

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

APPLICATION OF: A Conditional Use Permit for an Indoor BMX Track in an “A” Agriculture Zoning District
PROPERTY OWNERS: Phillip and Sherri Whitmore
APPLICANT: Jasen Gibbons

A. REQUESTED ACTION: A proposal from Jasen Gibbons to operate an indoor BMX track with an overnight participant camping area located at approx. 1546 W 800 S, Pingree, on 7.16 acres, zoned “A” Agriculture. The property features an indoor horse arena, where the events will take place, with sufficient area for parking, camping, and staging for the event. The most similar related land use is an Amusement Facility, which is allowed in an Agricultural Zoning District with an approved Conditional Use Permit, and compliance with specific design standards and criteria contained in Bingham County Code Section 10-7-7. The Bingham County Comprehensive Plan has this parcel designated as Agriculture. The Applicant has received written authorization from the property owners for this Application. **(A-1 Application, A-2 Narrative Statements, A-3 Site Map, A-7 Property Owner Consent, and S-2 Parcel Map)**

B. GENERAL BACKGROUND:

1. Approx. Location: 1546 W 800 S, Pingree, ID, 83262 Parcel No. RP0156913, Township 4S, Range 33E, Section 9, consisting approximately 7.16 acres. **(A-1 Application, A-4 Deed, S-6 Aerial Map, S-13 Google Earth Imagery)**
2. All the surrounding land uses are zoned “A” Agriculture. **(S-3 Zoning Map)**
3. The Comprehensive Plan, adopted November 20, 2018, identifies the parcel as Agriculture. **(Comp Plan 11-20-2018, S-4 Comp Plan Map)**
4. Governing Districts:
 - a. Blackfoot/Snake River Fire District
 - b. Snake River School District
5. This property is not within the Blackfoot City Area of Impact nor is it in the Flood Plain or the High Nitrate Priority Area. **(S-5 Flood Plain Map, S-8 Area of Impact Map & S-11 Nitrate Priority Map)**
6. 800 S Sage Road has a Functional Classification of a Local Road according to the Bingham County Road Standards.
7. The closest Subdivision is the Liberty Acres Subdivision (18 lots, 1 – 18.99 acres) and Pingree Townsite and it is approximately a 1 mile to the North. **(S-7 Subdivision Map)**



A. MEETING NOTICE AND INFORMATION:

1. The Planning & Development Department received the Conditional Use Permit Application on September 28, 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 4 property owners within 300' of 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, stated 800 S. Sage Road is a Local Road, the speed limit is posted at 50 mph, and the approach spacing is 65 feet. The County Road approaches shall be no wider than 30 feet. *Staff Comments: The Applicant is not intending on adding any new approaches at this time.*

(T-2) Allan Johnson, Regional Engineering Manager with the Department of Environmental Quality, stated the information was unclear regarding drinking water services will be provided at this facility. Any Proposed water system would be required to obtain DEQ review and approval for the source and distribution system and would require a licensed drinking water system operator and would require routine water sampling. Additionally, DEQ strongly recommends the Applicant to contact Southeast Idaho Public Health for information on septic System design and permitting. Further, general recommendations for land development were included in the letter. *Staff Comments: The Applicant responded to DEQ's letter and stated there will not be any public drinking water or wastewater services available at the arena. Those in attendance will have concessions available with bottled beverages and portable restrooms for event use.*

4. 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:

Amusement Facility, Indoor: An enclosed facility used for public entertainment including, but not limited to, riding arena, bowling alleys, dance halls, theaters and skating rinks.

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).

**CHAPTER 4
ZONING DISTRICTS**

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.

**CHAPTER 5
USE ZONE REGULATIONS**

5.3 LAND USE CHART

LISTED USE	A	A/NR	R/A	R	C1	C2	M1	M2
Amusement Facility, Theme Park, Ballpark, Horse Arena or Racetrack	C	C	C	N/A	C	C	C	N/A

**CHAPTER 7
SPECIFIC USE PERFORMANCE STANDARDS**

10-7-7: AMUSEMENT FACILITY, INDOORS AND OUTDOORS:

A. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred feet (100') from any abutting residential zones. The playing areas of golf

courses, including golf tees, fairways and greens are an exception to this standard. *Staff Comments: This CUP is located in an "A" Agriculture Zone and the surrounding land uses are Zoned "A" Agriculture. The existing structure over 1,000 feet from the closest residence. (S-3 Zoning Map and A-6 Distance Map)*

- B. Any outdoor event or activity center located adjacent to a residential zone shall be limited to outside use only between the hours of seven o'clock (7:00) A.M. and eleven o'clock (11:00) P.M. *Staff Comments: This parcel is not adjacent to a residential zone however the Applicant stated he intends on the indoor events to be conducted from daytime to 9pm but no later than 11pm as required in this code section.*
- C. Accessory uses include, but are not limited to: retail, equipment rental; restaurant and drinking establishments may be allowed if designed to serve patrons of the use only. *Staff Comments: These uses are not being requested for at this time.*
- D. All outdoor public address systems shall be located a minimum five hundred feet (500') from any residential or residential/agriculture zone. *Staff Comments: Not Applicable.*
- E. Additional standards for swimming pool: Any outdoor swimming pool shall be completely enclosed within a six foot (6') nonscalable fence that meets the requirements of the Building Code. *Staff Comments: Not Applicable.*
- F. Additional standards for outdoor stage or musical venue: Any use with a capacity of one hundred (100) seats or more and within one thousand feet (1,000') of a residential zone shall be subject to approval of a conditional use permit. This applies to one time and seasonal events also. *Staff Comments: If the Applicant desired to use the venue for a musical venue, the nearest residence is more than 1,000 feet from the facility and is not near a residential zoning district.*
- G. Amusement facilities shall have adequate parking as per chapter 6 of this title. *Staff Comments: The Applicant stated there will be two designated parking areas for vehicles as well as a designated area for participants who travel and require overnight stay in a Recreational Vehicle on-site (which is a common need with these events). The overnight use of the land will be limited to events only and for guests of events and will not be rented for general recreational use to the public. (A-3 Site Plan and A-2 Narrative)*
- H. Amusement facilities shall have Health Department approval for sanitary and washing provisions to meet all the needs of anticipated attendees. *Staff Comments: The Applicant stated there are not any public drinking or wastewater services available at the arena; there will be concessions available with bottled beverages. Further, portable public restrooms will be located outside the existing structure, as shown on the proposed Site Plan, and will be serviced by a Portable Toilet Company. (A-3 Site Plan and A-2 Narrative)*
- I. Seasonal or onetime events or concession stands not exceeding ten (10) calendar days per event, or forty five (45) calendar days (within 1 year) of intermittent use do not require a conditional use permit when they comply with all above requirements.

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: Name, address and phone number of the Applicant is 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 is included in the packet. The owners are Phillip and Sheri Whitmore, who have provided consent to the Applicant's Application. (A-7 Property Owner's Consent)*

C. Description of existing use. *Staff Comments: This parcel features an existing horse arena that has been used by the landowner in the past, but is currently for sale. (S-6 Aerial Map)*

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 Applicant stated in his Narrative, he would like to operate an indoor BMX track with an overnight participant camping area. The Applicant will provide essential public facilities for the event, such as portable public restrooms and parking areas. There are designated parking spaces for cars and RVs offering the ability to stay for the events, but not to the public for RV parking. The Applicant will be using the existing building and bare ground property, thus the changes will cause minimal impact to neighbors. The Applicant's family has extensive experience related to the proposed use as they have been involved with BXM*

racing in the National Circuit as well as in Canada. Through their involvement, they have seen what a great Olympic sport this is and how it has offered a healthy, confidence building, activity for many kids across the nation. The Applicant sees benefit to the local economy with those traveling from afar, lodging, dining, shopping, and believe the indoor, year round events, will have a great impact for the community. (A-2 Narrative, A-3 Site Plan, A-5 Title 10 Chapter 8 compliance with standards)

F. A scaled site plan/drawing showing the location of the following: *Staff Comments: The Applicant provided a detailed site plan which depicts all applicable requirement listed below. (A-3 Site Plan)*

1. All buildings, parking and loading area. *Staff Comments: The Applicant will be using the existent building for the proposed events and designated parking areas will be provided for participants for vehicles and Recreational Vehicles (A-5 CUP Chapter 8, A-2 Narrative, A-3 Site Plan)*

2. Traffic access and traffic circulation. *Staff Comments: The Applicant stated there is adequate road access to the location; the Site Plan features a point of entry and two points of exit areas for proper, guided, traffic flow. (A-3 Site Plan)*

3. Open spaces, landscaping, refuse and service areas. *Staff Comments: The Site Plan shows a place for Public Portable Restrooms for participants north of the existing structure where all events will take place. Further, the Applicants will not be changing any physical characteristics of the land.*

4. Utilities, signs. *Staff Comments: The Applicant stated there will be a small sign on the building. (A-2 Narrative)*

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 the distance to the nearest structure on the same side of the road is over 1,000 feet, thus there should be minimal noise detected due to all events and activities will be taking place indoors. (A-6 Distance to Neighboring Structures)*

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. *Staff Comments: The Applicant stated the majority of races are run on the weekends during daytime hours. There will be some possibility of Friday night events;*

the evening events will most likely be over by 8pm or 9pm with exceptions of larger ones lasting until approx. 10pm.

b. Radioactivity and electric or electromagnetic disturbances that unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties. *Staff Comments: Not applicable.*

c. Any other emission or radiation that endangers human health, results in damages to vegetation or property or which exceeds health and safety standards. *Staff Comments: Not applicable.*

G. The appropriate filing fees. *Staff Comments: The Applicants paid the necessary filing fees.*

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.

