

**BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING DATE: March 12, 2024 at 2:00 p.m.**

**PROPOSED MODIFICATIONS TO
BINGHAM COUNTY CODE SECTION 10-5-3 “LAND USE CHART”**

Bingham County Planning and Development Staff and the Planning and Zoning Commission propose the following modifications, additions or deletions to the Bingham County Land Use Chart (Section 10-5-3 of Bingham County Code) for review, discussion and decision by the Board of County Commissioners at a Public Hearing. Below you will find the listed land use correlating to each zoning district and a brief description and/or information regarding why the listed use is being reviewed at this time. Notice for this Public Hearing is in accordance with Bingham County Code Section 10-3-6(A)(7), 10-3-6(A)(14) and Idaho Code Section 67-6509.

Zoning Districts:

- A/NR Agriculture/Natural Resources
- A Agriculture
- R/A Residential/Agriculture
- R Residential
- C1 Light Commercial
- C2 Heavy Commercial
- M1 Light Manufacturing
- M2 Heavy Manufacturing

Legend:

Deletions are represented with a ~~strike through~~

Additions are represented with an underline

Modifications are represented with a ~~strike through~~ and an underline

Planning & Zoning Commission modifications from its Public Hearing on 2/14/2024 are represented in blue

10-5-3: LAND USE CHART:

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
1	Agriculture and agriculturally-related activities, including agricultural—research—facilities, roadside stands, sod, and U-pick farms	A	A	A	A	A	A	A	A
	<i>Removed “including agricultural research facilities” and added it to the land use of “Agricultural related processing” (#3).</i>								

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
2	Agriculture - grain elevator and storage buildings/ <u>cellars</u> (farmer/non-commercial)	A	A	C	N/A	A	A	A	A
	<i>Added “cellars” to the listed use.</i>								
3	Agriculture related processing <u>or research facility</u>	C	C	N/A	N/A	C	A	A	A
	<i>See item # 1 above</i>								
4	Amusement facility, theme park, ballpark, horse arena or racetrack <u>concert/festival production</u>	C	C	C	N/A	C	C	C	N/A
	<i>Removed “horse arena or racetrack” as those are already listed as their own land use. Added concert/festival production” as a listed use where a large number of attendees are likely (similar to a theme park, ballpark, or amusement facility) and may occur more than once, unlike an event/wedding</i>								
5	Arena/ <u>Stable</u> , indoor/ <u>outdoor</u> – personal	A	A	A	N/A	A	A	A	N/A
	<i>Added “Stable” to Arena and removed Stable as a land use (#51 and #52). Added “outdoor.” This specific land use applies to personal use only.</i>								
6	<u>Arena/Stable, indoor/outdoor – public/commercial</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>N/A</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>C</u>
	<i>Added “Arena/Stable, indoor/outdoor – public/commercial.” This specific land use applies to public (for payment or non-payment) and/or commercial use.</i>								
7	<u>Asphalt Batch plant (asphalt/hot mix, concrete and/or clay product manufacturing/storage)</u>	C	C	N/A	N/A	N/A <u>C</u>	N/A <u>C</u>	C	A
	<i>Modified non-allowed uses to conditionally permitted in C1 and C2 (commercial) zoning districts.</i>								

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
8	Bank/ savings and loan Financial Institution	N/A	N/A	N/A C	N/A C	A	A	C	N/A
	<i>Modified “savings and loan” to “financial institution to cover all types of financial assistance. Modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having a bank in townsites or populated areas seems likely.</i>								
9	Batch plant	€	€	N/A	N/A	N/A	N/A	€	A
	<i>Removed as “Asphalt Plant” and “Concrete/clay product manufacturing and storage” are covered in separate land uses (#14 and #18).</i>								
10	Brewery/ <u>Distillery/Winery</u>	N/A C	N/A C	N/A C	N/A	N/A C	C	A	A
	<i>Added “Distillery” and” Winery” to Brewery for similar land uses. Modified zoning districts to conditionally permitted uses in A/NR, A, R/A and C1.</i>								
11	Building supply outlet	N/A	N/A	N/A	N/A	C	A	A	N/A A
	<i>Modified “Building Supply Outlet” to an allowed use in a heavy commercial zone as it is allowed in a heavy commercial and light manufacturing zones.</i>								
12	Cabinet shop, commercial	N/A C	N/A C	N/A C	N/A	C	A	A	A
	<i>Modified “Cabinet shop” to a conditionally permitted use in A/NR and A zones. This land use isn’t anticipated to have large volumes of traffic, noise with an indoor use, or outside storage that cannot be regulated via an approved Conditional Use Permit.</i>								
13	Campground, commercial	C	C	C	N/A	A C	N/A C	N/A	N/A
	<i>Modified allowing campgrounds outright to allowed with an approved Conditional Use Permit. Impacts of a campground need to be evaluated using the CUP criteria (parking, traffic, restroom location, sewer/water connections, access, etc.)</i>								
14	Cement/clay product manufacturing	N/A	N/A	N/A	N/A	N/A	N/A	€	A
	<i>Removed as this listed use is covered in #18 below</i>								

