

BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION

APPLICATION OF: Vehicle Repair Shop in a “R/A” Residential/Agricultural Zoning District

PROPERTY OWNER: Mathew Byrne

Requested Action: Property Owner, Mathew Byrne, requested a Conditional Use Permit to establish a Vehicle Repair Shop on approximately 2.11 acres of land, located in an “R/A” Residential/Agricultural Zoning District, located at 168 N Highway 91, Blackfoot, ID. A Vehicle Repair Shop is an allowed land use in this zone with an approved Conditional Use Permit pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* and compliance with the Specific Use Performance Standards of Bingham County Code Section 10-7-38 *Vehicle Repair, Major and Minor*.

Property Location: 168 N Highway 91, Blackfoot, ID. Parcel No. RP0317707, Township 2 South, Range 35 East, Section 25, 2.11 acres/2.12 assessed acres

Applicable Regulations: Bingham County Comprehensive Plan, dated November 20, 2018 and Bingham County Zoning Ordinance 2012-08, as amended

Public Hearing Date: July 8, 2026

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:
 - a. Application and materials submitted by the Applicant; and
 - b. Staff Report and supplemental maps, notice, and other materials.
2. Planning and Development Services Director, Tiffany Olsen, presented the Staff Report for the Application. She reviewed the requested action and acknowledged that before the Public Hearing, the Commissioners were provided the record of written testimony received, which included:

(T-1) Bingham County Public Works submitted testimony, in the neutral position, stating they have no objections or concerns.

(T-2) Zachary & Camille Snell, of 166 N Highway 91, Blackfoot, ID, submitted testimony in opposition.

(T-3) Dillon Murdock, of 360 S University Avenue, Blackfoot, ID, submitted testimony in support.

(T-4) Wyatt McCandless, owner and operator of Centennial Sales LLC, sent his testimony in support to Katie Quinn, who submitted it on his behalf.

(T-5) Corban Madson, residing at 1233 Daniele Way, Blackfoot, ID, sent his testimony in support to Katie Quinn, who submitted it on his behalf.

2. With no questions for Staff, testimony was presented by the Applicant's Representative (T-6) Kaitlyn (Katie) Quinn, of 168 N Highway 91, Blackfoot, ID. Ms. Quinn reviewed the Application and explained that the purpose of relocating the business of Byrne Performance was to be closer to their home and family. She explained that Byrne Performance is the only performance shop in the area that specializes in import vehicles, and customer reviews boast of Mathew's (her fiancé) knowledge that exceeds local standards, providing safe, compliant, and personal care to clients. The addition of this shop on their property will also increase property values.

Ms. Quinn testified that Byrne Performance has always been a clean and safe working environment and has always been respectful of the residential areas nearby by ensuring noise is limited. Business is conducted during appropriate business hours, and the shop is kept respectable in appearance. She explained that the current shop for Byrne Performance is in a densely populated area within Blackfoot city limits, with apartments ten (10) feet away from the back wall, and agricultural fields to the north and east. Ms. Quinn added that they have made themselves available to the current neighbors for any concerns, but no concerns have been expressed. Ms. Quinn explained that they have done their best to imagine what concerns they may have as neighbors in the same position, so they could build a shop to avoid these concerns.

Ms. Quinn testified that she and Mathew made themselves available for conversations with the Snell's, who submitted written testimony in opposition, but that the Snell's were not open to conversations and did not share their concerns when asked. To address their written concerns, Ms. Quinn testified that the new shop will not be offensive or disruptive to the current environment, will be neutral in color, and will be built to standards required by the County and like hundreds of other shops all throughout the County. This location will not be storing inoperable vehicles, and if that changes, a privacy fence will be erected, and the stored cars will not be visible from the road or neighbors as required by Bingham County Code.

Byrne Performance will operate during standard business hours from 9:00 am to 7:00 pm and by appointment only, with an average of 6 clients per week, with an occasionally busy week of up to 12 clients. Ms. Quinn explained that all work will be completed within the shop to prevent odors, fumes, or excessive noise from being detected on other properties. All fluids will be stored and recycled properly, as required by state environmental regulations, and noise or fumes produced from the shop will be no more than already produced by the highway or nearby train.

