

BINGHAM COUNTY ORDINANCE 2025-6

TITLE 10 "ZONING REGULATIONS"
CHAPTER 3 "ADMINISTRATION HEARING REGULATIONS"
SECTION 6 "PUBLIC HEARINGS"

and

TITLE 10 "ZONING REGULATIONS"
CHAPTER 14 "SUBDIVISION REGULATIONS"

and

TITLE 10 "ZONING REGULATIONS"
CHAPTER 7 "SPECIFIC USE PERFORMANCE STANDARDS"
SECTION 35 "TOWER; BROADCAST, CELL, TELECOMMUNICATION"

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO AMEND THE FOLLOWING SECTIONS OF TITLE 10 *ZONING REGULATIONS* IN BINGHAM COUNTY CODE:

- (1) CHAPTER 3 *ADMINISTRATION; HEARING REGULATIONS*, SPECIFICALLY SECTION 10-3-6 *PUBLIC HEARINGS*

AMENDMENTS INCLUDE DEFINING HOW PUBLIC HEARING NOTIFICATIONS ARE MAILED AND POSTED ON-SITE; and

- (2) CHAPTER 14 *SUBDIVISION REGULATIONS*, SPECIFICALLY:

- (a) SECTION 10-14-3 *ORIGINAL PARCEL*

AMENDMENTS INCLUDE PARCELS USING LEGALLY RECORDED ACCESS AND VACATING A SUBDIVISION WILL NOT REINSTATE DIVISION RIGHTS; and

- (b) 10-14-4 *PRELIMINARY PLAT*

AMENDMENTS INCLUDE REQUIREMENTS FOR SUBMISSION OF A PRELIMINARY PLAT APPLICATION; and

- (c) 10-14-5 *FINAL PLAT*

AMENDMENTS INCLUDE REQUIREMENTS FOR SUBMISSION OF A FINAL PLAT; and

- (d) 10-14-7 *COMBINING PRELIMINARY AND FINAL PLATS (SHORT PLATS)*

AMENDMENTS INCLUDE REQUIREMENTS FOR SHORT PLAT CONSIDERATION AND WHEN A FINAL PLAT MAY BE RECORDED; and

- (e) 10-14-8 *DESIGN STANDARDS*

AMENDMENTS INCLUDE CLARIFICATION TO PRIVATE INGRESS/EGRESS ACCESS AND RIGHT-OF-WAY DEDICATION; and

(f) 10-14-9 *SPECIAL DEVELOPMENTS*

AMENDMENTS INCLUDE REMOVING SCENIC AREAS, CLARIFYING HISTORICAL AREAS TO BE HISTORICALLY REGISTERED BUILDINGS, AND ADDING RIPARIAN AREA; and

(g) 10-14-11 *FINANCIAL AGREEMENT*

AMENDMENTS INCLUDE THE ADDITION OF PUBLIC AND PRIVATE IMPROVEMENTS TO INFRASTRUCTURE IMPROVEMENTS AND ALLOWING FOR A FINANCIAL GUARANTEE TO BE PLACED FOR THE OUTSTANDING PORTION OF INFRASTRUCTURE IMPROVEMENTS; and

(3) CHAPTER 7 *SPECIFIC USE PERFORMANCE STANDARDS* SECTION 35 *TOWER; BROADCAST, CELL, TELECOMMUNICATION*

AMENDMENTS INCLUDE REGULATIONS FOR FEDERALLY LICENSED AMATEUR RADIO STATION

PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Bingham County Planning and Zoning Commission ("Commission") held two (2) Public Hearings on three (3) sections within Title 10 *Zoning Regulations*. Both Public Hearings held on February 12, 2025, and March 19, 2025, resulted in a recommendation of approval, with modifications, to the Board of County Commissioners ("Board") with the Commission finding the changes proposed are reasonably necessary and in the best interest of the public; and

WHEREAS, the Board held a Public Hearing on May 30, 2025, to receive the Commission's recommendation and to receive public testimony on the proposed modifications; and

WHEREAS, the Board found the proposed amendments are reasonably necessary, in the interest of the public, and should be adopted with minor amendments made at the Public Hearing.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY, BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

Section 1: Title 10 Chapter 3 Section 6 shall read follows:

TITLE 10
CHAPTER 3
ADMINISTRATION; HEARING REGULATIONS

10-3-6: PUBLIC HEARINGS:

A. Procedures For Subdivision, Planned Unit Development, Ordinance Or Plan Amendment And Rezone Public Hearings: Any person seeking an amendment of the plan, ordinance or zoning map shall submit to the County Zoning Administrator a written petition designating the change desired and the reasons therefor, together with a fee as determined by the Board. Before recommending an amendment to the zoning ordinance, evidence must be submitted to the commission showing that such an amendment is reasonably necessary, is in the interest of the public and is in harmony with the objectives and purposes of this title. The following procedures shall apply:

