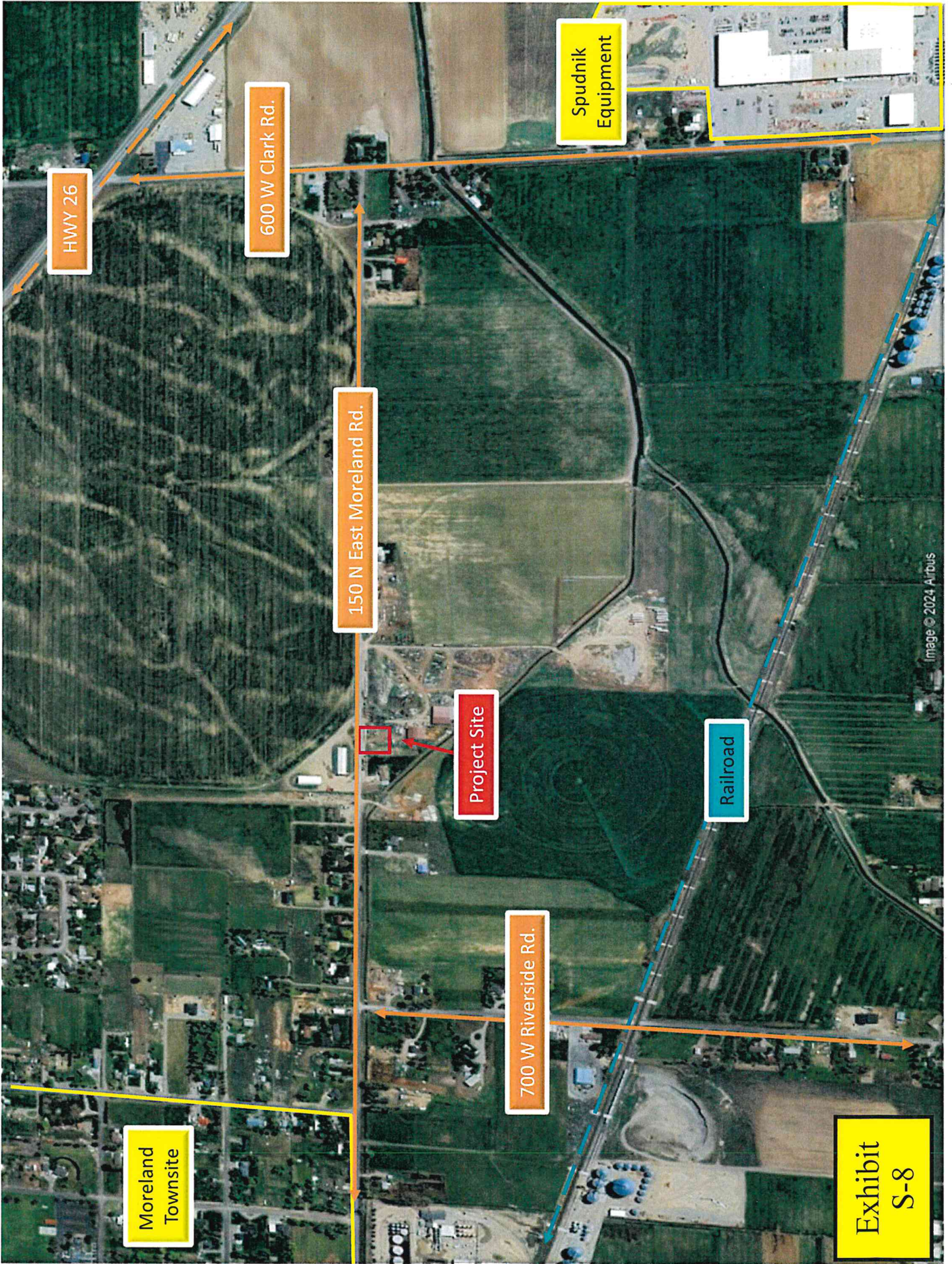
Exhibit
S-7



LEGEND

-  Harper CUP
-  Roads
-  Parcels





HWY 26

600 W Clark Rd.

150 N East Moreland Rd.

Spudnik
Equipment

Project Site

Railroad

700 W Riverside Rd.

Moreland
Townsite

Exhibit
S-8

Image © 2024 Airbus

BINGHAM COUNTY
PLANNING & DEVELOPMENT SERVICES

NOTICE OF POSTING

I hereby certify that on May 23, 2024, I personally posted the Bingham County, Planning & Development Department Notice for File No. 3217 at the following location(s):

Approx. location: East of 671 W 150 N Blackfoot, Idaho. Parcel No. RP0193403, Township 2S, Range 34E, Section 25, consisting of approx. 1.09 acres

