

BINGHAM COUNTY PLANNING AND ZONING COMMISSION
HEARING DATE: November 9, 2022

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

A. REQUESTED ACTION: A proposal from Seth Saunders, of YESCO, on behalf of the property owner, Thomas Vea James Trust (Dan James, Trustee) 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. **(A-1 Application, A-2 Narrative and A-6 Proposed Billboard Image)**

B. GENERAL BACKGROUND:

1. The parcel’s physical address is 821 Frontage Road, Blackfoot ID, Parcel No. RP0358301, Township 3S, Range 35E, Section 4, consisting of approx. 5.58 acres. **(A-1 Application and S-2 Parcel Map)**
2. The parcel is currently zoned "M1" Light Manufacturing and the surrounding land uses are
North and West – Zoned "M1" Light Manufacturing
South and East – City of Blackfoot
(S-3 Zoning Map)
3. The Comprehensive Plan adopted November 20, 2018 has this area identified as Industrial/Commercial. **(S-4 Comprehensive Plan Map)**
4. Governing Districts:
 - a. Blackfoot/Snake River Fire District
 - b. Blackfoot School District
5. This property is within Blackfoot City Area of Impact, however it is not in the flood plain. **(S-5 Flood Plain Map, S-8 Area of Impact Map).**

C. MEETING NOTICE AND INFORMATION:

1. The Planning & Development Department received the Conditional Use Permit Application on September 23, 2022. The application was deemed complete and scheduled for public hearing to be held on November 9, 2022.



2. Notice of the Commissions Public Hearing was:
 - a. Sent to Government Agencies on October 18, 2022.
(S-17 List of Government Agencies and Notice)
 - b. Published in the Bingham News Chronicle on October 18, 2022.
(S-16 Affidavit of Publ.)
 - b. Sent to a total of 4 property owners within 300' of this property on October 18, 2022. (S-18 Property Owners Mailing List and Notice)
 - c. The site was posted and pictures were taken on October 24, 2022.
(S-14 Property Posting and S-15 Site Pictures)

3. Governmental Agencies who returned 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.

4. 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.

5. No public response has been received on this Application.

D. STANDARDS TO BE REVIEWED BY THE PLANNING AND ZONING COMMISSION

**BINGHAM COUNTY CODE
TITLE 10 – ZONING REGULATIONS**

**CHAPTER 2
DEFINITIONS & INTERPRETATION**

10-2-3: DEFINITIONS

Conditional Use: Use of a structure or use of land permitted within a zone other than a principally permitted use that requires a Conditional Use Permit and approval of the Board and may be subject to limitations and conditions. (Same as a Special Use Permit).

Sign: Any device, name, emblem, identification, trade-mark, illustration, painted on or represented directly or indirectly freestanding or attached, designed to inform or attract the attention of persons not on the premises.

**CHAPTER 4
ZONING DISTRICTS**

10-4-2: PURPOSE OF ZONES

G. Light Manufacturing (M1): The purpose of the M1 Zone is to encourage the development of manufacturing establishments which are relatively clean and free of hazardous or objectionable elements and which are generally operated within enclosed structures and generate little industrial traffic. This zone would be kept substantially free from residential and retail commercial activities that are:

1. Serviceable by major roadways.
2. Located to minimize potential traffic problems.
3. Compatible with existing uses.
4. Protected from residential uses.
5. Accessible to adequate utilities.
6. Accessible to rail or air transportation when necessary.
7. Protected from incompatible uses.

**CHAPTER 7
SPECIFIC USE PERFORMANCE STANDARDS**

10-7-31: SIGNS

Signs shall be considered structures. These regulations are not intended to and do not limit the lawful content of those signs allowed for general advertising purposes. All appropriate building permits and approvals from the Bingham County Public Works Department or Idaho Transportation Department shall be obtained before construction begins.

A. General Requirements:

1. Except for highway signs, no sign shall be located within any road right-of-way nor located to impede visibility at an intersection. *Staff Comments: The Applicant states the proposed sign will be 60' from the centerline of Frontage Road and does not sit in nor does it overhang the right-of-way of the County Road. The sign is not located near or at an intersection. (A-2A Narrative)*
2. All signs shall be continually maintained in a state of good appearance, security, safety and repair throughout their life. Nothing in this Code shall relieve the owner or user of any sign or owner of property on which a sign is located from maintaining the sign in a safe condition and in a state of good repair.
3. No freestanding permanent sign shall be erected in the same horizontal plane with other signs unless spaced at least fifty feet (50') apart. *Staff Comments: According to the Applicant, the new sign will be at least 500' from all existing billboards.*

4. Signs shall not be permitted in the clear vision triangle as set forth by Idaho Code or Bingham County Public Works. *Staff Comments: According to the Applicant, the sign will have the same dimensions as the old one, 40' tall with an advertising face that measures 14' x 48'. The sign will not blanket any prominent views and will be of no danger to pedestrians and motorists, nor will it obscure the clear vision triangle of those nearby. (A-2A Narrative)*
5. Applicable permits such as a building permit and/or a conditional use permit shall be obtained prior to the erections of sign(s).

B. Specially Permitted Signs:

1. Commercial advertising signs may be allowed with a conditional use permit in commercial or manufacturing zones with the following standards:
 - a. That the location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections. *Staff Comments: The Applicant states in his Narrative that the sign will not interfere with the clear vision triangle based upon its location as it is replacing an existing sign. (A-2A Narrative)*
 - b. That the sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance. *Staff Comments: not applicable to this permit.*
 - c. That the sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential area. *Staff Comments: The Applicant states he believes there are no concerns with the sign placement as it is a replacement of an existing sign. The new sign will be lit at night by LED lights, the lights will be shielded to direct the light at the sign; this will prevent most of the light from spilling onto the surroundings.*

CHAPTER 8
CONDITIONAL USE 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.

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:

- A. Name, address and phone number of applicant. *Staff Comments: The name, address and phone number of the Applicant were provided on the Application. (A-1 Application)*
- B. Legal description of the property. *Staff Comments: A Quitclaim Deed containing a legal description of the property was provided by the Applicant. (A-4 Deed)*
- C. Description of existing use. *Staff Comments: The existing use of the parcel is a storage commercial building known as "D&V Storage".*
- D. Current zoning designation. *Staff Comments: zoned "M1", Light Manufacturing.*
- E. Description of use being proposed. *Staff Comments: Replacement of existing billboard sign on the parcel.*
- F. A scaled site plan/drawing showing the location of the following: *Staff Comments: The Applicant provided a site plan that with the location of the Billboard sign. (A-3 Site Plan, A-5 Engineering, and A-6 Image of Proposed Sign)*
 - 1. All buildings, parking and loading area. *Staff Comments: N/A*
 - 2. Traffic access and traffic circulation. *Staff Comments: N/A*
 - 3. Open spaces, landscaping, refuse and service areas. *Staff Comments: N/A*
 - 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. *Staff Comments: The Applicant stated in his Narrative, there will be no negative effects on the surrounding properties because this CUP is for a replacement of an existing Billboard Sign. Additionally, there are other Billboards of equal or greater height in the surrounding area.*

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

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

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

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

G. The appropriate filing fees. *Staff Comments: The Applicant paid the appropriate filing fees on September 23, 2022.*

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:

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

**CHAPTER 9
NONCONFORMING USES**

10-9-4: NONCONFORMING USES OF STRUCTURES OR STRUCTURES AND LAND IN COMBINATION:

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this title that would not be allowed in the zone under the terms of this title, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this title in the zone in which it is located shall be enlarged, extended, constructed or moved except in changing the structure to a use permitted in the zone in which it is located. *Staff Comments: The Applicant states in his Narrative the desire is to rebuild the sign from a 4-pole to a mono-pole billboard sign which requires a CUP per this Section. (A-2 Narrative)*
- B. No nonconforming use of land, structure, or combination of land and structure shall be extended to occupy any additional area, unless approved by conditional use permit.

- C. Any nonconforming structure or land use may be changed to another nonconforming use upon the issuance of a conditional use permit, provided the commission shall find the proposed use is equally appropriate to the zone. The commission may require appropriate conditions and safeguards in accordance with other provisions of this title. *Staff Comments: The Applicant provided engineered plans for the proposed sign. (A-5 Engineered Plans)*
- D. Notwithstanding any other provisions of this chapter, any owner occupied nonconforming structure which has been damaged by fire, flood, wind, earthquake or other calamity may be rebuilt with the same or less square footage and upon the same footprint of the destroyed building; provided, however, that every option of such new building conform to all provisions of the adopted Building Code.
- E. Any structure or structure and land in combination in or on which a nonconforming use is followed by a permitted use shall thereafter conform to the regulations of the zoning and the nonconforming use may not thereafter be resumed.
- F. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned as per Idaho Code section 67-6538, the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the zoning in which it is located.

**2018 BINGHAM COUNTY
COMPREHENSIVE PLAN**

INDUSTRIAL / COMMERCIAL AREA

The Industrial area corresponds with the Manufacturing Zones in the Zoning Ordinance of M-1 or M-2 and is established to provide a location for manufacturing, fabricating, outdoor storage (when properly screened) and wholesale distribution, warehouse storage, bulk storage, processing of raw materials, assembly of materials, public utility facilities, processing of agriculture products and by-products and those industries by nature that could have objectionable elements. These areas should be located to encourage new industry or commercial use within the county while promoting the expansion of existing industry and discourage or eliminate uses that tend to limit the land for these uses.

**IDAHO STATE CODE §67-6512(b) and
BINGHAM COUNTY CODE SECTION 10-3-6**

The Planning & Development Department met the requirements of Idaho Code §67-6512(b) because the public hearing was noticed in the official newspaper a minimum of fifteen (15) days prior to the hearing, the public hearing notice was posted on the premises a minimum of one (1) week prior to the hearing, and notice was provided to all property owners within 300 feet of the proposed project prior to the hearing.

E. DECISION

Commission Decision. The Commission may approve, deny, or approve with conditions. The decision may be appealed to the Board of County Commissioners in writing within 10 days from the date of the Reasons and Decision.

Sample Motion for Approval: Based on the record and the discussion this evening, I move to approve the request by YESCO, on the Parcel No. RP0358301 owned by the Thomas Vea James Trust, for the replacement of an existing sign located at 821 Frontage Road, Blackfoot, ID, 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.

Sample Motion for Approval with Conditions: Based on the record and the discussion this evening, I move to approve the request by YESCO, on the Parcel No. RP0358301 owned by the Thomas Vea James Trust, for the replacement of an existing sign located at 821 Frontage Road Blackfoot, ID, 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 WITH THE FOLLOWING CONDITIONS...
.....

Sample Motion for Denial: Based on the record and the discussion this evening, I move to deny the request by YESCO, on the Parcel No. RP0358301 owned by the Thomas Vea James Trust, for the replacement of an existing sign located at 821 Frontage Road Blackfoot, ID, 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. The basis for the denial is _____.