**2018 BINGHAM COUNTY
COMPREHENSIVE PLAN**

AGRICULTURE

The “A” Zone 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 zone 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) and Bingham County Code Section 10-3-6 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 Jasen Gibbons for a Conditional Use Permit for the operation of an indoor BMX track facility, in an “A” Agriculture Zone, on Parcel No. 0156913, 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 Jasen Gibbons for the operation of an indoor BMX track facility, in an “A” Agriculture Zone, on Parcel No. 0156913, 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 Jasen Gibbons for the operation of an indoor BMX track facility, in an “A” Agriculture Zone, on Parcel No. 0156913, 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 & Development Department
490 N. Maple Suite A, Blackfoot, Idaho 83221
Phone: (208) 782-3178 | Fax: (208) 782-3868
Email: buildingpermits@co.bingham.id.us

File No. _____

Date: 9-28-2022



APPLICATION FOR CONDITIONAL USE PERMIT

Applicant: <u>Jasen Gibbons</u>	Phone: <u>509-531-7267</u>
Address: <u>1907 W 2ND ST</u>	City/Zip: <u>GRANDVIEW 98930</u>
Location: <u>1532 W 800 S Pingree, ID 83262</u> (project location for application)	Email: <u>jasen@dirtyboydesigns.com</u>
Property Owner(s): <u>Phillip Whitmore</u>	

Location & Legal Description

<input type="text" value="T4S"/> Township	<input type="text" value="R33E"/> Range	<input type="text" value="09"/> Section	Zoning: <u>Ag</u>
			Acreeage: <u>7.16</u>
			Parcel No. <u>RP0156913</u>

Submit:

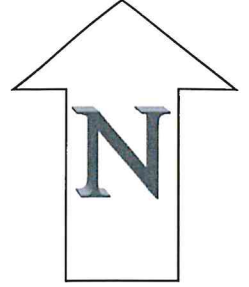
- Completed Application
- Recorded Deed to Property
- Detailed Site Plan
- Narrative - write a detailed narrative addressing the following:
 - Identify the existing use of the property
 - Reason for Conditional Use Permit Request
 - Evaluating effects of proposed Conditional Use on adjoining property 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	75
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

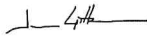
I/We the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my/our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County.

Property Owner(s): Jasen Gibbons 9-28-2022
Date
Property Owner(s) : _____
Date

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:  Digitally signed by Jasen Gibbons
Date: 9-29-2022
Date: 2022.09.29 21:03:00 -07'00'

Signature: _____ Date: _____

To whom it may concern,

September 28, 2022

I am applying for a conditional use permit for an indoor bmx track and overnight participant camping at 1532 W 800 S Pingree, ID 83262

My family has been very involved with BMX racing and our kids travel quite a bit to race the National Circuit as well as Canada. Through our involvement we have seen what a great Olympic sport this is and how it has offered such a great, healthy, confidence building activity for so many kids across the nation. It's an individual sport so as they say, "No one sits the bench and everyone participates."

Our kids have been very successful biking athletes and would love to give back by coaching and bringing awareness of the sport to the local communities. We have located an existing equestrian building for sale, that we don't own yet, on 7 acres within Bingham County that we feel would be a great place for a permanent indoor bmx track and training facility. As you know, winters can be long and quite harsh in this region and this would make it possible for kids and adults to practice and compete year round. All races and activities will be indoor and have minimal impact on adjoining properties.

All races are sanctioned by USA BMX and there are over 300 sanctioned tracks across the country. There are valuable series points accumulated at various tracks and weekend events held throughout the region and families travel from a distance to participate in these races. This in turn has a positive economic impact on the local community and businesses. Some of the participants like to travel with their own travel trailers and stay overnight on site for events, typically held on weekends. We would like to offer them the ability to stay for events but the property will not be open to the public for RV Parking.

BMX tracks are ran and operated by a track operator and a team of volunteers who help guide traffic, parking, racing, trash clean up, and make sure things run as smoothly as possible for a successful event.

We believe this would be a great thing to have in the community and offer a wholesome, healthy, recreational activity to participate in, especially during the long winter months.

Thank you for your consideration,

Jasen Gibbons

Exhibit
A-2

Mariela Mejia

To: Tiffany Olsen
Subject: RE: CUP Application

From: Dirtboy Designs <jasen@dirtboydesigns.com>
Sent: Tuesday, October 25, 2022 12:34 AM
To: Tiffany Olsen <tolsen@co.bingham.id.us>
Subject: Re: CUP Application

Hi Tiffany,

-We will probably add a small sign to the building itself. Nothing huge or obnoxious though.

-We may need to add some lights to the outside of the building for security and convenience of getting to your vehicle but if we do they will be shielded.

-Most events will most likely be over by 8 or 9pm with the possibility of a larger event taking a little longer to finish but still by 10pm. However, the majority of races are run on the weekend during day hrs with possibly a Friday evening race to maximize participant's time while they're attending for the weekend.

I should have a statement from the current owners shortly.

Thanks for the help!

Mariela Mejia

To: Jasen Gibbons
Subject: RE: BXM Facility CUP

From: Jasen Gibbons <jasen@dirtyboydesigns.com>
Sent: Thursday, October 27, 2022 11:43 AM
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: BXM Facility CUP

Hi Mariela,

There is not any public drinking water services at the arena or wastewater.

We will just have normal concessions available with bottled beverages and portable restrooms outside the building that will be serviced by a portable company.

Thanks!

Sent from my iPhone

Untitled Map

Write a description for your map.

Legend



earth

**Exhibit
A-3**

Part of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) and part of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 4 South, Range 33 East of the Boise Meridian, Bingham County, Idaho described as follows:

Beginning at the South Quarter corner of said Section 9 and running thence S.89°51'09"W. 117.45 feet along the section line; thence N.00°07'15"E. 355.70 feet to a point on a curve; thence 818.95 feet along said curve to the left. Curve Data: Radius = 1320.06 feet, Delta = 33°32'45", Chord bearing = N.77°49'43"E. 805.88 feet; thence S.00°17'51"W. 523.58 feet to the south line of said Section 9; thence S.89°51'06"W. 668.35 feet along said south line to the point of beginning.

Parcel contains 7.156 acres and is subject to the existing County Road right-of-way along the south side of the above described parcel. Parcel is also subject to a 20 foot access easement described as follows:

Beginning at a point that is N.89°51'06"E. 182.88 feet along the section line from the South Quarter corner of Section 9, Township 4 South, Range 33 East of the Boise Meridian, Bingham County, Idaho and running thence N.00°07'15"E. 359.80 feet to a point on a curve; thence 20.20 feet along said curve to the left, Curve Data: Delta = 0°52'36", Radius = 1320.06 feet, Chord bearing = N.82°05'51"E. 20.20 feet; thence S.00°07'15"W. 362.53 feet to the south line of said Section 9; thence S.89°51'06"W. 20.00 feet along said south line to the point of beginning.

