

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

**APPLICATION OF:** Conditional Use Permit for a Temporary Second Dwelling for Medical Hardship in an “A” Agriculture Zoning District  
**PROPERTY OWNERS:** Teresa Wellard

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**A. REQUESTED ACTION:** Teresa Wellard is requesting a Conditional Use Permit allowing the continued use of a previously approved Temporary Secondary Dwelling (granted for her husband in 2017), to remain on her property located at 940 N 1000 E, Shelley, to allow her daughter to assist with her care as her husband has passed. Pursuant to Bingham County Code Sections 10-7-4(B-H), each lot, tract, or parcel of property, considered a buildable parcel, shall be allowed one additional temporary dwelling for a medical hardship with a statement from a licensed physician attesting to the medical condition and need for assistance, with an approved Conditional Use Permit. **(A-1 Application, A-2 Narrative and A-7 Signed Minutes & Reason and Decision 2017)**

**B. GENERAL BACKGROUND:**

1. The parcel is located at approx. 940 N 1000 E, Shelley ID, Parcel No. RP0507801, Township 1S, Range 37E, Section 15, consisting of approx. 7 acres **(A-1 Application, S-6 Aerial Map and S-15 Site Photos)**
2. All the surrounding land uses are “A” Agriculture **(S-3 Zoning Map)**
3. The Comprehensive Plan, adopted November 20, 2018, has the parcel identified as Natural Resource/Agriculture. **(Comp Plan 11-20-2018, (S-4 Comp Plan Map)**
4. Governing Districts:
  - a. Shelley/Firth Fire District
  - b. Firth School District
5. The parcel is within the flood plain, but is not within the City of Basalt Area of Impact **(S-5 Flood Plain Map and S-8 Area of Impact Map)**
6. This property is not within the Nitrate Priority Area. **(S-11 Nitrate Priority Map)**
7. Nearby Subdivisions include Cox Mountain View Subdivision (6 lots, 5.00 – 5.16 acres) and Rulon Estates Subdivision (3 lots, 5.00 – 5.47 acres). **(S-7 Subdivision Map)**

**C. MEETING NOTICE AND INFORMATION:**

1. The Planning & Development Department received the Conditional Use Permit Application on September 26, 2022. The Application was deemed to be 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.)**
  - c. Sent to a total of 6 property owners within 300' of the parcel on October 18, 2022. **(S-18 Property Owners Mailing List and Notice)**
  - d. 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, had 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. No public response has been received regarding this Application.

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

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

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**CHAPTER 2  
DEFINITIONS & INTERPRETATION**

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**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).

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**CHAPTER 4  
ZONING DISTRICTS**

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**10-4-2: PURPOSE OF ZONES:**

- B. Agricultural (A): The purpose of the A Zone is to preserve and protect the decreasing supply of agricultural land. This zone also is established to control the infiltration of urban development into agricultural areas which will adversely affect agricultural operations in order to:
1. Allow productive agricultural land areas to be protected.
  2. Promote the public health, safety, and welfare by encouraging the protection of viable farm land, in accordance with the Comprehensive Plan, to encourage urban density development inside cities and in areas of City impact; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the Local Land Use Planning Act, Idaho Code section 67-6501 et seq., as amended.
  3. Protect agricultural and range land uses and wildlife management areas from unreasonable adverse impacts from adjacent development.

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**CHAPTER 7**  
**SPECIFIC USE PERFORMANCE STANDARDS**

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**10-7-4: ADDITIONAL DWELLING UNIT, TEMPORARY:**

B. Each lot, tract, or parcel of property, considered a buildable parcel, shall be allowed one additional temporary dwelling for a medical hardship; a conditional use permit shall be required. The conditional use permit shall be based on the following provisions:

1. The owner of the real property shall be the applicant. *Staff Comments: The Warranty Deed recorded on June 2, 1995, as well as our GIS system show Michael and Teresa Wellard as the current owners of this property.*
2. The proposed location shall consist of a parcel with a minimum of two (2) acres unless otherwise approved by the conditional use permit. *Staff Comments: The parcel is approx. 7.00 acres in size.*
3. The temporary residence must meet setback requirements and all other provisions of this title. *Staff Comments: The location of the temporary residence will meet setback requirements as it met the setbacks in 2017; the manufactured home is located to the east of the existing dwelling. (A-3 Site Plan)*

C. Detached temporary dwelling units shall be located to the side or rear of a primary dwelling. No portion of the temporary dwelling unit shall be located in front of the primary dwelling unit. *Staff Comments: The temporary dwelling is to the east of the primary dwelling which is to the side of the existing residence. (A-3 Site Plan)*

D. At least one parking space shall be provided on site for the temporary dwelling unit in addition to the required parking for the existing residential unit. *Staff Comments: The Applicant's Site Plan indicates there is parking space in front of the temporary dwelling. (A-3 Site Plan)*



E. The temporary residence must obtain approval for water and sanitary facilities from the health authority. *Staff Comments: In 2017, a Temporary Second Dwelling CUP was approved at this location thus water and sanitary facilities were approved for the placement of the manufactured home. (A-3 Site Plan and A-5 2017 Building Permit)*

F. The application must include a current statement by a licensed physician attesting to the existing medical condition and need for assistance thereof. *Staff Comments: Included in each of the Commissioners packets is a letter from Dr. Brigham B. Redd, who supports this recommendation due to the future medical procedures of the Applicant. (A-6 Physician Letter – only in Commissioners Packets)*

G. The applicant must provide a statement that the temporary second dwelling will be removed upon termination of occupancy by either the dependent or care provider or is not in compliance with conditional use permit conditions. *Staff Comments: A letter, dated September 26, 2022, by the Applicant was provided stating that upon her recovery or death, she and/or her daughter, Michelle Larsen, agrees to remove the temporary mobile home from the property located at 940 N 1000 E. (A-2 Narrative).*

H. In the event the property is sold or leased, the conditional use permit is not transferable to the new owner(s) of the property.

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## CHAPTER 8 CONDITIONAL USE PERMIT

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### 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 Warranty Deed containing a legal description of the property was provided by the Applicant. (A-4 Deed)*

C. Description of existing use. *Staff Comments: the use existing use of the property is residential.*

D. Current zoning designation. *Staff Comments: the property is currently zoned "A" Agriculture (S-3 Zoning Map)*

E. Description of use being proposed. *Staff Comments: the proposed use of the property will remain residential as the Applicant is requesting a continued use of a previously issued temporary secondary dwelling on the property for medical purposes. (A-2 Narrative)*

F. A scaled site plan/drawing showing the location of the following: *Staff Comments: the Applicant provided a site plan which shows the location of the Second Dwelling approved in 2017 for the care of Michael Wellard (deceased). (A-3 Site Plan)*

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.
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.
  - 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 26, 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.

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**2018 BINGHAM COUNTY  
COMPREHENSIVE PLAN**

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**AGRICULTURAL AREA**

The “A” Area corresponds with the Agricultural Zone in the Zoning Ordinance and is established to protect agriculture land for growing agriculture crops and raising livestock. Some development of agricultural industries, agriculture service businesses, recreational facilities, natural resources and public service facilities may be permitted by right or conditional use when such uses do not adversely impact adjacent agriculture uses. The infiltration of residential development into this area will be limited to protect agricultural operations.

**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 Teresa Wellard, for a Conditional Use Permit allowing the continued use of a Temporary Secondary Dwelling on her property located at 940 N 1000 E, Shelley, Idaho, to allow Michelle Larsen to care for Teresa Wellard who will require medical assistance, as described in the application materials as supplemented with additional information in the staff report, in accordance with the requirements of Bingham County Code Title 10 “Zoning Regulations” and subject to all 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 Teresa Wellard, for a Conditional Use Permit allowing the continued use of a Temporary Secondary Dwelling on her property located at 940 N 1000 E, Shelley, Idaho, to allow Michelle Larsen to care for Teresa Wellard who will require medical assistance, as described in the application materials as supplemented with additional information in the staff report, in accordance with the requirements of Bingham County Code Title 10 “Zoning Regulations” and subject to all 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 Teresa Wellard, for a Conditional Use Permit allowing the continued use of a Temporary Secondary Dwelling on her property located at 940 N 1000 E, Shelley, Idaho, to allow Michelle Larsen to care for Teresa Wellard who will require medical assistance, as described in the application materials as supplemented with additional information in the staff report, in accordance with the requirements of Bingham County Code Title 10 “Zoning Regulations” and subject to all 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](mailto:ajackman@co.bingham.id.us)

File No. \_\_\_\_\_

3149

Date: \_\_\_\_\_

RECEIVED

SEP 26 2022

## APPLICATION FOR CONDITIONAL USE PERMIT

Applicant: <u>Teresa Wellard</u>	Phone: <u>208 589 1323</u>
Address: <u>940 N. 1000 E.</u>	City/Zip: <u>Shelley 83274</u>
Location: _____ (project location for application)	Email: <u>mtwellard@gmail.com</u>
Property Owner(s): <u>Teresa Wellard</u>	

### Location & Legal Description

15

Township

37E

Range

15

Section

Zoning: \_\_\_\_\_

Ag

Acreage: \_\_\_\_\_

7+

Parcel No. \_\_\_\_\_

RP 0507801

### 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 compatibility with other properties and uses in the area
- Evaluating effects of proposed Conditional Use on public facilities/utilities

application fee paid

### Application Fees:

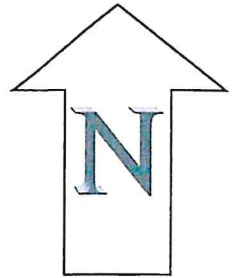
Application Fee	275
Deposit for Mailing & Publication	75
<b>Total=</b>	<b>350</b>

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.**

Please see attached  
Building Permit

Exhibit  
A-3  
Exhibit # 2



**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): Teresa Ann Wellard

9-16-2022  
Date

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

\_\_\_\_\_  
Date

Designated Representative: Michelle Larsen

**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: Teresa Ann Wellard

Date: 9-16-2022

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



September 26, 2022

Bingham County Planning and Zoning  
Blackfoot, ID 83221

Dear Planning and Zoning:

We are writing to you today to request and extension to an existing Conditional Use Permit #217197 or to apply for a new Medical Hardship Conditional Use Permit as the case may warrant.

I am respectfully requesting that my daughter be allowed to remain in the mobile home located adjacent to my home. The county had given us an address to this adjacent property in 1996 and there has been a mobile home in the said spot since that date. For whatever reason in 2017 we were required to obtain a medical hardship conditional use permit which was indeed granted to us in 2017. Ultimately, my husband succumbed to cancer last year. Unfortunately, the medical hardship is ongoing; the patient has changed from my husband to me. Losing the patriarch of this family has been devastating. The hardship of running the farm without him has brought us all to our knees.

As an elderly woman it appears my health is failing as well. It is so discouraging. Most recently with total joint replacement just this week and more joint replacement surgeries to follow as I can tolerate them.

It is the belief of this family that children are to care for their aging debilitated parents. That is what we are trying to accomplish here. I have always been self-sufficient and these orthopedic complications have been so very painful and so very disheartening. Having my daughter next door is beyond a comfort to me. She is seconds away should anything happen. I am so worried about falling and the she does the work of 2 men on the farm.

My daughter and I are very close. I count on her or her children for everything. Some days are somewhat fine with my health other days are I cannot get out of the house alone struggle.

Please allow my daughter to stay in her current location. As previously mentioned she has been there years and upon my recovery or death we will certainly move the mobile home.

Thank you.