With concerns of increased traffic, she testified that their property is the first property on a private easement and appropriate directional signage will be placed to prevent any disturbance to the other properties. The bridge on the easement was assessed by multiple concrete contractors to ensure stability with additional traffic. Ms. Quinn testified that clients will be instructed to use safety precautions when turning onto the private easement from the highway and that security cameras and lights will be installed on the shop and not directed towards other properties. Ms. Quinn explained that an approved CUP protects and preserves the local economy. Byrne Performance is an established local business, and one of the only import performance shops that keep customers local instead of them resorting to travel to other states for work.

Ms. Quinn testified that she and Mathew have two children, and that their main priority is family. If they personally felt that the building and operating their shop would be hazardous or disruptive to their own family, they would not be requesting the Conditional Use Permit or personally do anything to cause damage or harm to their own food, plants, animals, or family. She expressed that they hold the same respect for their neighbors and land, and care deeply about their home and the impact they have on the environment.

Commissioner Bingham asked for clarification on the vehicles that would be parked waiting to be worked on. Ms. Quinn testified that approx. 6 vehicles per week are typically parked in the parking lot waiting to be seen that day. The current shop they are working out of has room for four (4) vehicles in the working area plus additional storage due to the ability to store them in a parking cage, and she understood a parking cage would not be allowed at this new location without a privacy fence. Commissioner Bingham questioned if they anticipated the need for a privacy fence. Ms. Quinn testified that it is not anticipated, but she understood that if, for some reason, the business were to change and store inoperable cars, they are prepared to erect a privacy fence.

Commissioner Winder asked what the business model and clientele consisted of. Ms. Quinn testified that the work Mathew does is niche and specializes in import vehicles. Work completed consists of basic maintenance of oil changes, brake pads, and supercharging. They do not operate like a Jiffy Lube and see less, as the projects are long-term and stored on the lift while they're being worked on.

Commissioner Winder referred to Exhibit S-6, which showed a secondary bridge and questioned if there were two accesses into the property. Ms. Quinn testified the house was old and that access was more than likely the original access to the house, which is currently not in use. On the easement, the first access to their property is for personal use, and the second access to their property would be used for clients and will have appropriate signage.

Testimony in support of the Application was received by:

(T-7) Brock Evans, JB Construction Services, of 1537 Onyx Drive, Pocatello, ID, testified that he completed an assessment of the bridge and found it was approx. ten and a half (10.5)

inches thick with a structural strength over 80,000 pounds, which would hold two fully loaded concrete trucks.

(T-8) Blake Pahler, of 1002 Samuel Street #143, Pocatello, ID, testified he was a former employee of Byrne Performance and was mentored by Mr. Byrne for 2 years. He explained the mentorship included shop etiquette, how to keep things clean and organized inside and outside of the shop, how to properly store fluids, and how to evacuate freon and AC systems. This knowledge has helped him in other jobs where he has experienced other technicians not doing things properly and was appreciative of what he had learned.

(T-9) Mathew Byrne, Owner of Byrne Performance, 160 N Highway 91, Blackfoot ID, testified he is a lifelong resident of Blackfoot. He testified that his business supports the local economy and community events as sponsors, while also donating to local community school supplies and Thanksgiving dinners. Since purchasing the property, he has worked to increase the value of his property by making repairs to the house, the yard, and the private easement. He testified that his family is growing and living in this economy is very difficult, and building this shop on his property allows him to be closer to his family. Mr. Byrne testified that he would ensure this would not be disruptive to the neighbors in any undue way or cause any negative undue consequences and will continue to make himself available if there are any new concerns. He stated he has been a homeowner since 2012, is a fair and reasonable person, has always taken pride in his home and property, and has always had a good rapport with his neighbors and intends to continue this.

(T-10) Amanda Armour, of 377 N 200 W, Blackfoot, ID, testified that she has been a customer of Byrne Performance for five (5) years and that they are honest, clean, and affordable. They have taken several cars over the years and testified that the shop is always clean and organized and could take small children to the shop if they needed. She testified that Mr. Byrne is always honest and open about his business, so if there are questions or concerns, he'll bring you in and provide an honest response to any questions or concerns. She stated that vehicles are worked on under state code regulation and did not foresee his character, or the business character, imposing any threat.

(T-11) Mary Happel, of 170 N Highway 91, Blackfoot, ID, testified that she had been trying to clean up her place for years, and Mr. Byrne was able to help her with cleaning it up. She testified that Mr. Snell had also offered to help but only after Mr. Byrne was cleaning her property up. She was tired of the contention in the community and was grateful that Mr. Byrne offered to help. She concluded that she was not concerned about the noise. Ms. Happel offered additional information in her testimony that did not apply to the Application and therefore was not included in this summary of her testimony.