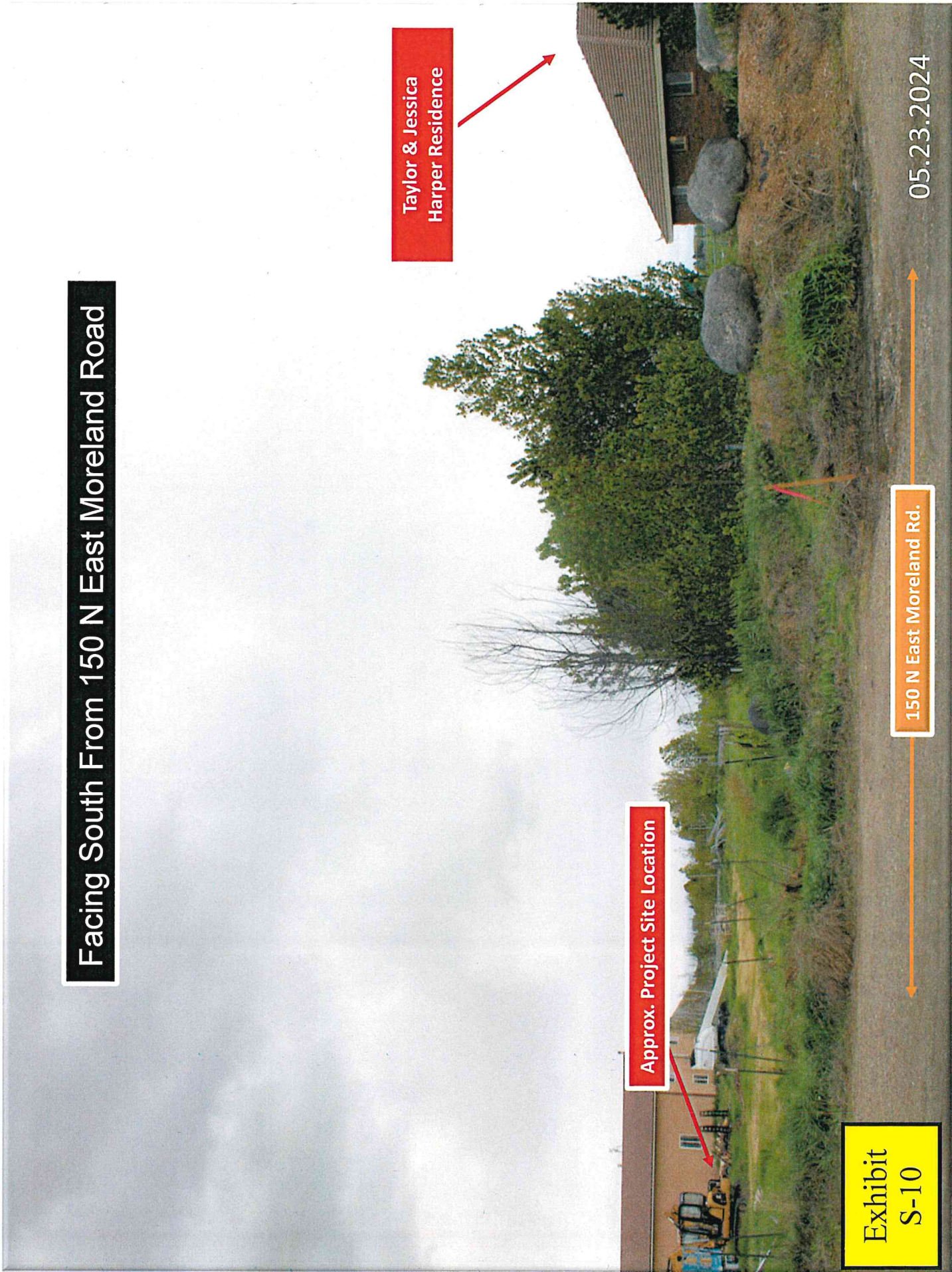


Addie Jo Harris

Addie Jo Harris
Assistant Director/Lead Planner

Exhibit
S-9

Facing South From 150 N East Moreland Road



Approx. Project Site Location

Taylor & Jessica
Harper Residence

150 N East Moreland Rd.

Exhibit
S-10

05.23.2024