Teresa Wellard

940 N 1000 E

Shelley, ID 83274

Exhibit  
A-2

Conditional Use Permit

Teresa Ann Wellard  
940 N 1000 E  
Shelley, ID 83274

208 589 1323

RP0507801 Township 15 Range 37 E Section 15

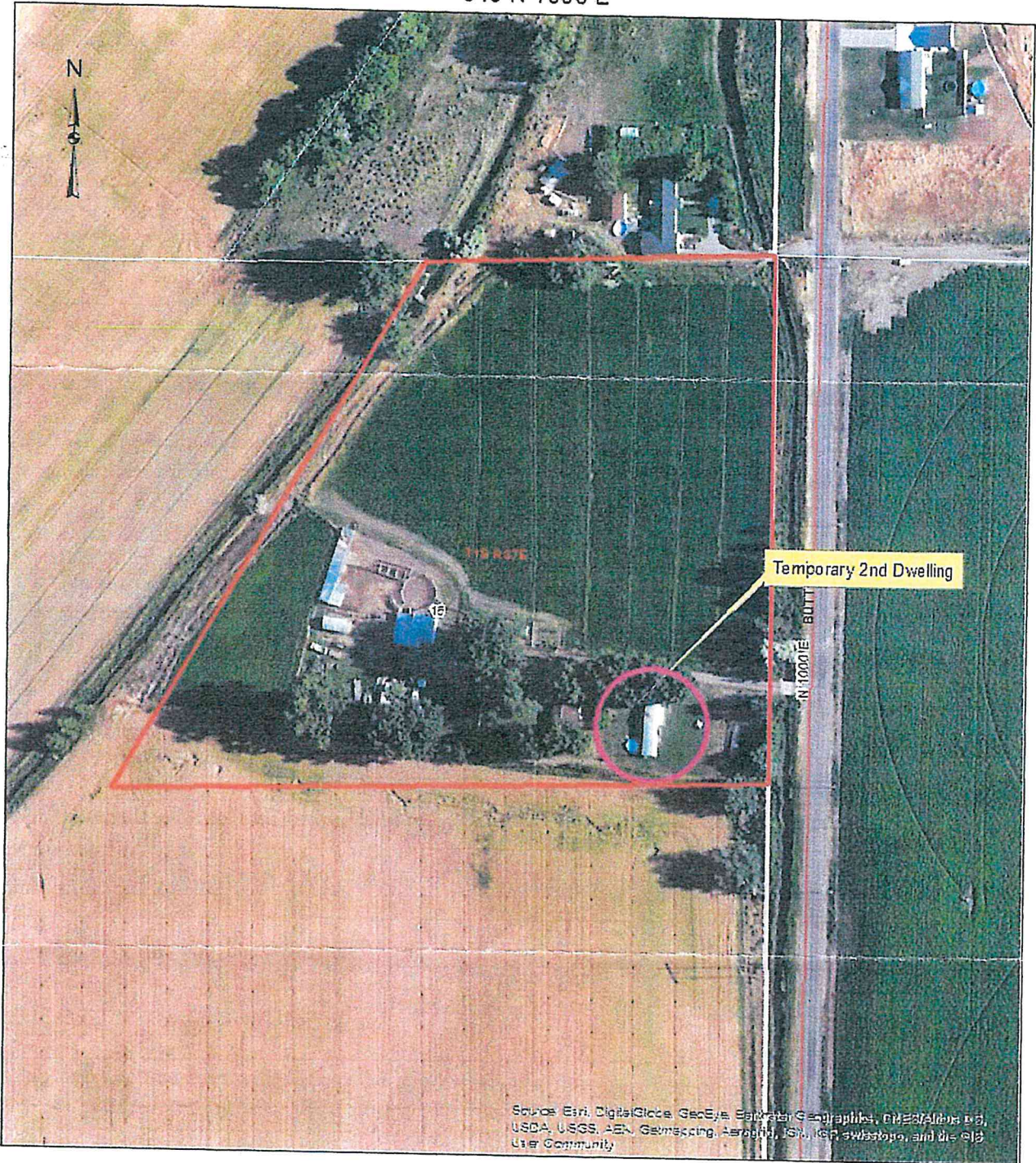
Existing mobile home in adjacent pasture  
Allow existing mobile home to stay in current location  
See attached Exhibit A-3

Anticipate no effects to adjoining properties  
No noise, odor, fumes or vibration

No radioactivity or electromagnetic disturbances



Teresa  
Michael & Susan Wellard  
940 N 1000 E



Legend

Name  
Michael & Teresa Wellard  
Eirgham Parcels  
Roads

Exhibit  
A-3



WARRANTY DEED

FOR VALUE RECEIVED, WILLIAM T. MATLOCK and HAZEL K. MATLOCK, husband and wife, of 4614 Park Adelfa, Calabasas, California, 91302, the "GRANTORS," do hereby grant, bargain, sell and convey unto MICHAEL DALLAS WELLARD and TERESA ANN WELLARD, husband and wife, the "GRANTEES," whose current address is 395 East Locust, Shelley, Idaho, 83274, the following described premises in Bingham County, Idaho:

Commencing at a point in a fence line on the West side of a County road, which point is East 5312.87 feet and South 2677.08 feet from the Northwest corner of Section 15, TWP 1 South, Range 37, E.B.M.; thence along said fence line South 630 feet; thence West 823 feet to the water line of the Snake River Valley Canal; thence Northeasterly along the East bank of said Snake River Valley Canal 659 feet to the quarter section line; thence East along the quarter section line 423 feet to the point of beginning, consisting of approximately six (6) acres more or less.

SUBJECT TO: Possible boundary line disputes and encroachments which may be disclosed by an accurate survey. Hence, the Buyers hereby agree to accept the land described above as is with all faults that an accurate survey would disclose, and further to hold harmless Sellers from such boundary line disputes.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances except taxes

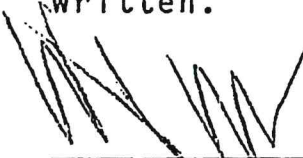
95 JUN 2 PM 4 33  
RECORDED AT THE REQUEST OF  
MICHAEL DALLAS WELLARD  
946 N. 1000 E.  
Shelley, ID.  
BINGHAM COUNTY RECORDER  
BLAKEFOOT, IDAHO  
FEE 9.00 DEP 2.00

Exhibit  
A-4

for the year 1987 and subsequent years, existing easements, the matters stated above, and easements, restrictions, and exceptions of record, and that they will warrant and defend the same from all other lawful claims whatsoever.

This deed is made and delivered into escrow to replace a prior warranty deed dated February 9, 1987, to implement and execute a real estate agreement dated February 4, 1987, in which the Grantors are the Sellers and the Grantees the Buyers, which earlier deed improperly described the length of the east side of the tract line hereby conveyed.

IN WITNESS WHEREOF, the said party of the first part was hereunto set its hand and seal the day and year first above written.

  
\_\_\_\_\_  
WILLIAM T. MATLOCK

6.28.89

  
\_\_\_\_\_  
HAZEL K. MATLOCK

6.28.89

STATE OF CALIFORNIA )  
County of Los Angeles ) ss

On this 28<sup>th</sup> day of June, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM T. MATLOCK and HAZEL K. MATLOCK, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that 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 above written.



(SEAL)

Joyce Ficks  
NOTARY PUBLIC FOR CALIFORNIA  
Residing at 6433 Topanga Canyon, Canoga Park  
My Commission Expires: 12/16/92

435166



Exhibit # 2

# Building Permit

Jurisdiction of BINGHAM COUNTY, Idaho

Contractor License No.

No: 217197

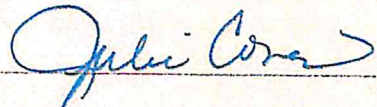
JOB ADDRESS		<b>940 N 1000 E</b>		<b>Shelley, ID 83274</b>		REQUIRED INSPECTIONS 24 Hour Notice (Date Inspected)		
LEGAL DESCRIPTION		Block <input type="checkbox"/>	Lot <input type="checkbox"/>	Tract <input type="text" value="T-7216"/>				<input type="checkbox"/> Concrete Footing
		Section <input type="text" value="15"/>	Township <input type="text" value="1S"/>	Range <input type="text" value="37E"/>				<input type="checkbox"/> Concrete Foundation
OWNER	<b>Wellard, Teresa</b>		2085891323					<input type="checkbox"/> Framing/Sheathing
CONTRACTOR	<b>Self</b>							<input type="checkbox"/> House Wrap/Flashing
ARCHITECT	<b>None</b>							<input type="checkbox"/> Mechanical
ENGINEER	<b>None</b>							<input type="checkbox"/> Insulation Inspection
SCOPE OF WORK	<b>1987 66 x 14' Nassau MH on blocks</b>							<input type="checkbox"/> Sheet Rock Inspection
		<i>* can be used after approval of C.U.P. for Medical Hardship on 10/11/2017</i>						<input checked="" type="checkbox"/> Final Inspection
SPECIAL CONDITIONS	<b>ZP#6107 75.00</b>		<b>Follow the 2004 Manufactured Home Standards</b>					<input checked="" type="checkbox"/> MH Inspection
TYPE OF CONSTRUCTION	<b>Type V</b>	USE ZON	<b>A</b>					
OCCUPANCY TYPE	<b>SFD</b>	FLOOD ZONE	<b>1</b>	PER <b>280</b>				
NO. OF UNITS	<b>1</b>	CONSTR. VALUE	<b>\$1,500</b>					
NO. OF STORIES	<b>1</b>	PERMIT FEE	<b>\$75.00</b>					
MAX OCCUPANCY LOAD		DATE PAID	<b>19-Sep-17</b>					
<b>NOTICE</b>		Parcel #	RP0507801					
<p>Separate permits are required for Electrical and Plumbing. Inspections are performed by State of Idaho Inspectors. Granting this permit does not give authority to violate local or state laws or ordinances. This permit becomes null and void if work or construction authorized herein is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.</p>								
Reviewed by Building Official				Approved by Zoning Administrator				
Issued by:				19-Sep-17				

Exhibit A-5

BINGHAM COUNTY PLANNING & ZONING COMMISSION

Regarding the Application of  
Michael & Teresa Wellard, 2<sup>nd</sup> Dwelling  
Conditional Use Permit  
located in an "A" Agriculture

FINDINGS OF FACTS AND  
CONCLUSIONS OF LAW

---

Requested Action: Michael & Teresa Wellard request a temporary second dwelling on their property located at approx. 940 N 1000 E in Shelley, in an "A" Agricultural Zone on approximately 8.96 acres.

Property Owner: Michael & Teresa Wellard

Applicant: Same as above

Representative: Teresa Wellard

Property Location/  
Legal Description: The property is located at 940 N 1000 E  
Township 1 South, Range 37 East, Section 15 Bingham County, Idaho.

Applicable Regulations: Bingham County Comprehensive Plan, Dated March 14, 2005  
Bingham County Zoning Ordinance 2012-08

Public Hearing Date: October 11, 2017

I GENERAL FINDINGS

1. Application filed by property owner(s) September 5, 2017
2. Notice of Planning and Zoning Commission hearing of October 11, 2017 was:
  - a. Published in the Morning News on September 8, 2017. (S-4 Affidavit of Publ.)
  - b. Sent to 5 property owners within 300' of this property on September 15, 2017. (S-2 Property Owners Notice)
  - c. Sent to 28 political subdivisions on September 5, 2017. (S-2 Memo to Public Agencies)
  - d. Posted on site and pictures taken September 26, 2017. (S-3 Property Posted)
  - e. The property is currently zoned "A" Agricultural (A-7 Zoning Map)
3. Testimony was not given to dispute that this was a legal public hearing.
4. The following was reviewed by the Commission:



- a. Application was filed.
- b. Staff Report;
- c. Testimony by the Applicant;
- d. Supporting testimony by the Audience was not presented;
- e. Opposing testimony by the Audience was not presented;
- f. Rebuttal was not offered by the applicant.

## II FINDINGS

1. The Planning and Zoning Commission finds the application met the requirements of Chapter 5.2 of the Bingham County Ordinance because a temporary 2<sup>nd</sup> dwelling is allowed under the Land Use Chart in an "A" Agricultural Zone with a Conditional Use Permit.
2. The Planning & zoning Commission finds that the application meet the requirements of 7.3.2 B as the parcel contains 7.0 acres
3. The Planning & Zoning Commission finds that the application met the requirements of 7.3.5 in the ordinance because as reported by the applicant, a septic system will be installed as per Health Department regulations.
4. The Planning & Zoning Commission finds that the application met the requirements of 7.3.6 in the Ordinance as a Doctor's letter was submitted by the Arthritis Specialty Center in Pocatello and marked as Exhibit T-6 in the file.
5. The Planning & Zoning Commission finds that the application met the requirements of Chapter 7.3.7 as the applicant agreed to remove the temporary structure in a timely manner upon termination of the current need.
6. The Planning and Zoning Commission finds the application met the requirements of Bingham County Ordinance Chapter 8.2 in the ordinance because the application was complete and included all items listed in 8.2.
7. The Planning and Zoning Commission finds the application met the requirements of Bingham County Ordinance Chapter 8.3 especially 8.3.1 through 8.3.4 as the 2<sup>nd</sup> dwelling will not be unduly hazardous or disturbing to existing uses.
8. The Planning and Zoning Commission finds the application met the requirements of Bingham County Ordinance Chapter 8.3.7 and 8.3.9 as access to the subject property has a proper approach and utilities are available.
9. The Planning and Zoning Commission finds the application met the requirements of Idaho Code §67-6512 because the public hearing was noticed in the official newspaper prior to the hearing, the public hearing notice was posted on the premises and notice was provided to all property owners within 300' the parcel under consideration.

## III DECISIONS AND CONDITIONS

### DECISION:

Upon a motion by Planning & Zoning Commissioner Glen Anderson , a second by Planning & Zoning Commissioner Chris Pratt and a unanimous vote to approve the Conditional Use Permit application for a temporary 2<sup>nd</sup> dwelling on the property of Michael & Teresa Wellard.