Testimony in the position of neutral was received by:

(T-12) Barrett Bullock, of 46 W 160 N, Blackfoot, ID, testified that he was concerned the twenty-five (25) foot bridge was too narrow and believed there was new code that required the bridge to be thirty (30) feet and asked for this to be verified.

(T-13) Michael Faroni, of 164 N Highway 91, Blackfoot, ID, testified that he lives directly north of the property and verified that Mr. Byrne & Ms. Quinn contacted him and expressed their ideas. He testified to his background in safety and health for multiple large entities. He questioned if this would become a commercial property, or if the use was temporary. He was concerned that if it were commercial, it would open opportunities to other businesses. He testified that he was also concerned about accidents on the highway with increasing traffic due to interstate construction detours, and that there are children who will be getting on and off the buses. There is not a designated turn lane at this location, and he did not believe there was enough right-of-way to add a turning lane. Mr. Faroni was also concerned that the personal bridge was being used for commercial purposes and questioned the liability responsibilities. He stated his concerns were for the longevity of the property being agricultural and not the property owners. He questioned if this shop could be rented out or if the property is sold, would this use be transferred to the next owner. He testified that this would be close to the Blackfoot Canal; the proper permits for potential hazardous material would need to be obtained to operate so there was not a potential problem downstream. Mr. Faroni concluded with his concern of not receiving notice of this Application and asked that any users on a private drive be notified in the future.

Testimony in the position of opposition was heard by:

(T-14) Zachary Snell, 166 N Highway 91, Blackfoot, ID, testified he is adjacent to the proposed location. He said that he provided written testimony with exhibits and that this is not personal and that he has nothing against Mr. Byrne or his family. His biggest concern was whether this was an appropriate use, based on the proximity, the current zoning, and historical use. He testified that he has three children with his wife, Camille, and that they saved money for twelve (12) years for their family homestead. They purchased this property five (5) years ago and have four (4) acres with the intention of a rural agricultural lifestyle. Mr. Snell testified that this land use would fundamentally change the character of the area. He was concerned that the number of vehicles, and being by appointment only, could not be guaranteed long-term. Mr. Snell testified that his property is a few feet away and that his kids play on the road and are outside all day, and that he was concerned about deliveries and other traffic this use will bring. He explained that they have a garden, animal corral, and other homestead-type activities on their property. Mr. Snell testified that when Mr. Byrne moved in, he was testing an exhaust and could be heard happening repeatedly and did not agree that there would not be any noise. He appreciated the efforts that Mr. Byrne has taken to minimize the impact but did not think those could be guaranteed long term. Mr. Snell testified that Highway 91 is a busy road and there have been accidents with four (4) of his neighbors trying to turn from the Highway. The bridge is only twenty-two (22) feet wide, and when two vehicles try to use it at the same time, one vehicle must pull over or wait on the road to allow the other to pass. Mr. Snell did not want this to be a personal issue and said it has everything to do with the character and the immediate proximity to his current homestead, his future, and what he wanted to build with his family.

(T-15) Betty Urquidi, of 174 N Highway 91, Blackfoot, ID, testified she lives two doors down from Mr. Byrne, and that Mr. Byrne had never contacted her. She was first aware of changes when there was equipment cleaning up the proposed property and Ms. Happel's

property. She testified that she was concerned that Mr. Byrne may someday purchase Ms. Happel's property, expand the proposed use, have more vehicles, and her property would be vulnerable to his business and clients. Ms. Urquidi testified that she drove by Mr. Byrne's current shop and noticed there were approx. fifteen (15) cars there and did not want to see that next to her property. She was also concerned about chemicals that could be released and safety. She had had an accident turning into her property and testified to cars not paying attention on Highway 91. Ms. Urquidi testified that she did not want this Application to be approved, but if it was, she would hope that a solid fence would be installed to stop clients from getting onto the surrounding properties. She concluded that when the property was being cleaned up, there was black smoke and she was unsure of the items being burned.