711222

Exhibit "A"

**CHAPTER 8
CONDITIONAL USE PERMIT**

SECTION:

- 10-8-1: General Statement
- 10-8-2: Contents Of Application For Permit
- 10-8-3: Review Of Application
- 10-8-4: Additional Studies
- 10-8-5: Land Use Time Limitations
- 10-8-6: Hearing And Notice
- 10-8-7: Action By Commission
- 10-8-8: Supplementary Conditions And Safeguards
- 10-8-9: Appeal To Board
- 10-8-10: Request For Time Extension For Permit
- 10-8-11: Revocation Of Permit
- 10-8-12: Modification Of Approved Permit

10-8-1: GENERAL STATEMENT:

- A. It is recognized that an increasing number of uses are appearing that have characteristics of a unique and special nature such that the specific use must be considered individually. We recognize that these uses are not permitted without adding certain conditions making them compatible with permitted uses in the underlying zone. The commission may require higher standards of site development than those listed specifically in this title in order to assure that the proposed use will be compatible with other conforming property and uses in the vicinity.
- B. The commission shall hold a public hearing on each conditional use permit as listed on the land use chart and new uses brought by the Administrator. The commission may approve, conditionally approve or deny a conditional use permit under the standards listed in this chapter and may require such additional safeguards that will uphold the intent of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-2: CONTENTS OF APPLICATION FOR PERMIT:

An application for a conditional use permit shall be filed with the Administrator by the property owner or by the occupant with owner approval. At a minimum, the application shall contain the following information:

Please explain how the application provided is complete and meets the following requirements of this code section: (if a question is not applicable to your application please state not applicable and explain why)

- A. Name, address and phone number of applicant. Jasen Gibbons, 1907 W 2nd St, Grandview, WA 98930, 509-531-7267
- B. Legal description of the property.
- C. Description of existing use. Equestrian

-
-
-
- D. Current zoning designation. AG
- E. Description of use being proposed. Indoor BMX track and on-site parking for participants
-
-
- F. A scaled site plan/drawing showing the location of the following:
1. All buildings, parking and loading area.
 2. Traffic access and traffic circulation.
 3. Open spaces, landscaping, refuse and service areas.
 4. Utilities, signs.
 5. Any other information that may be required to determine if the proposed conditional use meets the requirements of this title. _____
-
6. A statement evaluating the effects on adjoining property that may include, but is not limited to, such elements as noise, odor, fumes and vibration. An accurate statement of the compatibility with adjacent and other properties in the zone, and the relationship of the proposed use to the plan. There should be minimal effects to adjoining property due to all events and activities taking place indoors
-
-
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. The distance between the building and the nearest home is beyond 1,000' so there should be minimal noise if any detected. No vibrations.
 - b. Radioactivity and electric or electromagnetic disturbances that unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties. N/A
-
-
- c. Any other emission or radiation that endangers human health, results in damages to vegetation or property or which exceeds health and safety standards. N/A
-
-
- d. The appropriate filing fees. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-3: REVIEW OF APPLICATION:

A. The commission shall review the particular facts and circumstances of each proposed conditional use permit in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

Please explain how your request complies with the following criteria:

1. Constitute a conditional use as established on the official schedule of zoning regulations or as determined by the commission to be a conditional use for the zone involved.
2. Be in accordance with the general objectives or with any specific objection of the Comprehensive Plan and/or this title.

The general objectives and specific purpose of the Comprehensive Plan is to promote the health, safety and general welfare of the people of the county as follows:

- a) To protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary. We will be holding Indoor BMX events inside of the building that is currently on the property so it should have very minimal impact.

- b) To ensure that adequate public facilities and services are provided to the people at reasonable cost. N/A

- c) To ensure that the economy of the county is protected and enhanced. Having an Indoor BMX facility will enhance the county economy with participants needing lodging, food, and fuel.

- d) To ensure that the important environmental features of the county are protected and enhanced. N/A

- e) To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals. We will be using the existing building and lot that's already there and won't be removing any prime lands from production

- f) To encourage urban and urban-type development within or near incorporated cities. N/A

g) To avoid undue concentration of population and overcrowding of land. __

h) To ensure that the development on land is commensurate with the physical characteristics of the land. We will not be changing the physical characteristics of the land

i) To protect life and property in areas subject to natural hazards and disasters. We will be using the same building that is currently on the property which is up to code

j) To protect fish, wildlife and recreation resources. _____
We are hoping to enhance the recreation resources

k) To avoid undue water and air pollution. _____
We won't be applying anything that could pollute the water supply and we have water to inside the building to water the track and keep the dirt down

l) To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis. __
USA BMX sends a liason out to all of the local schools in the area to work with them and make them aware of the opportunity to participate in a great sport right here in their area

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. We will be using the existing building that's already in place and won't be changing th

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. All of our activities will take place indoor (mostly on weekends)

5. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the County. We hope to do the opposite and boost 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. We will have essential public facilities provided for events

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. The property is on a rural road, with approaches that should not create any traffic hazards

8. Not result in the destruction, loss or damage to a scenic or historic feature of major importance. N/A

9. If applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use. N/A

B. If the literal enforcement of the provisions herein contained would result in unnecessary hardship, the commission may consider exceptions to nonconforming uses as permitted in chapter 9 of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-4: ADDITIONAL STUDIES:

Prior to making a decision concerning a conditional use permit request, the commission or Board may request additional studies at the applicant's expense, of the social, economic, fiscal, and environmental effects of the proposed conditional use permit. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-5: LAND USE TIME LIMITATIONS:

A. When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the commission, or the Board or a court of appropriate jurisdiction, if appealed, and completed within five (5) years of the same date. The following exceptions shall be limited to ten (10) years of the date of the final decision by the commission or the Board or a court of appropriated jurisdiction, if appealed. If the use is not implemented within this time period, the use and its approval shall expire:

1. Gravel pits in other than A or A/NR Zones.
 2. Electrical public service facilities.
 3. Commercial wind turbines in other than A or A/NR Zones.
- B. Upon expiration of the use or the approval of that use as provided by this section, the applicant may seek approval of the use only by filing a new initial application for review by the commission. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-6: HEARING AND NOTICE:

Prior to granting a conditional use permit, the commission shall follow the hearing procedures as identified in chapter 3 of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-7: ACTION BY COMMISSION:

- A. The commission shall approve, conditionally approve or disapprove the application as presented. If more information is needed for a determination to grant a conditional use permit, the commission may request information from the planning staff or public agencies concerning social, economic, fiscal and environmental effects of the proposed conditional use. If the application is approved or approved with modifications, the commission shall direct the Administrator to issue a conditional use permit listing the conditions specified for approval.
- B. The commission may attach conditions that include, but are not limited to, the following:
1. Minimizing adverse impact on other development.
 2. Controlling the sequence and timing of development.
 3. Controlling the duration of development.
 4. Assuring that plans are developed to properly maintain the project.
 5. Designating the exact location and nature of development.
 6. Requiring more restrictive standards than those generally required in this title.
 7. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-8: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

The commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title over and above those listed in section 10-8-7 of this chapter. Violations of any conditions, bonds or safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this title.

- A. Upon granting or denying an application, the commission shall specify:
1. The ordinance and standards used in evaluating the application.
 2. The reasons for approval or denial.
- B. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-9: APPEAL TO BOARD:

The applicant or any affected person may appeal the decision of the commission to the Board, following the hearing procedures requirements of chapters 3 and 10 of this title. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-10: REQUEST FOR TIME EXTENSION FOR PERMIT:

- A. An applicant may request extension of the time period provided by this section by filing an application for extension with either the commission or the Board depending on who approved the conditional use permit.
 - 1. Such application must be filed at least sixty (60) calendar days prior to the date of expiration.
 - 2. The matter shall be heard at a public hearing before the commission or the Board, whichever made the final decision, in accordance with the notice and hearing procedures of chapter 3 of this title.
 - 3. A renewal extension, if granted, shall be limited to three hundred sixty five (365) calendar days.
- B. The commission or the Board, whoever made the final decision, may extend the commencement period or the completion period as provided in subsection A of this chapter upon proof of good cause by the applicant. Good cause shall be determined at the discretion of the commission or the Board. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-11: REVOCATION OF PERMIT:

A conditional use permit may be revoked upon violation of any of the conditions imposed therein. The Administrator or designee shall verify that a violation has occurred. The permit holder shall be notified that a violation has been noted and shall be given a reasonable time to correct said violation. If compliance is not or cannot be reached within an approved time, the Administrator shall notify the commission or Board, whichever approved the original conditional use permit, so that they may review the preponderance of the evidence to determine if after due process the conditional use permit should or should not be revoked. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

10-8-12: MODIFICATION OF APPROVED PERMIT:

- A. A conditional use permit or previously approved special use permit may be modified upon a request of the Board, commission or the property owner(s). The Board or commission shall follow the same hearing procedures as per chapter 3 of this title for a conditional use permit.
- B. Modification shall only be granted if the Board or commission finds that the modification is consistent with the provisions of the plan and will not be detrimental to the general public health, safety or welfare. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

Untitled Map

Write a description for your map.