1. The commission shall conduct at least one public hearing on each: subdivision application; ordinance or plan text and/or map revision in which interested persons shall have an opportunity to be heard.
2. The hearing notice shall give the date, time and place of hearing, the name of the applicant, name of the property owner if not the applicant, identification of the property and such other facts as required by this title. Identification of the property may include (a) the grid address of the location or approximate location if an address has not been assigned; (b) the parcel number and the Township, Range, and Section. If for any reason one of the notification identifiers is inaccurate or contains a scrivener's error, but all other identifiers are accurate, the notice will still be deemed valid and not require a new publication.
3. At least twenty two (22) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice shall also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement.
4. A summary of the proposed action shall be sent to all political subdivisions providing services within the planning jurisdiction, including fire districts, school districts, utility companies, etc., by regular parcel mail postmarked at least twenty two (22) days prior to the hearing.
5. Notice shall be provided by regular parcel mail postmarked at least twenty two (22) days prior to the hearing to all property owners within three hundred feet (300') beyond the external boundaries of the land being considered for the proposed application. Comprehensive Plan changes and changes to this title, which do not relate to a specified real property, do not require mailed individual notices.
6. Notice shall be posted on the premises, not less than fifteen (15) days prior to the hearing. Should the property be inaccessible to the public, notice shall be posted at the closest public access to the site.

7. When notice is required for two hundred (200) or more property owners or purchasers of record, in lieu of mailing notification, the following alternate form of notice may be followed: The notice shall be published three (3) times in a newspaper of general circulation in the County, the last publication of such notice shall be at least ten (10) days before the date set for the public hearing.

8. No more than two (2) pages of written testimony will be accepted less than eight (8) calendar days before a hearing.

9. Before recommending an amendment to the zoning ordinance, evidence must be submitted to the commission showing that such an amendment is reasonably necessary, is in the interest of the public and is in harmony with the objectives and purposes of the zoning ordinance.

10. If after the public hearing, the commission makes a material change to the advertised application, a second hearing shall be held before the commission unless a hearing will be held before the Board.

11. The Board, prior to adopting, revising or denying a zone change application as recommended by the commission, shall conduct at least one public hearing using the same notice and hearing procedures as the commission.

12. If the Board makes a significant material change from what was presented at the public hearing, further notice and hearing shall be provided before the Board adopts the amendment.

13. Amendments shall require a majority of the members of the Board before an amendment can be effective.

14. No Comprehensive Plan (and/or map) amendments shall be effective unless adopted by Resolution by definitive reference to the specific plan document.

15. A record of the hearings, findings made, and action taken shall be maintained.

B. Procedures For Conditional Use Permit And Variance Hearings:

1. The Planning and Zoning Commission shall conduct at least one public hearing on each conditional use permit or variance application in which interested persons shall have an opportunity to be heard.

2. The hearing notice shall give the date, time and place of hearing, the name of the applicant, name of the property owner if not the applicant, identification of the property and such other facts as required by this title. Identification of the property may include (a) the grid address of the location or approximate location if an address has not been assigned; (b) the parcel number and the Township, Range, and Section. If for any reason one of the notification identifiers is inaccurate or contains a scrivener's error, but all other identifiers are accurate, the notice will still be deemed valid and not require a new publication.

3. At least twenty two (22) days prior to the conditional use hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement.

4. A summary of the proposed action shall be sent to all political subdivisions providing services within the planning jurisdiction, including fire districts, school districts, utility companies, etc., by regular parcel mail postmarked at least twenty two (22) days prior to the hearing.

5. Notice shall be provided by regular parcel mail postmarked at least twenty two (22) days prior to the hearing to all property owners within three hundred feet (300') beyond the external boundaries of the land being considered for the proposed application.

6. Notice shall be posted on the premises, not less than fifteen (15) days prior to the conditional use hearing. Should the property be inaccessible to the public, notice shall be posted at the closest public access to the site.

7. Alternate notice; when notice is required for two hundred (200) or more property owners or purchasers of record, in lieu of mailing notification, the following alternate form of notice may be followed: The notice be published three (3) times in a newspaper of general circulation in the County, the last publication of such notice shall be at least ten (10) days before the date set for the public hearing.

8. No more than two (2) pages of written testimony will be accepted less than eight (8) calendar days before a hearing.

9. A record of the hearings, findings made, and action taken shall be maintained.

Section 2: Pertinent Sections of Title 10 Chapter 14 shall read as follows:

CHAPTER 14 SUBDIVISION REGULATIONS

10-14-3: ORIGINAL PARCEL DIVISION:

A. An original parcel in any zone may be divided into no more than four (4) lots/parcels, including the original parcel. The original parcel shall constitute the first division/building right. Any division of land beyond four (4) parcels within an original parcel shall require a subdivision plat to be filed in accordance with provisions set forth in this chapter and in Title 50 Chapter 13 of Idaho Code.

Exceptions to the foregoing are as follows:

1. An allocation of land in a legal condemnation.

2. The exchange of land that does not result in an increase of the number of lots or decrease a lot in area to less than the required minimum size for the zone.

B. Lots in a platted subdivision are not considered to be an original parcel and shall not be further reduced without the filing of a new subdivision plat with commission and Board review and approval.