With no additional public testimony, rebuttal testimony was offered by Kaitlyn (Katie) Quinn, of 168 N Highway 91, Blackfoot, ID. She testified that concerning Mr. Bullock's concern of the bridge width and if were up to code standards, she could not speak to that code requirement as that was not required on the Conditional Use Permit Application. She explained that the average width of cars they work on are six to eight (6-8) feet wide, and two cars can fit safely on the bridge. She testified that the Conditional Use Permit is an agreement between the County and landowner(s) and allows for this use with certain criteria being met, which addressed Mr. Faroni's concerns about this being a commercial property and that the Conditional Use Permit would expire if the property were sold. In response to other questions, she testified that she hoped the business would not grow into something bigger, as Mr. Byrne cannot handle any more work and be able to offer his unique services, and that he does not plan to have any employees. She addressed concerns about bridge liability if there was an accident, and that the liability would be the same as any other business or property owner. She could not say that they would necessarily be responsible or that the burden could lie extensively on Byrne Performance, because they didn't build or own the bridge; it is shared among its users. She explained that they are doing what is required by the County to prevent any additional traffic hazard or undue danger. Although she cannot guarantee what may happen in the future, she could guarantee that they are taking whatever safety precautions they can. Ms. Quinn testified that they would be willing to adjust their appointment times to mitigate any concerns with times the interstate shuts down, and the traffic is detoured to Highway 91. Ms. Quinn testified that the structure would not be rented out as the Conditional Use Permit does not allow that and that fluids are stored and recycled properly according to state law and the environmental regulations that they must comply with to have a business license.

Ms. Quinn testified that with a zoning designation of Residential/Agriculture, the Conditional Use Permit process allows this use and is the reason for this Application. It allows the County to protect the land while also protecting the needs and wishes of the surrounding residents. If this Application is approved with conditions, Ms. Quinn testified that they would comply to ensure everyone is comfortable and safe. She understood that Mr. Snell's concerns for a rural lifestyle and that they are following the correct policies and procedures and being as respectful as they can be. Regarding the traffic concerns of Mr. Snell's children playing or running on the road, Ms. Quinn testified that her kids also use that road and that it is the parents and the homeowner's responsibility to maintain the

safety of their children, and not a responsibility for Byrne Performance to bear. This is no different than any other public or County Road currently in existence, and drivers are responsible for their own actions. Byrne Performance will provide knowledge to their clients that access is from a private drive, and they are not to drive past the first property. Ms. Quinn noted there is additional traffic from Amazon trucks, FedEx, UPS, etc., and that everybody in the neighborhood uses these services, not just Byrne Performance; bringing in additional traffic that isn't personal traffic.

Ms. Quinn testified to the animal corral that Mr. Snell mentioned and said that it did not currently have animals in it, and although he attested that they may or may not have animals in the future, it would not be sensible to make a decision based on the future being unsure and an animal corral not being used in years.

Concerning Mr. Snell's testimony about Mathew working on his car, as personal property owners, they are not required to have their personal vehicle in a shop while they work on their personal vehicles on their personal property. She testified that, in the shop, they would do all the work indoors to mitigate that noise, and that they did not claim that there would be no noise. They have claimed that there will be reasonable noise; it won't be undue, unduly disruptive, and it would not be outside of business hours.

Ms. Quinn apologized to Ms. Urquidi and acknowledged that her home was hidden, and they were not aware there was a home there, and acknowledged they should have come and talked to her. She also acknowledged that when they were cleaning up the proposed property, there was smoke and traffic from a tractor that was cleaning up dead trees and debris, which posed a fire and safety hazard. They did procure a burn permit and the work was done by a contractor.

Ms. Quinn stated they do not intend to purchase Ms. Happel's property and even if they did, it would not fall under this Conditional Use Permit. The storage of vehicles at their current location is due to them being allowed to store them in a car cage, and understood this would not be allowed at this property. If Byrne Performance expects this to be a problem, which is typically due to work not being paid for, they utilize a lien-to-sale process which allows them to remove the vehicles legally. Ms. Quinn addressed the road concerns from traffic on Highway 91, which is not specific to their space, but every property off Highway 91. Lastly, she testified that there will be security cameras and lights, which they also utilize at their existing location, and have not been a problem, and she did not foresee there being any concerns at this property.

Commissioner Jolley referred to Exhibit S-2, which showed the north bridge and the partial privacy fence between their property and Snell's property, and asked if they were opposed to extending the fence all the way down the property. Ms. Quinn stated they would not be opposed but questioned if trees would also be acceptable because trees would provide noise blocking, shade and help preserve the soil.