The Bingham County Planning and Zoning Commissioners hereby, approve the application for Michael & Teresa Wellard.

**CONDITIONS:**

The temporary second dwelling shall be removed upon termination of the current need. In the event the property is sold or leased, the Conditional Use Permit is not transferable to the new owners of the property as per Bingham County Ordinance 2012-08 Chapter 7.3.

**BINGHAM COUNTY ORDINANCES 2012-08:**

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**CHAPTER 4  
ZONING DISTRICTS**

---

**4.2 PURPOSE OF ZONES**

**4.2.2 Agricultural (A)**

The purpose of the "A" Zone is to preserve and protect the decreasing supply of agricultural land. This zone also is established to control the infiltration of urban development into agricultural areas which will adversely affect agricultural operations in order to:

- A. Allow productive agricultural land areas to be protected.
- B. Promote the public health, safety, and welfare by encouraging the protection of viable farm land, in accordance, with the comprehensive plan to encourage urban density development inside cities and in areas of city impact; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act." Idaho Code § 67-6501 et seq. as amended.
- C. Protect agricultural and range land uses and wildlife management areas from unreasonable adverse impacts from adjacent development.

---

**CHAPTER 5  
USE ZONE REGULATIONS**

---

**5.2 Official Schedule of District Regulations Adopted.**

A Temporary Second Dwelling is allowed in an "A" Agricultural Zone with a Conditional Use Permit application & its approval.

LISTED USE	A	A/NR	C-1	C-2	M-1	M-2	R	R/A
Dwelling-2 <sup>nd</sup> Temporary	C	C	N/A	N/A	N/A	N/A	C	C

**7.3 ADDITIONAL DWELLING UNIT – TEMPORARY**

7.3.2. Each lot, tract, or parcel of property, considered a buildable parcel, shall be allowed one additional temporary dwelling for a medical hardship; a Conditional Use Permit shall be required. The Conditional Use Permit shall be based on the following provisions:

- A. The owner of the real property shall be the applicant.
- B. The proposed location shall consist of a parcel with a minimum of two (2) acres unless otherwise approved by the Conditional Use Permit.
- C. The temporary residence must meet setback requirements and all other provisions of this Ordinance.

7.3.3. Detached temporary dwelling units shall be located to the side or rear of a primary dwelling. No portion of the temporary dwelling unit shall be located in front of the primary dwelling unit.

7.3.4 At least one parking space shall be provided on site for the temporary dwelling unit in addition to the required parking for the existing residential unit.

7.3.5 The temporary residence must obtain approval for water and sanitary facilities from the Health Authority.

7.3.6 The application must include a current statement by a licensed physician attesting to the existing medical condition and need for assistance thereof.

7.3.7 The applicant must provide a statement that the temporary second dwelling will be removed upon termination of occupancy by either the dependent or care provider or is not in compliance with Conditional Use Permit conditions.

7.3.8 In the event the property is sold or leased, the Conditional Use Permit is not transferable to the new owner(s) of the property.

---

**CHAPTER 8**  
**CONDITIONAL USE PERMIT**

---

**GENERAL**

- 8.1.1 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 ordinance in order to assure that the proposed use will be compatible with other conforming property and uses in the vicinity.
- 8.1.2 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 Ordinance.

**8.2 CONTENTS OF APPLICATION FOR A CONDITIONAL USE 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:

- 8.2.1 Name, address and phone number of applicant.
- 8.2.2 Legal description of the property.
- 8.2.3 Description of existing use.
- 8.2.4 Current Zoning Designation.
- 8.2.5 Description of use being proposed.
- 8.2.6 A scaled Site Plan/Drawing showing the location of the following:
- A. All buildings, parking and loading area.
  - B. Traffic access and traffic circulation.
  - C. Open spaces, landscaping, refuse and service areas.
  - D. Utilities, signs.
  - E. Any other information that may be required to determine if the proposed Conditional Use meets the requirements of this Ordinance,
  - F. 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.



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

1. Noise, odor, or vibrations, or direct or reflected glare detectable by the human senses without the aid of instruments.
2. Radioactivity and electric or electromagnetic disturbances that unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.
3. Any other emission or radiation that endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.

8.2.7 The appropriate filing fees.

### **8.3 REVIEW OF THE APPLICATION FOR A CONDITIONAL USE PERMIT**

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:


- 8.3.1 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.
- 8.3.2 Be in accordance with the general objectives or with any specific objection of the Comprehensive Plan and/or this Ordinance.
- 8.3.3 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.
- 8.3.4 Will 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.
- 8.3.5 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.

- 8.3.6 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.
- 8.3.7 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.
- 8.3.8 Not result in the destruction, loss or damage to a scenic or historic feature of major importance.
- 8.3.9 If applicable, adequate water, sewer, irrigation, drainage and storm water drainage facilities, and utility systems are to be provided to accommodate said use.
- 8.3.10 If the literal enforcement of the provisions herein contained would result in unnecessary hardship, the Commission may consider exceptions to non-conforming uses as permitted in Section 10.

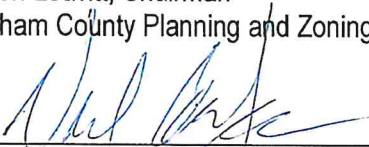
**IDAHO STATE CODE § 67-6512**

The Planning & Zoning Commission finds the application meets the requirements of Idaho Code §67-6512b 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.

The applicant and audience were notified there is a ten-day time period ending on **October 23, 2017** in which an appeal could be filed with the Bingham County Board of Commissioners to review the action of the Planning and Zoning Commission.

  
 \_\_\_\_\_  
 Darren Leavitt, Chairman  
 Bingham County Planning and Zoning Commission

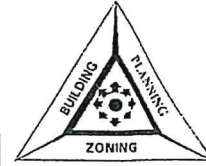
10/17/17  
 Date

  
 \_\_\_\_\_  
 Allen Jensen, P&Z Administrator

10/19/17  
 Date



## Bingham County Planning & Zoning Meeting October 11, 2017



Board Members Present	Board Members Not Present
Darren Leavitt, Chairman	David Adams
Chris Pratt, Vice Chairman	William Aullman
Glenn Andersen	Kelly Hoskins
David McKinnon	
David Tanner Jr	
Quinn Twiggs	

### Other Attendees

Alan Jensen, Planning & Zoning Administrator  
Leigh Ann Davis, Assistant Zoning Administrator  
Lisa J Tornabene, Secretary

### A. CALL PUBLIC HEARING TO ORDER

The subject meeting was held in Courtroom #1 of the Bingham County Courthouse. Chairman Leavitt called the meeting to order at 7:00 PM, led attendees in the Pledge of Allegiance and presented an overview of the standard procedures and protocol. This is a legal public hearing and is recorded.

**OLD BUSINESS:** None

### CURRENT BUSINESS

**B: Staff Report** – Administrator Jensen, provided an overview of the first agenda item, **RANDY & KAREN REED – CONDITIONAL USE PERMIT** and summarized the information as found in the Staff Report of the Information Packet. The application was received August 28, 2017 and deemed complete and scheduled for hearing on October 11, 2017. Mr. & Mrs. Reed are requesting permission to create a commercial butterfly house for the public's enjoyment and the education about the essential role of butterflies. Their 2.37 acre property is zoned Agricultural (A) and located at approximately 1462 West 200 South.

The purpose of this discussion is for the Planning & Zoning Commissioners to review available information and to evaluate if this application meets Code requirements. This is a Commission decision, and the commission may approve, disapprove or approve with conditions.

### Applicant Testimony

#### Karen Reed and Randy Reed

Mrs. Reed explained that they have vacant greenhouse space that they want to utilize to construct and maintain a butterfly garden, with plans to open it to the public. Agricultural products will still be grown in the greenhouse, with the addition of water features and plants appropriate to raising butterflies that are indigenous to this area. Entry to the greenhouse will be through the gift shop; water and restroom facilities will be available. There are plans for adequate parking adjacent to the subject greenhouse.

**Support:** None

**Neutral:** None

**Opposition:** None

Exhibit  
A-7



Commissioner Twiggs motioned that the CUP requesting approval for construction of a butterfly facility, as stated in the application, be approved, Commissioner Andersen seconded; all were in favor, motion carried.

**C: Staff Report** – Administrator Jensen, provided an overview of the second agenda item, **KEVIN & SUSAN CALDWELL – CONDITIONAL USE PERMIT** and summarized the information as found in the Staff Report of the Information Packet. The application was received August 30, 2017 and deemed complete and scheduled for hearing on October 11, 2017. Mr. & Mrs. Caldwell are requesting the transfer of three (3) division rights from a 2.1 acre parcel that they own at approximately 911 West 200 North in a Residential/Agriculture (R/A) Zone. Receiving parcels are 11.1 acres and 16.3 acres in size and located at approximately 223 South 900 West in an Agriculture (A) Zone. One division right is planned for the 11.1-acre parcel, and two division rights are planned for the 16.3-acre parcel.

The purpose of this discussion is for the Planning & Zoning Commissioners to review available information and to evaluate if this application meets Code requirements. This is a Commission decision, and the commission may approve, disapprove or approve with conditions.

#### **Applicant Testimony**

##### **Susan Caldwell and Kevin Caldwell**

Mr. and Mrs. Caldwell explained that they plan to farm the granting parcel, and request to move the division rights so that they will be able to build a smaller home for themselves at some point in the future, and sell their larger home to one of their children. Moving these division rights, will allow them to do so.

**Support:** None

**Neutral:** None

**Opposition:** None

Commissioners had a short discussion regarding the appropriateness of moving the division rights from an RA Zone to an A Zone, but overall felt comfortable with it in this specific situation, as it fits with the surrounding area.

Commissioner McKinnon motioned that the CUP requesting the transfer of three (3) division right, as stated in the application, be approved, Commissioner Andersen seconded; four Commissioners were in favor, one was opposed, motion carried.

**D: Staff Report** – Administrator Jensen, provided an overview of the third agenda item, **MICHAEL & TERESA WELLARD – CONDITIONAL USE PERMIT** and summarized the information as found in the Staff Report of the Information Packet. The application was received September 5, 2017 and deemed complete and scheduled for hearing on October 11, 2017. Mr. & Mrs. Wellard are requesting a CUP to install a temporary second dwelling on their property located on approximately 7 acres in an Agricultural (A) Zone at 940 North 1000 East in Shelley, ID.

The purpose of this discussion is for the Planning & Zoning Commissioners to review available information and to evaluate if this application meets Code requirements. This is a Commission decision, and the commission may approve, disapprove or approve with conditions.

#### **Applicant Testimony**

##### **Teresa Wellard**

Mrs. Wellard is requesting permission for a temporary dwelling to be placed on her property. Her daughter and her family will occupy this temporary dwelling, so that she is nearby and able to care for her father, Mr. Wellard, who suffers from a chronic medical condition. Plans are for a separate septic and a shared well.

Commissioners asked clarifying questions of the applicant.

**Support:** None  
**Neutral:** None  
**Opposition:** None

Commissioner Andersen motioned that the CUP requesting approval for a second, temporary dwelling to be placed on their property, as stated in the application, be approved, Commissioner Pratt seconded; all were in favor, motion carried.

**H. REVIEW / APPROVE MEETING MINUTES FROM SEPTEMBER 13, 2017:** Commissioner Pratt motioned to accept the minutes from the September 13, 2017 meeting as written, Commissioner McKinnon seconded; all were in favor, motion carried.

**I. ADMINISTRATORS REPORT – Alan Jensen**

Administrator Jensen welcomed a new board member, David Tanner, Jr. In addition, the comprehensive plan was discussed.

Commissioner Twiggs motioned to adjourn the meeting, Commissioner McKinnon seconded; all were in favor; meeting was adjourned at 8:37 PM.