*NOTE: Any opposing votes shall declare the reasons for the opposition citing Idaho Code or Bingham County Code (specifically)

Bingham County

Planning & Zoning Department
501 N Maple, room 223, Blackfoot, Idaho 83221
Phone: (208) 782-3178 | Fax: (208) 782-3868
Email: ajackman@co.bingham.id.us

File No. 3148

Date: 9/23/22

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant: <u>Seth Saunders</u>	Phone: <u>801.663.5755</u>
Address: <u>821 Frontage Rd,</u>	City/Zip: <u>Blackfoot, ID 83221</u>
Location: <u>821 Frontage Rd, Blackfoot, ID 83221,</u> (project location for application)	Email: <u>ssaunders@yesco.com</u>
Property Owner(s): <u>T. Vea James Trust</u>	

Location & Legal Description

<u>3S</u>	<u>35E</u>	<u>4</u>	Zoning: <u>M1</u>
Township	Range	Section	Acreeage: <u>5.58</u>
			Parcel No. <u>RP0358301</u>

Submit:

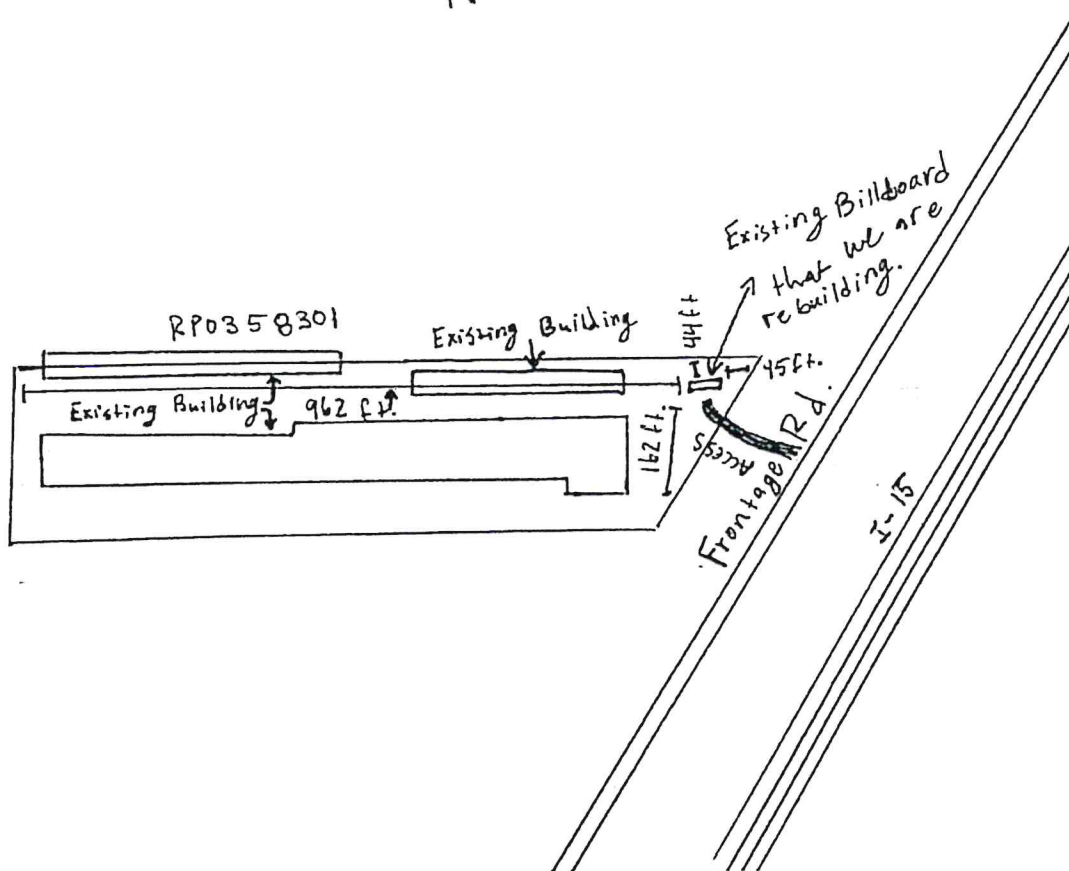
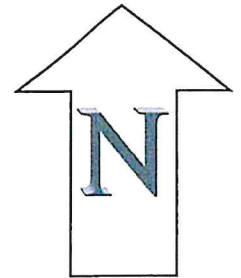
- Completed Application
- Recorded Deed to Property
- Detailed Site Plan
- Narrative - write a detailed narrative addressing the following:
 - Identify the existing use of the property
 - Reason for Conditional Use Permit Request
 - Evaluating effects of proposed Conditional Use on adjoining property 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.



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): T. Vea James Trust

09/09/2022

Date

Staff has authorization on file

Property Owner(s): _____

Date

Designated Representative: DocuSigned by:
Seth Saunders
87375FA16A1E46E...

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):

Signature: DocuSigned by:
Seth Saunders
87375FA16A1E46E...

Date: 9/23/2022 | 9:52 AM MDT

Signature: _____

Date: _____

Bingham County CUP Application

- The existing use of the property is commercial. There are storage units on the property and our billboard.
- The reason for the conditional use permit application is simply that YESCO wishes to rebuild our billboard to one that has one pole rather than 4. We wish to build the sign at 50ft. to match the surrounding signs. This will allow us to make the billboard much more appealing to the eye and less obtrusive to the current landowner.
- There will be no negative effects on the surrounding properties, this is evident because all of the surrounding properties already have billboards of equal or greater height.

Bingham County

501 N. Maple
Blackfoot, Idaho 83221

10/28/2022

Dear Bingham County,

It is a pleasure for YESCO to work with the county to rebuild our existing billboard at 821 Frontage Rd, Blackfoot, ID 83221. Below I wish to outline some of the key components and details of this project.

- The new billboard will be modified from four poles to one, it will be much cleaner looking and less obtrusive to the landowner's property.
- The new sign will be placed in the same location as the current sign. It will be 60' from the center line of the County Rd. The new sign does not sit in nor does it overhang the right of way of the County Rd. The new sign is not located near or at an intersection.
- The new billboard will be at least 500' from all existing billboards.
- The new billboard will be the same dimensions as the old one, 40' tall with an advertising face that measures 14'x48'. The sign will not blanket any prominent views and will be of no danger to pedestrians, and motorists, or obscure the clear vision triangle of those nearby.
- The new sign will be lit at night by LED lights, the lights will be shielded to direct the light at the sign. This will prevent most of the light from spilling onto the surroundings.
- The new billboard will have no additional effect on adjacent properties mostly because there is an existing billboard on the property and because most of the adjacent properties have billboards of their own.
- immediately after approval of this application we will apply for state permits prior to county permits.

If there is any other information needed besides the information above, I would be happy to provide it.

Sincerely,

Seth Saunders

YESCO Outdoor Media LLC
1605 S. Gramercy Rd.
Salt Lake City, UT 84104

Exhibit
A-2A

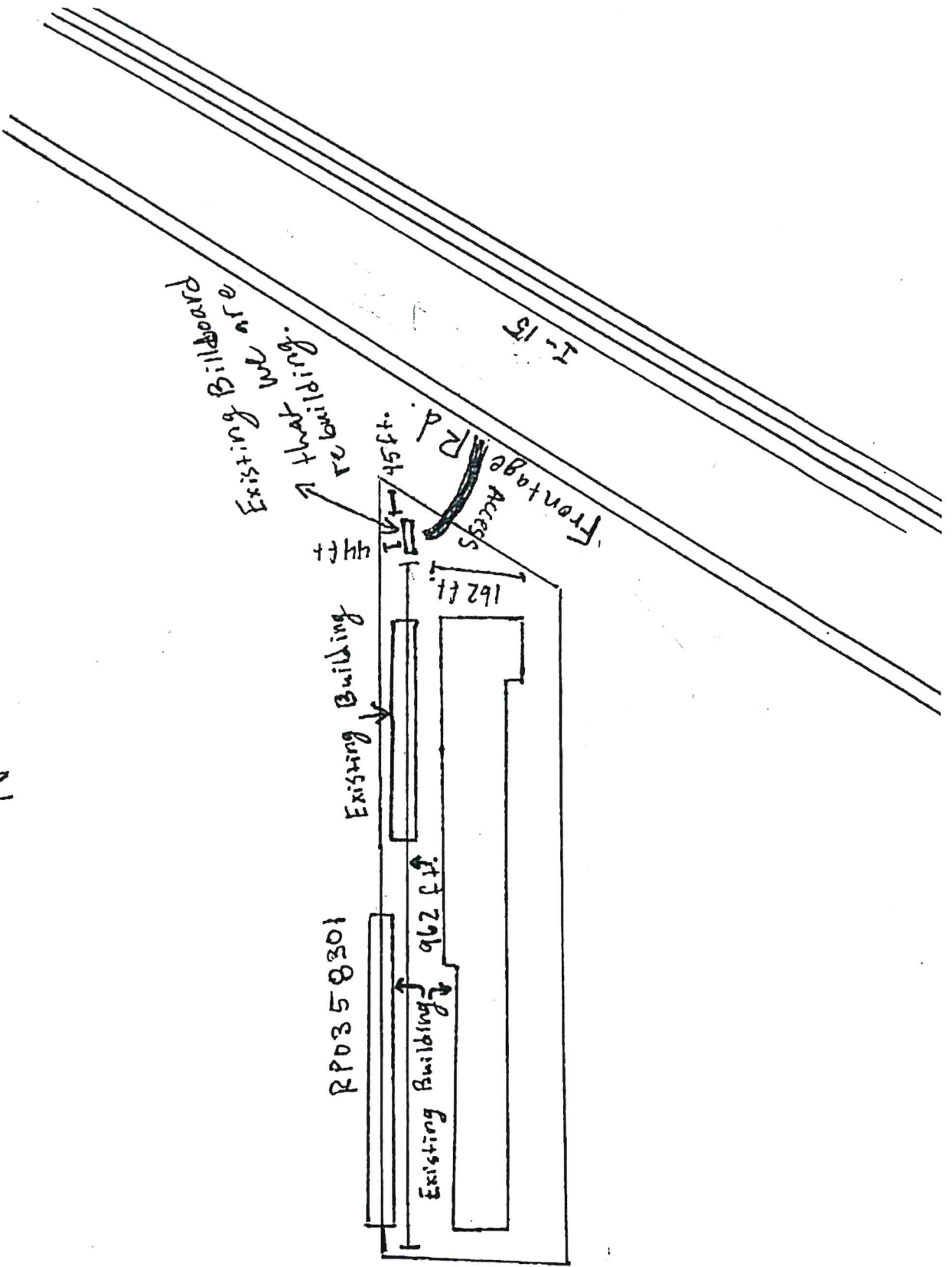


Exhibit
A-3

QUITCLAIM DEED

267336

For Value Received Ver1 B. Horrocks and Leola R. Horrocks,
husband and wife, R1 #3 Box 52, Blackfoot, Idaho

REVENUE STAMPS

do hereby convey, release, remise and forever quit claim unto Thomas Vea James and
Donna S. James, husband and wife, 1141 West Center Blackfoot, Id. 83221

the following described premises, to-wit: Part of the SW1/4NW1/4, Section 4, T. 3 S.,
R. 35 E.B.M., Bingham County, Idaho, described as:

Beginning at the W1/2 Corner of said Section 4 and running thence
N 00°02'00" E along the Section line 200.00 feet; thence
S 89°54'33" E 1074.41 feet to the Westerly line of a County road;
thence S 32°43'58" W along said Westerly line 237.51 feet; thence
N 89°54' 33" W 946.10 feet to the point of beginning.

Parcel contains 4.6384 acres.

together with their appurtenances.

Dated: December 15, 1979

267336

Leola Horrocks

Verl B Horrocks

STATE OF IDAHO, COUNTY OF

On this 15 day of December, 1979,
before me, a notary public in and for said State, personally
appeared

Verl B. Horrocks and Leola R.
Horrocks

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public
Residing at _____, Idaho
Comm. Expires _____

BIINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
R. 1. 10 44 FEB 2 1980

80 JUN 4 PM 2-56

267336

RECORDED AT THE REQUEST OF
Verl B. Horrocks
R1 #3 Box 52
Blackfoot, Idaho.