Buffer

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 1,035.82 Feet

Ground Length: 1,037.05

Heading: 62.33 degrees

Mouse Navigation Save Clear

Legend



Exhibit A-6

Tiffany Olsen

From: Doris Barker <dorisbarker120@yahoo.com>
Sent: Wednesday, October 26, 2022 7:09 AM
To: Tiffany Olsen; Jasen Gibbons; Phil Whitmore
Subject: Fw: Arena authorization for BMX use

Sent from Yahoo Mail on Android

----- Forwarded Message -----

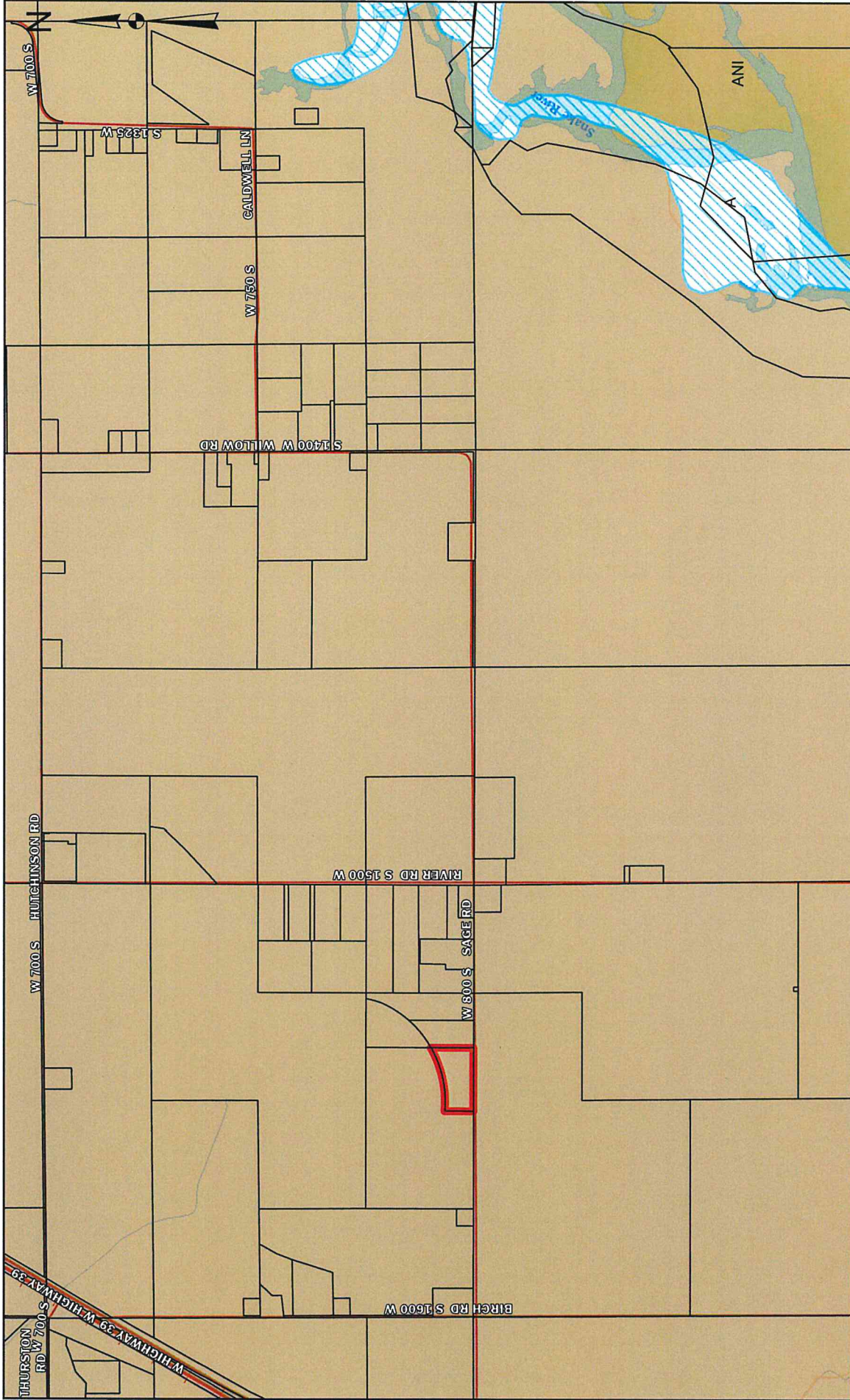
From: "Phil Whitmore" <phil.whitmore@gmail.com>
To: "Doris Barker" <dorisbarker120@yahoo.com>
Sent: Wed, Oct 26, 2022 at 7:02 AM
Subject: Arena authorization for BMX use

To Whom It May Concern,

We, the owners of the Parcel with the Bingham County Assessor Parcel Number of RP0156913, located at 1532 W 800 S in Pingree, ID 83262, do hereby grant to Jasen Gibbons, applicant, permission to proceed with the application for a special use permit for the property described above, to change the usage to a BMX track.