Facing Southeast From 150 N East Moreland Road

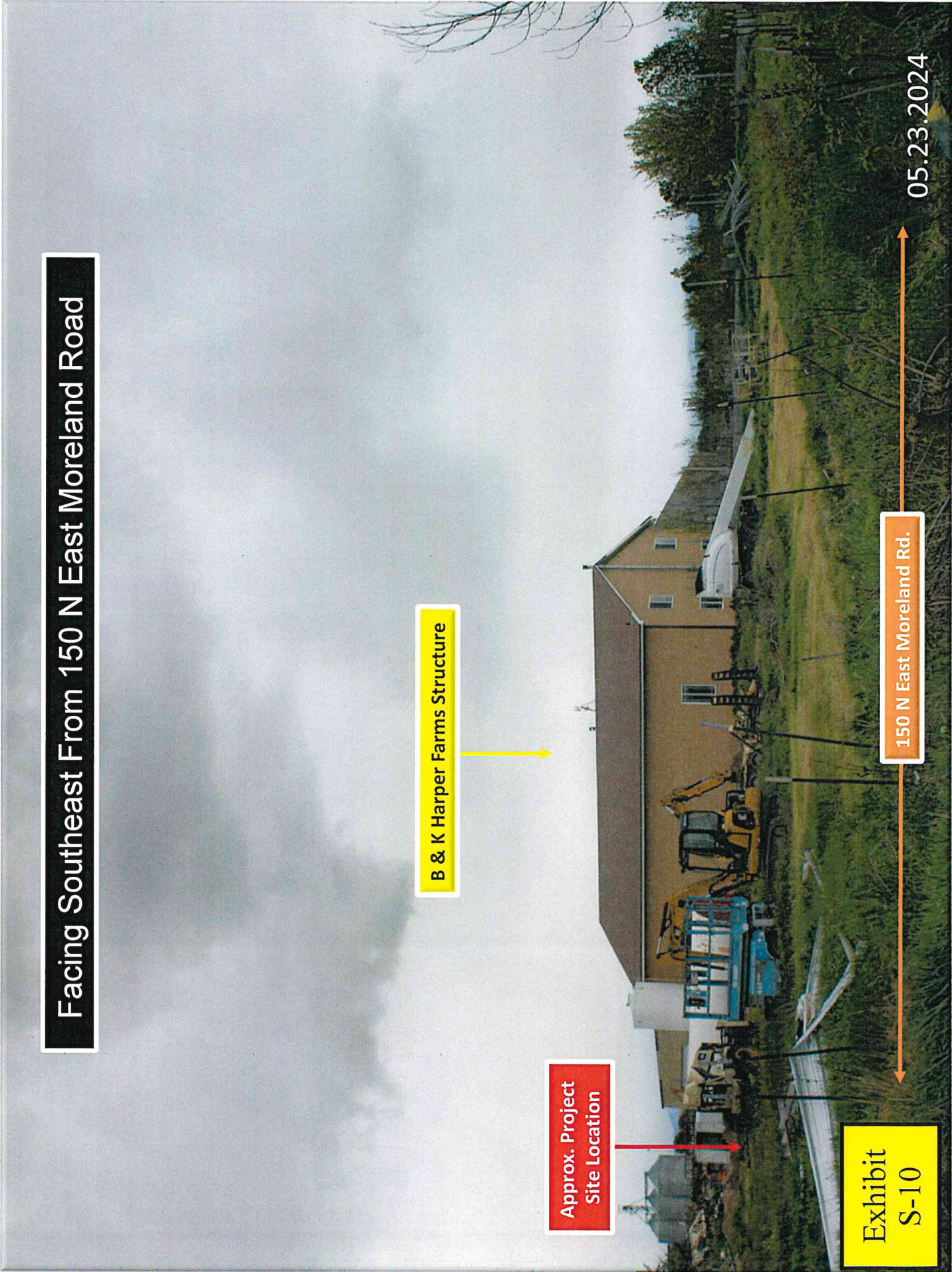
B & K Harper Farms Structure

Approx. Project Site Location

150 N East Moreland Rd.

Exhibit S-10

05.23.2024



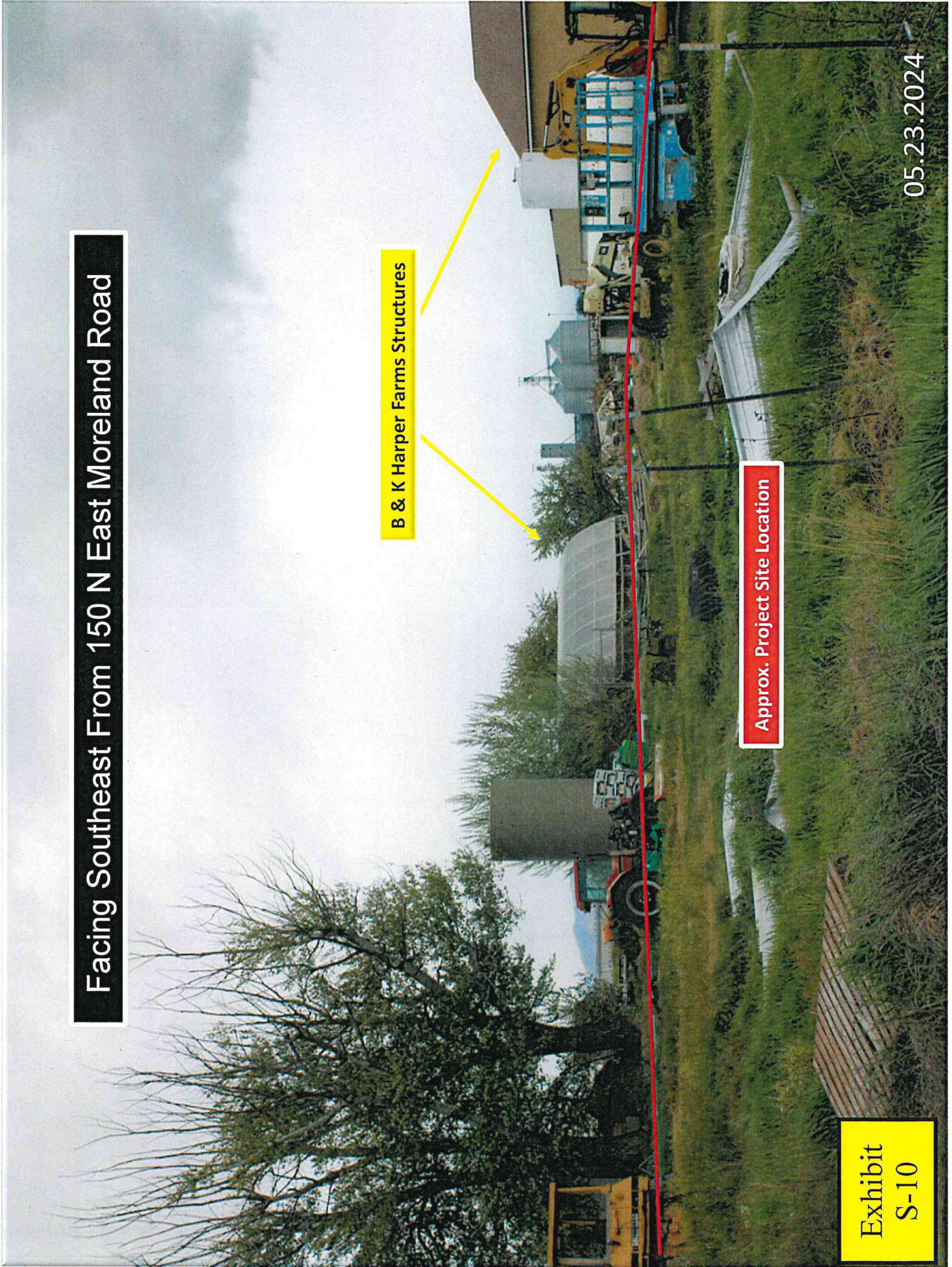
Facing Southeast From 150 N East Moreland Road