C. Any original parcel that is divided, regardless of the size of the newly created parcel, retains any remaining rights for further divisions assuming all other conditions of this title are met.

1. The act of conveying any portion of land will be counted as a division if it is large enough to count as a buildable lot.

2. The original parcel shall retain any remaining division rights when any split occurs, unless they are transferred by deed to another parcel.

3. Nonbuildable lots due to size or setback shall not count as a division.

4. Any unused division rights within an original parcel may be transferred by deed to another lot within the same original parcel except for the one associated with the original parcel. All division right transfers shall be recorded in the Bingham County Clerk's Office giving the full legal descriptions of those properties involved.

5. Division rights shall not be transferred from one original parcel to another original parcel unless they are assessed under one ownership, and are approved by a conditional use permit.

6. When two (2) or more original parcels are combined into one description, each shall still retain their original available division rights.

7. All parcels created with a division right shall use their legally deeded access or an adjacent and contiguous public right-of-way as the access to the parcel.

D. An agriculture exemption shall be allowed in an A, A/NR or R/A Zone, outside an impact area, for parcels consisting of 5.01 acres or more. These parcels must be retained specifically for agriculture purposes, and shall not be used as a residential building lot. If those parcels consisting of five (5) acres or larger are for residential purposes, or have not been clearly designated as an agriculture division only on the deed, they will be counted as one of the four (4) rights of division.

E. Agriculture exemptions, lot splits and/or division rights in a City impact area are controlled by the current adopted ordinance governing said impact area.

F. Division rights cannot be located within the interior boundaries of any subdivision. The vacation of a subdivision, in whole or in part, does not reinstate previously held division rights.

G. Those parcel(s) that are in excess of four (4) divisions from an original parcel will be recognized as buildable, that meet all of the following:

1. Legally recorded before July 1, 1999.

2. Minimum of five (5) acres.

3. Have a minimum of fifty-foot (50') road frontage, on either a public County road or a fifty foot (50') easement with no more than four (4) parcels utilizing one easement.

4. If the parcel(s) lot lines are adjusted after October 26, 2012 the parcel will no longer be considered buildable, unless the number of lots/parcels are reduced by the adjustment back to pre-1999 status.

10-14-4: PRELIMINARY PLAT:

The developer shall submit a written application for the preliminary plat to the Administrator and shall include at a minimum the following:

A. Copies Of Preliminary Plat: Two (2) copies and one digital copy of the Preliminary Plat (each copy shall have dimensions of not less than eighteen inches by twenty four inches (18" x 24") and shall be drawn to a scale to ensure the clarity of all lines, bearings, and dimensions. The Preliminary Plat shall include:

1. The name of the proposed subdivision.
2. The names, addresses and telephone numbers of the developer, owner and surveyor who prepared the plat.
3. The legal description of the subdivision by section, township and range; reference by dimension and bearing to a section corner or quarter section corner.
4. The intended use of the proposed subdivision, such as: residential single-family, commercial, recreational or agricultural, etc.
5. Each copy shall have a north arrow and date of preparation including dates or any subsequent revisions.
6. If the proposed subdivision is part of a larger area intended for development, a Development Master Plan of the entire area shall be provided. If the proposed subdivision will be developed in phases/divisions, the phase/division lines must be identified on the preliminary plat. All phases/divisions must progress in an orderly fashion and shall share a contiguous parcel boundary.
7. Include a vicinity map drawn at an appropriate scale clearly showing the relationship of the proposed site to the surrounding area within a one-mile radius, including adjacent subdivisions, main arterial routes, collector streets, etc.
8. The existing zoning of the subdivision and the adjacent land.
9. The approximate acreage of the proposed subdivision and the number of proposed lots.
10. Boundaries of the tract to be subdivided shall show dimensions for roadway centerlines, lot lines and blocks including curve data to scale and numbers of each lot and block.

11. Streets, street names, rights-of-way and roadway widths, including adjoining streets, roadways or railroads and, if applicable, of the water, sewer, sidewalks and other required public facilities. A private road, as allowed in a planned unit development (PUD), commercial or industrial subdivision, must be a separate lot. These drawings are not meant to be cross sections or detailed designs, but shall contain sufficient information to enable the commission to make a determination as to conformance with the standards and regulations in this chapter.

12. Appropriate details for any special development areas in the proposed plat, such as hillside, planned unit development, floodplain, nitrogen priority area, riparian area, wetlands, and wildlife migration routes as defined by the appropriate state or federal regulatory agency, large scale development or any other pertinent features, areas or types of development.

13. Contour lines shown at a minimum of two-foot (2') intervals and shall be shown on the preliminary plat map which shows the proposed subdivision layout. Where land slope is greater than ten percent (10%), show contour lines at ten-foot (10') contour intervals.

14. Any proposed or existing utilities, including, but not limited to, gas lines, power lines, fiber lines, water and sewer lines, wells, septic systems, and how storm water will be retained and/or disposed of within a proposed and depicted drainage system area.