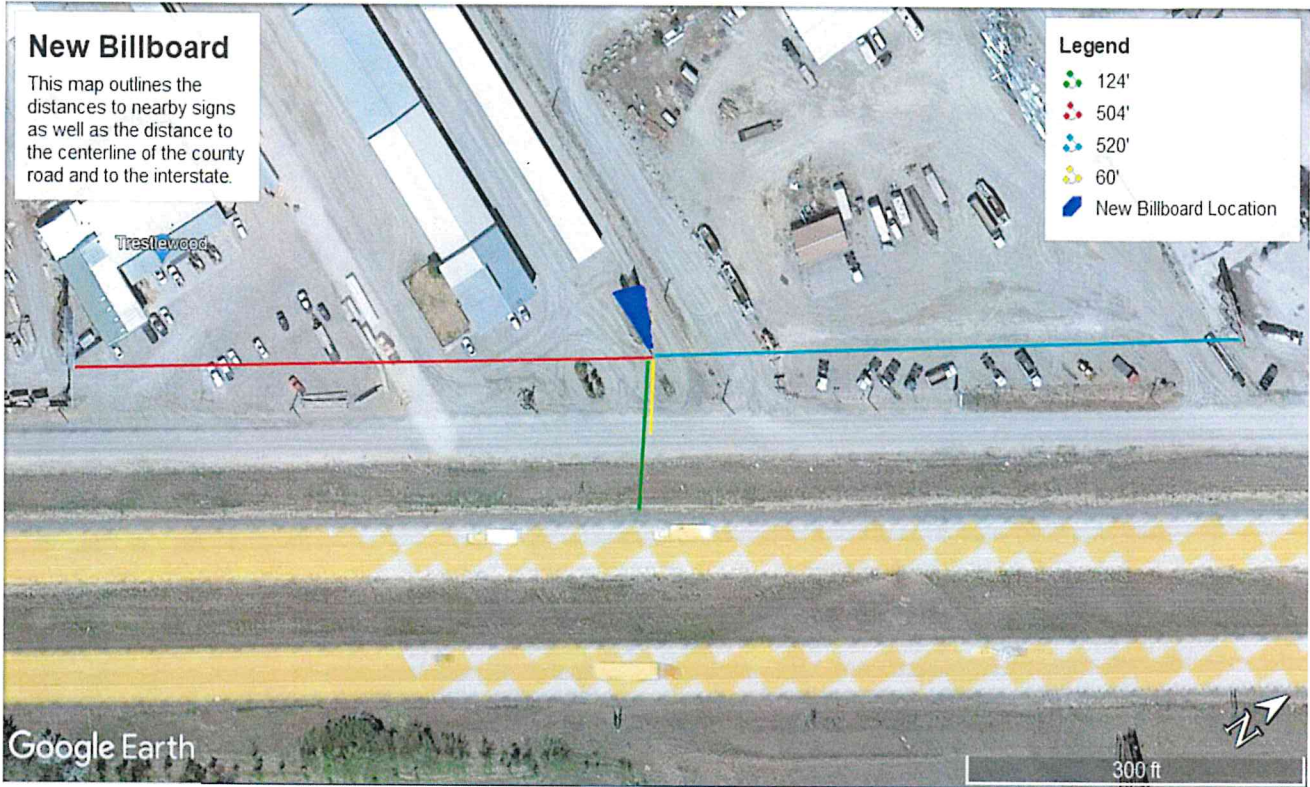
Furnished by the GUARDIAN TITLE

Exhibit
A-4

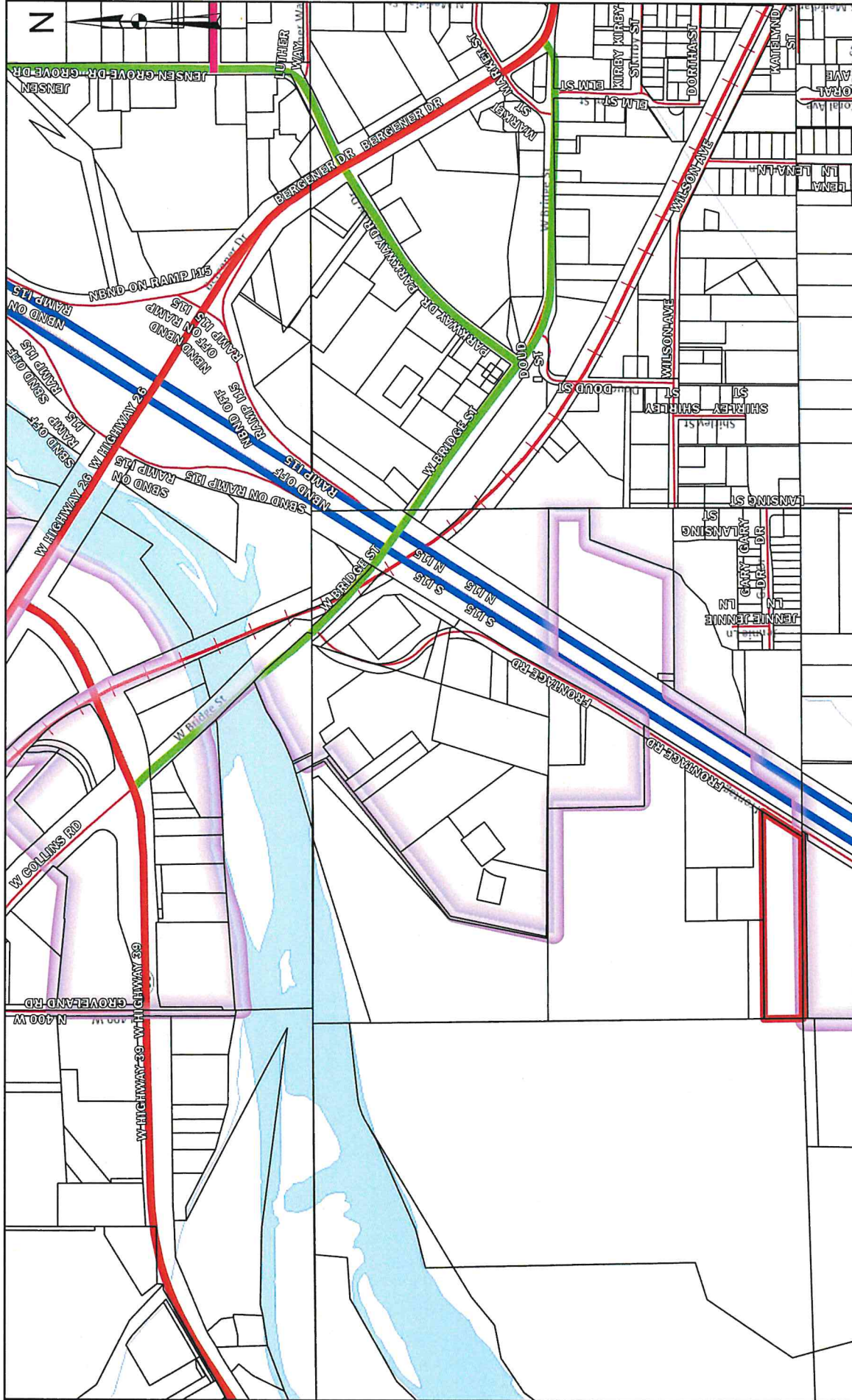
IMAGE OF PROPOSED BILLBOARD SIGN



DISTANCE TO CENTERLINE OF THE ROAD, INTERSTATE AND NEARBY SIGNS.



THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - PARCEL MAP



LEGEND






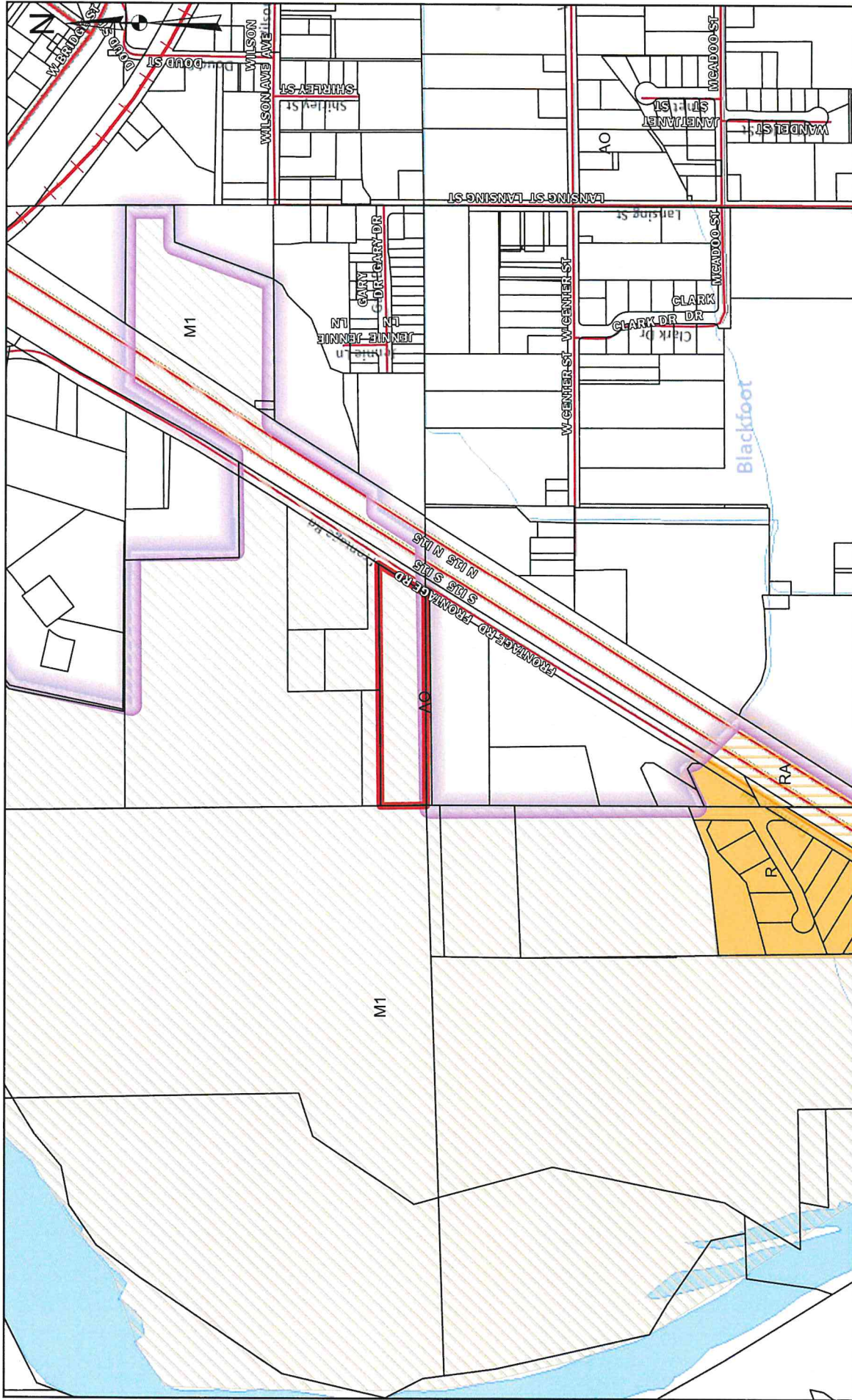
-  James CUP
-  Parcels
-  Roads
-  City Boundary
-  Interstate 200-400'
-  Minor Arterial 80' ROW