B & K Harper Farms Structures

Approx. Project Site Location

Exhibit
S-10

05.23.2024

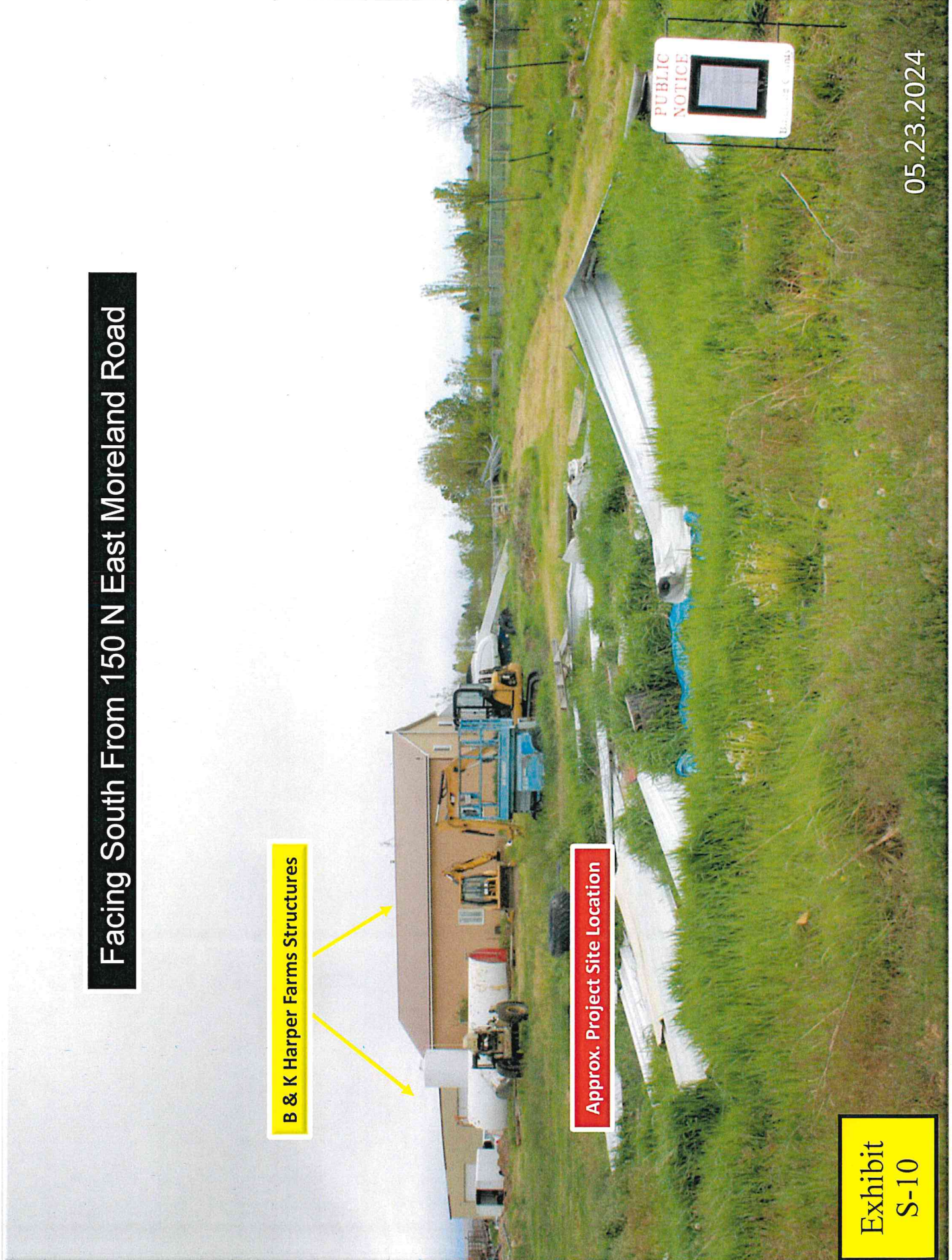


Facing South From 150 N East Moreland Road

B & K Harper Farms Structures

Approx. Project Site Location

Exhibit S-10



05.23.2024

Facing West on 150 N East Moreland Road