15. Show the location and distance of all existing wells and individual septic system on each lot. When requested by the Administrator, the Plat shall also show the location of wells and individual septic systems on adjacent parcel(s)/lot(s) wells outside of the subdivision to verify the proposed subdivision lots have sufficient capability to meet the required distances from the utility system to the proposed lot(s) for utility future development.

16. Plat must include the location and distance of the nearest Municipal/community water and sewer services.

17. All proposed easements will be shown on the plat, including location, width, and use. New easement(s) providing ingress/egress access within a subdivision shall only provide access to the lots within the subdivision, unless specifically approved by the Board of County Commissioners.

18. Any existing irrigation canals, private ditches, ridges, culverts, water mains, lakes, streams, or natural waterways, direction of flow, or drainage area.

19. For a plat of ten (10) lots or more being one-half (1/2) acre or less in size, must provide open space, playground or recreational area to a minimum of one-fourth (0.25) acre per every ten (10) lots.

B. Supplemental Information for Application Submission:

1. Recorded vesting deed for the subject parcel proposed for development to verify ownership;
2. A Narrative statement that contains the following information:

- a. Existing use of the land, zoning of the proposed subdivision, and adjacent properties;
 - b. Intended use of the proposed subdivision, such as: residential single-family, commercial, recreational or agricultural, etc.
 - c. Indicate if the proposed development is in a floodplain designated area and if so, pertinent information as required by 44 CFR§60.3 – Floodplain management for flood-prone areas,
 - d. Evaluating effects of proposed subdivision on adjoining properties;
 - e. General compatibility with other properties and uses;
 - f. Compliance with the Comprehensive Plan
3. A Subdivision Guarantee from a title company for the applicable subdivision boundary prepared within a timeframe no longer than three (3) months prior to the subdivision application date and may be required to renew prior to Final Plat if deemed appropriate by the Administrator.
 4. USDA Soil Resource Report;
 5. Idaho Department of Water Resources Well Log Report within one mile of the proposed development;
 6. Any other applicable report or supplemental information as requested by the Administrator.

C. Proposed Utility Methods:

1. Sewage: It shall be the responsibility of the developer to furnish a statement as to the type of proposed sanitary sewage facilities, which shall appear on the preliminary plat.
 - a. If individual septic systems are proposed, and if the nearest municipal/community sewer is within 1,320 feet of the proposed subdivision boundary, the application shall be accompanied by an estimate, prepared by a licensed engineer, attesting to the anticipated cost to connect to said service for consideration of connection feasibility. A request for a feasibility study may also be directed by the Planning and Zoning Commission and/or the Board if the distance is greater than 1,320 feet.
 - b. If a community/municipal/district sewer connection or system is proposed, verification that an adequate developable wastewater system exists, or will be established to provide service for the subdivision shall be submitted with the application.
2. Water Supply: It shall be the responsibility of the developer to provide a statement as to the type of proposed water supply facilities, which shall appear on the preliminary plat.
 - a. If individual wells are proposed, and if the nearest municipal/community water is within 1,320 feet of the proposed subdivision boundary, the application shall be accompanied by an estimate, prepared by a licensed engineer, attesting to the anticipated cost to connect to said service for consideration of connection feasibility.

A request for a feasibility study may also be directed by the Planning and Zoning Commission and/or the Board if the distance is greater than 1,320 feet.

- b. If an existing individual well is proposed to be shared, a statement from a licensed well contractor shall be provided affirming the well has the capability and capacity to serve all proposed users shall be submitted with the application.
- c. If a community well is proposed, verification that an adequate capacity exists and that water service will be provided to the subdivision shall be submitted with the application.

3. Stormwater Retention/Disposal: It shall be the responsibility of the developer to provide a statement as to how stormwater will be retained/disposed of, which will appear on the preliminary plat. For centralized or shared stormwater retention (ponds, swales, underground detention, etc.), the developer shall furnish the Planning and Zoning Department a stormwater drainage plan which depicts the areas where stormwater is planned for retention/disposal. The site grading design, calculations and any proposed stormwater system details shall be included in the Construction Plans

4. Irrigation System: When applicable, it shall be the responsibility of the developer to provide a statement as to how irrigation water will be delivered to the subdivision consistent with Idaho Code Section 31-3805(1)(b).

a. All irrigation ditches within a subdivision zoned residential shall along the front of the subdivision and the front of each individual lot(s) have enclosed systems, unless an exception is granted by the Board.

b. All lots of one acre or less shall be provided irrigation through an underground tile or other like satisfactory underground conduit pursuant to Idaho Code Section 31-3805(1)(a).

c. Any improvements involving the distribution system of any irrigation district shall have the prior written approval of the affected irrigation district pursuant to Idaho Code Section 42-1207. For lots greater than one acre, and in specific instances where the governing authority of the irrigation ditch, canal, lateral, or the down-stream water users provide written approval or denial of the conversion of an open system to an enclosed system, the Board of County Commissioners may consider allowing the open ditch system to exist in the proposed subdivision.

d. If water rights are currently associated with the land included within the proposed subdivision boundary, then irrigation must be provided to each lot.

e. The developer shall submit an irrigation and distribution system plan with the subdivision application that includes:

- (1) if the method of irrigation water delivery is through an open or buried system;
- (2) the location of irrigation pump and pump design/size (if applicable);
- (3) an attestation by a licensed engineer or irrigation professional, contractor and/or developer, that the design/size of pump is adequate to serve the number of proposed

lots with the allotted water shares/water ownership, a copy of water stock shares or other certificate of water ownership;

(4) A copy of water stock shares or other certificate of water ownership.

f. Prior to Final Plat, the developer shall provide copies of the community association organization documents, which specifically identify the irrigation district/company and the operating plan or water users agreement to both the irrigation district/company and the Planning and Zoning Department when the subdivision is for three (3) lots or more.