Phillip Whitmore
Sheri Whitmore

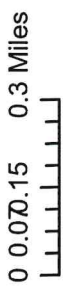
JASEN GIBBONS CUP, BMX FACILITY - FLOOD PLAIN MAP



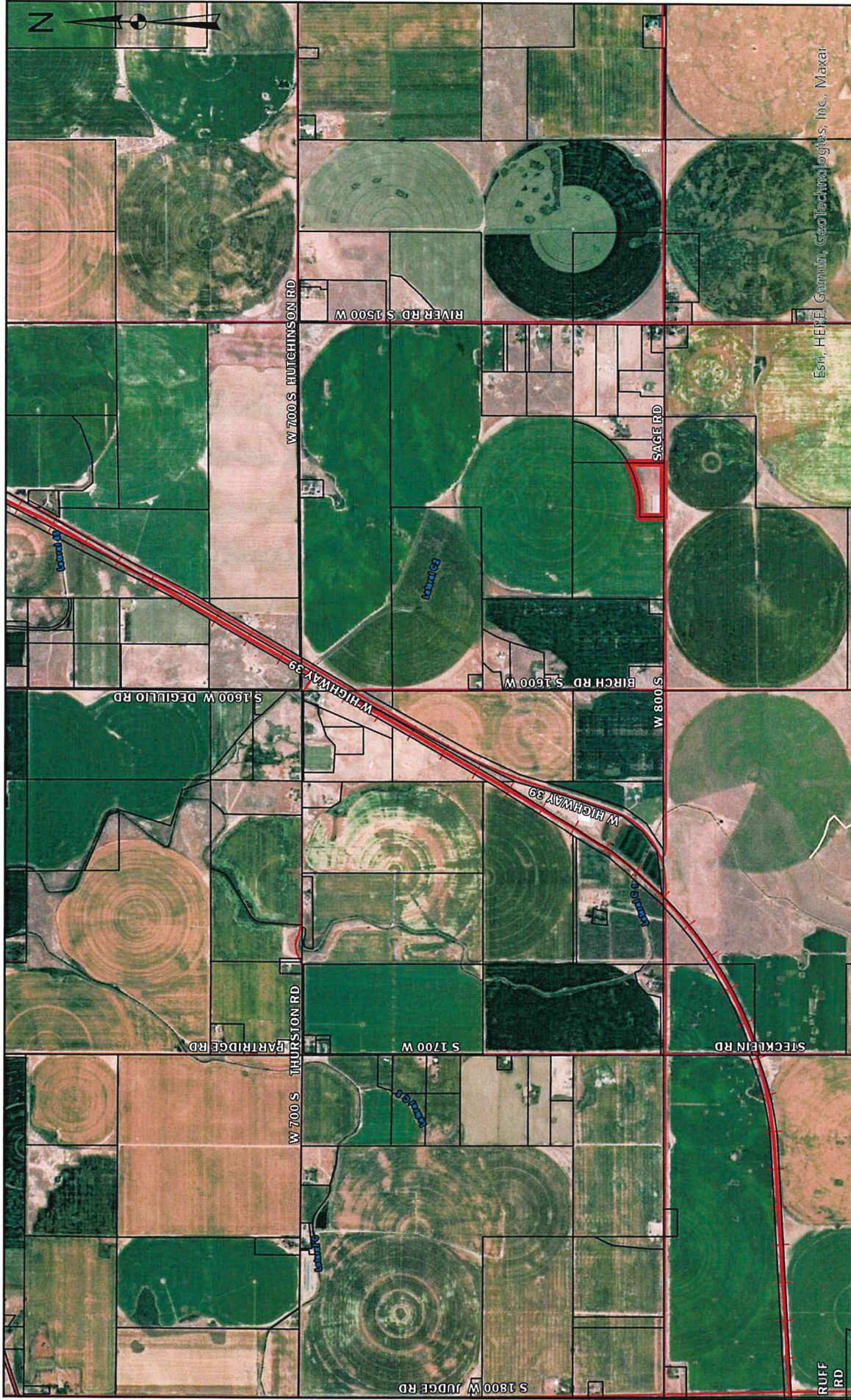
LEGEND

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

EXHIBIT S-5



JASEN GIBBONS CUP, BMX FACILITY - AERIAL MAP



Estn. HERE, Gamlin, GeoTechnologies, Inc., Maxar



LEGEND


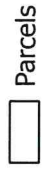

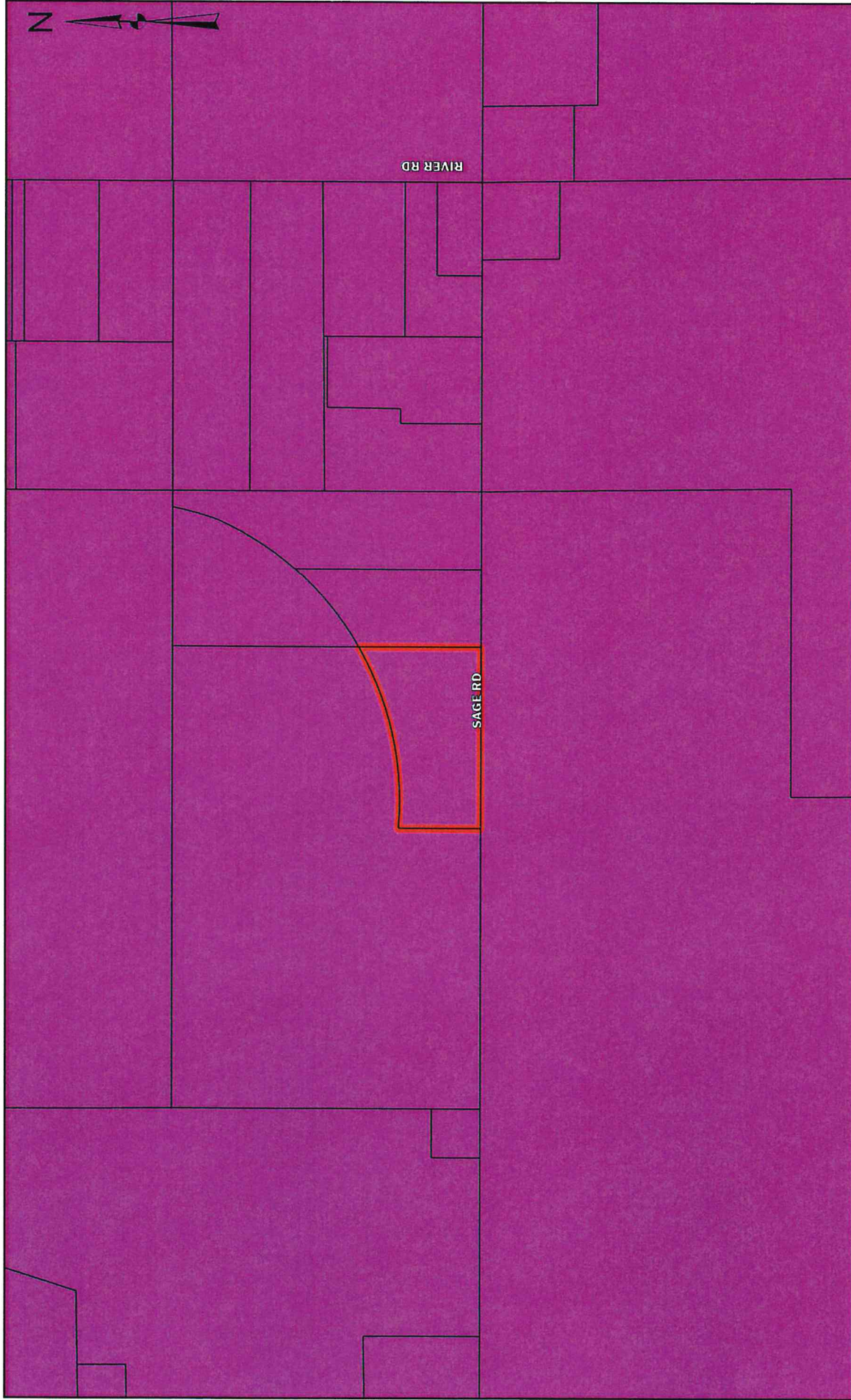
-  Gibbons - CUP
-  Parcels
-  Roads

EXHIBIT S-6



JASEN GIBBONS CUP, BMX FACILITY - SCHOOL DISTRICT MAP



**EXHIBIT
S-9**

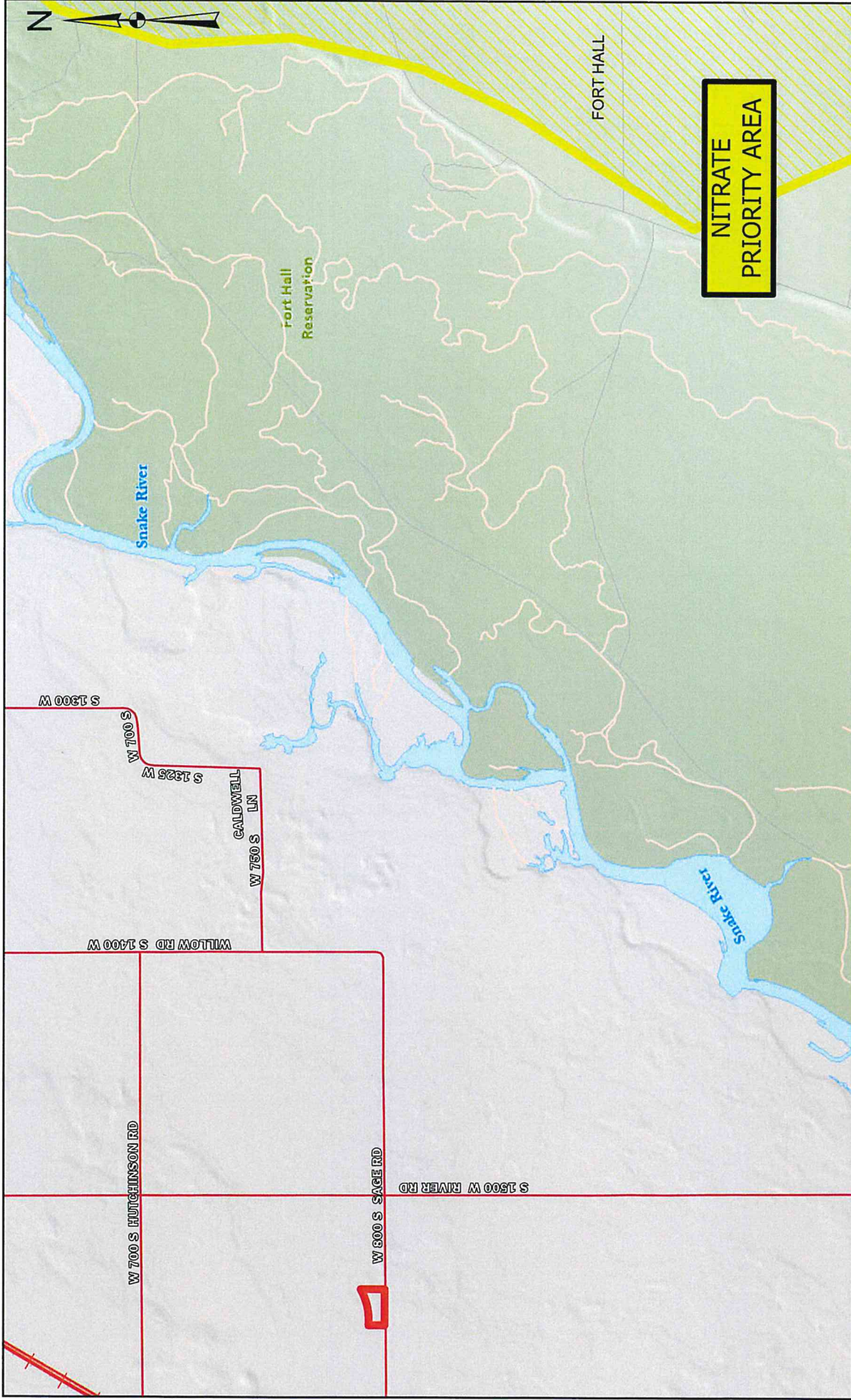


LEGEND

- Gibbons - CUP
- Snake River School District