Taylor & Jessica
Harper Residence

Berkley Wray Farm Property

Proposed Project Site

150 N East Moreland Rd.

Exhibit
S-10

05.23.2024

Facing North on 150 N East Moreland Road

Berkley Wray Farm Property

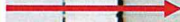
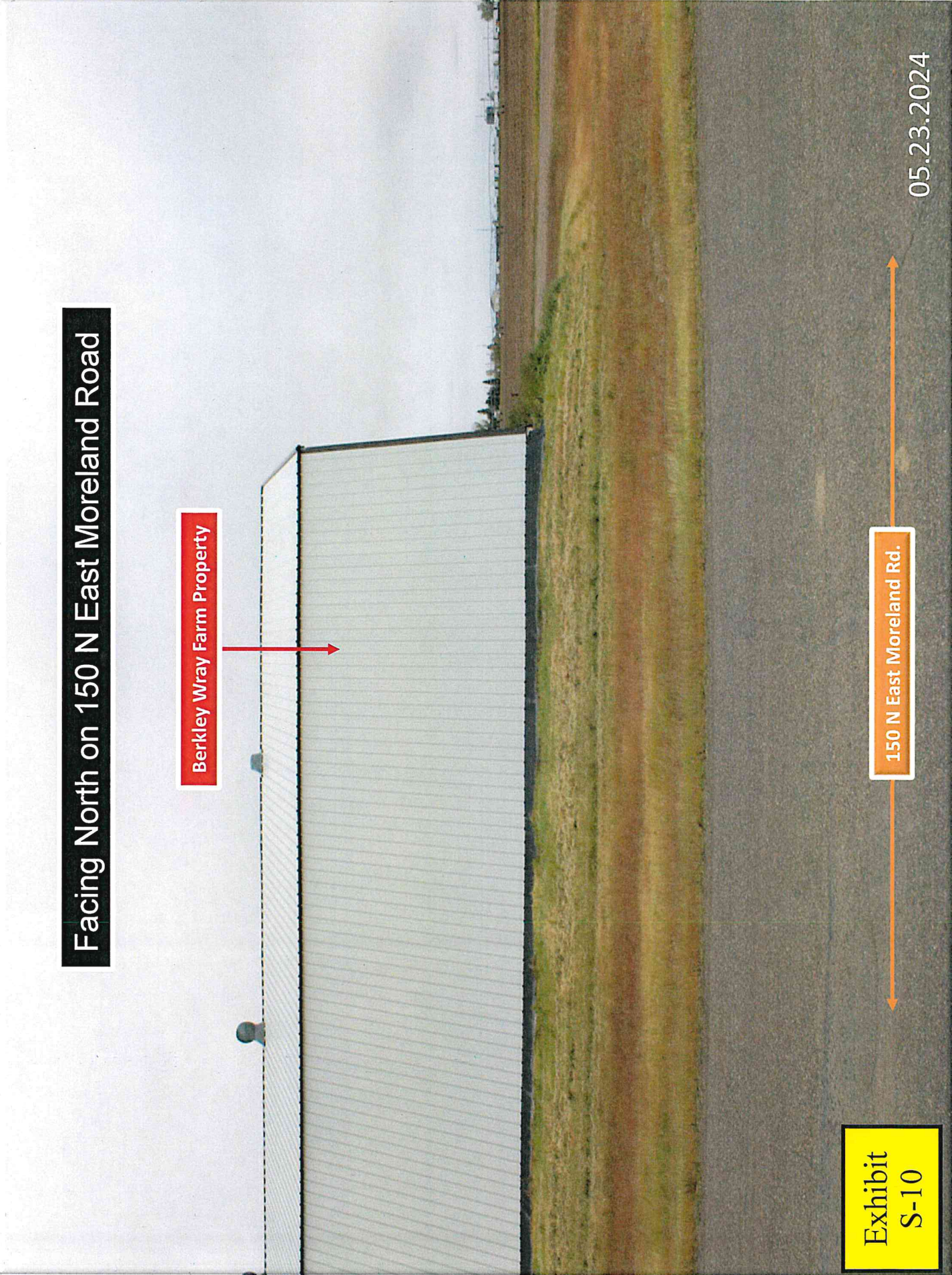