EXHIBIT S-2



THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - ZONING MAP



LEGEND








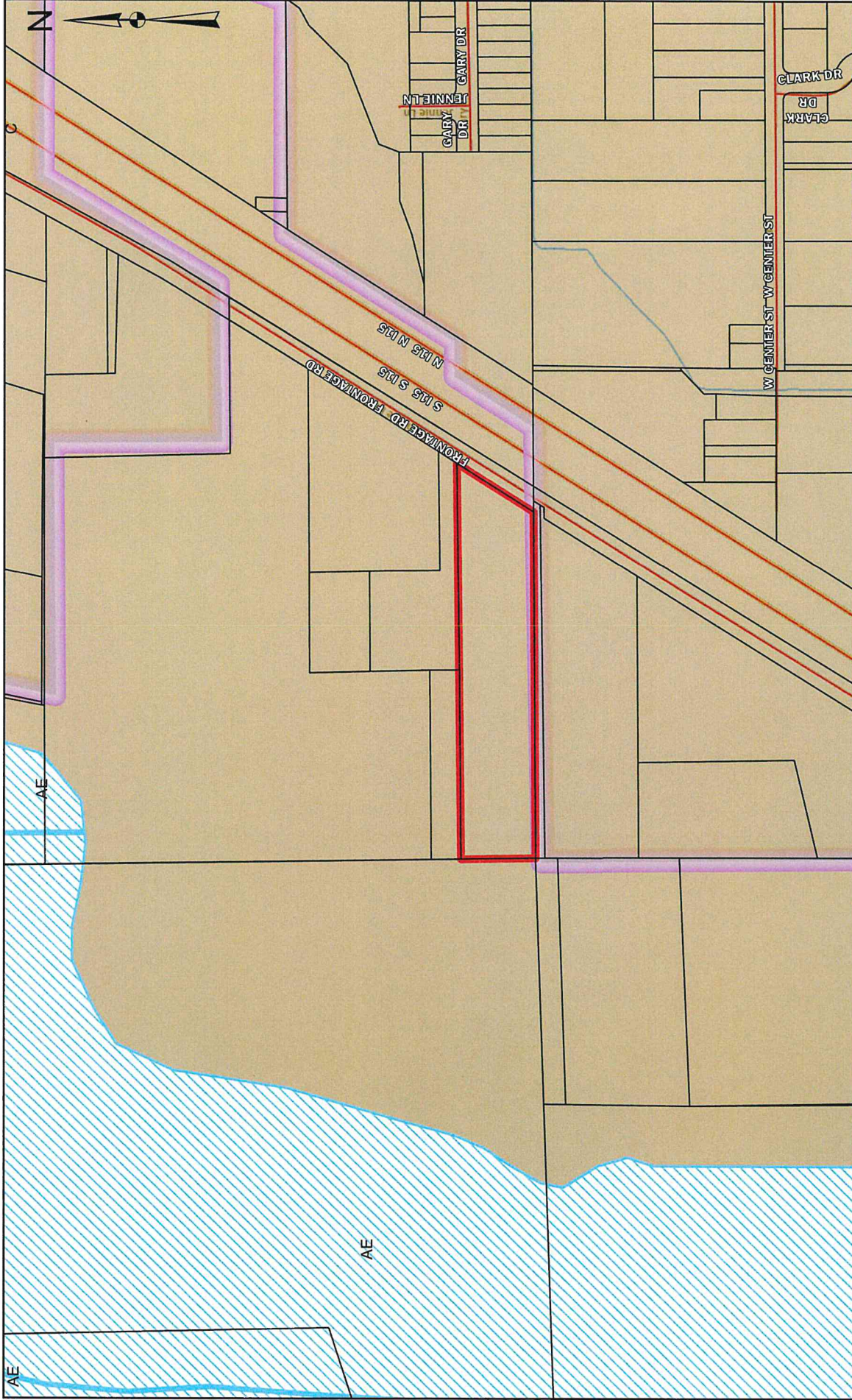
-  James CUP
-  Parcels
-  Roads
-  City Boundary
-  R - Residential
-  RA - Residential/Agriculture
-  M1 - Light Manufacturing

EXHIBIT S-3



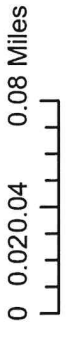
THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - FLOOD PLAIN MAP



LEGEND

- James Cup: Red outline
- Parcels: Black outline
- Roads: Red line
- City Boundary: Purple outline
- Flood Zone: Blue hatched pattern
- Other: A; AE; AH; AO - In
- Other: X - Out

EXHIBIT S-5



THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - AERIAL MAP



LEGEND





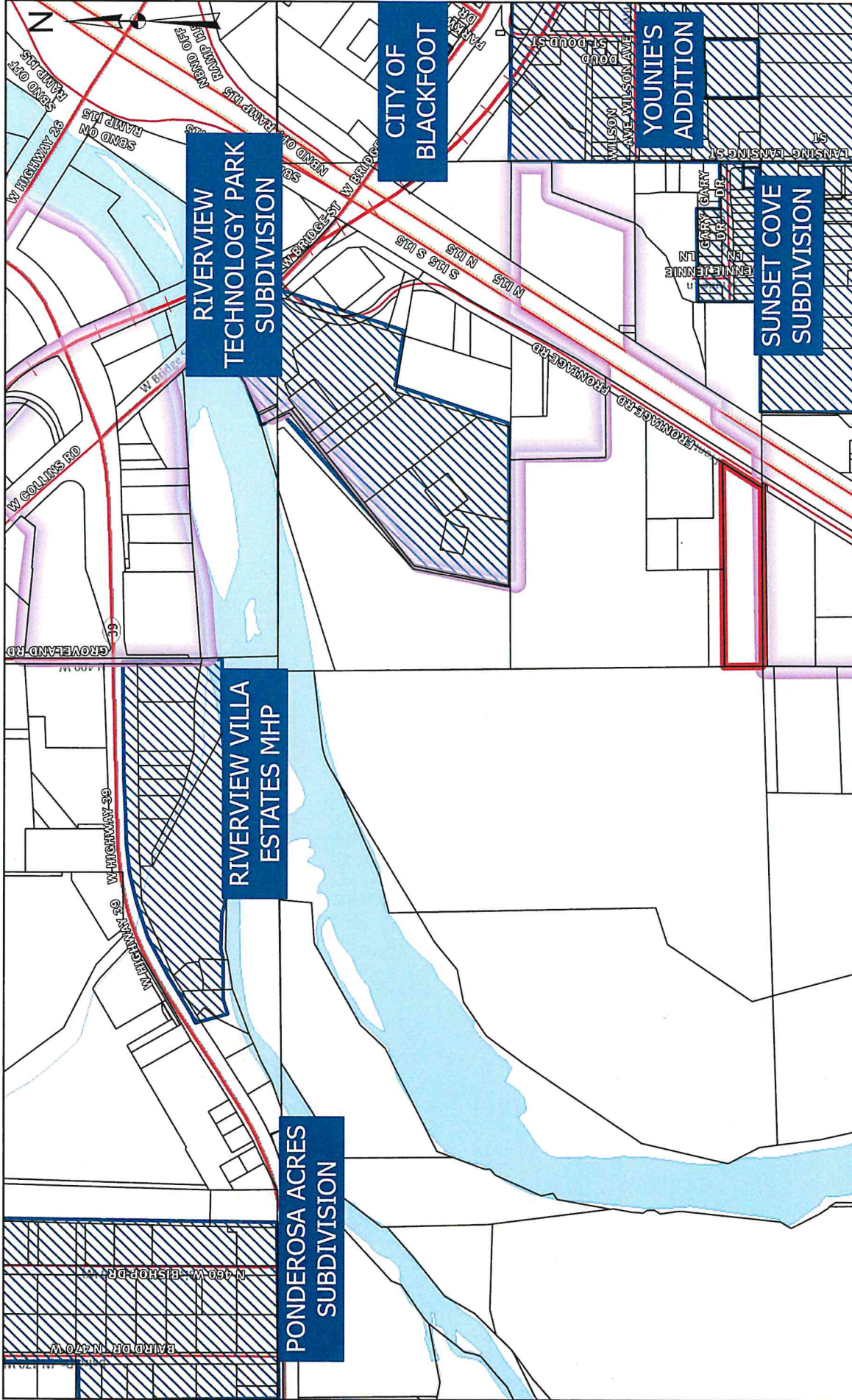
-  James CUP
-  Parcels
-  Roads
-  City Boundary

EXHIBIT S-6



THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - SUBDIVISION MAP



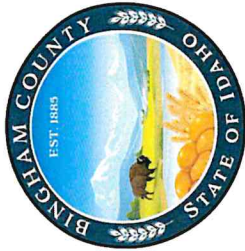
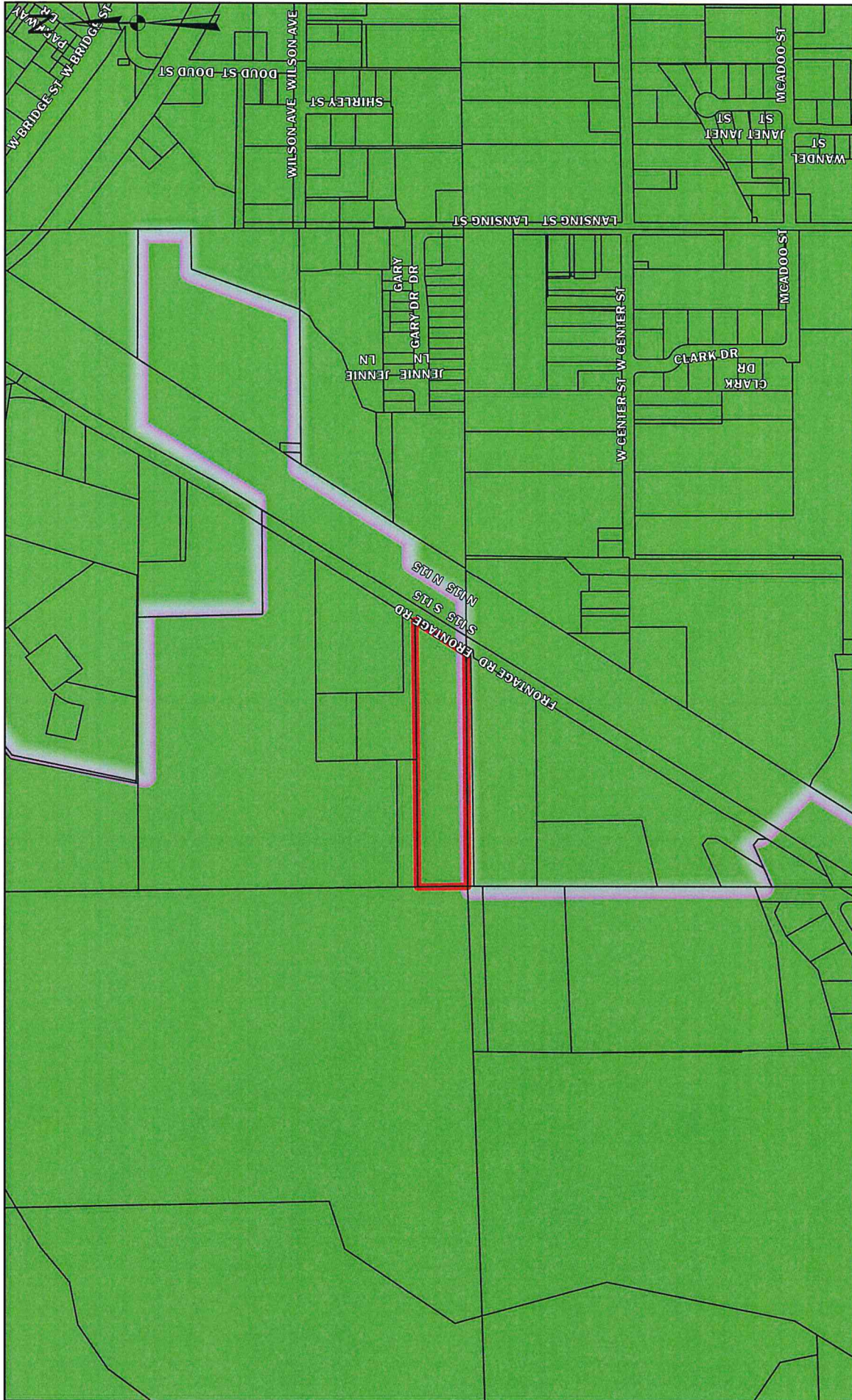
LEGEND