Submitted by:

  
\_\_\_\_\_  
Lisa J Tornabene, Secretary  
Planning & Zoning

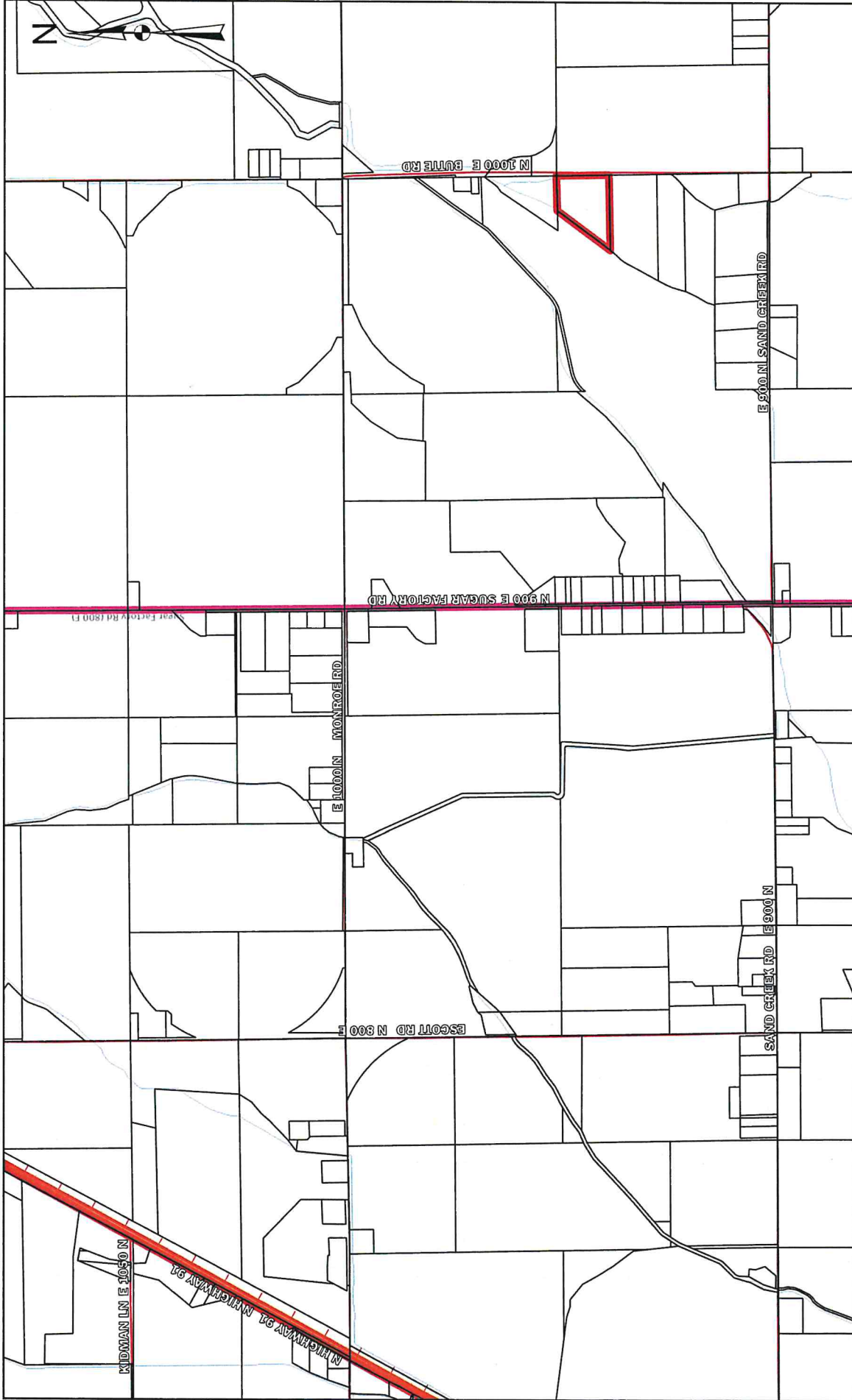
11/8/2017  
Date

Approved by:

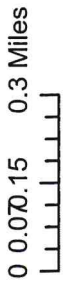
  
\_\_\_\_\_  
Darren Leavitt, Chairman  
Planning & Zoning Commission

11/8/17  
Date






# TERESA WELLARD 2ND TEMPORARY DWELLING CUP - PARCEL MAP



**EXHIBIT  
S-2**



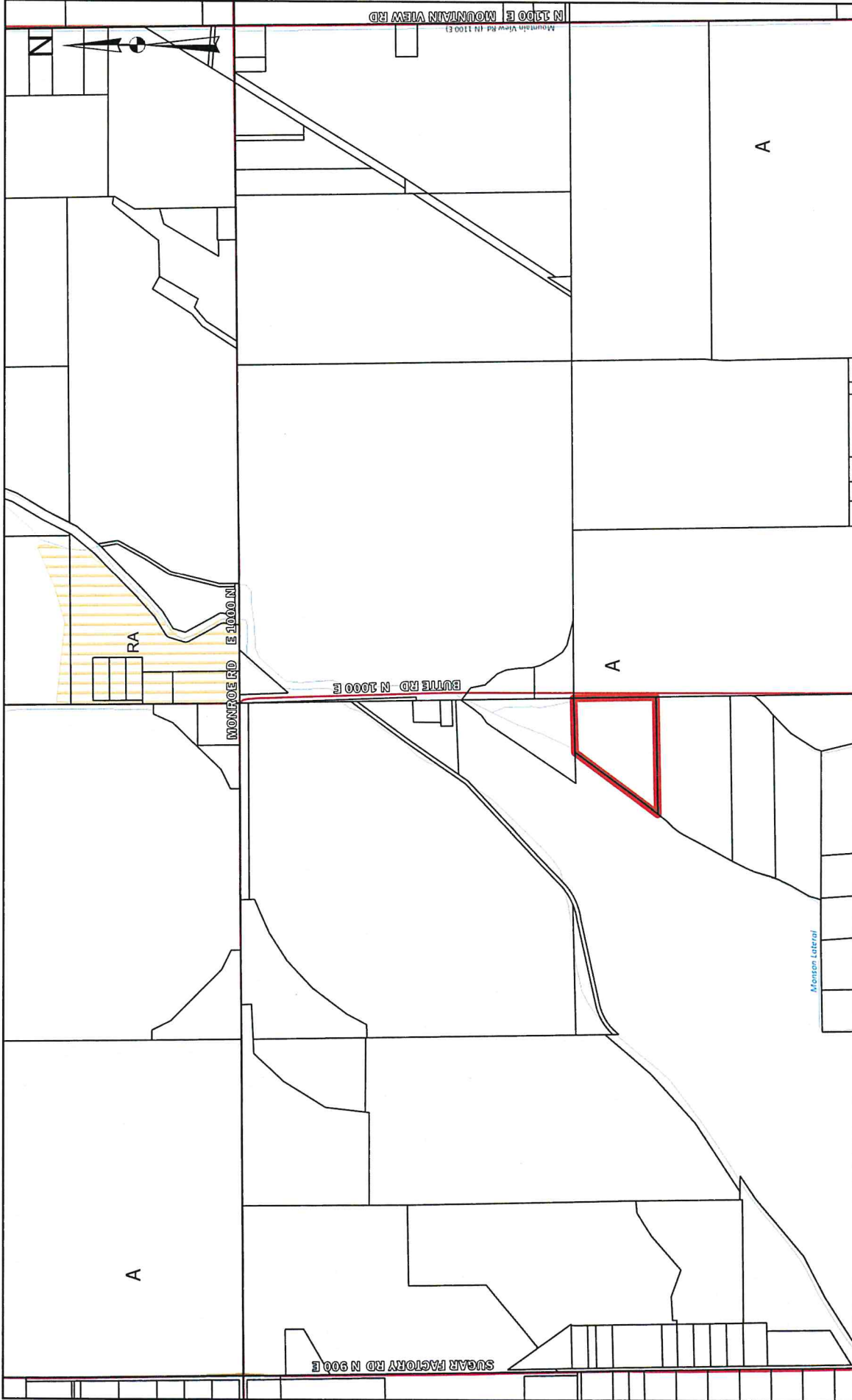
## LEGEND

-  Wellard - CUP
-  Principal Arterial 100' ROW
-  Major Collector 70' ROW
-  Parcels
-  Roads





# TERESA WELLARD 2ND TEMPORARY DWELLING CUP - ZONING MAP



**EXHIBIT S-3**

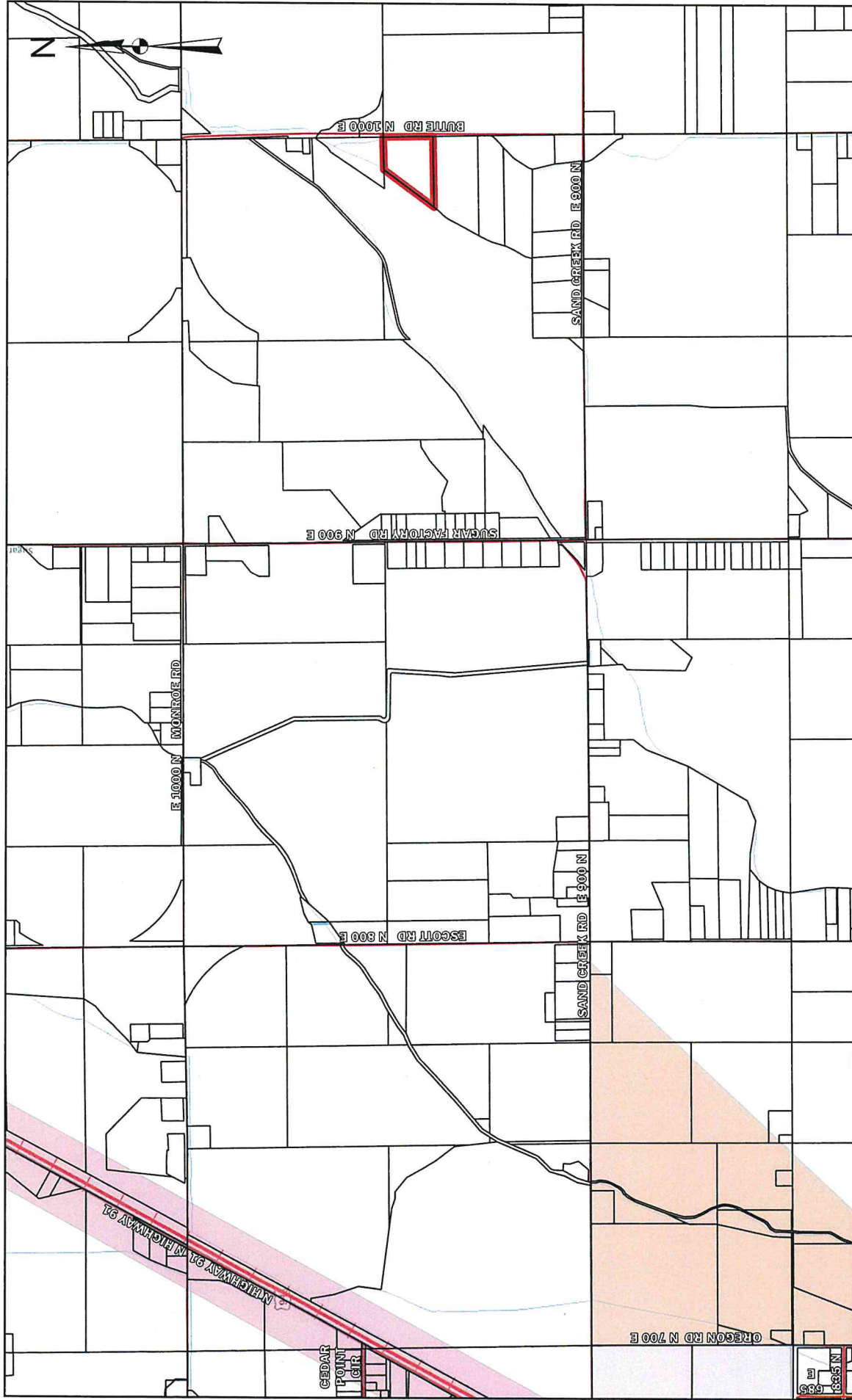


## LEGEND

- Wellard - CUP
- Parcels
- Roads
- A - Agriculture
- RA - Residential/Agriculture