- Parcels
- Roads



JASEN GIBBONS CUP, BMX FACILITY - NITRATE PRIORITY AREA MAP



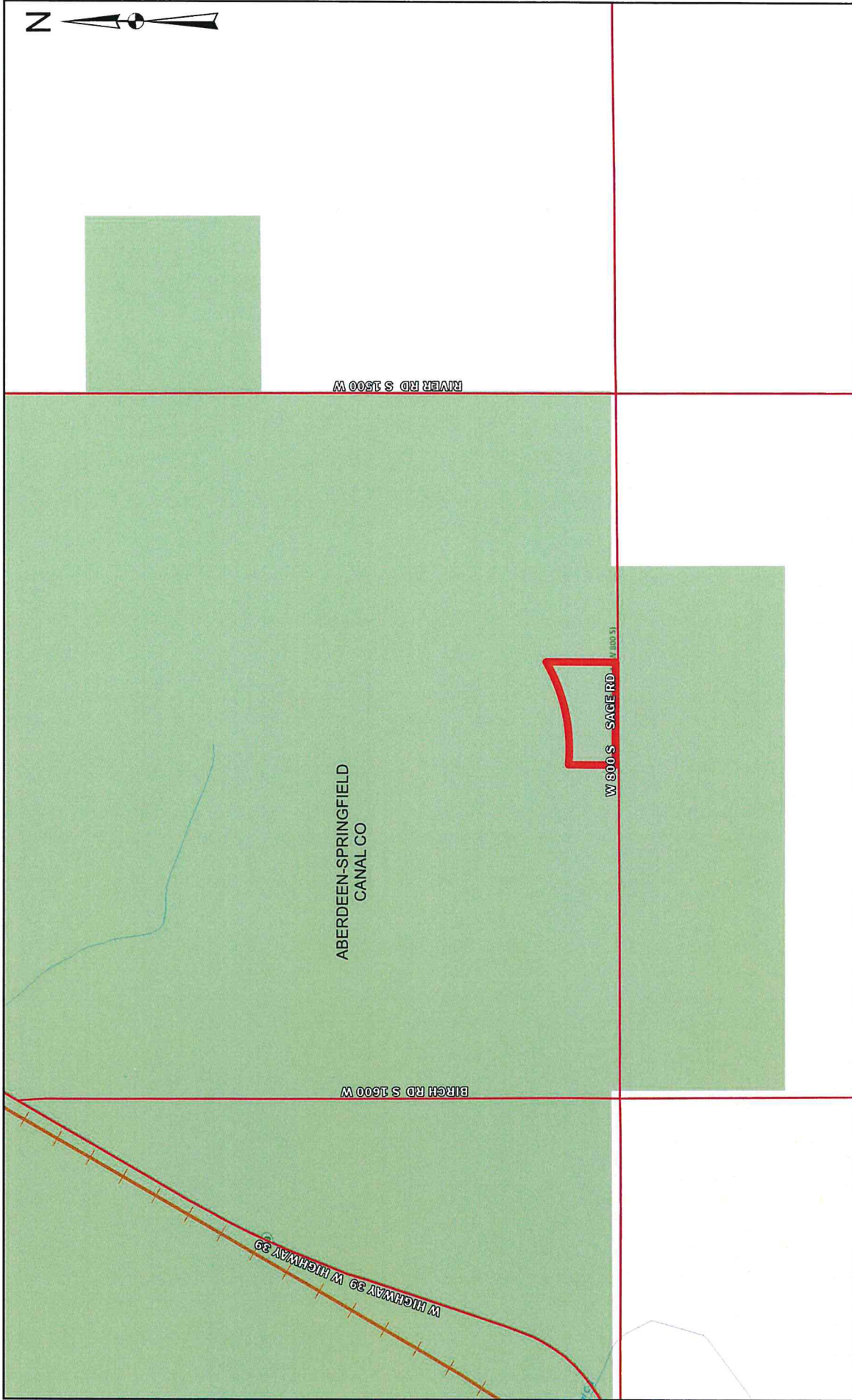
LEGEND

-  Gibbons - CUP
-  Parcels
-  Roads
-  Nitrate_Priority_Areas




EXHIBIT S-11



JASEN GIBBONS CUP, BMX FACILITY - IRRIGATION PROVIDER MAP



LEGEND

-  Gibbons - CUP
-  Parcels
-  Roads

**EXHIBIT
S-12**





Pingree
Townsite

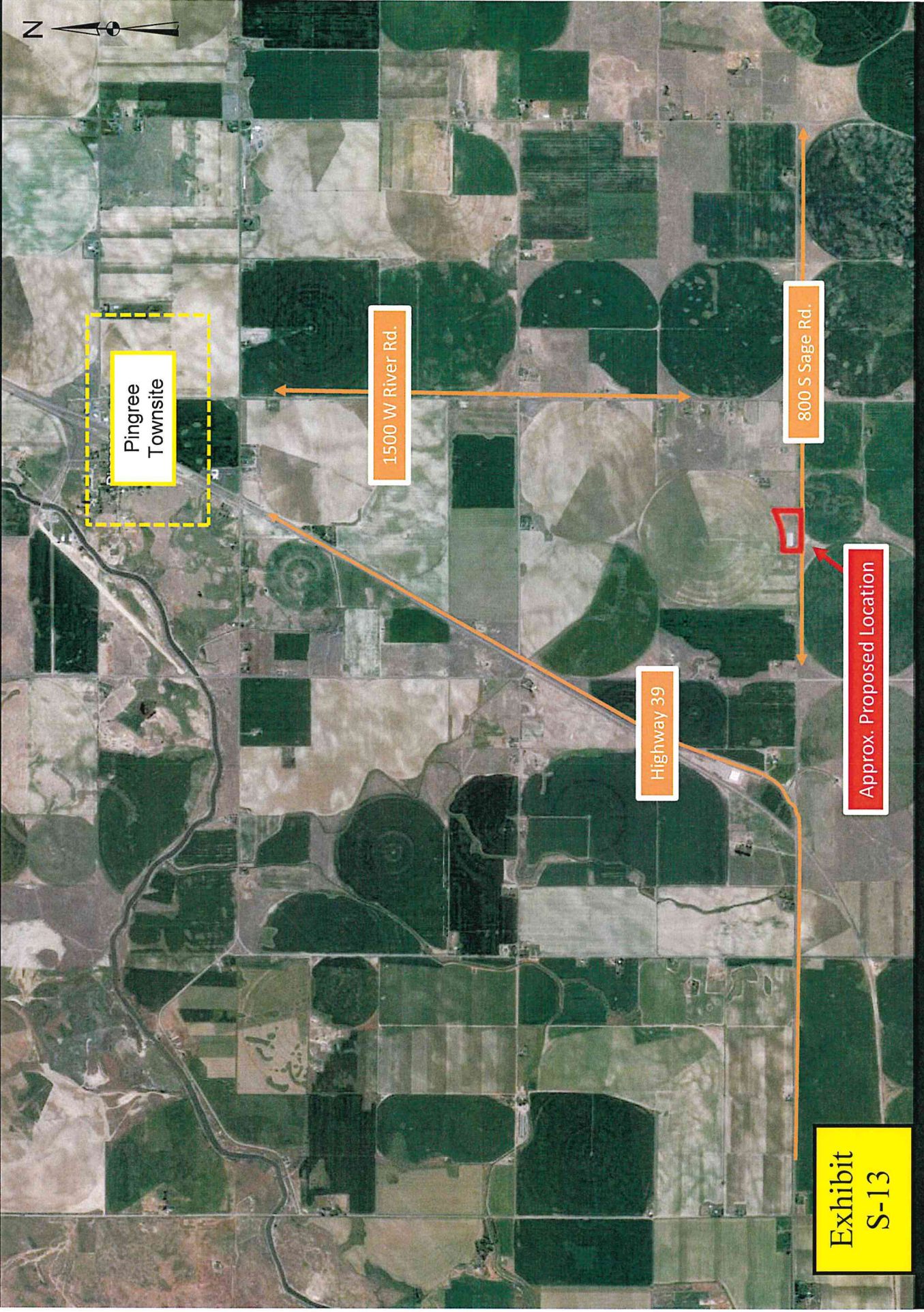
1500 W River Rd.

800 S Sage Rd.

Highway 39

Approx. Proposed Location

Exhibit
S-13



Facing Northeast on 800 S. Sage Rd. Towards Existing Structure for Proposed CUP



FOR SALE
Doris Barker - (208) 280-2189
Jacob Terrell - (208) 803-5958
HOWELAND
EQUIL ESTATE