Commissioner Winder asked how the shop would be plumbed, the type of connection, and if there would be restrooms or a kitchenette. Ms. Quinn stated there would not be a

restroom; the property has a private well, but no irrigation water rights. There will be a sink for eye safety and water available for a water compressor. Commissioner Bautista confirmed with Ms. Quinn that the shop will not be plumbed for septic but will be plumbed for just water. Ms. Quinn confirmed that was true and testified that the work will be completed by licensed contractors.

With no additional questions from the Commission, Chairman Johns closed the Public Hearing on this Application.

3. Commission discussion began with Commissioner Tominaga asking Staff who technically owned the bridge. Director Olsen stated that research was not available to her on the private drive to determine who owned the bridge. Commissioner Bautista questioned if there was an option for a condition to require a second entrance. Director Olsen testified that additional access is limited from Highway 91 and would require an Approach Permit, which falls under the jurisdiction of the Idaho Transportation Department, and that she would not anticipate one would be approved.

Commissioner Tominaga appreciated Commissioner Jolley's comment about extending a privacy fence or barrier to help resolve some of the concerns but was unsure how he felt about it. Commissioner Johns testified that a lot of the concerns were for the traffic and bridge issues but questioned if that needs to be the Commission's responsibility when addressing the Conditional Use Permit. The bridge issues do carry weight but need to be addressed by the correct jurisdiction. Director Olsen testified that notification was provided to the Blackfoot/Snake River Fire District and would anticipate testimony from the Fire Marshal if there were concerns. She explained that the intent is to have stability, and the width of a bridge accommodate two vehicles, or the ability for an emergency vehicle to safely navigate from that bridge and be able to turn around in the event of emergency response. Concerning the testimony of turning radii, turn-arounds, and turning lanes, Idaho Transportation Department (ITD) also received notice, and that testimony from ITD was not received on the Application.

The Commission next reviewed Bingham County Code Section 10-8-3 as follows:

10-8-3(A)(1): that the land use *constitutes 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*. Commissioner Bingham stated that it was an allowed use with a Conditional Use Permit.

10-8-3(A)(2): that the Application *be in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this title*.

(a) *To protect property rights and the use of the property while not adversely impacting neighboring property values more than is necessary*. Commissioner Bingham did not hear complaints about property values being affected, and that personal property rights are important and allow them to use their property. The Commission did not address any concerns with this section not being met.

(b) *To ensure that adequate public facilities and services are provided to the people at reasonable cost.* Commissioner Jolley stated this was not applicable, and Commissioner Bingham added that this was a private facility.

(c) *To ensure that the economy of the county is protected and enhanced.* The Commission agreed this section has been met. Commissioner Tominaga thought there was good testimony regarding the status of the business.

(d) *To ensure that the important environmental features of the county are protected and enhanced.* Commissioner Bingham testified that this section had been met and there was no environmental change from moving the shop location.

(e) *To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals.* Commissioner Bingham testified there are no water rights and Chairman Johns agreed that there was no agricultural production on the property.

(f) *To encourage urban and urban-type development within or near incorporated cities.* The Commission stated this section was not applicable.

(g) *To avoid undue concentrations of population and overcrowding of land.* The Commission agreed this section had been met and Chairman Johns added that testimony from the Applicant stated that traffic would be minimal.

(h) *To ensure that the development on land is commensurate with the physical characteristics of the land.* Commissioner Bingham stated it was a shop and Chairman Johns added that there are a lot of houses with shops in the County.

(i) *To protect life and property in areas subject to natural hazards and disasters.* Commissioner Jolley thought this section was not applicable and Commissioner Winder added that the subject property is not located in the floodplain.

(j) *To protect fish, wildlife and recreation resources.* The Commission agreed this section was not applicable.

(k) *To avoid undue water and air pollution.* Chairman Johns testified that testimony was received by the Applicant that fluids would be contained and be away from the water source. The Commission did not discuss any concerns with this section not being met.

(1) *To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis.* Commissioner Jolley testified this section was not applicable.

10-8-3(A)(3): that the land use *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.* Commissioner Bingham believed that a condition could be placed to limit vehicles so that it would not have one hundred cars on the property, with half of them broken down, which would not be good for the area and would change the appearance of the neighborhood, citing that there were a lot of well-intended places that have been turned into junkyards. Chairman Johns stated that a lot of those junkyards are not businesses but private collections.