# TERESA WELLARD 2ND TEMPORARY DWELLING CUP - COMPREHENSIVE PLAN MAP



## LEGEND

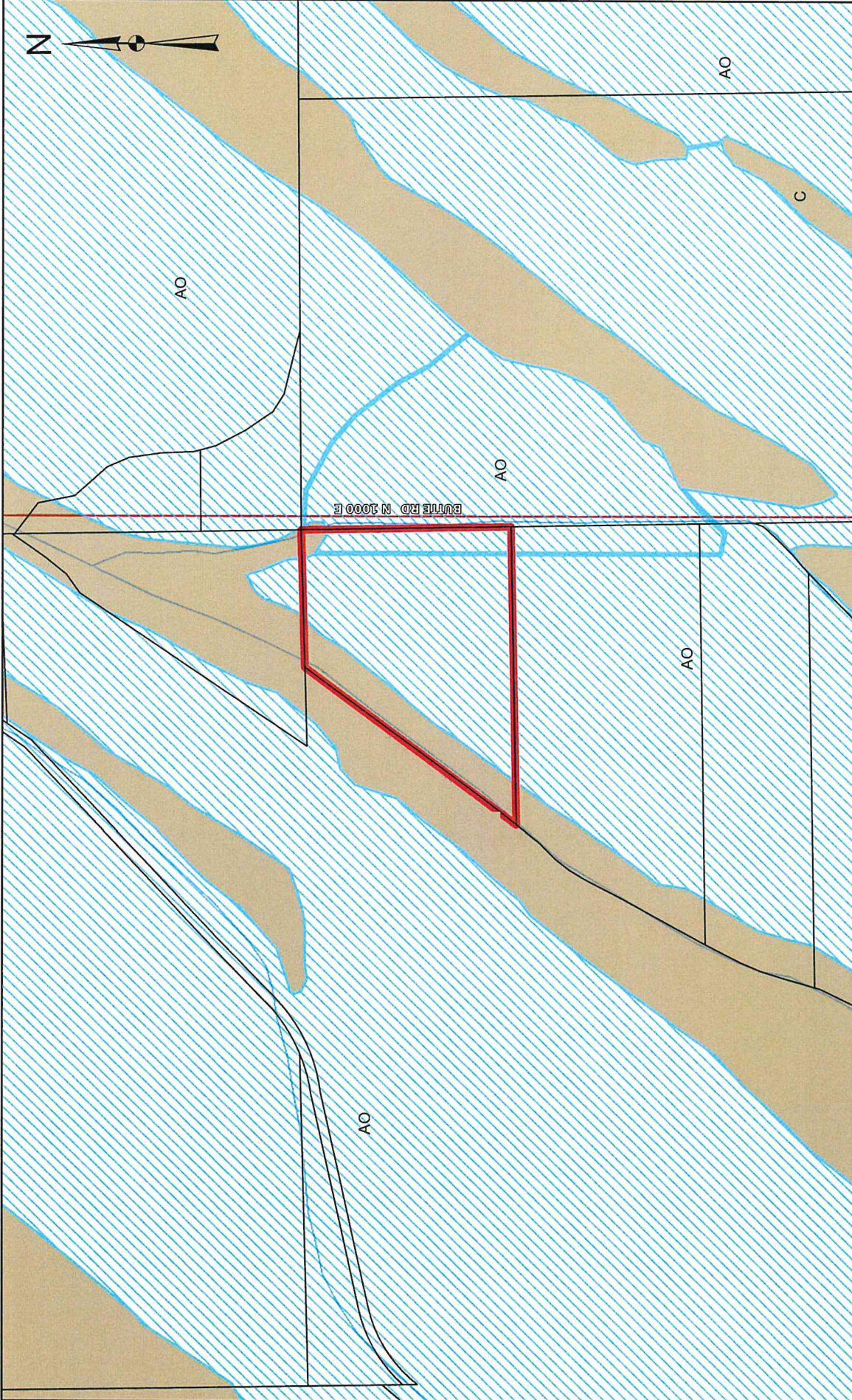
- Wellard - CUP
- Industrial/Commercial
- Parcels
- Roads
- Multi\_Use
- Natural Resource Area/Agriculture
- Residential/Residential Agriculture