800 S. Sage Rd.

10.24.2022

Exhibit
S-15

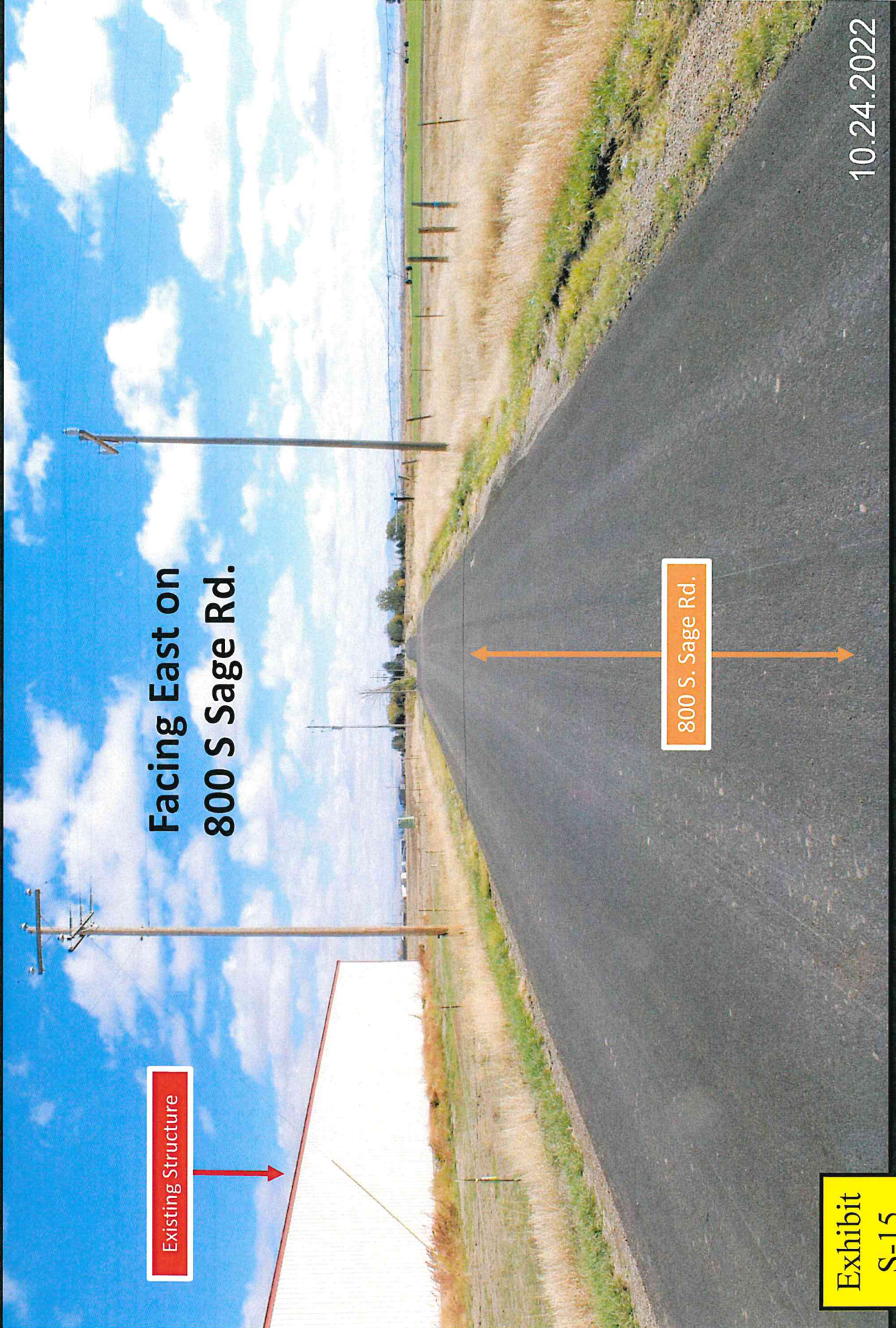
**Facing East on
800 S Sage Rd.**

Existing Structure

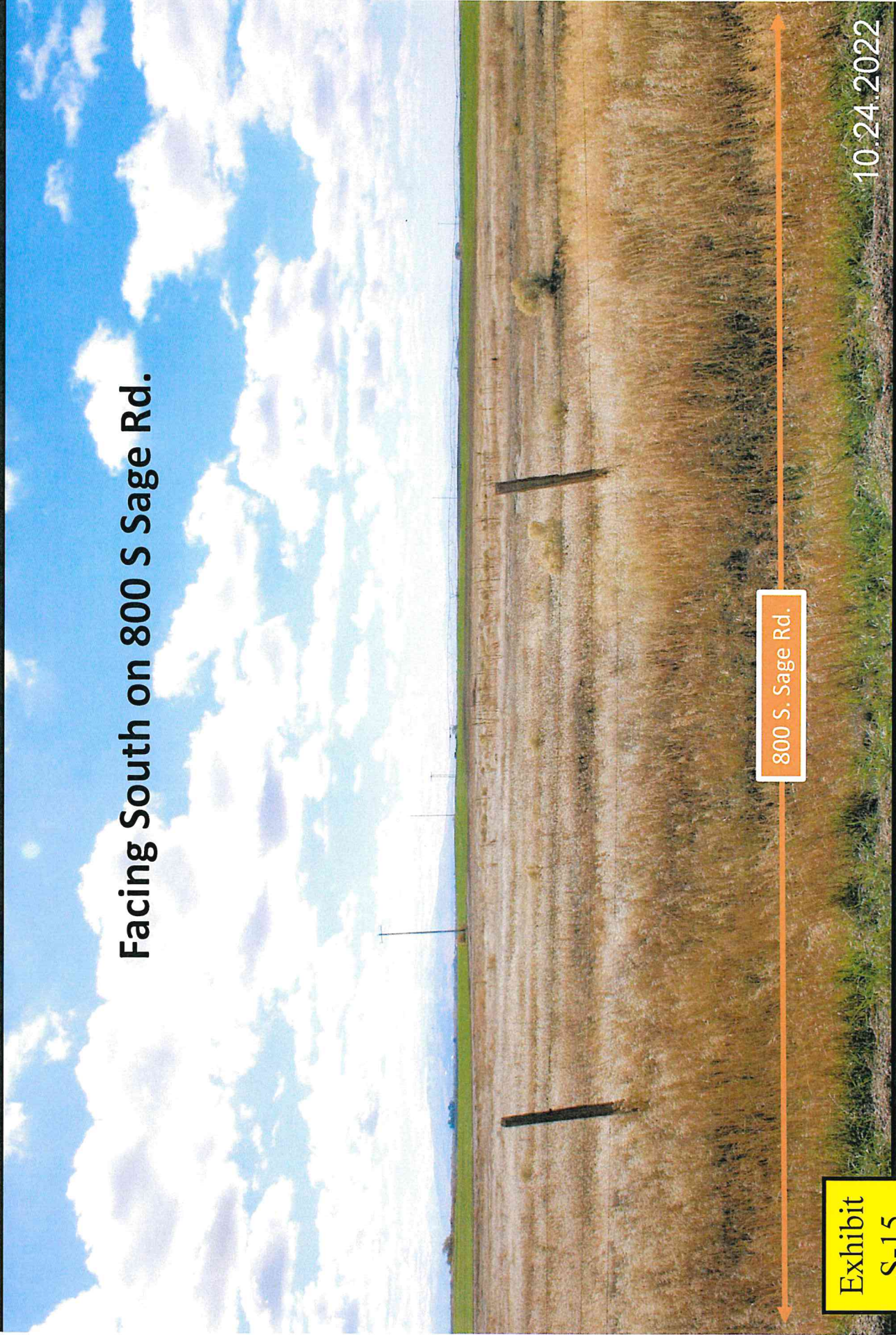
800 S. Sage Rd.

Exhibit
S-15

10.24.2022



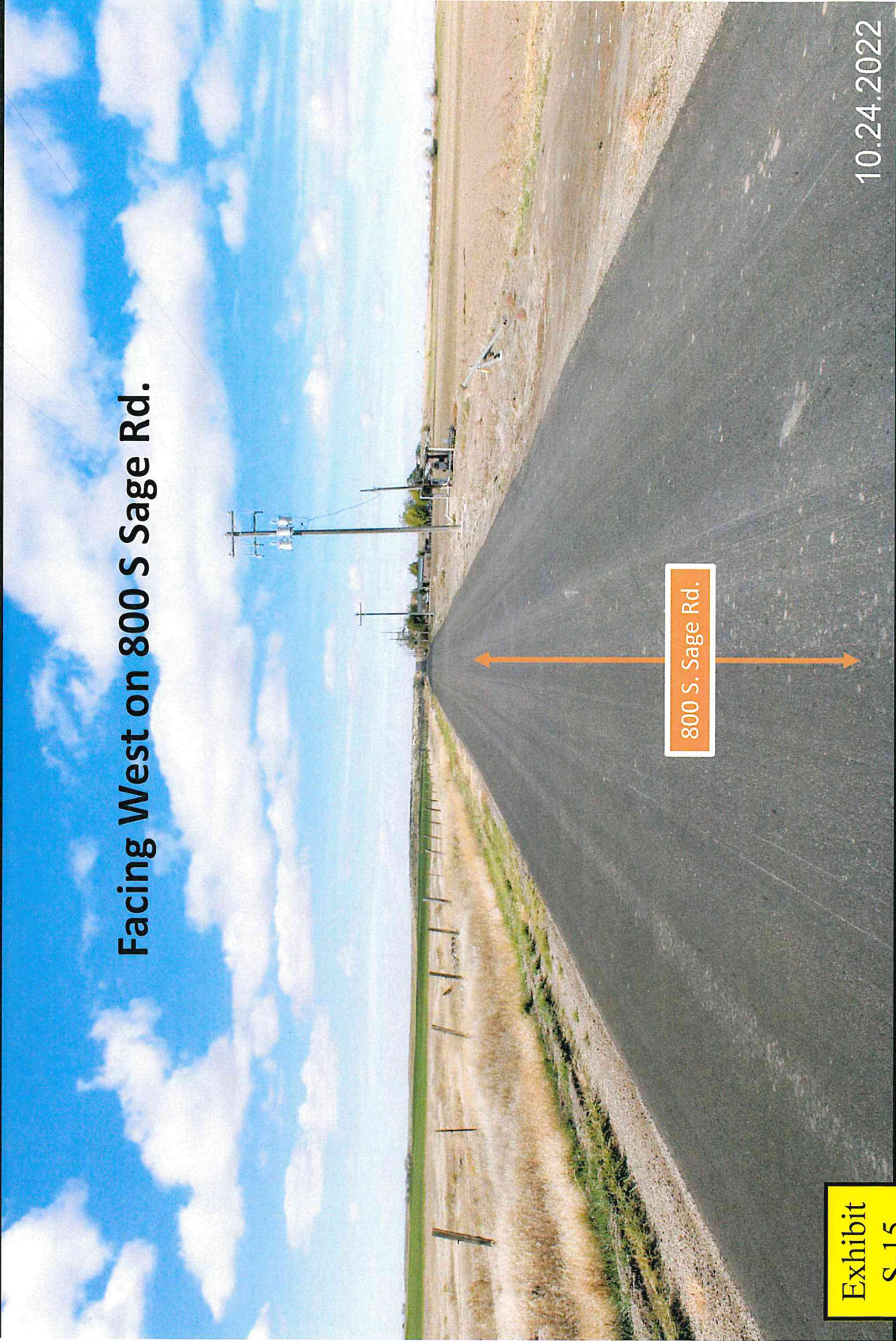
Facing South on 800 S Sage Rd.