Commissioner Jolley thought it would be appropriate to discuss the potential of either extending the fence or adding privacy trees on the west side. He thought it could be either one and that either would provide some privacy and could accomplish the same task. Commissioner Bautista thought that adding both would be great. Commissioner Tominaga thought that the trees would be a good option because of the height and density, but that a fence would also need to be a part of that. Commissioner Bingham believed the Applicant was well-intended and even though there is no intention of a junkyard, placing a condition for this would prevent any issue of cars that are waiting to be worked on. Commissioner Jolley understood that this specific Conditional Use Permit does not allow the storage of non-running vehicles, and Director Olsen confirmed. He testified that if there was storage of non-running vehicles, it would be in violation of the Conditional Use Permit and be a code violation for the Code Enforcement Officer to address. Chairman Johns questioned how many of the junkyard examples given are businesses. Commissioner Jolley thought there are over half a dozen of these exact situations that are not approved with a Conditional Use Permit, and the fact that this Applicant was willing to come and address the any concerns showed a goodwill effort. Putting in a business that would be least disruptive would be something to strongly consider.

Commissioner Winder asked Commissioner Bingham for clarification on the condition he wanted to add that would limit the number of vehicles on the property at any given time. Commissioner Bingham testified that vehicles could get backed up onto the shared road, and it may need a condition to prevent that, but was unsure what condition to place. Commissioner Winder testified that that was the reason he was asking and possibly limiting that number to 10 to be able to hold the Applicant accountable. Commissioner Bingham understood the Applicant was well-intentioned and they do not intend to store vehicles. Chairman Johns believed the maximum number that was stated was six cars per week, and he did not imagine those getting stacked up on top of each other with the lot size and limited space. Commissioner Bingham asked Staff of the code section that would require a privacy fence, as that was mentioned in the discussion. Director Olsen testified that within the Staff Report, Section 10-7-38 indicated that if there are inoperable or dismantled motor vehicles, they be stored behind a closed vision fence, a wall, or a screen, so they're not visible from the street or residential zone. She then asked if a condition was placed for the number of

inoperable vehicles, that it be measurable for the department to enforce. If there were a maximum of ten vehicles attributed to the operations of Byrne Performance and Mr. Byrne decided to place two of his own vehicles in front of the shop, which exceeded the number of allowed vehicles and a complaint is received, the department would visit the site and verify registration and titling of all of the vehicles to determine which are personal and which are not. Commissioner Bingham testified that as the ordinance is written, the County has a difficult time enforcing that. Director Olsen agreed it was hard to enforce; every property owner is allowed no more than two inoperable vehicles on the property. In one specific code enforcement complaint, the code enforcement officer visited the site; the property owner had nine vehicles, and every one of them was licensed and registered. It was determined there was no violation, and the complaining party was thereafter contacted.

10-8-3(A)(4): that the land use *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*. Commissioner Bingham asked Staff if the operating hours were volunteered in the Application, if it was still needed as a condition. Director Olsen stated that if the Commission would like to see certain operational hours, those would need to be included in a conditional approval in order for the department to enforce. However, if a complaint was received, the department would call the applicant and let them know what was represented in the application and that complaints have been received that they are operating outside of those operating hours and ask them to address that.

Commissioner Tominaga did not see the noise being of concern. He testified that he lives off of a highway and understands how loud that traffic can be. Chairman Johns looked at this situation of a business near a home and that they would be close to family, and a lot of these concerns have been addressed and that the Applicant has been transparent. There are shops from Aberdeen to Shelley more than likely operating repair shops without permits. The Applicant has respected the process, the community, the neighbors, and it could have been very easy to build a shop and work out of it without a permit.

10-8-3(A)(5): that the land use *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*. Commissioner Bingham testified that there are no public facilities being utilized and therefore this section is not applicable.

10-8-3(A)(6): that the land *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*. Commissioner Bingham stated this section was not applicable.

10-8-3(A)(7): that the land *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*. Commissioner Tominaga asked Staff if there was a code that specifies the requirements of bridge width and that he thought the Idaho Transportation

Department or Road and Bridge would have said something. Director Olsen stated it was not within Bingham County's purview. If the bridge was within Bingham County right-of-way, the County would have a role in maintenance, repair, and a position in testimony, but this bridge is on private property.

10-8-3(A)(8): that the land use *not result in the destruction, loss or damage to a scenic or historic feature of major importance*. Commissioner Bingham testified this was not applicable.