**EXHIBIT S-4**





TERESA WELLARD 2ND TEMPORARY DWELLING CUP - FLOOD PLAIN MAP



**EXHIBIT  
S-5**



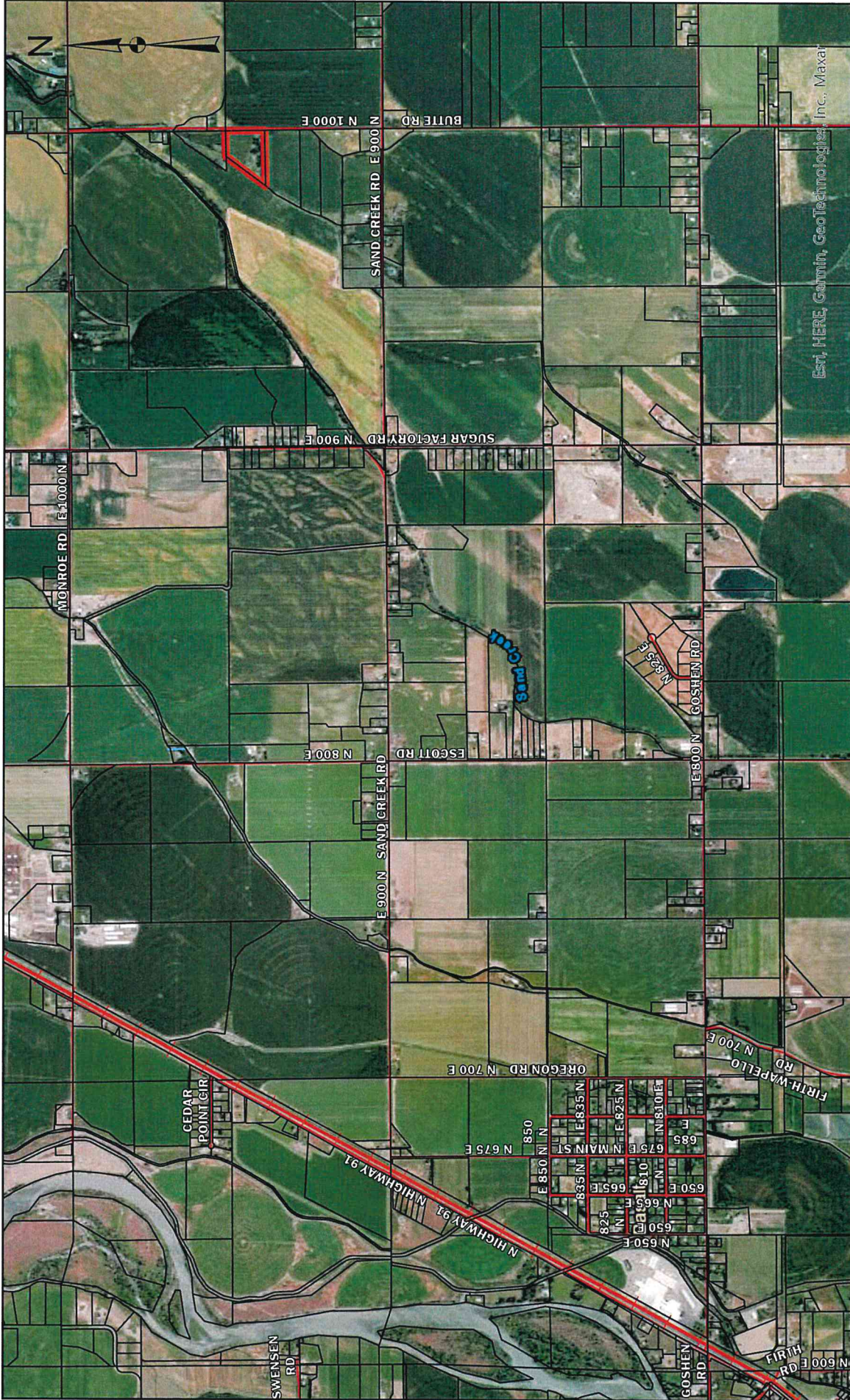
**LEGEND**

- Wellard - CUP
- Parcels
- Roads
- A; AE; AH; AO - In
- X - Out





# TERESA WELLARD 2ND TEMPORARY DWELLING CUP - AERIAL MAP



## EXHIBIT S-6



### LEGEND

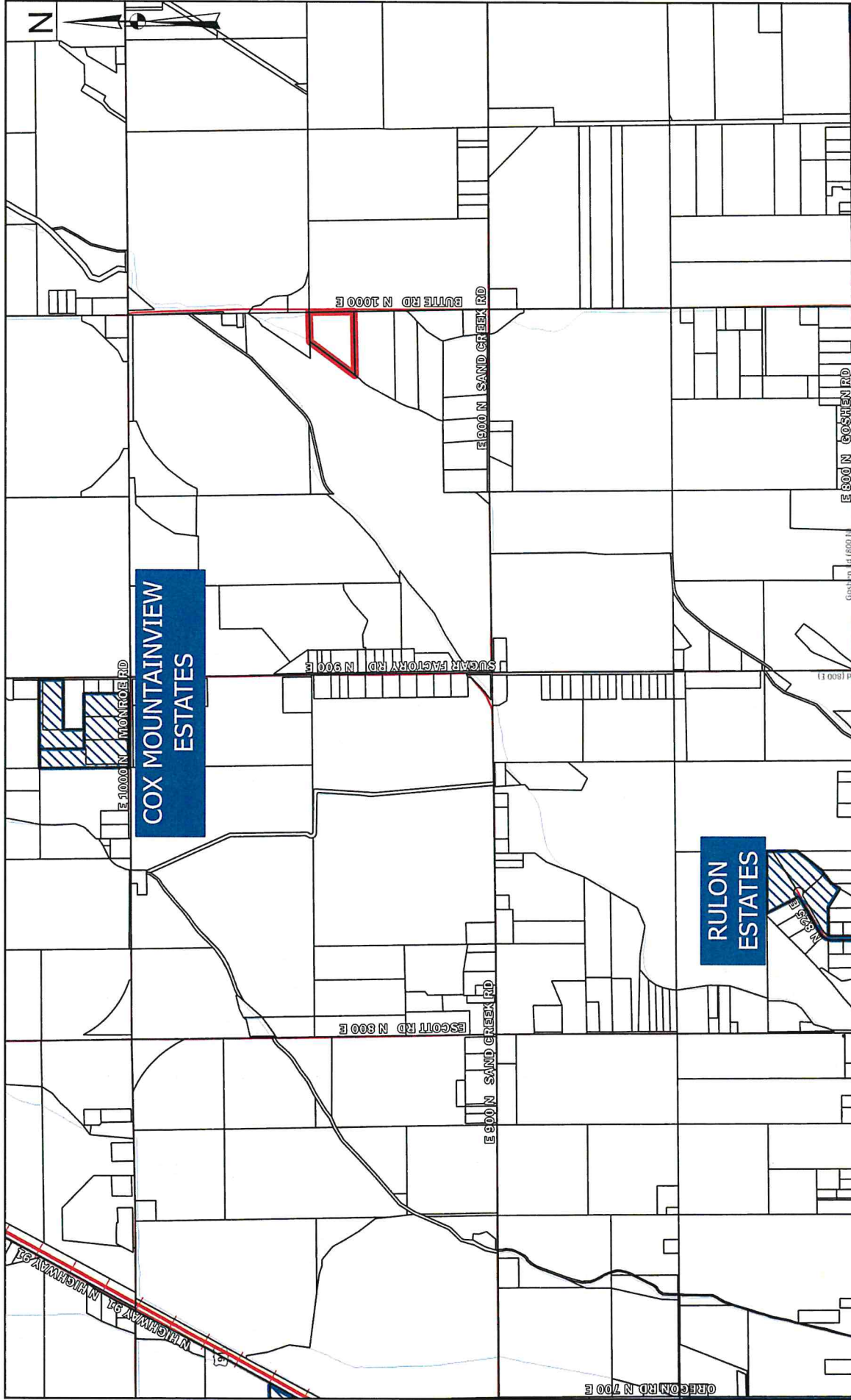
-  Wellard - CUP
-  Parcels
-  Roads



Esti. HERE, Gamin, GeoTechnologies Inc., Maxat



TERESA WELLARD 2ND TEMPORARY DWELLING CUP - SUBDIVISION MAP



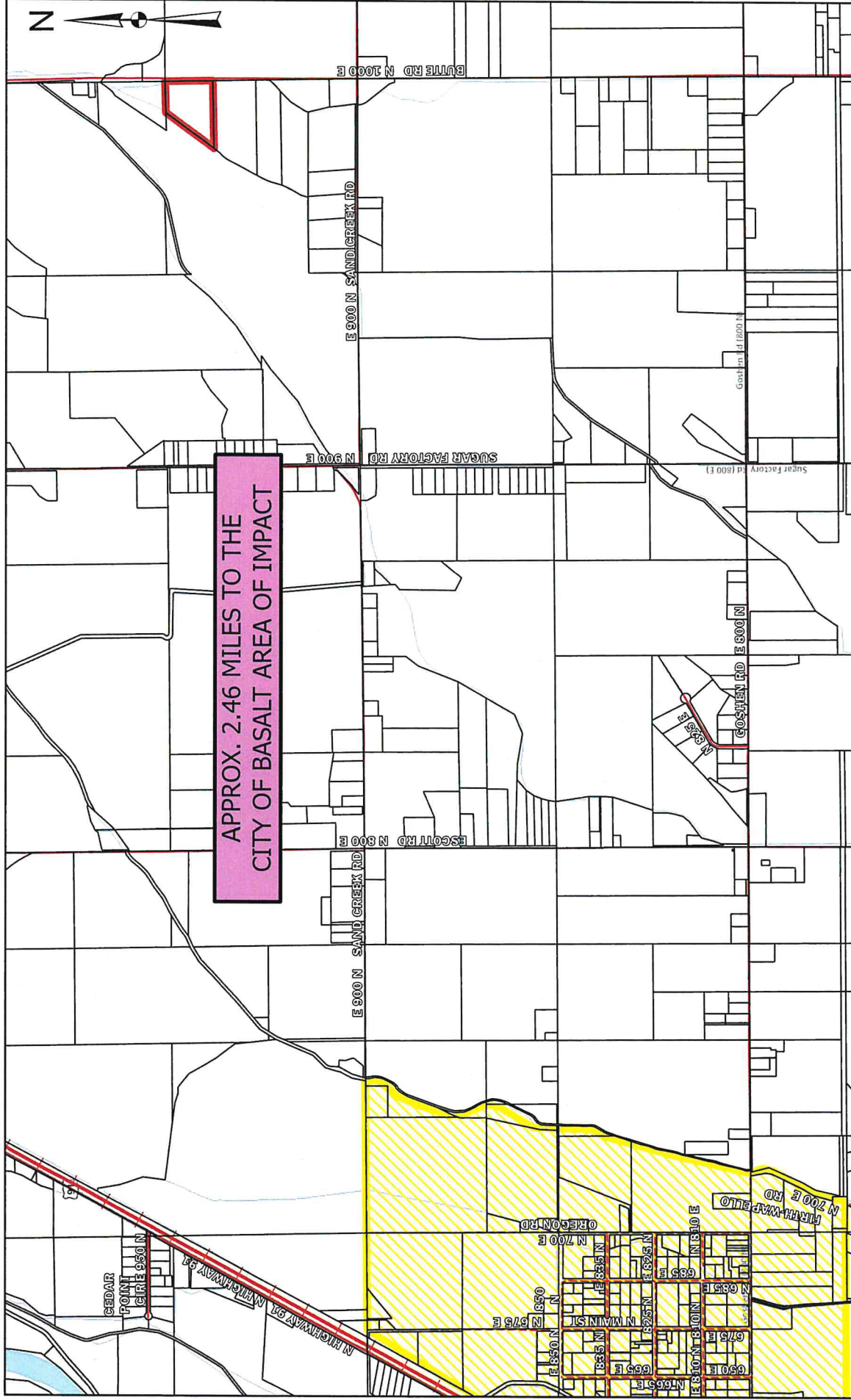
LEGEND

- Wellard - CUP (Red outline)
- Parcels (Thin black line)
- Roads (Thin red line)
- Subdivisions (Blue hatched area)

**EXHIBIT S-7**



TERESA WELLARD 2ND TEMPORARY DWELLING CUP - AREA OF IMPACT MAP



LEGEND

- Wellard - CUP
- Parcels
- Roads
- Impact Area

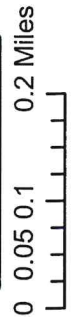








TERESA WELLARD 2ND TEMPORARY DWELLING CUP - SCHOOL DISTRICT MAP



**EXHIBIT  
S-9**



**LEGEND**

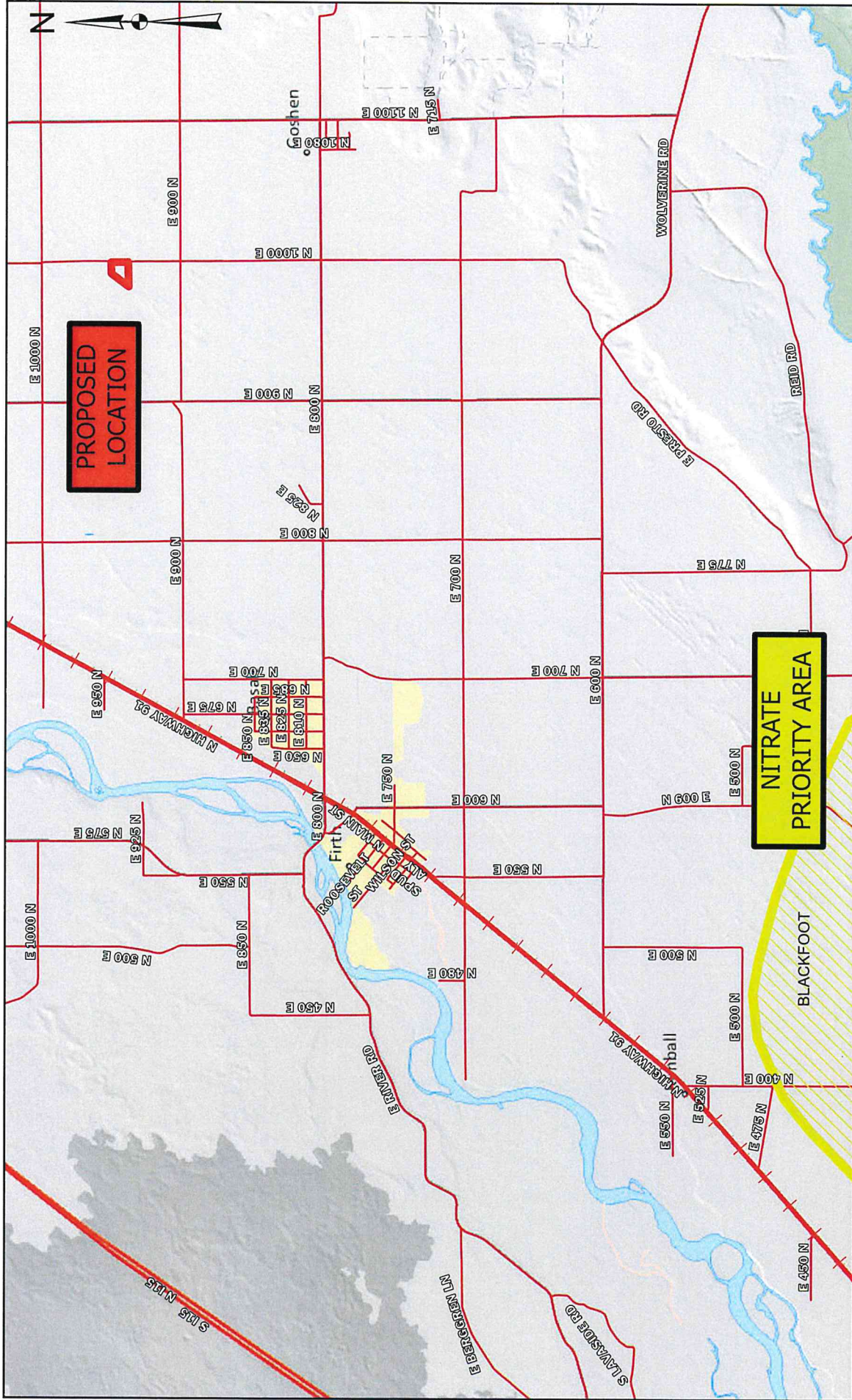
-  Wellard - CUP
-  Firth School District
-  Parcels
-  Roads