-  James Cup
-  City Boundary
-  Parcels
-  Subdivisions
-  Roads

EXHIBIT S-7



THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - SCHOOL DISTRICT MAP



LEGEND






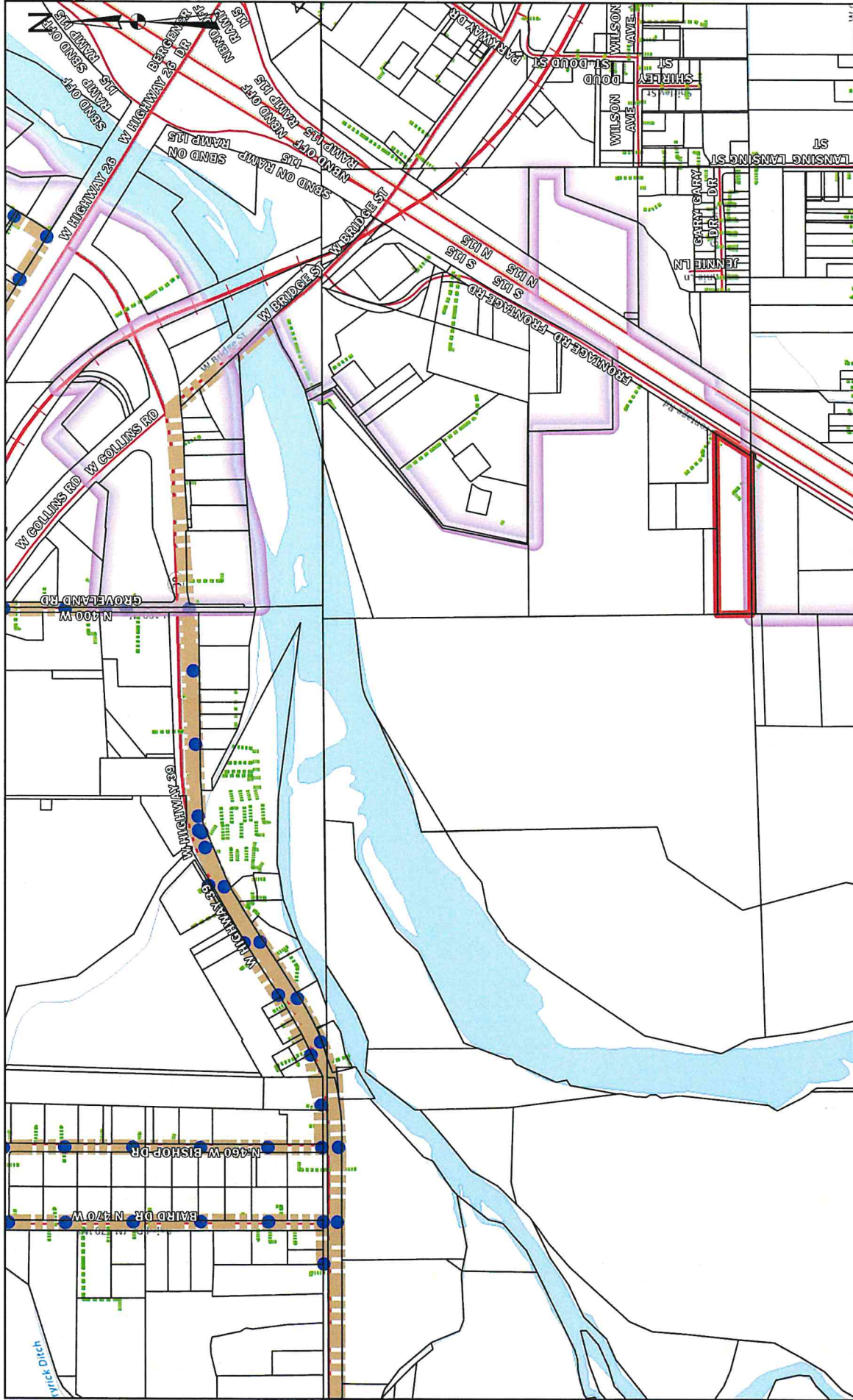
-  James CUP
-  City Boundary
-  Parcels
-  Blackfoot School District
-  Roads

EXHIBIT S-9



THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - UTILITIES MAP



LEGEND








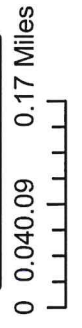
-  James CUP
-  Parcels
-  Roads
-  City Boundary
-  Gas Service Line
-  Sanitary Sewer Manholes
-  Sanitary Sewer Lines

EXHIBIT S-10



THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - NITRATE PRIORITY AREA MAP

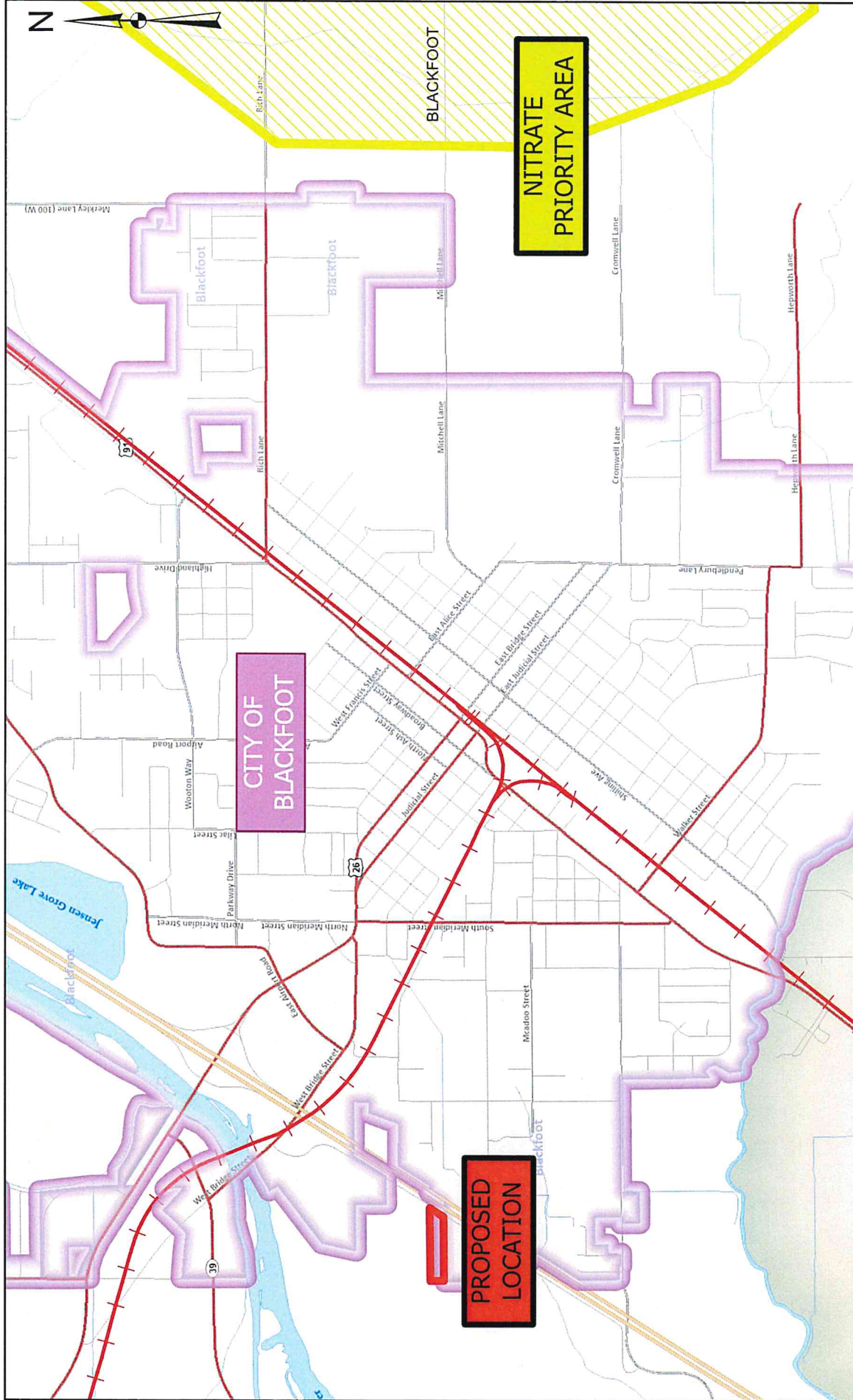
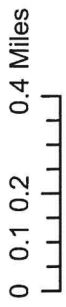







EXHIBIT S-11



LEGEND

-  James CUP
-  City Boundary
-  Parcels
-  Nitrate_Priority_Areas
-  Roads



THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - IRRIGATION PROVIDER MAP

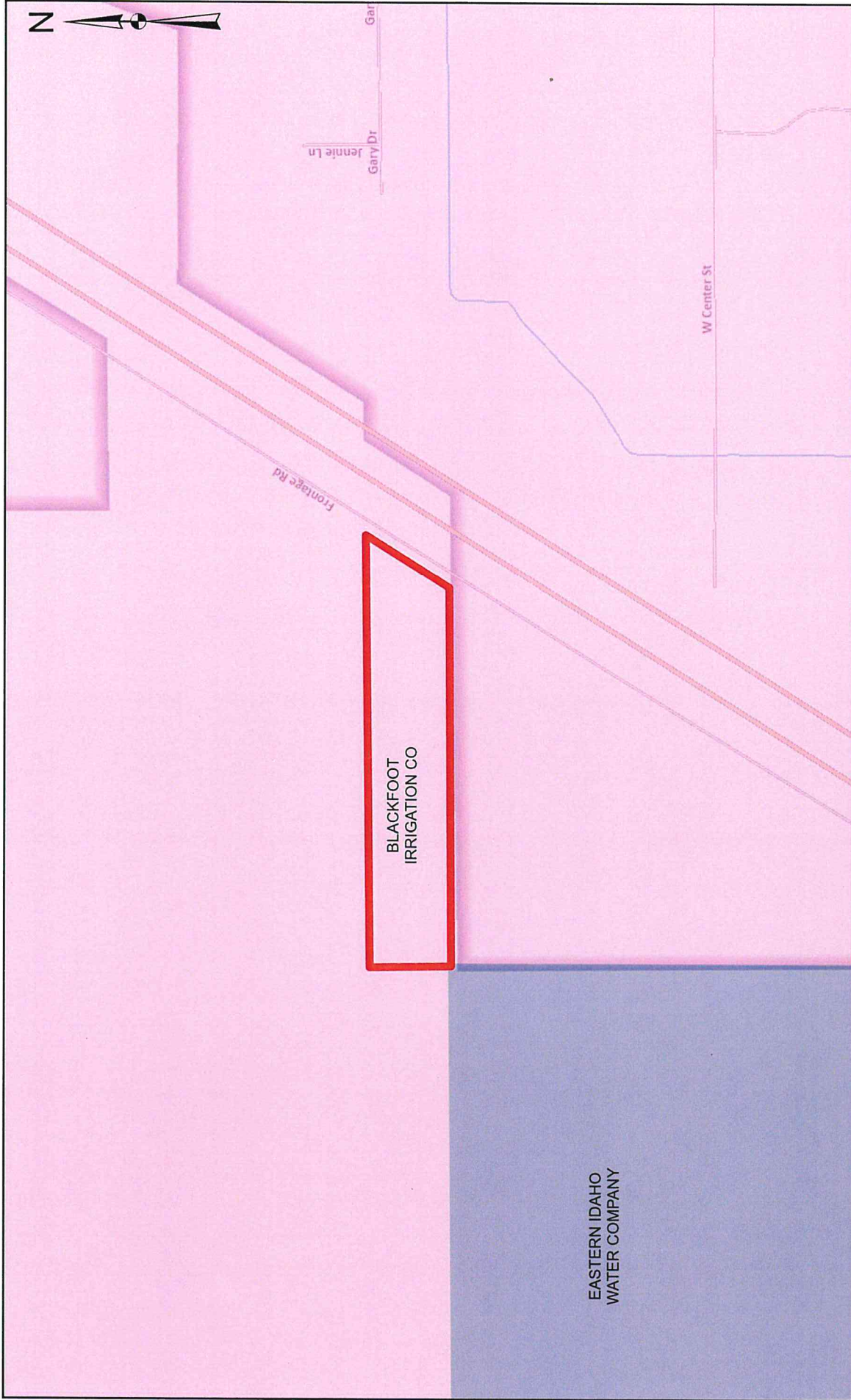
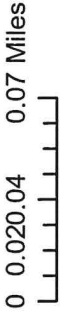