5. Utility Easement: The utility easement width shall be a minimum of ten feet (10') from the exterior boundaries and five feet (5') from the interior boundaries.

D. Administrator Review:

1. Upon receipt of the preliminary plat and all other required data, the Administrator or designated agent shall certify the application as complete and shall affix the date of the application acceptance thereon.

2. The Administrator or designated agent shall transmit one copy of the preliminary plat and application to County departments and all other agencies as deemed necessary for review. The agencies may include, but are not limited to, the following:

- a. School districts.
- b. Health district.
- c. Fire districts.
- d. Utility companies.
- e. Irrigation districts or canal company.
- f. Other intergovernmental departments, (public works, etc.).
- g. Adjacent Town sites or cities having an impact area agreement.
- h. The Fort Hall Tribal Council.
- i. And any other State or Federal agency deemed necessary.

3. The Administrator or designated agent shall prepare a staff report and place the preliminary plat and application on the commission agenda within a reasonable time not to exceed ninety (90) days from the date of acceptance.

E. Commission Action:

- 1. The commission shall hold a public hearing to review the proposed subdivision plat.

2. The hearing and notice procedure shall comply with Idaho Code section 67-6509 being prior to granting a recommendation to the Board; at least one public hearing shall be held in conformance with chapter 3 of this title.

3. In determining the acceptance of the proposed subdivision, the commission shall consider the objectives of the ordinance and, at a minimum, the following:

a. Recommendations for conditions of approval that would minimize adverse conditions, if any.

b. The reasons for recommending the approval, conditional approval, modification or denial.

c. The proposed subdivision to be consistent with the Comprehensive Plan.

d. The availability and/or feasibility of public or private services to accommodate the proposed subdivision.

e. The public financial capability of supporting services for the proposed subdivision.

f. Any other health, safety, or environmental problems that may be brought to the commission's attention.

g. The recommendations of a City if the proposed development is located within a City impact area or within one mile of a City not having a valid impact area.

4. The commission may recommend approval, recommend conditional approval, recommend disapproval or table the preliminary plat for additional information. The commission shall set a time for any additional information to be reviewed.

5. Upon recommending, granting or denying a preliminary plat, the commission shall specify:

a. The ordinance sections and standards used in evaluating the application.

b. The reasons for approval or denial.

6. The Administrator shall forward a statement of the action taken and the reasons for such action and/or the commission minutes containing such action, together with a copy of the preliminary plat, to the Board for their information and review.

F. Board Action:

1. The Board shall set a date to review the preliminary plat and the commission decision within ninety (90) days from the date the Commissions decision is signed.

2. The Board shall review the preliminary plat, the written information presented to the commission, and the commission minutes or the statement of action taken, prior to making a determination on the proposed plat

3. The Board may approve , conditionally approve, or deny the decision of the commission on the proposed application. The Board may determine that more information is required and shall return the plat to the commission for a new hearing. Upon reaching a decision, the Board shall make written findings to specify the following:

- a. The ordinance and standards used in evaluating the proposal.
- b. The reasons for approval or denial.
- c. If denied, what actions the applicant could have taken to obtain approval.

10-14-5: FINAL PLAT:

After the approval or conditional approval of the preliminary plat, the developer may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The developer shall submit to the Administrator the following:

A. Digital copy and/or paper copy of the final plat for review.

B. Digital copy of Engineering Drawings: Three (3) copies of the final engineering construction drawings for streets, water, sewer, sidewalks, irrigation system, estimate of cost and plans for any other public improvements, if applicable.

C. Compliance: The final plat shall include and comply with Idaho Code title 50, chapter 13.

D. Administrator Review:

1. Upon receipt of the final plat, the Administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat and compliance with all other requirements provided in this title. If the Administrator determines that there is a substantial difference in the final plat from the preliminary plat or the conditions have not been met, the Administrator may have the developer resubmit the preliminary plat to the commission.

2. If the Administrator determines the final plat is in compliance with all requirements as provided herein and there is no substantial difference from the preliminary approval, the Administrator shall affix the date of acceptance on the plat.

E. Approval Period: The final plat may not be recorded until all the fees are paid, a surety bond or other financial provisions posted or recorded along with a signed and recorded development agreement approved by the Board. The final plat must be recorded within two (2) years from the date of final approval by the Board; otherwise, such approval becomes null and void. The developer may request a one-time extension not to exceed one year, said extension must be submitted prior to the expiration date. This extension may only be granted by the Board.