# TERESA WELLARD 2ND TEMPORARY DWELLING CUP - NITRATE PRIORITY AREA MAP



**EXHIBIT S-11**



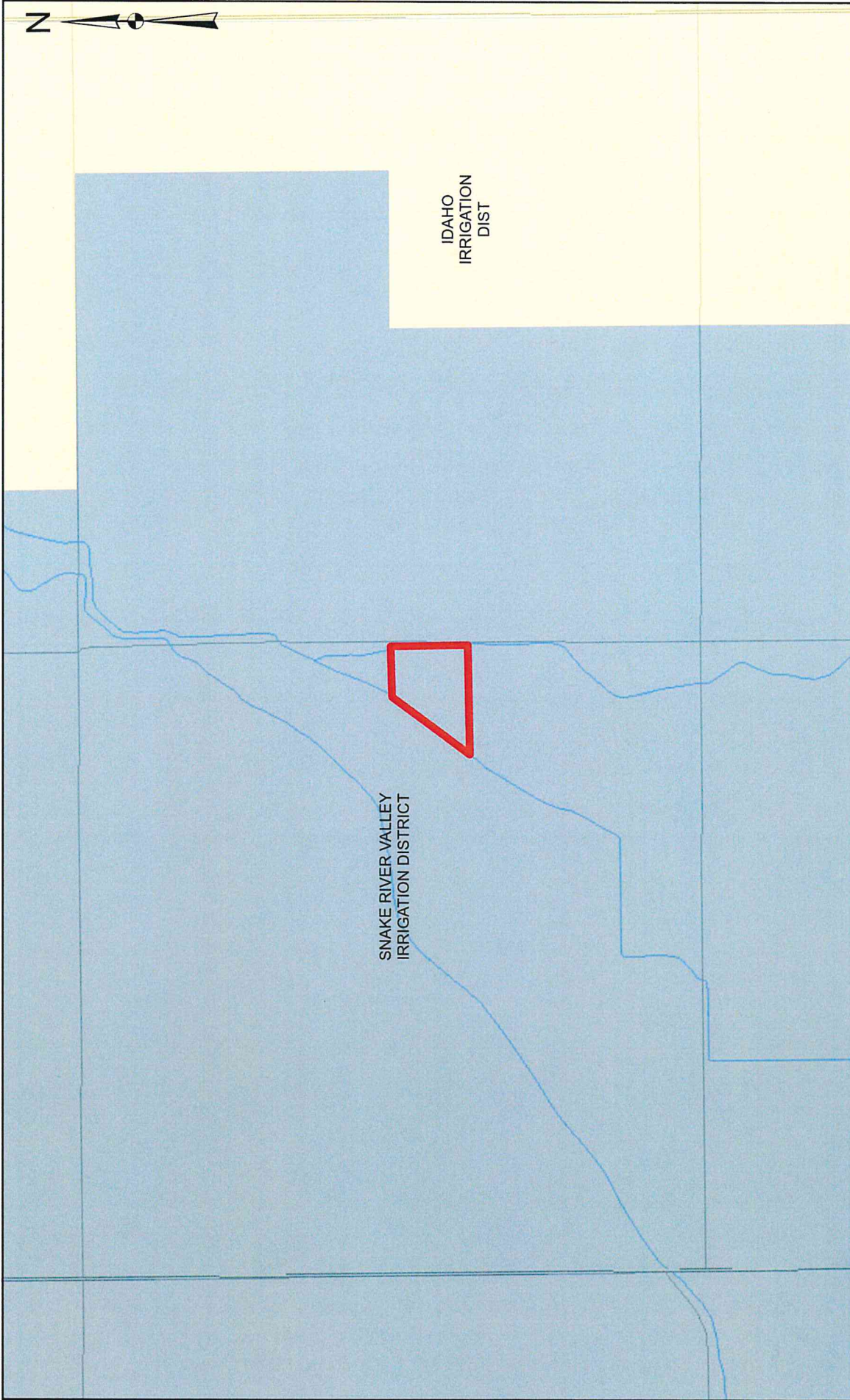
## LEGEND

-  Wellard - CUP
-  Parcels
-  Roads
-  Nitrate\_Priority\_Areas








TERESA WELLARD 2ND TEMPORARY DWELLING CUP - IRRIGATION PROVIDER MAP



**EXHIBIT**  
**S-12**



**LEGEND**

-  Wellard - CUP
-  Parcels
-  Roads







Approx. Proposed Location

Highway 91

900 N Sand Creek Rd.

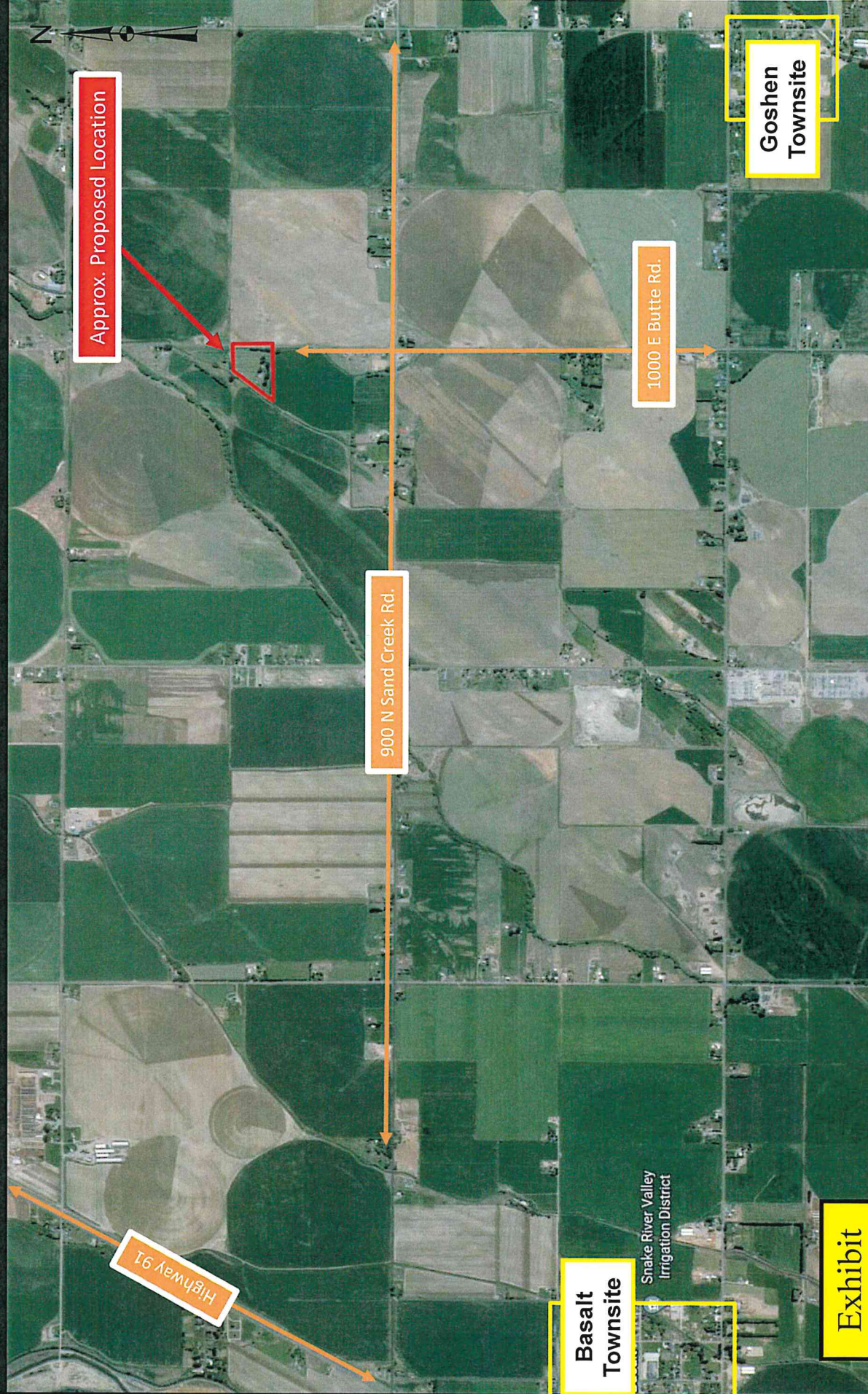
1000 E Butte Rd.

Snake River Valley  
Irrigation District

Goshen  
Townsite

Basalt  
Townsite

Exhibit  
S-13





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. 3149 at the following location(s):

**Approx. Location: 940 N 1000 E, Shelley, ID 83274, Parcel No. RP0507801, Township 1S, Range 37E, Section 15, consisting of approx. 7 acres**



*Addie Jo Harris*

Addie Jo Harris  
Assistant Director/Lead Planner

Exhibit  
S-14





Existing Home

2<sup>nd</sup> Dwelling Location

Existing Home and 2<sup>nd</sup> Temporary Dwelling

Exhibit S-15

10.24.2022





# Facing West on 1000 E Butte Rd.

1000 E Butte Rd.

Exhibit  
S-15

10.24.2022



# Facing North on 1000 E Butte Rd.

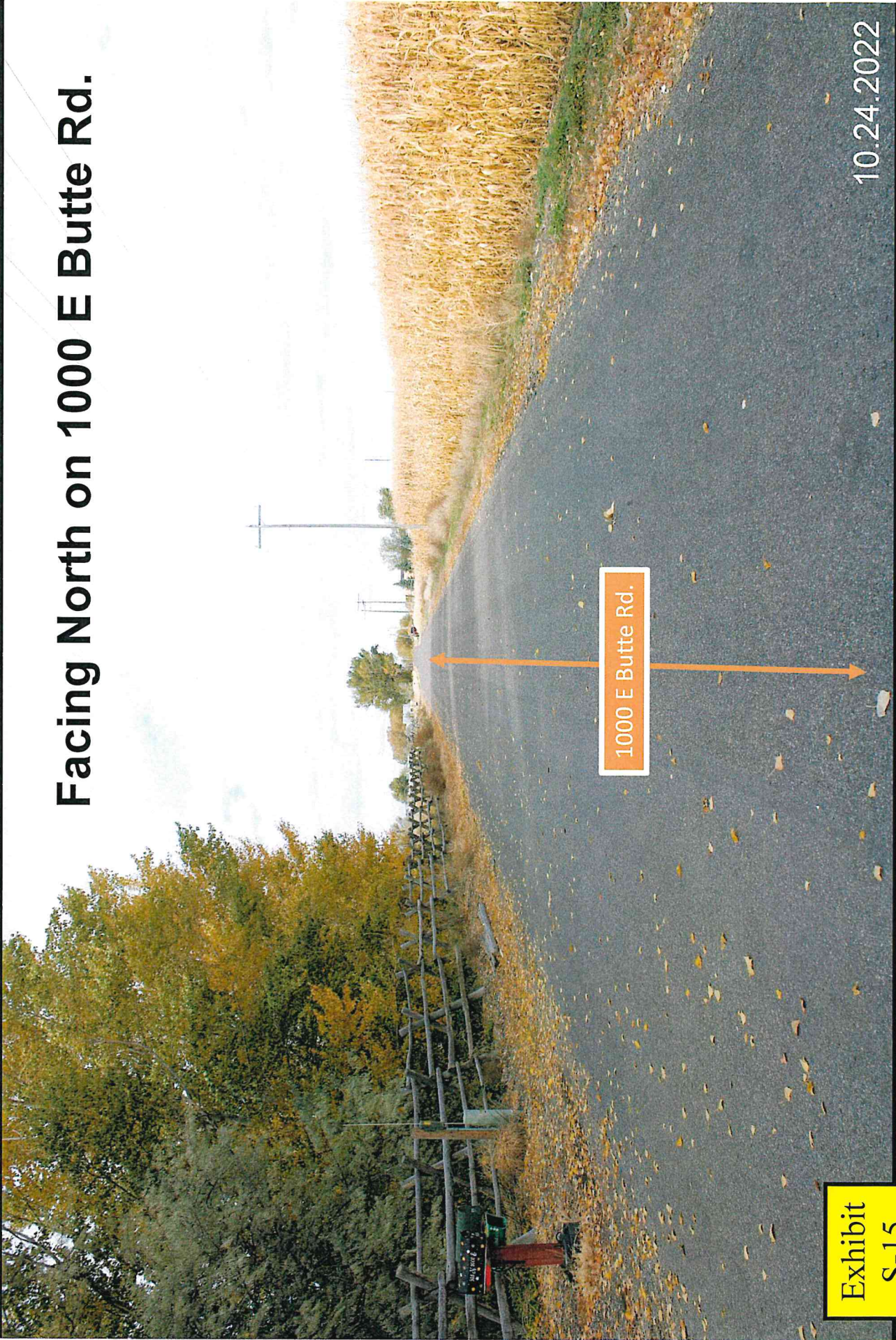
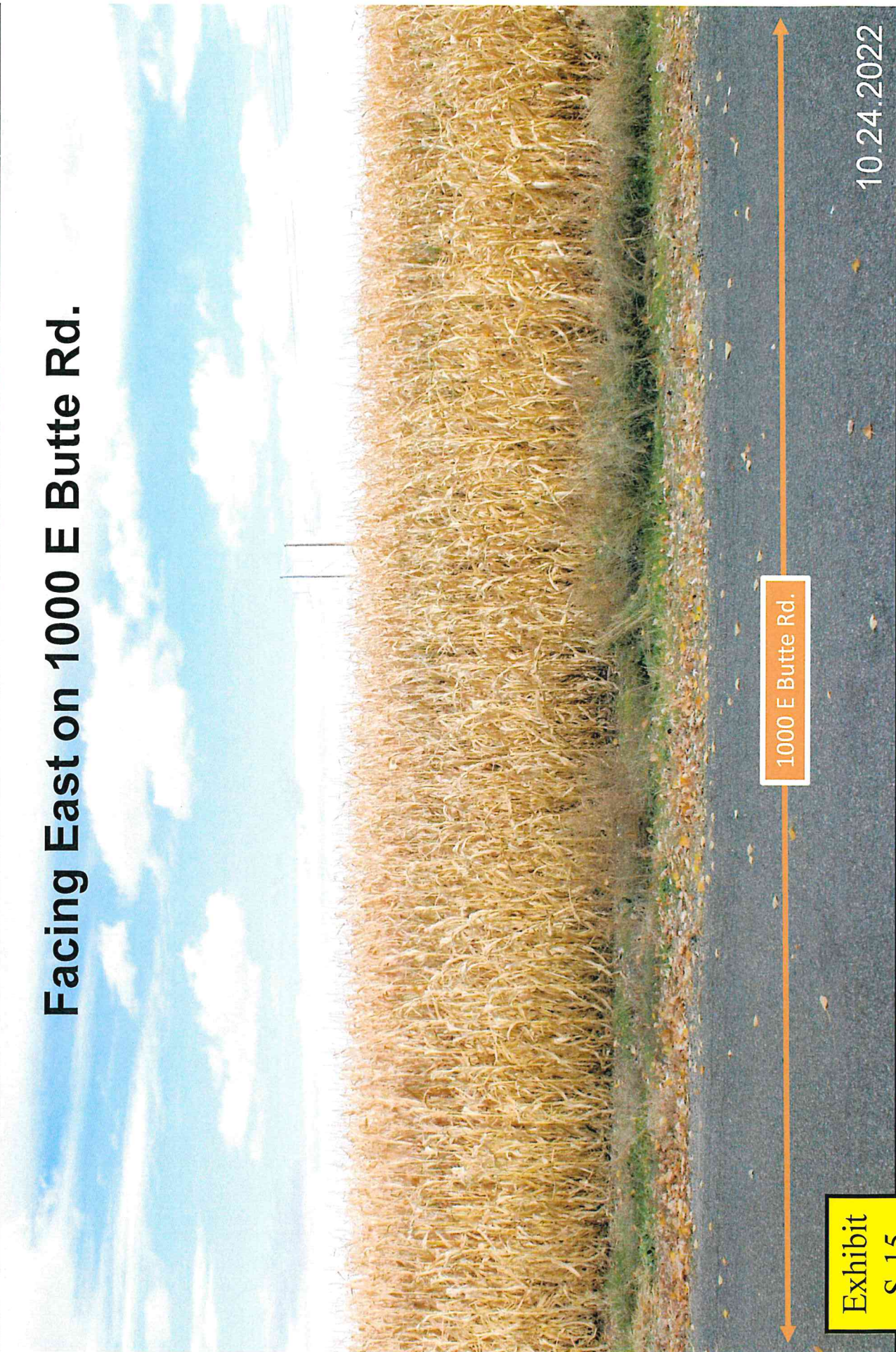