EXHIBIT S-12



LEGEND

- James CUP
- Parcels
- Roads
- City Boundary





City of Blackfoot

Approx. Proposed Location

Hwy 26

Hwy 39

Exhibit S-13



15

5

Blackfoot

Blackfoot High School

Jensen Grove Park

Collins

Snake River

Snake River

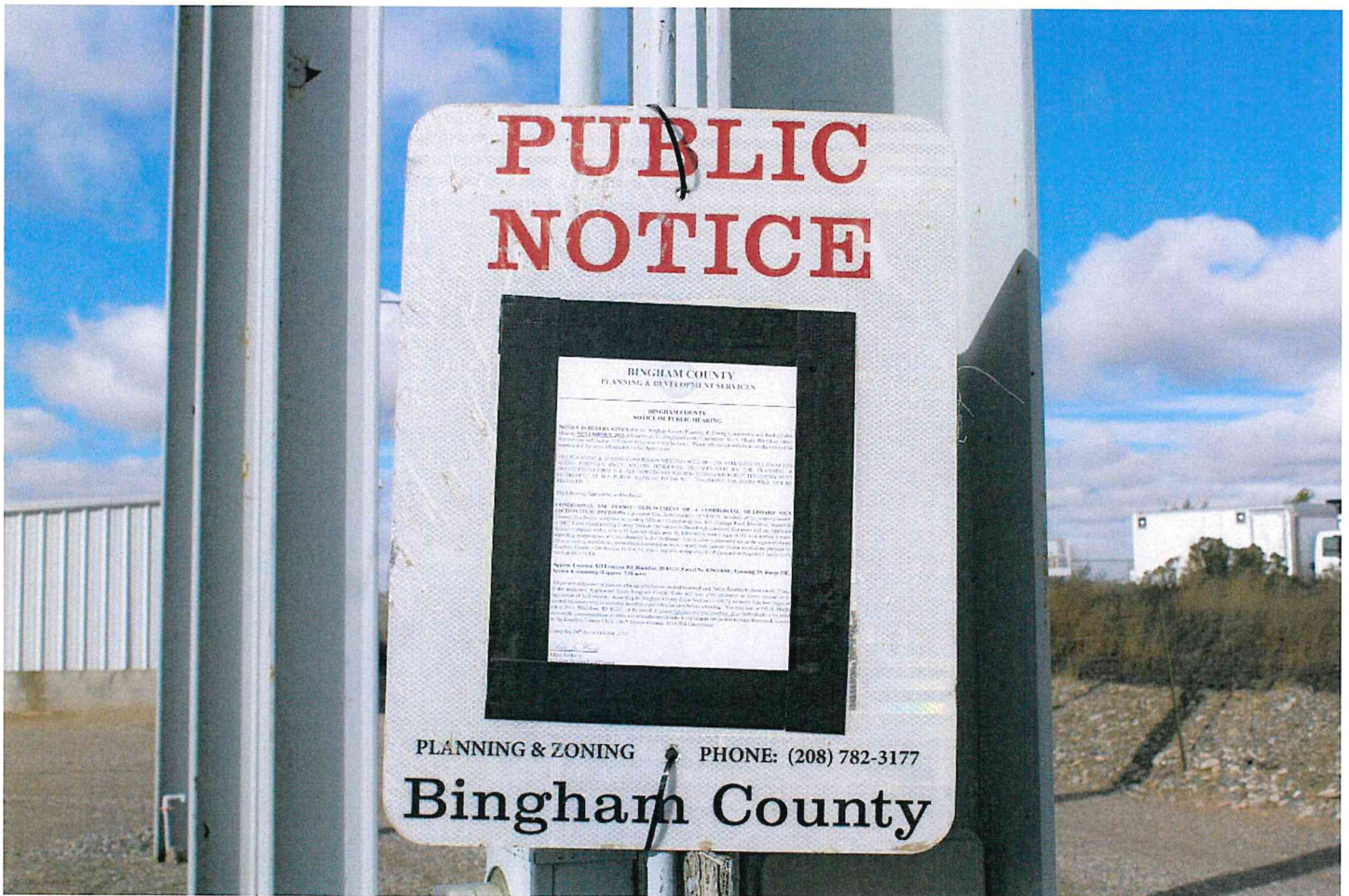
Snake River

BINGHAM COUNTY
PLANNING & DEVELOPMENT SERVICES

NOTICE OF POSTING

I hereby certify that on October 24, 2022, I personally posted the Bingham County, Planning & Development Department Notice for File No. 3148 at the following location(s):

Approx. Location: 821 Frontage Rd, Blackfoot, ID 83221, Parcel No. RP0358301, Township 3S, Range 35E, Section 4, consisting of approx. 5.58 acres



Addie Jo Harris

Addie Jo Harris
Assistant Director/Lead Planner

Exhibit
S-14

North Side of Existing Sign



Exhibit S-15

Frontage Rd.

10.24.2022

D & V STORAGE
786-3181

STORAGE
786-3181

AMERICAN
SALES

Facing Northeast on Frontage Rd.