**Exhibit
S-15**

10.24.2022

Facing West on 800 S Sage Rd.



**Exhibit
S-15**

10.24.2022

Facing West on 800 S Sage Rd. Towards Existing Structure and Proposed Parking Area

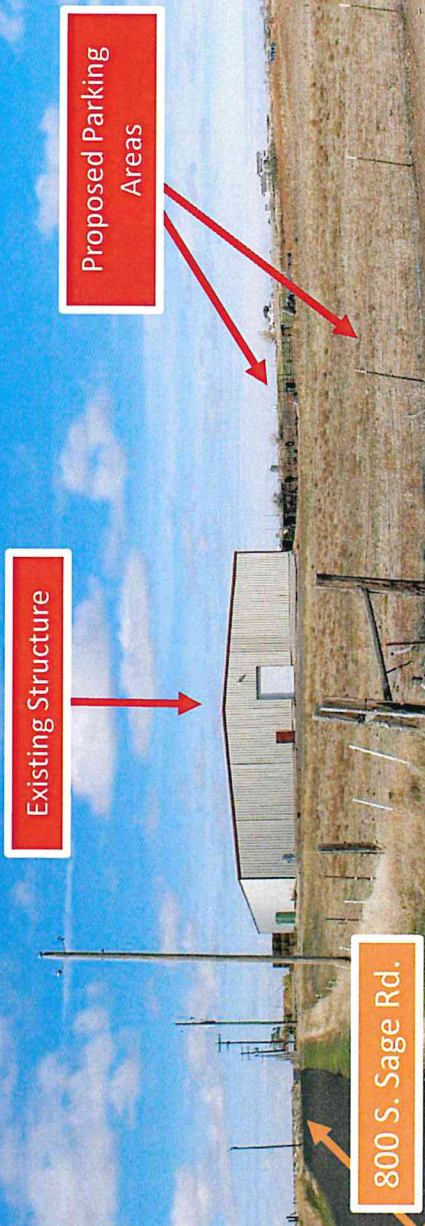


Exhibit
S-15

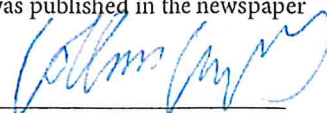
10.24.2022

PROOF OF PUBLICATION Bingham News Chronicle

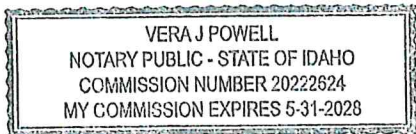
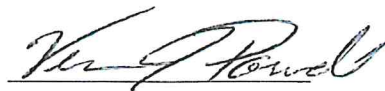
State of Idaho
County of Bingham

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 _____

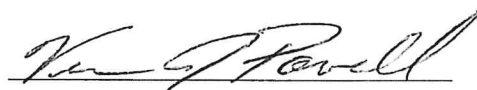
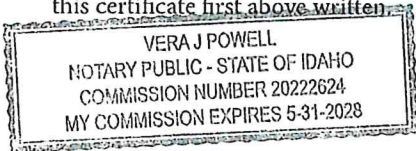
STATE OF IDAHO

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.

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
Aberdeen/Springfield Canal Co.		P.O. Box 857	Aberdeen	ID	83210
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					
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

**Exhibit
S-17**

Blackfoot/Snake River Government Agency Notice

Pingree Post Office		1507 W Highway 39	Pingree	ID	83262
Qwest Engineering	Jon Davidson	930 W. Cedar Street	Pocatello	ID	83201
Riverside Canal Co		379 W 150 N	Blackfoot	ID	83221
Shoshone Bannock Tribal Land Use Policy Commission		PO Box 306	Fort Hall	ID	83203
Smith-Maxwell Ditch Co		839 W Riverton Rd.	Blackfoot	ID	83220
Snake River School District	Superintendent	103 S. 900 W.	Blackfoot	ID	83221
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

42 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

**PROPERTY OWNERS LIST
PHILLIP WHITMORE CUP**

OWNER	ADDRESS	CITY STATE ZIP
JAMES & TRACY STEELE	1524 W 800 S	PINGREE ID 83262-0000
PHILLIP & SHERI WHITMORE	1286 W 600 N	BLACKFOOT ID 83221-0000
THOMPSON BROTHERS LLC	493 S 1200 W	PINGREE ID 83262-0003
WILCOX NORMAN D FMY PRO TRUST	1157 S 3000 W	SYRACUSE UT 84075-1222

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: AMUSEMENT FACILITY/INDOOR BMX TRACK (ACTION ITEM: DECISION) A proposal from Jasen Gibbons to operate an indoor BMX track with an overnight participant camping area located at approx. 1546 W 800 S, Pingree, on 7.16 acres, zoned “A” Agriculture. The property features an indoor horse arena, where the events will take place, with sufficient area for parking, camping, and staging for the event. The most similar related land use is an Amusement Facility which is allowed in an Agricultural Zoning District with an approved Conditional Use Permit and compliance with specific design standards and criteria contained in Bingham County Code Section 10-7-7.

Approx. Location: 1546 W 800 S, Pingree, ID 83262, Parcel No. RP0156913, Township 4S, Range 33E, Section 9, consisting of approximately 7.16 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



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 – Amusement Facility and Indoor BMX Track – Gibbons

Dear Ms. Harris:

The Idaho Department of Environmental Quality (DEQ) has reviewed the subject document and would like to offer the following comments:

The information provided to DEQ was unclear regarding whether drinking water services will be provided at this facility. If drinking water services are to be made available, DEQ strongly recommends connecting to an existing public drinking water system wherever feasible. If connection to an existing public drinking water system is not feasible, the applicant should be made aware that a water system serving 15 or more connections or serving an average of at least 25 individuals for at least 60 days out of the year qualifies as a public water system as defined in the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). Any such proposed water system would be required to obtain DEQ review and approval for the source and distribution system and would require a licensed drinking water system operator and would require routine water sampling. If there is a possibility that the population of this proposed facility would meet this threshold, the applicant must contact DEQ to request additional information regarding the construction and operation of a public drinking water system.

The information provided also was not clear regarding any proposed wastewater disposal services at the facility. DEQ strongly recommends connection to an existing public wastewater collection system. If a connection to an existing wastewater collection system is not reasonably accessible and a septic system is planned for, the applicant should be aware that if the daily wastewater generation exceeds 2,500 gallons per day, the subsurface disposal system would be required to be a large soil absorption system (LSAS), which must be designed by a licensed professional engineer and reviewed and approved by DEQ. The applicant should contact Southeast Idaho Public Health for more information about septic system design and permitting.

Exhibit
T-2

General recommendations for land development projects are also 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', is positioned below the word 'Sincerely,'.

Allan Johnson, P.E.
Regional Engineering Manager
DEQ Pocatello Regional Office

EDMS# 2022AGD9052

Attachments: DEQ General Recommendations for Land Development Projects.

c: Katy Bergholm, Regional Administrator, DEQ Pocatello Regional Office
Tiffany Olsen, Bingham County Planning & Development Director
Ken Keller, Environmental Health Director, Southeastern Idaho Public Health

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.