Exhibit  
S-15

10.24.2022



# Facing East on 1000 E Butte Rd.



1000 E Butte Rd.

Exhibit  
S-15

10.24.2022



# Facing South on 1000 E Butte Rd.

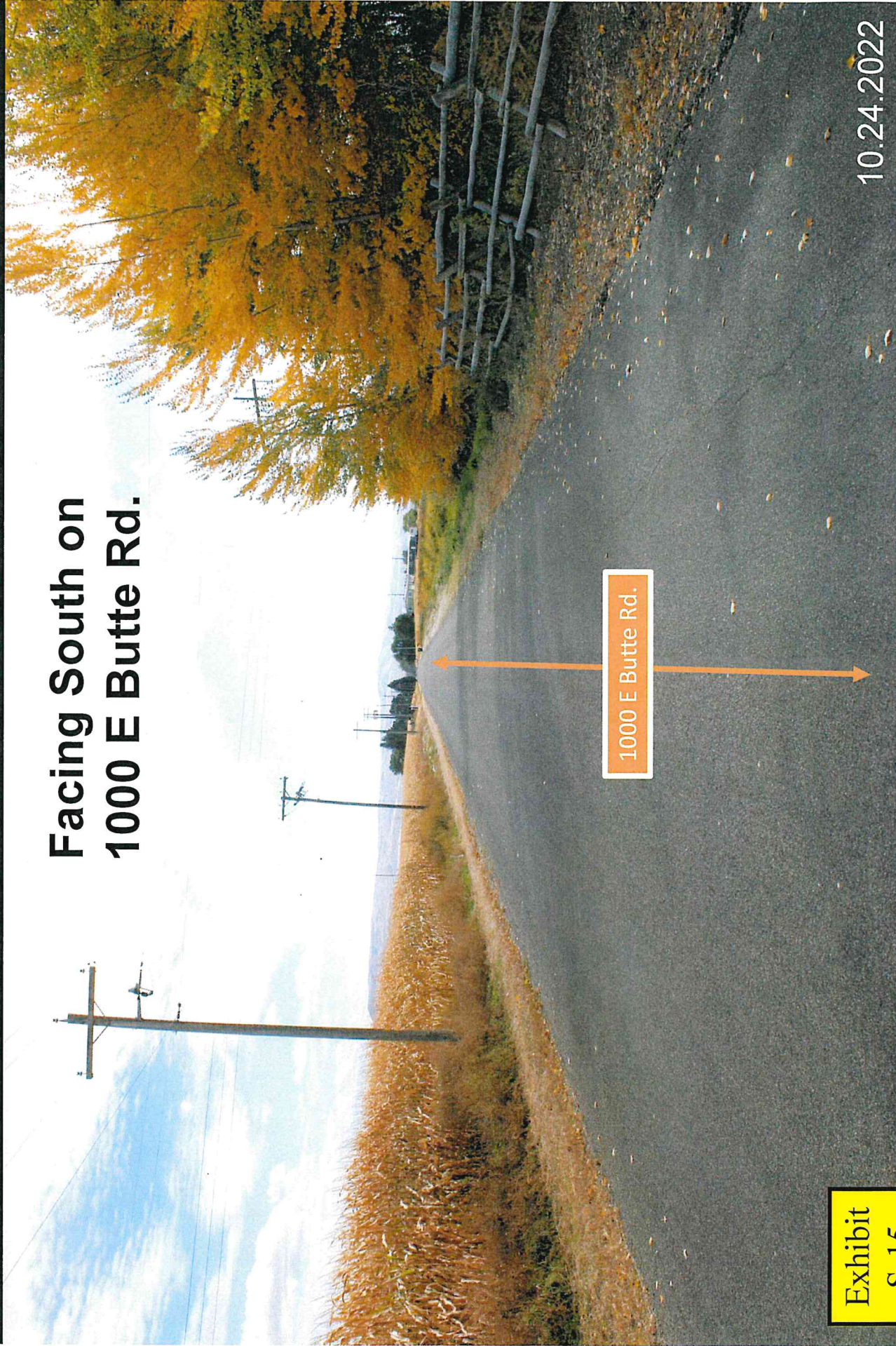


Exhibit  
S-15

10.24.2022

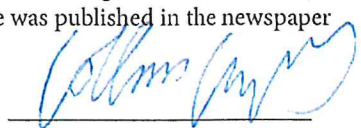


# PROOF OF PUBLICATION Bingham News Chronicle

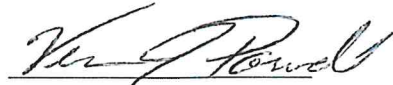
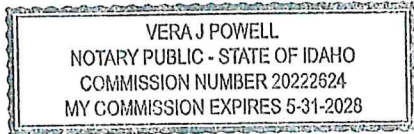
State of Idaho  
County of Bingham

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 \_\_\_\_\_

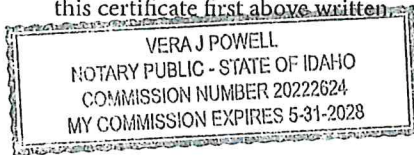
STATE OF IDAHO

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](http://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](mailto: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)

## Firth and Shelley 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
Bureau of Land Management		1405 Hollipark Dr	Idaho Falls	ID	83401
Bureau of Land Management	Land & Reality	4350 S. Cliffs Dr.	Pocatello	ID	83204
Bureau of Reclamation	Laura Crandall	470 22nd Street	Heyburn	ID	83336
City of Firth	Mayor/City Council	P.O. Box 37	Firth	ID	83236
City of Shelley	Mayor/City Council	101 E. Emerson	Shelley	ID	83274
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 Regional Waste Water Authority	Scott Barry	618 E 1250 N	Shelley	ID	83274
Eastern Idaho Water Company		279 N 400 E	Blackfoot	ID	83221
Firth Post Office	Postmaster	323 N Main	Firth	ID	83274
Firth School District	Superintendent	319 Lincoln	Firth	ID	83236
Firth/Shelley Fire District	Randy Adams	924 E 1400 N	Shelley	ID	83236
Fish & Game	Becky Johnson	1345 Barton Rd	Pocatello	ID	83204
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 Irrigation District		496 E. 14th Street	Idaho Falls	ID	83404
Intermountain Gas Co	Pocatello Marketing	12584 N Tyhee Rd.	Pocatello	ID	83202
New Lavaside Canal	Von Cornelison	66 E. River Road	Blackfoot	ID	83221
New Sweden Irrigation		2350 W 17th S	Idaho Falls	ID	83402
People's Canal & Irrigation		1050 W. Hwy 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
Rocky Mountain Power	Bill Brabec	852 E. 1400 N.	Shelley	ID	83274
Shelley Post Office	Postmaster	244 W Pine	Shelley	ID	83274

**Exhibit  
S-17**



## Firth and Shelley Government Agency Notice

Shelley School District	Superintendent	545 Seminary Ave	Shelley	ID	83274
Shoshone Bannock Tribal Land Use Policy Commission		PO Box 306	Fort Hall	ID	83203
Snake River Valley Irrigation		P.O. Box 70	Basalt	ID	83218
Southeastern Idaho Public Health	Ken Keller	145 W. Idaho Street	Blackfoot	ID	83221
United Canal Co.		762 W Hwy 39	Blackfoot	ID	83221
United Canal Company	Spencer Larsen	864 W 650 N	Blackfoot	ID	83221

### 38 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





**TERESA WELLARD 2ND TEMPORARY DWELLING CUP - AERIAL MAP**



**LEGEND**

-  Wellard - CUP
-  Parcels
-  Roads



**PROPERTY OWNERS LIST  
TERESA WELLARD CUP**

OWNER	ADDRESS	CITY   STATE   ZIP
AMADO & HILDA RODRIGUEZ	953 N 1000 E	SHELLEY ID 83274-0000
BRENT & KARISA HILLMAN	945 E 800 N	SHELLEY ID 83274-5163
CHRISTENSEN FAMILY LAND LLC	129 N 1200 W	BLACKFOOT ID 83221-0000
KARLA & ROBERT LAPIER	P.O. BOX 50094	IDAHO FALLS ID 83405-0000
LAYNE & JANIS FELSTED	948 N 1000 E	SHELLEY ID 83274-0000
MICHAEL & TERESA WELLARD	940 N 1000 E	SHELLEY ID 83274-5165

**6 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**

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**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: TEMPORARY SECOND DWELLING FOR MEDICAL HARDSHIP (ACTION ITEM: DECISION)** Teresa Wellard is requesting a Conditional Use Permit allowing the continued use of a previously approved Temporary Secondary Dwelling (granted for her husband in 2017), to remain on her property located at 940 N 1000 E, Shelley, to allow her daughter to assist with her care as her husband has passed. Pursuant to Bingham County Code Sections 10-7-4(B-H), each lot, tract, or parcel of property, considered a buildable parcel, shall be allowed one additional temporary dwelling for a medical hardship with a statement from a licensed physician attesting to the medical condition and need for assistance, with an approved Conditional Use Permit.

**Approx. Location: 940 N 1000 E, Shelley, ID 83274, Parcel No. RP0507801, Township 1S, Range 37E, Section 15, consisting of approx. 7 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](mailto: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 18<sup>th</sup> day of October, 2022.

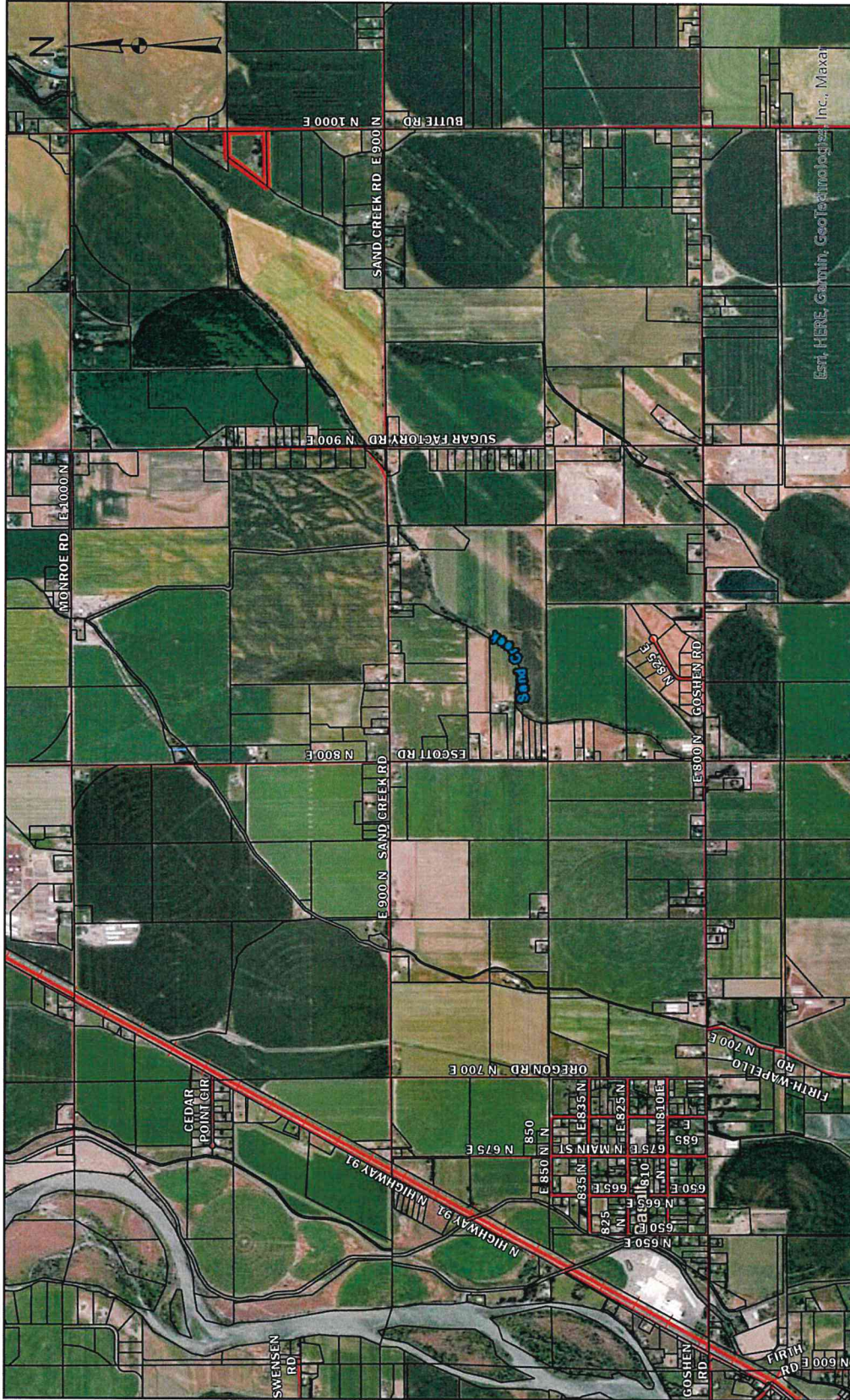


Addie Jo Harris  
Assistant Director/Lead Planner

**Exhibit  
S-18**



**TERESA WELLARD 2ND TEMPORARY DWELLING CUP - AERIAL MAP**



**LEGEND**

-  Wellard - CUP
-  Parcels
-  Roads





**BINGHAM COUNTY**  
**PLANNING & DEVELOPMENT SERVICES**

To: Government Agency  
Bingham County Public Works

October 18, 2022

**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.

**CONDITIONAL USE PERMIT: TEMPORARY SECOND DWELLING FOR MEDICAL HARDSHIP (ACTION ITEM: DECISION)** Teresa Wellard is requesting a Conditional Use Permit allowing the continued use of a previously approved Temporary Secondary Dwelling (granted for her husband in 2017), to remain on her property located at 940 N 1000 E, Shelley, to allow her daughter to assist with her care as her husband has passed. Pursuant to Bingham County Code Sections 10-7-4(B-H), each lot, tract, or parcel of property, considered a buildable parcel, shall be allowed one additional temporary dwelling for a medical hardship with a statement from a licensed physician attesting to the medical condition and need for assistance, with an approved Conditional Use Permit.

**Approx. Location: 940 N 1000 E, Shelley, ID 83274, Parcel No. RP0507801, Township 1S, Range 37E, Section 15, consisting of approx. 7 acres**

**PLEASE EMAIL COMMENTS AND/OR QUESTIONS TO THE BINGHAM COUNTY PLANNING & DEVELOPMENT DEPARTMENT AT [planningtestimony@co.bingham.id.us](mailto:planningtestimony@co.bingham.id.us) AS SOON AS POSSIBLE AND NO LATER THAN **OCTOBER 27, 2022.** THANK YOU.**

Bingham County Public Works has reviewed this request and there are no objections or concerns at this time.

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**Exhibit**  
**T-1**



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](mailto:planningtestimony@co.bingham.id.us)  
Bingham County Planning & Zoning  
501 N. Maple #203  
Blackfoot, ID 83221

Subject: Conditional Use Permit – Temporary Second Dwelling for Medical Hardship – Wellard

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](mailto: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# 2022AGD9041

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 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.



## **Mariela Mejia**

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**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