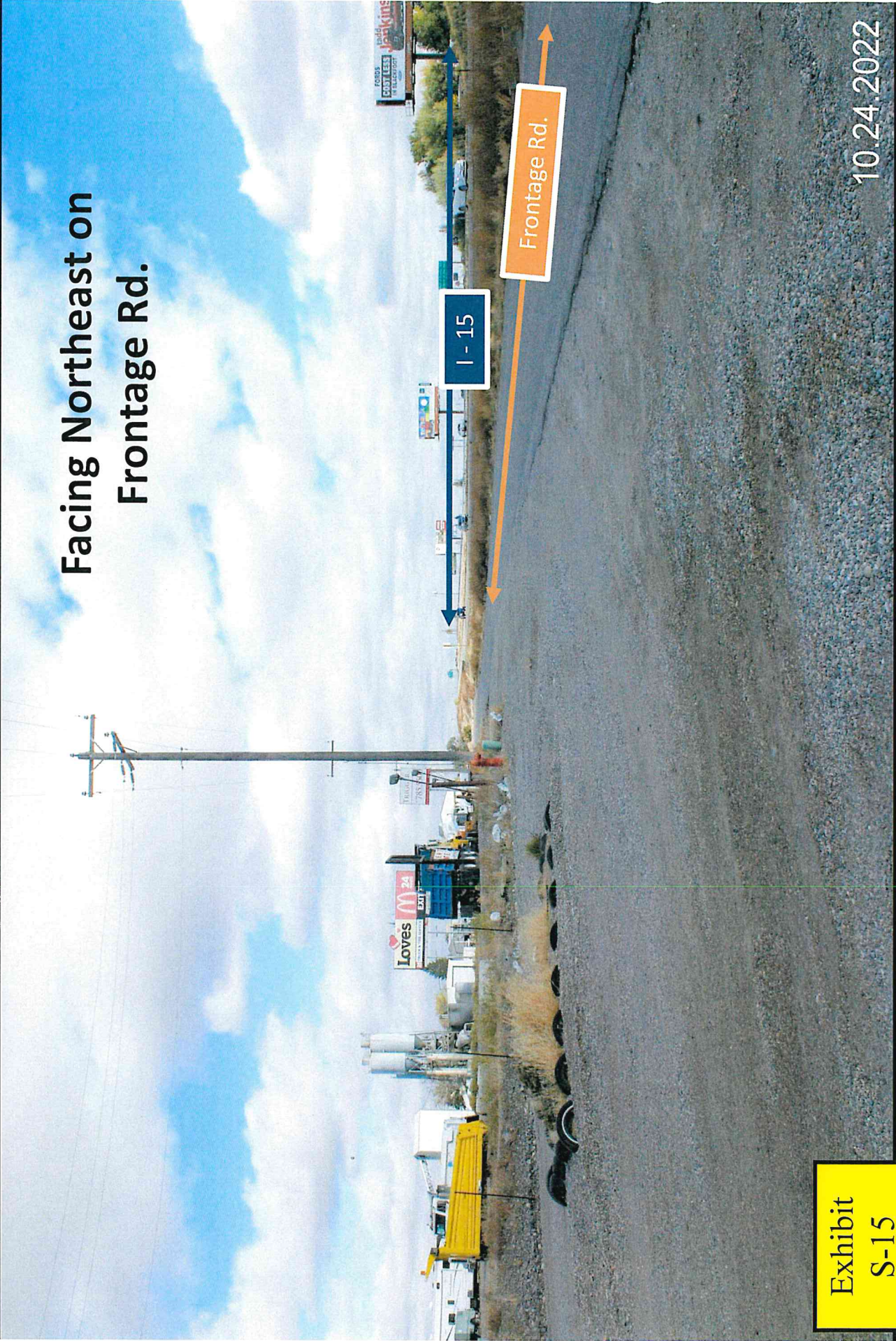


Exhibit
S-15

10.24.2022

Surrounding Existing Billboard Signs

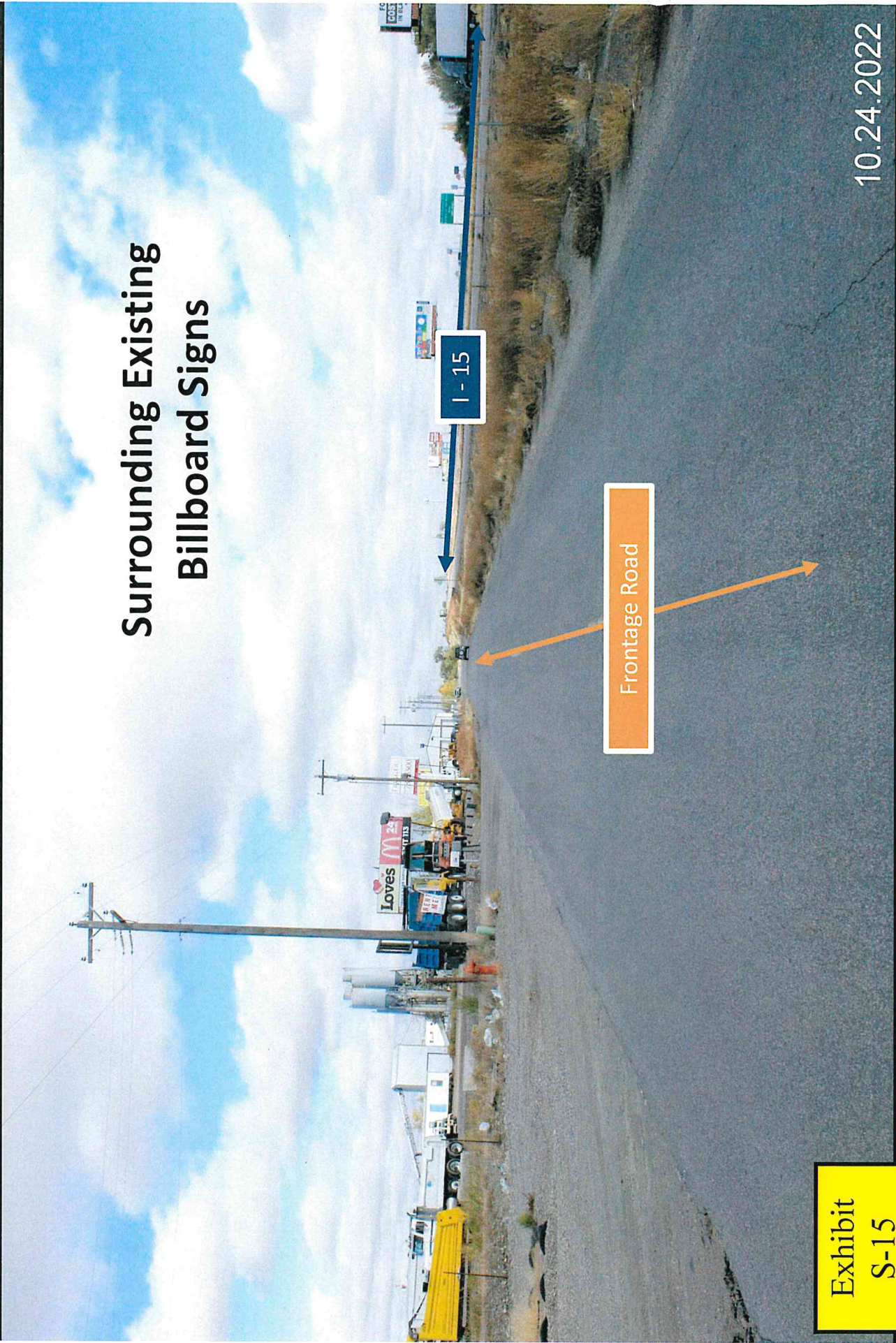


Exhibit
S-15

10.24.2022

Facing Southeast on Frontage Rd.

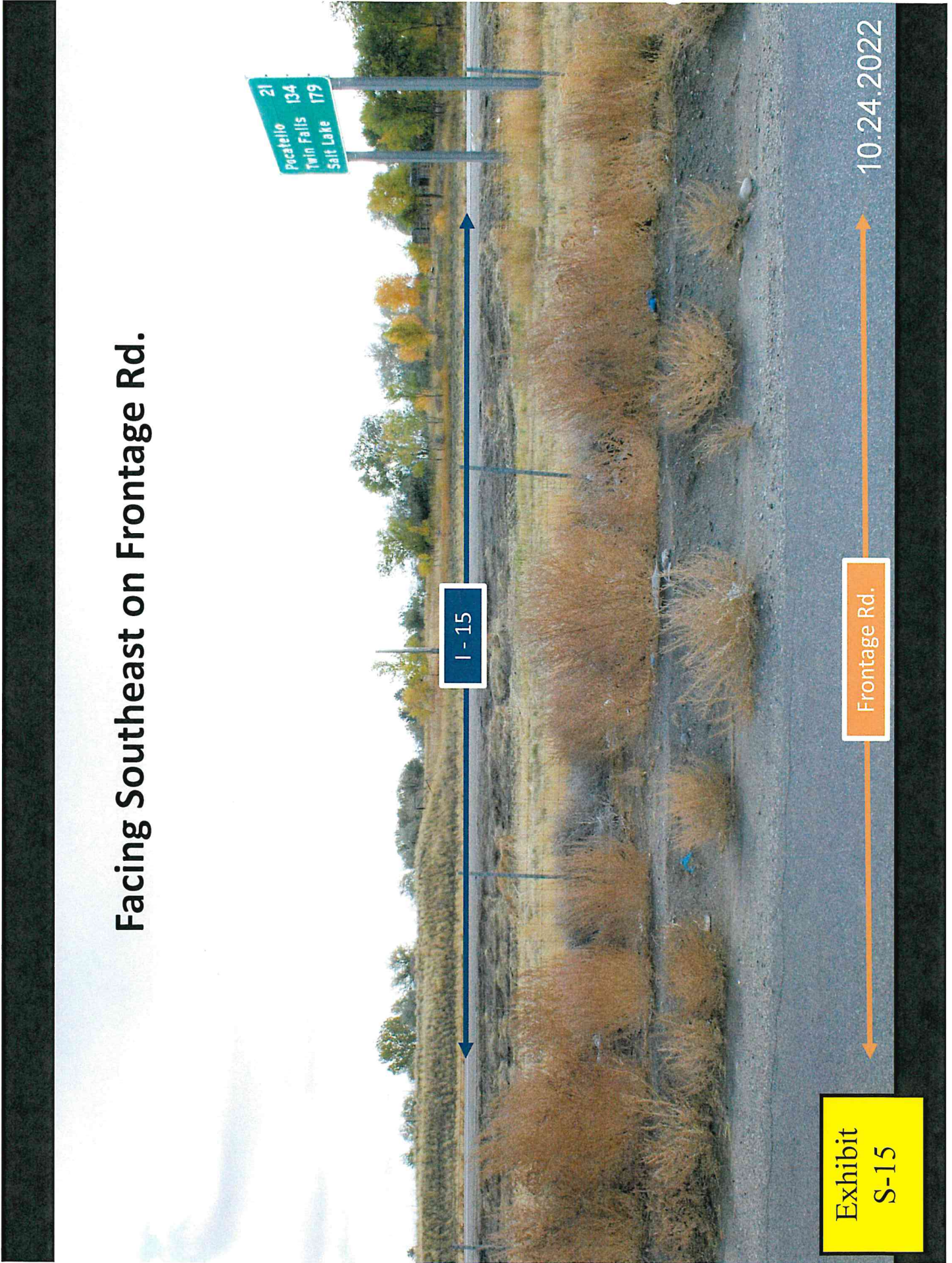
21
Pocatello 134
Twin Falls 179
Salt Lake

I - 15

Exhibit
S-15

Frontage Rd.

10.24.2022



Facing Southwest on Frontage Rd.

