

BINGHAM COUNTY PLANNING & ZONING COMMISSION

REGARDING THE APPLICATION OF:
Conditional Use Permit for a Commercial Billboard Sign
in a “M1” Light Manufacturing Zoning District
Property Owner: Thomas Vea James Trust
Applicant: YESCO, LLC

REASONINGS AND DECISION
November 9, 2022

Requested Action: Seth Saunders, of YESCO, LLC, appeared and requested to replace an existing billboard located at approx. 821 Frontage Road, Blackfoot located in a “M1” Light Manufacturing Zoning District. The current billboard sign stands on four poles and the Applicant desires to replace with a with a 50-foot-tall single pole, lit, billboard to match signs in the area making it more appealing in appearance and less obtrusive to the landowner. This is a non-conforming use as the sign was placed prior to zoning regulations; replacement/construction must comply with current zoning regulations pursuant to Bingham County Code Section 10-9-4(A), which requires an approved CUP pursuant to Bingham County Code Section 10-7-31(D). The Bingham County Comprehensive Plan Map has this area designated as Industrial/Commercial. The Property Owner and the Applicant have a Lease Agreement for the property to which the sign is erected which allows the Applicant authority to modify the sign owned by YESCO, LLC.

Property Owner: Thomas Vea James Trust (Dan James, Trustee)

Applicant: Seth Saunders of YESCO, LLC

Property Location: 821 Frontage Road, Blackfoot Idaho, Parcel No. RP0358301, Township 3S, Range 35E, Section 4, consisting of approx. 5.58 acres.

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

Public Hearing Date: November 9, 2022

I. MEETING NOTICE AND INFOMATION

1. The following was reviewed by the Commission:
 - a. Application;
 - b. Staff Report;

c. Governmental Agencies who provided comments were:

(T-1) Bingham County Public Works, stated in replacing an existing billboard, they have no comments or concerns at this time.

(T-2) Allan Johnson, Regional Engineering Manager with Idaho Department of Environmental Quality, provided general land development recommendations as shown in his response.

(T-3) Jeff Gardner, Bingham County Sheriff, had no comments or concerns.

d. The Applicant will need to contact and work with Idaho Transportation's Outdoor Signage Department before removing and replacing the sign. The Applicant's Narrative indicates acknowledgement of the necessity for a State Permit. Said ITD Permit will be required in order for the County to issue a Building Permit.

e. No public response was received on this Application prior to the Public Hearing.

2. Public Hearing testimony included:

a. Applicant's testimony:

(T-4) Seth Saunders, YESCO LLC, 821 E 620 N, Ogden, Utah, stated this Application is to replace an existing billboard that was previously installed prior to Bingham County Codes requiring a Conditional Use Permit. Mr. Saunders expressed it is YESCO's intent to have their signs stand out, in good condition, and be very visible. In Mr. Saunders's opinion, the current billboard is lacking as it is outdated. Mr. Saunders also said another benefit to an updated sign would be the proposed billboard, at 50 feet, would allow for the clearance to be seen over the powerlines which currently sit at 40 feet.

b. Testimony in favor, neutral nor in opposition was received. After the Applicant's testimony, the Public Hearing was closed for this item.

II. REASON

The Planning and Zoning Commission found:

1. the Application met the requirements of Bingham County Code Section 10-4-2(G) as the parcel is zoned "M1" Light Manufacturing, and is compatible with existing uses in the area as there are several billboards and similar uses surrounding the proposed sign replacement and upgrade; and
2. the Application met the requirements of Bingham County Code Section 10-7-31 as the proposed sign is located in a Light Manufacturing zone. The Commission found the

Application is replacement of an existing sign with the same dimensions only taller with a more modern aesthetic and design. Furthermore, the Commission confirmed the Applicant is aware of permitting required by the Idaho Department of Transportation (ITD) and is willing to comply with such prerequisites. The Commission did not identify any concerns relating to the safety of motorists or pedestrians, location, visibility impediments, lighting, glare, covering of any prominent views, maintenance nor distance to nearby signs; 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 met the requirements of Bingham County Code Section 10-9-4 as the existing sign is a non-conforming use as the sign was placed prior to zoning regulations, therefore, replacement/construction of a new sign must comply with the current zoning regulations which requires an approved CUP that the Applicant applied for; and
5. the Application met the general objectives of the Comprehensive Plan as set forth in Bingham County Code Section 10-8-3(A)(2) as the parcel has a Comprehensive Plan map designation of Industrial/Commercial which is in conformance with the Application; and
6. the Application met the requirements of Idaho Code §67-6512(b) and Bingham County Code Section 10-3-6 because the Public Hearing was held for all property owners within 300 feet; published in the official newspaper a minimum of 15 days prior to the Hearing and notice was posted on the property a minimum of one week prior to the Hearing.

III. DECISION

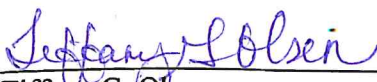
Based on the record and the discussion, Commissioner Carroll moved to approve the request by YESCO, LLC, on Parcel No. RP0358301 owned by the Thomas Vea James Trust, for the replacement of an existing sign located at 821 Frontage Road, Blackfoot, Idaho, as presented in the materials in accordance with the requirements of Bingham County Code Title 10 "Zoning Regulations" and subject to all Idaho Code applicable laws and regulations.

Commissioner Croft seconded the motion. Commissioners Carroll, Croft, Aullman and Sellers voted in favor. The Motion carried.



Darren Leavitt, Chairman
Bingham County Planning and Zoning Commission

11/29/22
Date



Tiffany G. Olsen
Planning & Development Director
YESCO/Thomas Vea James Trust
CUP File #3148
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12/2/2022
Date