10-14-6: VACATED PLAT:

An owner or applicant may petition the Board for a total or partial vacation of a recorded subdivision plat, including easements and streets. The vacation shall be processed in accordance with the regulations set forth in Idaho Code section 50-1306A and recorded in accordance with the regulation set forth in Idaho Code section 50-1324.

10-14-7: COMBINING PRELIMINARY AND FINAL PLATS (SHORT PLAT):

The developer may request that the subdivision application be processed as both the preliminary and final plat if all the following exist:

- A. A complete subdivision application form and plat data as required by this title.
- B. The proposed subdivision does not exceed four (4) lots (excluding landscaping lots) and where access is provided from an existing County Road where no new street dedication or street widening is involved.
- C. The development does not include any special development considerations, such as floodplain, hillside, riparian, wetland, or any other special circumstances.
- D. All required information for both the preliminary and final plat is complete and in the correct format. The Final Plat will be recorded after the Board's timeframe for an appeal to be filed has been exhausted and no appeals have been received.
- E. And all other agency approvals have been obtained.

10-14-8: DESIGN STANDARDS:

A. Provisions: Subdivision improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth in this chapter; provided however, that any higher standards adopted by the Public Works Department, State Highway Department or the Health Department shall prevail over those set forth herein.

B. Improvements: All improvements such as roads, private roads, easements, water facilities, sewer facilities, irrigation systems, street lights, storm drainage system, and curb, gutter and sidewalks shall be the responsibility of the developer. Construction plans shall be prepared and submitted with the final plat. All final approval for construction plans shall be with the responsible agencies.

C. Building Permits: Building permits will not be approved for any development on lots until all improvements are installed and final approval is received from all agencies and departments involved. Final approval for each phase of the project must be received from the Board.

D. Lot Design: Lots shall conform to the following:

1. The buildable lot width, depth and total area shall not be less than the requirements of any zone.

2. In subdividing tracts that may be resubdivided in the future, especially in approved City impact areas, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restrictions of building within future street locations shall be made a matter of record.

3. The dimensional standards for all lots shall be in accordance with the applicable zone. Corner lots in subdivisions with lots of less than one acre shall be increased above the minimum size if needed to see that appropriate side and rear setbacks can be met.

4. Every lot shall have access to an approved public street, except in a planned unit development, a recreation subdivision or a commercial/manufacturing subdivision where lots may abut on a private street that furnishes satisfactory access to a public street.

5. Lots shall combine driveway approaches where feasible.

6. Proposed or existing private ingress/egress easements shall be prohibited within the boundaries of the subdivision unless approved by the Board.

7. All road rights-of-way and future road rights-of-way must extend to the property boundary and/or the subdivision boundary, unless approved by the Board.

8. All lots shall be designed to discourage backing onto a County road.

9. If the site grading is such that access would be prevented if one road is blocked, then a second access may be considered for all plats more than four (4) lots.

10. Division rights shall not be located within the interior boundaries of any subdivision.

E. Block Design: When applicable, blocks shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.

F. Road, Street Right-Of-Way Widths: Street design, right-of-way widths, cul-de-sacs and radiuses shall conform to the current Highway and Street Standards adopted by the County as identified by the Bingham County Public Works Department

G. Intersections Standards: Intersections shall conform to the following:

1. Angle of intersection; streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than seventy degrees (70°). Streets intersecting an arterial shall do so at a ninety degree (90°) angle.

2. Where any street deflects at an angle of ten degrees (10°) or more, a connecting curve shall be required to have minimum centerline radius of three hundred feet (300') for arterial and collector streets and one hundred twenty five feet (125') for local streets.

3. If there is an offset of opposing road, the street centerlines shall be offset by a distance of at least one hundred twenty five feet (125').

4. Sight triangles - minimum clear sight distance at all street intersections shall permit vehicles to be visible to the driver of another vehicle. The sight triangle must be unobstructed along both approaches of both roads and across their included corners for a distance sufficient to allow the operator of vehicles to see each other in time to prevent collisions at the intersection. The sight triangle distances are determined by Idaho Code section 49-221 or Bingham County Public Works Department, respectively.

5. Number of streets - no more than two (2) streets shall cross at any one intersection. Street intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided.

6. Maximum and minimum grades for all streets shall be determined by the Bingham County Road Standards Manual.

7. Pedestrian ways with right-of-way widths of eight feet (8') or greater may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

10-14-9: SPECIAL DEVELOPMENTS:

The purpose of this section is to identify various types of special developments that normally pose special concerns to the commission and the Board when reviewing and acting upon subdivision requests. The provisions of this section are in addition to other applicable requirements of these subdivision regulations. Required information shall be submitted to the Planning and Zoning Department with the preliminary plat.

A. General: The development of any hazardous or unique areas may need special consideration to assure that the development is necessary and desirable to the public interest. Areas that may be hazardous or unique may be as follows:

1. Unstable soils.
2. Historical buildings or places registered with the National Registry of Historic Places.
3. Floodplains.
4. Wetlands.
5. Nitrate priority areas.
6. Riparian area.
7. Other areas of critical concern.