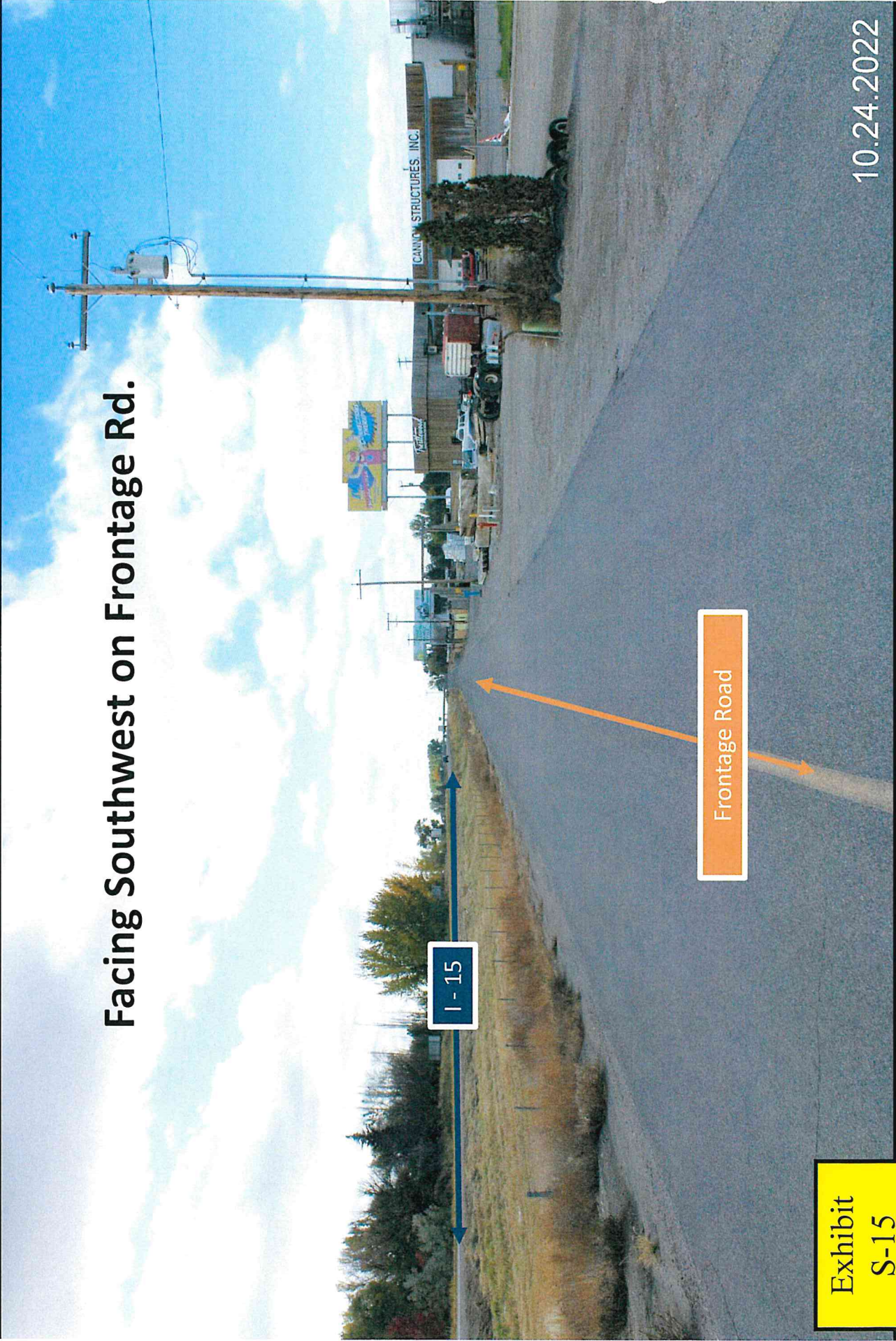


Exhibit
S-15

10.24.2022

South Side of Existing Sign



Exhibit
S-15

10.24.2022

Facing Northwest on Frontage Rd. Towards Existing Sign

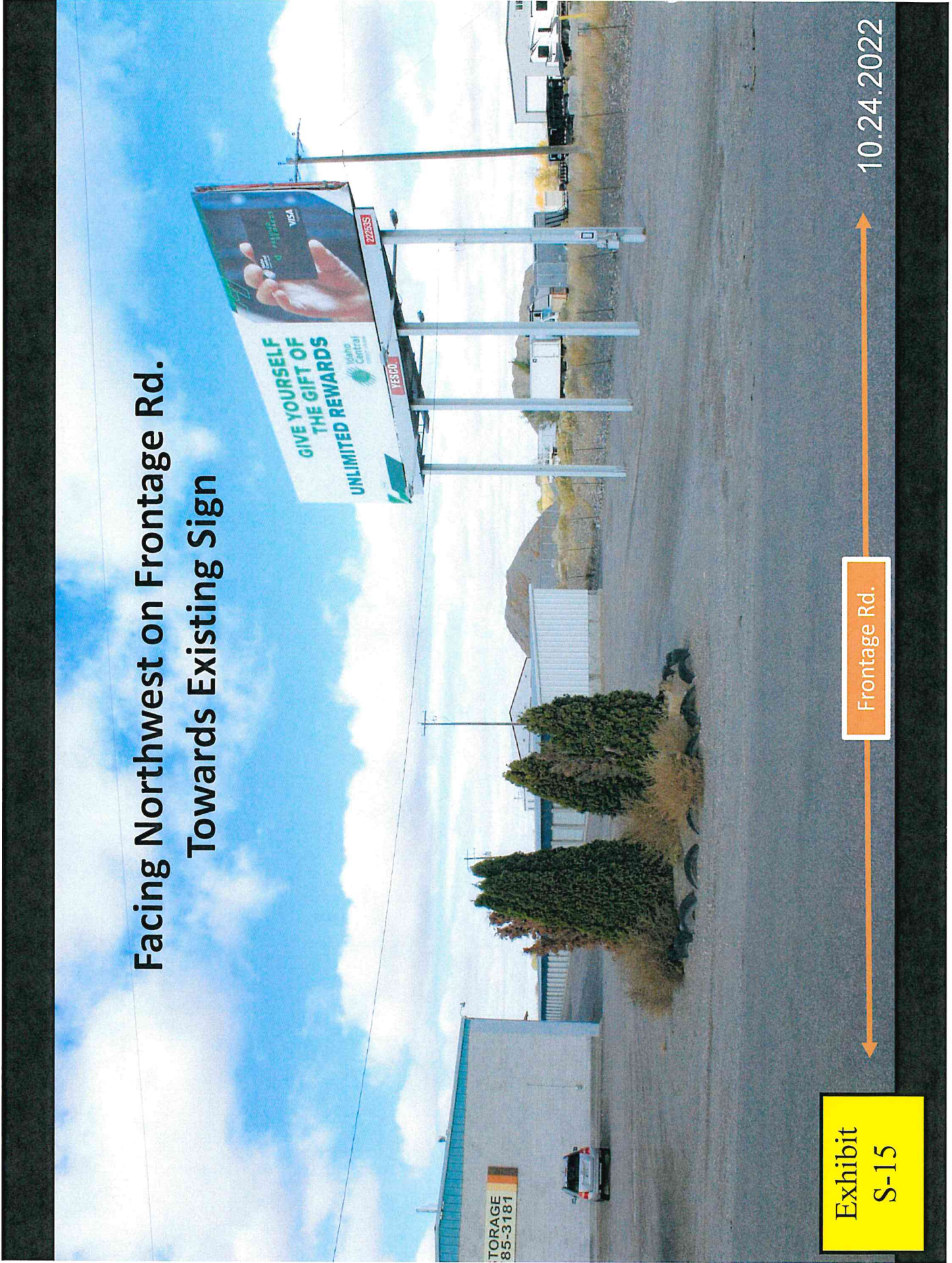


Exhibit
S-15

Frontage Rd.

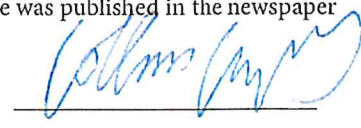
10.24.2022

PROOF OF PUBLICATION Bingham News Chronicle

State of Idaho
County of Bingham

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Bingham News Chronicle, a newspaper of general circulation, published 2 days, Tuesday, and Friday at Blackfoot, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Bingham News Chronicle for 1 day(s), first publication having been made on 10/18/2022 last publication having been made on 10/18/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, on this 18th day of October, 2022



Notary Public
My commission expires:

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF BINGHAM

On this 18th day of October, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or 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~~



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 a Public Hearing on **November 9, 2022** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. The meeting will start at 7:00 pm or as soon as it may be heard. For more information on the Applications please refer to www.co.bingham.id.us/planning_zoning/planning_zoning.html

The following Public Hearing Applications will be heard:

1. CONDITIONAL USE PERMIT: DIVISION RIGHT TRANSFER (ACTION ITEM: DECISION) Property Owner/Location: N. Von Mecham, Approx. Location: Sending Parcel: RP0019600 T1N, R31E, Sec 3, approx. 30.42 acres | Receiving Parcel: RP0157203 T4S, R33E, Sec 10, approx. 12 acres

2. CONDITIONAL USE PERMIT: REPLACE A COMMERCIAL BILLBOARD SIGN (ACTION ITEM: DECISION) Property Owner/Location: Thomas Veja James, 821 Frontage Rd, Blackfoot, Parcel No RP0358301, T3S, R35E, Sec 4, approx. 5.58 acres

3. CONDITIONAL USE PERMIT: TEMPORARY SECOND DWELLING FOR MEDICAL HARDSHIP (ACTION ITEM: DECISION) Property Owner/Location: Teresa Wellard, 940 N 1000 E, Shelley, RP0507801, T1S, R37E, Sec 15, approx. 7 acres

4. CONDITIONAL USE PERMIT: MONOPOLE TELECOMMUNICATION TOWER (ACTION ITEM: DECISION) Property Owners/Location: Von & Linda Cornelison, 315 N 150 E, Blackfoot, RP0430100, T2S, R36E, Sec 17, consisting of approx. 38.8 acres

5. CONDITIONAL USE PERMIT: TEMPORARY SECOND DWELLING FOR MEDICAL HARDSHIP (ACTION ITEM: DECISION) Property Owners/Location: Micaela Williams, 191 N 300 W, Blackfoot, RP8268010, Casa de Campo Subdivision (Lot 2 Block 1), T2S, R35E, Sec 27, approx. 1.26 acres

6. ROD HENDRICKS SUBDIVISION, 4 LOT SUBDIVISION (ACTION ITEM: RECOMMENDATION) Property Owners/Location: Rodney & Robin Hendricks, 480 W 300 N, Blackfoot, RP0302002, RP0302010 & RP0302012, T2S, R35 E, Sec 17, approx. 4.50 acres

7. CONDITIONAL USE PERMIT: INDOOR BMX TRACK (ACTION ITEM: DECISION) Property Owners/Location: Jasen Gibbons, 1546 W 800 S, Pingree, RP0156913, T4S, R33E, Sec 9, approximately 7.16 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@co.bingham.id.us. 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 14th day of October, 2022.

Tiffany G. Olsen
Tiffany G. Olsen

Planning & Development Director
Bingham County, Idaho

Published: October 18th, 2022 (BCC26092-293882)

Blackfoot/Snake River Government Agency Notice

Company Name	Attention	Address	City	St	Zip
Bingham County Appraisal					
Bingham County Assessor					
Bingham County Public Works		245 N 690 W	Blackfoot	ID	83221
Bingham County Sheriff					
Bingham County Surveyor					
Bingham County Treasurer					
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
Corbet 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	Jared Adamson	900 N. Skyline Dr. #A	Idaho Falls	ID	83402
Eastern Idaho Water Company		279 N 400 E	Blackfoot	ID	83221
Groveland Water & Sewer	Marc Pange	144 N 400 W	Blackfoot	ID	83221
Health Department	Ken Keller	145 W Idaho Street	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
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

**Exhibit
S-17**

Blackfoot/Snake River Government Agency Notice

Smith-Maxwell Ditch Co		839 W Riverton Rd.	Blackfoot	ID	83220
Snake River School District	Superintendent	103 S. 900 W.	Blackfoot	ID	83221
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		74 N 600 W	Blackfoot	ID	83222

41 Government Agencies

NOTICE OF MAILING

I hereby certify on October 18, 2022 I, Addie Jo Harris, personally mailed notice of the proposed request to the above named Government Agencies

Addie Jo Harris

Addie Jo Harris,
Assistant Director/Lead Planner

Exhibit
S-17

THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - AERIAL MAP



LEGEND





-  James Cup
-  Parcels
-  Roads
-  City Boundary

EXHIBIT S-6



**PROPERTY OWNERS LIST
THOMAS VEA JAMES CUP**

OWNER	ADDRESS	CITY STATE ZIP
CANNON STRUCTURES INC	P.O. BOX 1050	PLESANT GROVE UT 84062-0000
CASTLE CONCRETE CO INC C/O BUSINESS RESOURCE CENTER	2300 NORTH MAIN	POCATELLO ID 83204-6302
JAMES T VEA TRUST	1141 WEST CENTER	BLACKFOOT ID 83221-6302
KENNETH & VICKY ELISON	427 E 500 N	FIRTH ID 83236-0000

4 PROPERTY OWNERS

NOTICE OF MAILING

I hereby certify on October 18, 2022 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-18

BINGHAM COUNTY
PLANNING & DEVELOPMENT SERVICES

**NOTICE TO PROPERTY OWNERS WITHIN 300 FEET
PER BINGHAM COUNTY CODE 10-3-6**

**BINGHAM COUNTY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Bingham County Planning & Zoning Commission will hold a Public Hearing **NOVEMBER 9, 2022** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. The meeting will start at 7:00 pm or as soon as it may be heard. Please refer to our website to see the order of the meeting and for more information on the Application.

THE PLANNING & ZONING COMMISSION MEETING WILL BE LIVE STREAMED VIA ZOOM FOR AUDIO PURPOSES ONLY, UNLESS OTHERWISE PRE-APPROVED BY THE PLANNING & DEVELOPMENT DIRECTOR. ALL INDIVIDUALS WISHING TO PROVIDE PUBLIC TESTIMONY MUST BE PRESENT AT THE PUBLIC HEARING TO DO SO – TESTIMONY VIA ZOOM WILL NOT BE RECEIVED.

The following Application will be heard:

CONDITIONAL USE PERMIT: REPLACEMENT OF A COMMERCIAL BILLBOARD SIGN (ACTION ITEM: DECISION) A proposal from Seth Saunders, of YESCO, on behalf of the property owner, Thomas Vea James, 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).

Approx. Location: 821 Frontage Rd, Blackfoot, ID 83221, Parcel No. RP0358301, Township 3S, Range 35E, Section 4, consisting of approx. 5.58 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 mail at 501 N. Maple (Box 203), Blackfoot, ID 83221 or by email at planningtestimony@co.bingham.id.us 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 18th day of October, 2022.

Addie Jo Harris

Addie Jo Harris
Assistant Director/Lead Planner

**Exhibit
S-18**

THOMAS VEA JAMES/YESCO - BILLBOARD SIGN CUP - AERIAL MAP



- LEGEND**
- James CUP
 - Parcels
 - Roads
 - City Boundary





STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

Brad Little, Governor
Jess Byrne, Director

October 26, 2022

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 – Replacement of a Commercial Billboard Sign – Saunders

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 (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# 2022AGD9007

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

General Recommendations

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

Engineering

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

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

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

Air Quality

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

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

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

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

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

Section 651 states "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing building or structures, construction operations, the grading of roads, or the clearing of land.
02. Application of Dust Suppressants. Application, where practical of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, materials stockpiles, and other surfaces which can create dust.

03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.

04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts.

05. Paving. Paving of roadways and their maintenance in a clean condition, where practical.

06. Removal of Materials. Prompt removal of earth or other stored materials from streets, where practical.”

Surface Water Quality

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

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

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

Waste Management - Hazardous Material - Petroleum Storage

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

Accidental surface spills of hazardous material products and petroleum hydrocarbon products (i.e., fuel, oil, and other chemicals) are most associated with the transportation and delivery to work sites or facilities. The following Idaho, storage, release, reporting and corrective action regulations may be applicable:

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

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

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

Mariela Mejia

To: Jeff Gardner
Subject: RE: Planning & Zoning Commission Public Hearing Items - November 2022

From: Jeff Gardner <JGardner@co.bingham.id.us>
Sent: Thursday, October 27, 2022 5:33 PM
To: Mariela Mejia <mmejia@co.bingham.id.us>
Cc: Tiffany Olsen <tolsen@co.bingham.id.us>; Addie Jo Jackman <ajackman@co.bingham.id.us>
Subject: Re: Planning & Zoning Commission Public Hearing Items - November 2022

Mariela after reviewing the November items I see no concern from the Sheriffs Office.

Sheriff Jeff Gardner