Exhibit
S-10

150 N East Moreland Rd.



05.23.2024



Facing East on 150 N East Moreland Road

Berkley Wray Farm Property

House To Be Removed
Upon Approval

150 N East Moreland Rd.

Approx. Project Site
Location

Exhibit
S-10

05.23.2024





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 05/15/2024 last publication having been made on 05/15/2024, 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 15th day of May, 2024

Beth Crossley

Notary Public
My commission expires:

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF BINGHAM

On this 15th day of May, 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:



**BINGHAM COUNTY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Bingham County Planning & Zoning Commission will hold Public Hearings on **June 12, 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. CONDITIONAL USE PERMIT: DIVISION RIGHT TRANSFER FROM A "R/A" RESIDENTIAL/AGRICULTURE ZONING DISTRICT TO AN "A" AGRICULTURE ZONING DISTRICT (ACTION ITEM: DECISION) Property Owner: Riverbend Farms, LLC. Sending Parcels Approx. Location: T1N, R37E, Sec. 16, consisting of approx. 43.31 combined total acres consisting of Parcel No. RP0450002 (East and South of 1569 N 800 E, Shelley, ID, containing 3 Division Rights) and RP0449905 (East of 1557 N 800 E, Shelley, ID, containing 1 Division Right) and RP0448606 (East of 1545 N 800 E, Shelley, ID, containing 4 Division Rights.) Receiving Parcel Approx. Location: Parcel No. RP0482201, South of 944 E 1300 N, Shelley, ID, T1N, R37E, Sec 34, approx. 57.10 acres

2. CONDITIONAL USE PERMIT: CELLULAR TOWER IN "A" AGRICULTURE ZONING DISTRICT (ACTION ITEM: DECISION) Property Owners: Kevin & April Christensen. Approx. Location: On a portion of Parcel No. RP0532904, 647 E 800 N, Firth, Idaho, T1S, R37E, Sec 30, approx. 3.98 acres

3. CONDITIONAL USE PERMIT: SINGLE FAMILY DWELLING IN A "M1" LIGHT MANUFACTURING ZONING DISTRICT (ACTION ITEM: DECISION) Property Owner: Clinton Harper. Approx. Location: East of 671 W 150 N, Blackfoot, ID, Parcel No. RP0193403, T2S, R34E, Sec 25, approx. 1.09 acres

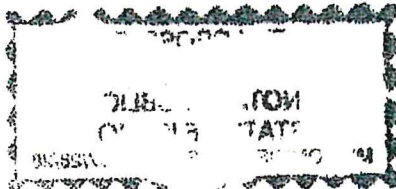
All persons interested or persons who are affected are invited to attend said Public Hearings to show cause, if any, if the requested Applications meet Bingham County Code and may give testimony in favor, neutral, or in opposition of said requests. According to Bingham County Code Section 10-3-6(7) no 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 13th day of May, 2024.

/s/ Tiffany G. Olsen
Tiffany G. Olsen

Planning & Development Director
Bingham County, Idaho

Published: May 15th, 2024 (PR/ISJ26092-514682)



Blackfoot/Snake River 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
Blackfoot Fire District	Verl Jarvie	225 N. Ash	Blackfoot	ID	83221
Blackfoot Irrigation Co		108 E 200 N	Blackfoot	ID	83222
Blackfoot Post Office	Postmaster	165 W Pacific	Blackfoot	ID	83221
Blackfoot School District	Superintendent	270 E. Bridge	Blackfoot	ID	83221
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 Blackfoot	Mayor/City Council	157 N. Broadway	Blackfoot	ID	83221
Corbett Slough Ditch Company		78 N 100 W	Blackfoot	ID	83222
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	83402
Eastern Idaho Water Company		279 N 400 E	Blackfoot	ID	83221
Fort Hall Business Council		PO Box 306	Fort Hall	ID	83203
Groveland Water & Sewer	Marc Pange	144 N 400 W	Blackfoot	ID	83221
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 Road	Pocatello	ID	83204
Idaho Irrigation District		496 E. 14th Street	Idaho Falls	ID	83404
Idaho Power	Design Leader	301 E Benton Street	Pocatello	ID	83201
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
Moreland Water & Sewer District		PO Box G	Moreland	ID	83256
New Lavaside Canal	Von Cornelison	66 E. River Road	Blackfoot	ID	83221
Parson's Ditch Co		638 W 100 S	Blackfoot	ID	83222
People's Canal & Irrigation Co		1050 W. Highway 39	Blackfoot	ID	83221
Qwest Engineering	Jon Davidson	930 W. Cedar Street	Pocatello	ID	83201
Riverside Canal Co		379 W 150 N	Blackfoot	ID	83221
Shoshone Bannock Tribal Land Use Policy Commission		PO Box 306	Fort Hall	ID	83203
Smith-Maxwell Ditch Co		839 W Riverton Rd.	Blackfoot	ID	83220
Snake River School District	Superintendent	103 S. 900 W.	Blackfoot	ID	83221

**Exhibit
S-12**

Blackfoot/Snake River Government Agency Notice

Snake River Valley Irrigation		P.O. BOX 70	Basalt	ID	83218
United Canal Company		762 W Hwy 39	Blackfoot	ID	83221
United Canal Company	Spencer Larsen	864 W 650 N	Blackfoot	ID	83221
Watson Canal Co	Karl Williams	237 S 900 W	Blackfoot	ID	83221
Wearyrick Ditch Co		66 S 700 W	Blackfoot	ID	83221