10-8-3(A)(9): *if applicable, have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and have utility systems provided to accommodate said use*. Commissioner Tominaga reiterated that the Applicant said there will be a sink, connecting to an existing well. Chairman Johns confirmed any connections would be reviewed at the time of a building permit application.

Commissioner Bingham asked the Commission if any conditions should be applied that are not already covered in existing ordinance. Commissioner Jolley testified that conditions that have been discussed were extending the fence and planting a row of site-obscuring trees. He questioned whether there should be one added or hours of operation. He thought that this could be a gray area, and this could create a problem with enforcement, and therefore he thought this could be left out. Chairman Johns questioned if a certain type of fence would be required. Commissioner Bingham attested to driving up and down the valley, and most privacy fences are in disrepair, and not very many of them are successful. Chairman Johns stated that this is a business with six cars, and that many businesses should have fences but do not. Commissioner Winder thought a fence would need to be erected between the Byrne and Snell properties and that trees are not quick-growing but that they should also be added. With the testimony of the building being lighted, Commissioner Winder suggested that a condition for the lights to be down-shielded would be good so it would not shine into windows and would be appropriate for the rural feel.

Commissioner Winder asked Commissioner Bingham what he thought would be an appropriate number of vehicles to include in this Conditional Use Permit. Commissioner Bingham wished the County did not have so many junkyards and that there is a problem with enforcement and no way to enforce it, but that he would hate to see this burden on the Applicant. Commissioner Winder would also hate to see this Conditional Use Permit be withheld due to others' bad decisions. Commissioner Bingham thought the ordinance was adequate but hard to enforce. Commissioner Jolley read the condition of placing a fence and site-obscuring trees. Commissioner Bingham stated the Applicant testified they were already going to plant trees and thought just the fence should be the only condition.

II. REASON

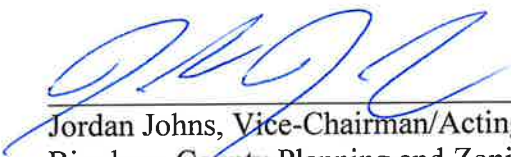
The Planning and Zoning Commission found:

1. that a Conditional Use Permit is required for a Vehicle Repair Shop in a Residential/Agriculture zone pursuant to Bingham County Code Section 10-5-3, *Land Use Chart*; and
2. that pursuant to Bingham County Code Section 10-7-38(A), all repair activities, including but not limited to, open pits and lifts, shall occur within an enclosed structure; and
3. that pursuant to Bingham County Code Section 10-7-38(B), inoperable or dismantled motor vehicles shall be stored behind a closed vision fence, wall, or screen, or within an enclosed structure and shall be visible from the street or residential zone. The Commission heard testimony from the Applicant's Representative that the Applicant doesn't intend to have inoperable or dismantled motor vehicles outside of the shop structure, but if it does occur, the Applicant shall comply with this Section. Additionally, the Commission found that the property is not adjacent to a residential zone; and
4. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete; and
5. to satisfy Bingham County Code Section 10-8-3(A)(3), that the land use *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*, the Applicant shall install a fence along the westerly property boundary between the Applicant's property and the Snell property; and
6. that the land use is not unduly hazardous or disturbing to existing or future neighboring uses; nor does it 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 because vehicle repairs will be made inside of a shop structure and in compliance with local and state regulations; and
7. that the land use does 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; and
8. that the land has legal access to the subject property for the development from an existing private easement/road. The Commission also found that the Applicant's approach to the proposed shop structure is the first property on the private easement/road and that proper signage will be placed to direct business traffic to utilize the appropriate approach; and

9. that the proposed shop structure will have adequate utility services to accommodate said use; and
10. that the Application is in conformance with the objectives of the Bingham County Comprehensive Plan; and
11. the Public Hearing met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

III. DECISION

Based on the record, Commissioner Jolley moved to approve the request by property owner Mathew Byrne for a Conditional Use Permit to operate a Vehicle Repair Shop on his property located at 168 N Highway 91, Blackfoot, ID, subject to a sight-obscuring fence being installed on the west property line. Commissioner Bingham seconded the motion. Commissioners Jolley, Bingham, Bautista, Tominaga, and Winder voted in favor. The motion passed.



Jordan Johns, Vice-Chairman/Acting Chairman
Bingham County Planning and Zoning Commission

7/30/24
Date