B. Plan Submission: The applicant, if required, shall prepare and submit an environmental assessment statement for those areas as above noted and designated along with the preliminary plat application.

C. Content Of Environmental Assessment Statement: The content of the environmental assessment statement, if required, shall be prepared by professional(s) that will provide answers to the following questions:

1. What detrimental environmental effect may occur as a result of the proposed development?
2. What corrective action or alternative plans could be developed so as not to significantly cause detrimental environmental effects?
3. What adverse effects of the proposed development cannot be mitigated?

D. Condominium(s):

1. Site Development Plan: The applicant shall provide the commission with a site plan, elevations, perspective drawings and such other illustrated information at a scale to be determined by the Planning Department to show the proposed development that will include at least the following:

- a. Site plan.
- b. Plat showing lots, including common lots and roads.
- c. Architectural styles and building design concepts.
- d. Type of landscaping.
- e. Screening, if proposed
- f. Type of solid waste facilities.
- g. Parking concept.
- h. Open space areas.

2. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate space shall be provided for every three (3) living units. This may be reduced by the commission if there is a showing that the needs of a particular development are less.

3. Parking Space: One additional parking space beyond that which is required by the zoning regulations may be required for every three (3) dwelling units to accommodate visitor parking.

4. Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

E. Subdivision For A Cemetery:

1. The developer shall provide the County with written documentation that will sufficiently explain if the proposed cemetery will be used for either human or animal remains or the functions that are anticipated on the property.

2. The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural platting requirements and management requirements that are outlined in Idaho Code title 27.

3. Cemetery subdivisions shall not be located within the 100-year floodplain.

10-14-10: AS BUILT DRAWINGS AND SPECIFICATIONS:

A. Prior to acceptance by the County of any public improvements installed by the subdivider, two (2) sets of prints of the approved "as built" plans and specifications shall be certified by the subdivider's engineer and filed with the Public Works Department and approved by the Board.

B. Within thirty (30) calendar days after completion of improvements and submission of "as built" plans in accordance with County specifications, the applicant's engineer, or if applicant chooses, then the Board or its designated representative, shall certify the completion and acceptance.

10-14-11: FINANCIAL AGREEMENT:

Prior to the Board signing the final plat:

A. The subdivider or the applicant shall have previously constructed all required public and/or private improvements and secured a certificate of completion from the County or applicable governing authority, or filed with the County Clerk a surety bond or other acceptable guarantee of performance to ensure the actual construction of such improvements as submitted and approved.

B. The improvements when covered by a surety bond shall be constructed within two (2) years from the date of recording of the final plat; provided, however, the Board may extend the period one year upon showing of just cause by the subdivider.

C. Such surety bond or other guarantee shall be in the amount of one hundred twenty percent (120%) of the estimated cost of the improvements not yet completed provided by a licensed engineer and approved by the Public Works Director. A bond shall be with a surety company authorized to do business in the State of Idaho and acceptable to the Board.

10-14-12: MODIFICATIONS TO RECORDED PLAT:

A. Modified lots in a previously platted subdivision shall not be recognized as buildable unless they are recorded on an approved amended plat.

B. All amendments to a recorded plat involving: public rights- of-way or easements, vacations of plats and dedications of rights-of-way to public use, replats or amendments of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes shall be governed by the provisions of Idaho Code title 30.

10-14-13: SUBDIVISION AND EASEMENT VACATIONS:

A. Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application with the Planning and Zoning Department and also file such other applications as are otherwise required by law.

B. Upon receipt of the completed application and other information as may be required, the Planning and Zoning Department shall affix the date of application acceptance thereon. The application shall be considered by the commission at a public hearing noticed as provided for in chapter 3 of this title. Vacations shall be processed in accord with the regulations set forth in Idaho Code section 50-1306A and recorded in accord with the regulations set forth in Idaho Code section 50-1324.

1. The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval or denial.

2. The applicant shall pay an appropriate fee as determined by the Board.

10-14-14: MINERAL EXTRACTION DURING SUBDIVISION CONSTRUCTION:

For mineral extraction (short term) of gravel, sand, soil or other minerals excavated and removed during the process of constructing a subdivision, the minerals must be removed from the subject property within six (6) months from the date excavation begins, per each phase. Extracted minerals may not be stored on site beyond the six (6) month time period. Prior to commencing any phase of extraction, the landowner or operator/extractor must deliver to the Planning and Zoning Department a written notice of the following:

A. Name of landowner.

B. Name of the operator/extractor.

C. Legal description of the property where material is to be extracted.

D. A site plan of the property showing the area where the gravel, sand, soil or other mineral is to be extracted.

E. The amount of material to be extracted.

F. Any extracted materials cannot be screened, crushed, or processed without obtaining a conditional use permit.

G. The written notice must be dated and signed by the landowner and the operator/extractor.

H. Zoning compliance.

I. Application processing fee.

J. A copy of an approved reclamation plan, if required.

10-14-15: PROTECTIVE COVENANTS (RESTRICTIVE COVENANTS):

Protective covenants may be prepared and recorded as part of a subdivision by the developer. This is usually done to provide protection to future property owners by establishing higher standards than required under other regulations. The provisions within protective covenants are enforceable through civil action, and local governments are not responsible for enforcement of these provisions. They are not to be used as a basis for decision on an action before the commission or Board.