47 Government Agencies

NOTICE OF MAILING

I hereby certify on May 17, 2024, I, Addie Jo Harris, personally mailed notice or delivered email notice of the Public Hearing to the above named Government Agencies

Addie Jo Harris

Addie Jo Harris
Assistant Director/Lead Planner

**PROPERTY OWNERS LIST
CLINTON HARPER CUP**

OWNER	ADDRESS	CITY STATE ZIP
B & K HARPER FARMS LLC	645 W 150 N	BLACKFOOT ID 83221-0000
BERKLEY & CONNIE WRAY	960 W HWY 26	BLACKFOOT ID 83221-5229
CLINTON HARPER	391 S 3000 W	SYRACUSE UT 84075-0000
LENNIE & VALERIE PINCOCK	676 W 150 N	BLACKFOOT ID 83221-3625
TAYLOR & JESSICA HARPER	671 W 150 N	BLACKFOOT ID 83221-0000

5 PROPERTY OWNERS

NOTICE OF MAILING

I hereby certify on May 17, 2024 I, Addie Jo Harris, personally mailed notice of the proposed request to the above named property owners who are within 300 feet of the property in question.

Addie Jo Harris

Addie Jo Harris
Assistant Director/Lead Planner

**Exhibit
S-13**



BINGHAM COUNTY

PLANNING & DEVELOPMENT SERVICES

BINGHAM COUNTY NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Bingham County Planning & Zoning Commission will hold a Public Hearing **June 12, 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:

CONDITIONAL USE PERMIT: DWELLING – SINGLE FAMILY IN A “M1” LIGHT MANUFACTURING ZONING DISTRICT (ACTION ITEM: DECISION) Property owner Clinton Harper requests a Conditional Use Permit to allow a single-family dwelling with an individual well and septic system to be constructed on 1.09 acres located in an “M1” Light Manufacturing Zoning District. The land is currently pasture ground with misc. items and materials which will be removed as part of the single-family residence construction and landscaping process with the intent of adding a private greenhouse and fruit trees on the property. The Application may be considered for approval pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* which allows single-family dwellings in this zone with an approved Conditional Use Permit.

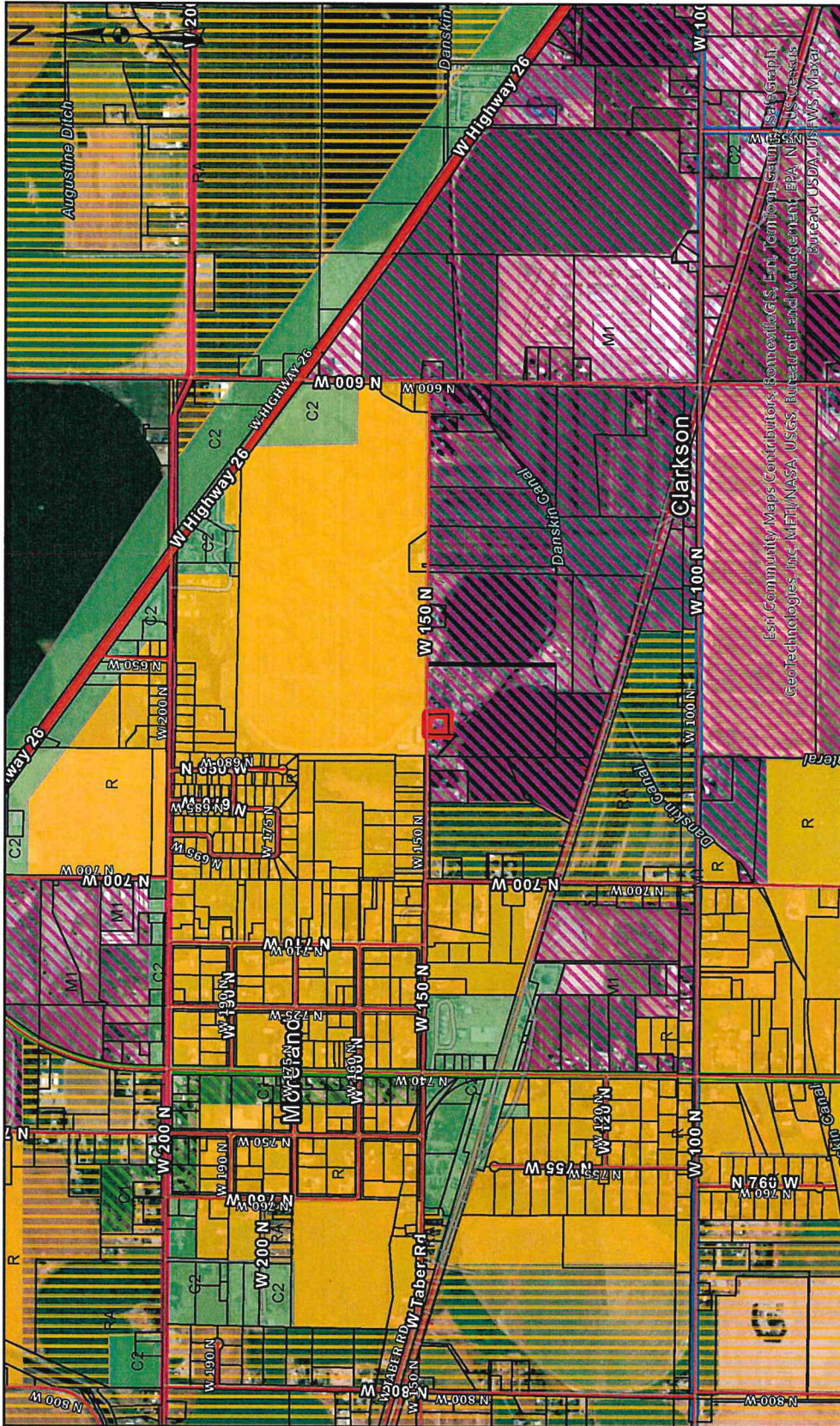
Approx. location: East of 671 W 150 N Blackfoot, Idaho. Parcel No. RP0193403, Township 2S, Range 34E, Section 25, consisting of approx. 1.09 acres

