

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

**APPLICATION OF:** Conditional Use Permit: Public Service Facility/Yard in an Agriculture Zoning District

**PROPERTY OWNERS & APPLICANTS:** Montana-Dakota Utilities/Intermountain Gas Co.

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**Requested Action:** Property Owner Montana-Dakota Utilities/Intermountain Gas Co., requested a Conditional Use Permit to construct and operate a natural gas compressor station located east of 679 E 400 N, Firth, ID, on approx. 40.39 acres of land, zoned Agriculture. This land use is defined as a *Public Service Facility* and in accordance with Bingham County Code Section 10-5-3 *Land Use Chart*, is allowed on lands zoned Agriculture with an approved Conditional Use Permit (per Title 10 Chapter 8 *Conditional Use Permit*) and requires compliance with the Specific Use Performance Standards of Bingham County Code Section 10-7-25 *Public Utility, Major; and Public Infrastructure*.

**Property Location:** East of 679 E 400 N, Firth, ID. Parcel No. RP0548401, T2S, R27E, Sec 17, total of approx. 40.39 acres

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

**Public Hearing Date:** February 12, 2025

**I. NOTICE OF PUBLIC HEARING**

In compliance with applicable sections of Idaho Code Title 67 Chapter 65 and Bingham County Code Section 10-3-6, Notice of the Public Hearing was provided as follows:

1. Notice was provided by postmarked U.S. Mail or by email to Government Agencies as denoted on Exhibit S-12 and to property owners within 300 feet of the proposed parcels subject to the Application as shown on Exhibit S-13 on January 16, 2025.
2. Notice was also published in the Idaho State Journal and Post Register newspapers on January 16, 2025 (Exhibit S-12).
3. Notice was posted on-site on 400 N Private Road and photographs of the project site were taken on January 24, 2025 (Exhibits S-7 and S-8).

## II. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:
  - a. Application and materials provided by the Applicant;
  - b. Staff Report and exhibits; and
  - c. Testimony submitted prior to the Public Hearing included:
    - (T-1) Bingham County Surveyor submitted testimony in a neutral position noting she identified errors in the vesting deed legal description and has notified the Title Company to correct. No additional comments or concerns with this Application.
    - (T-2) Bingham County Public Works submitted testimony in a neutral position stating the entrance appears to be on a private easement. Therefore, Public Works comments are that if any excavation is in the right of way, it will require a permit through their Department.
    - (T-3) The Applicants' Representative, Steven Yearsley with Forsgren Associates, provided supplemental materials for reference pertaining to the project need and description, building properties, Site Plan, and requested condition.
2. At the Public Hearing, the Staff Report was presented by Assistant Director/Lead Planner Addie Jo Jackman.
3. Testimony was presented by (T-4) the Applicant's Representative Steven Yearsley, of Forsgren Associates with an address of 1109 W Myrtle St 300, Boise, ID. Mr. Yearsley explained that the Application was needed to increase service.

Mr. Forsgren testified that their engineers determined this was a desirable location as the two lines would run close together, which is ideal. He testified that they have been very cognizant of the neighbors to mitigate noise. The building will be set as far apart as possible from each residence at a distance of 1,500 to 1,800 feet. Additionally, the structure would be a premanufactured steel building which is very similar to cellars and shops in the immediate area with the intent to conform. There will be an emergency generator onsite in the enclosed building which should minimize sound. The compressor will not run at all times but rather during peak service timeframes.

Mr. Yearsley requested a gravel surface be allowed for the proposed access as the structure being unmanned and will have relatively low traffic.

Commissioner Bingham questioned the potential impacts of not having this station, and how long the planning phase is for a project like this, to which Mr. Yearsley testified about two (2) years. He testified the goal was to break ground by spring and be operational by fall. Mr. Yearsley said the impacts of the lack of this compression facility, if not approved, would be limited availability and potentially reduced availability to current users.



Commissioner Winder questioned what the term *occasional odor* meant. Mr. Yearsley explained that odor would be anticipated once a month or less as the compressor has vessels that need to be purged which releases gas into the air. As a result of this process, odors may be smelled if the wind was blowing really hard. Mr. Yearsley testified that the potential of someone detecting odor would be very small.

Commissioner Winder asked if there were approximate decibel readings for before a compressor project and post compressor project in operational status. Mr. Yearsley testified that a noise study for this location has not been completed and that Intermountain Gas is dedicated to keeping the increase in noise level less than a 5.00 decibel increase from background ambient noise. At this point, it is unknown if the proposed location will reach that level or not. If so, Intermountain Gas will review greater mufflers, sound walls, or berms, which Commissioner Winder was grateful for.

4. The Chairman called for testimony from the public. Testimony in a position of support, neutral, nor in opposition of the Application was received. Chairman Aullman then closed the Public Hearing.
5. Commission discussion included Commissioner Bingham who said looking up and down the valley, the location seems to be appropriate. He added the homes in the area are a fair distance from the property and quite remote.

Chairman Aullman asked the Commissioners if they would entertain a gravel approach rather than a concrete or asphalt road as the code requires. Commissioners Bingham and Johns agreed that would be appropriate.

### III. REASON

The Planning and Zoning Commission found:

1. the subject property is zoned "A" Agriculture, and in accordance with Bingham County Code Section 10-5-3 *Land Use Chart*, a *Public Service Facility* is allowed in this Zoning District with an approved Conditional Use Permit; and
2. the land is currently farmed with a natural gas line running diagonally through the property, which makes this location for a compressor station ideal for the facility; and
3. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete; and
4. the Application is in accordance with Bingham County Code Section 10-8-3 as follows:
  - a. it will not be unduly hazardous or disturbing to existing or future neighboring uses, as the Applicant testified the closest residences are a distance of 1,500 to 1,800 feet from the site. Additionally, to address noise levels, the Applicant stated a sound study will be completed post-construction to compare to pre-construction noise

- levels and if needed, mitigation measures will be designed to minimize impact to the surrounding area; and
- b. the Application will enhance the economy as natural gas is used by numerous residents of the county, both in homes and commercial buildings, and that continued reliable service is crucial to the economy; and
  - c. the Application will encourage development as the compressor station will enable additional service points to be added; and
  - d. the Application will have no impact on concentration of population or overcrowding as it isn't a residential or commercial project; and
5. the Applicants met the applicable Specific Use Performance Standards found in Bingham County Code Section 10-7-25 for a *Public Utility, Major; and Public Infrastructure* with the exception of 10-7-25(D) which requires all driveways into and through the facility and any open area with a driving surface to be surfaced with a dustless material including but not limited to asphalt, concrete, pavers or bricks. The Applicant testified that the facility will not be staffed and therefore traffic to and from the compressor station should be relatively low in frequency, he requested the ingress/egress be a gravel surface; and
  6. there were no concerns regarding the Application not meeting the objectives of the Comprehensive Plan and the Application is in conformance with the Comprehensive Plan Map Area of Agriculture which supports the Agriculture Zoning District; and
  7. the notice requirements of Idaho Code and Bingham County Code Title 10 Chapter 3 were met.

#### IV. DECISION

Based on the record, Commissioner Johns moved to approve the request by property owner Montana-Dakota Utilities/Intermountain Gas Co., for a Conditional Use Permit to construct and operate a natural gas compressor station, consisting of 40.39 acres, on land zoned Agriculture, located East of 679 E 400 N, Firth, ID, as proposed with a compacted gravel approach. Commissioner Bingham seconded the motion. Commissioners Johns, Bingham, Butler, Jewett and Winder voted in favor. The motion passed.



William Aullman, Chairman  
Bingham County Planning and Zoning Commission



Date