Section 3: Title 10 Chapter 7 Section 35 shall read as follows:

10-7-35: TOWER; BROADCAST, CELL, TELECOMMUNICATION:

A. Documentation: The applicant shall provide the following documentation with the request for approval of a wireless communication facility:

1. Documentation from a qualified and licensed engineer showing that the proposed facility will be in compliance with the FCC Standards Regarding Radio Frequency (RF) Emissions.

2. A report from a qualified and licensed structural engineer that describes the tower height and design. The report shall include the following: a cross section of the tower, elevations that document the height above grade for all potential mounting positions for collocated antennas, and the minimum separation distances between antennas. The report must also include a description of the tower's capacity regarding the number and type of antennas that it can accommodate and what precautions the applicant will take to avoid interference with established public safety telecommunications. This report must be stamped by the structural engineer and include other information necessary to evaluate the request.

3. A statement regarding compliance with regulations administered and enforced by the Federal Aviation Administration (FAA).

4. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be in the chosen location.

5. A written analysis demonstrating that the proposed site is the most appropriate site within the immediate area. The analysis shall include, but is not limited to, the following:

- a. Description of the surrounding area, including topography.

b. Natural and manmade impediments, if any, that would obstruct adequate wireless telephone transmissions.

c. Physical site constraints, if any, that would preclude construction of a wireless communications facility on any other site.

d. Technical limitations of the system that limit siting options.

e. Statement indicating minimal interference with existing farming operations.

B. Design Standards: All new communications towers shall meet the following minimum design standards:

1. Towers and antennas shall be required to blend into the surrounding environment by paint or other camouflaging architectural treatment, except in instances where the color is dictated by Federal or State authorities such as the Federal Aviation Administration. All metal shall be corrosive resistant or treated to prevent corrosion.

2. No part of any antenna, disk, array or other such item attached to a communications tower shall be permitted to overhang any part of the right-of-way or property line.

3. The base of all towers shall be surrounded by an eight foot (8') chain link security fence.

4. All climbing pegs within the bottom twenty feet (20') of the tower shall be removed except when the tower is being serviced.

5. All lighting on the tower, other than may be required by the FAA, shall be prohibited.

6. No signs or banners shall be attached to any portion of a wireless communications tower.

C. Setback Standards:

1. In addition to the setbacks found in sections 10-6-3 and 10-6-5 of this title, additional setback requirements shall be one fall height plus thirty feet (30'), from adjoining property lines and County road rights-of-way unless certified by an Idaho licensed engineer that the design will collapse upon itself or be designed to fall within a specific radius.

2. Only the accessory equipment building shall be permitted to be located within the fall zone.

D. Collocation Standards: A proposal for a new commercial communications tower should not be approved unless the decision making body finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower.

E. Tower Designed For Additional Users: All proposed communications towers shall be designed (structurally, electrically, and in all respects) to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred ten feet (110') in height and for at least one additional user if the tower is over fifty feet (50') in height.

F. Abandoned Or Unused Towers Or Portions Of Towers: All abandoned or unused towers and associated facilities shall be required to be removed within one hundred eighty (180) days of cessation of use as a wireless communication facility, unless a time extension is granted by the commission. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of the use as a wireless communication facility, shall be submitted at the time of application.

G. Height Allowance; Conditional Use Permit; Notice: In accordance with Idaho Code section 67-6512, the Planning and Zoning Administrator shall notify property owners where a conditional use permit is requested by reason of height allowance that notice shall be provided individually by mail to property owners or purchasers of record within no less than three (3) times the distance of the height of the allowed height of a structure when more than one hundred feet (100') and within no less than one mile when the peak height of a structure in an unincorporated area is four hundred feet (400') or more and, when four hundred feet (400') or more, the structure's proposed location and height shall be stated in the notice.

H. Federally Licensed Amateur Radio Stations: This Chapter shall not govern any tower that is at or under seventy (70) feet in height and is owned and operated by an amateur radio operator licensed by the Federal Communications Commission (FCC). Support structures and antennas for private use on licensed frequencies may be constructed in any zone as a permitted use, however, an approved Building Permit is required.


Section 4: That all other portions of Bingham County Code Title 10 Chapter 3, Chapter 7 and Chapter 14 not herein amended shall remain in full force and effect.

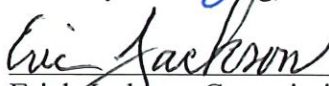
Section 5: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

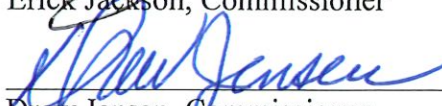
PASSED AND APPROVED on this 11 day of June, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO





Whitney Manwaring, Chairman


Erick Jackson, Commissioner


Drew Jensen, Commissioner

Attest:


Pamela W. Eckhardt
County Clerk