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 17th day of May, 2024.

Tiffany G. Olsen
Planning & Development Director

HARPER CUP : DWELLING IN AN M1 ZONING DISTRICT - ZONING MAP



LEGEND

	Harper CUP		Principal Arterial 100' ROW		M1 - Light Manufacturing
	Roads		Minor Arterial 80' ROW		R - Residential
	Parcels		Major Collector 70' ROW		RA - Residential/Agriculture
					A - Agriculture
					C2 - Heavy Commercial
					C1 - Light Commercial

Scale:
0 0.070.15 0.3 Miles

Exhibit S-3

BINGHAM COUNTY
EST. 1885
STATE OF IDAHO

For Community Maps Contributors: Bonneville GIS, Eric Tompkins, GAIN, Sky Graph, Geotechnologies, Inc., METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Forest Service, Bureau, USDA, US Fish & Wildlife Service

From: [Gwen Inskeep](#)
To: [PlanningTestimony](#)
Subject: Surveyor Comments for June 12, 2024 Hearing Items
Date: Monday, May 20, 2024 3:45:27 PM

Riverbend Farms LLC Division Right Transfer CUP – *No comments or concerns*
Skyway Tower – Kevin & April Christensen CUP – *No comments or concerns*
Clinton Harper CUP – *No comments or concerns*

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](mailto:ginskeep@binghamid.gov)

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



Brad Little, Governor
Jess Byrne, Director

May 20, 2024

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

Subject: Conditional Use Permit – Dwelling-Single Family in a “M1” Light Manufacturing Zoning District – Harper

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# 2024AGD3747

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-2

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 commonly associated with the transportation and delivery to work sites or facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

- Hazardous and Deleterious Material Storage IDAPA 58.01.02.800
- Hazardous Material Spills, IDAPA 58.01.02.850
- Rules and Standards for Hazardous Waste IDAPA 58.01.05

- Petroleum Release Reporting, Investigation and Confirmation IDAPA 58.01.02 .851
- Petroleum Release Response and Corrective Action IDAPA 58.01.02.852

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

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

From: [Rebecca Fangsrud](#)
To: [PlanningTestimony](#)
Cc: [Boyd Jensen](#)
Subject: RE: Public Hearing Items - June 12, 2024
Date: Tuesday, May 21, 2024 4:04:04 PM
Attachments: [image001.jpg](#)

Riverbend Farms LLC – Division Right Transfer CUP

1300 N Taylor Highway is a minor arterial road posted at 55 mph. The required approach spacing from driveway approaches is 425 feet. 950 E Stoddard Rd is a local road and the speed limit is not posted. The required spacing between driveway approaches is 65 feet.

Skyway Tower – Kevin and April Christensen CUP

800 N Goshen Rd at this location is maintained by the City of Basalt.

Clinton Harper CUP

Bingham County Public Works approves of the zone change. 150 N East Moreland Rd is a local road and is posted at 50 mph. All approaches at this location must meet Bingham County Standards and be 65 feet between approaches.

Thanks,

Rebecca Fangsrud, Administrative Assistant

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

208 782-3173

rfangsrud@binghamid.gov

From: Boyd Jensen <BJensen@binghamid.gov>
Sent: Tuesday, May 21, 2024 1:24 PM
To: Rebecca Fangsrud <RFangsrud@binghamid.gov>
Subject: FW: Public Hearing Items - June 12, 2024

From: Addie Jo Jackman <AJackman@binghamid.gov>
Sent: Friday, May 17, 2024 3:51 PM
To: Donovan Harrington <DHarrington@binghamid.gov>; Audrey Stanfield <ASTanfield@binghamid.gov>; Barbara Marlatt <BMarlatt@binghamid.gov>; Tanna Beal <TBeal@binghamid.gov>; Boyd Jensen <BJensen@binghamid.gov>; Dusty Whited

Exhibit
T-3