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
15	Clinic/doctor office	N/A	N/A	N/A <u>C</u>	N/A <u>C</u>	A	A	A	N/A
	<i>Modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having a clinic or doctor office in townsites or populated areas seems likely.</i>								
16	Commercial meat packing/ processing facility	N/A <u>C</u>	N/A <u>C</u>	N/A	N/A	N/A <u>C</u>	C	A	A
	<i>Modified “Commercial Meat Packing Facility” as a conditionally permitted land use in a NR/A, A and C1 zones as opposed to not allowed. An ideal location for this type of facility would be on a larger parcel of land or near commercial/industrial/manufacturing land uses.</i>								
17	Community sewage disposal plant	C	C	C	C	C	C	C	P <u>C</u>
	<i>The designation for heavy manufacturing is a “P” which is an antiquated permission symbol. The listed use is proposed to be allowed with an approved Conditional Use Permit.</i>								
18	Concrete/clay product manufacturing, storage, or batch plant	N/A <u>C</u>	N/A <u>C</u>	N/A	N/A	N/A	C	A	A
	<i>Added “temporary or permanent” to the listed use and modified the A/NR and A zones to conditionally permitted uses instead of non-allowed. Removed and combined with 7. Batch plant (asphalt/hot mix, concrete and/or clay product manufacturing/storage)</i>								
19	Contractors office / shop/yard	N/A <u>C</u>	C	C	N/A	C	A	A	A
	<i>Added “office” to “contractor’s shop or yard” to allow an office space to the use and allow in a NR/A zone with an approved conditional use permit.</i>								
20	Convenience store, less than 10,000 aggregate total square feet	N/A	N/A <u>C</u>	N/A <u>C</u>	N/A <u>C</u>	A	A	A	N/A <u>C</u>
	<i>Modified the A, R/A, R, and M2 zones to an approved use with a Conditional Use Permit as this zone should support this land use dependent upon the criteria of Title 10 Chapter 8 being met (which includes access, traffic, and parking areas to be approved by Public Works)</i>								

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
21	Convenience store, more than 10,000 aggregate total square feet	N/A	N/A	N/A	N/A	C	A <u>C</u>	A <u>C</u>	N/A C
	<i>Modified the M2 zones to an approved use with a Conditional Use Permit as this zone should support this land use dependent upon the criteria of Title 10 Chapter 8 being met (which includes access, traffic, and parking areas to be approved by Public Works)</i>								
22	Dance hall, liquor	N/A	N/A	N/A	N/A	N/A	A	N/A	N/A
	<i>Removed "Dance Hall with liquor sales" This land use is not utilized and would fall in the same category of Amusement Facility or Wedding/Event venue</i>								
23	Dance hall, no liquor sales	N/A	N/A	N/A	N/A	C	A	N/A	N/A
	<i>See # 22 above</i>								
24	Daycare - center (with more than 13 clients)	N/A	C	N/A <u>C</u>	N/A <u>C</u>	A	A	N/A <u>C</u>	N/A <u>C</u>
	<i>Modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having daycares in townsites or populated areas seems likely. Allowing a Conditional Use Permit in M1 and M2 zoning designations allows the opportunity for businesses to have in-house daycares.</i>								
25	Daycare - family (with 6 or less clients)	A	A	A	A	A	A	C N/A <u>C</u>	C N/A <u>C</u>
	<i>Modified conditionally permitted uses in M1 and M2 zoning districts to mirror daycares with 13 or more children. Allowing a Conditional Use Permit in M1 and M2 zoning designations allows the opportunity for businesses to have in-house daycares.</i>								
26	Distillery	C	C	N/A	N/A	N/A	N/A	A	A
	<i>See # 10 above</i>								
27	<u>Dwelling – twin/duplex</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<i>Added "Dwelling – twin/duplex" to the listed uses as it was not covered heretofore.</i>								

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
28	Emergency/urgent care center	€ N/A	N/A	N/A C	N/A C	A	A	A	A
	<i>Modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having an urgent care in townsites or populated areas seems likely. Modified the conditionally permitted use in a A/NR to not allowed as this zone covers a large amount of farm/rural land in the furthest areas from townsites, cities, etc.</i>								
29	Equipment Rental	N/A	N/A €	N/A	N/A	€	A	A	A
	<i>Modified equipment rental to a conditionally permitted land use in “A” zone to mirror Heavy equipment sales/service (#34). Removed and combined with 34.</i>								
30	Feedlots	C	A C	N/A	N/A	N/A	N/A	C	C
	<i>Modified allowing feedlots in an Agriculture zone to a conditionally permitted land use to match the A/NR zone.</i>								
31	Food sales cafe/lunch counter, drive-in, restaurant without liquor sales	N/A	N/A	N/A C	N/A C	A	A	A	C
	<i>Removed “without liquor sales” and modified non-allowed uses to conditionally permitted in R/A and R zoning districts as these are areas where our community resides and having food sales or a cafe in townsites or populated areas seems likely.</i>								
32	Food sales—restaurant with liquor sales	N/A	N/A	N/A	N/A	€	A	A	N/A
	<i>Removed. See item No. 31 above.</i>								
33	Gravel pit/mining – crushing/excavation of gravel, and hot mix plant <u>associated batch plant</u>	C	C	N/A	N/A	N/A	N/A	C	A C
	<i>Added “temporary or permanent” to the listed use and modified the outright allowed land use in a M2 zone to conditionally permitted. Gravel/pit mining activity should be considered as a conditional approval with review of Title 10 Chapter 8. This suggested modification was to go from hot mix plant to batch plant to allow consistent language throughout Bingham County Ordinance as a hot mix plant and batch plant are one in the same and batch plant is referenced in 7. Additionally, the word associated was recommended to differentiate between a stand-alone batch plant vs. a batch plant that needed as part of a mining/excavation operation.</i>								

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
34	Heavy-Equipment sales/service/ <u>rental</u>	N/A	C	N/A	N/A	N/A C	A	A	A
	<i>Modified the zoning district of light commercial to allow for heavy equipment sales/service. The Planning & Zoning Commission requested the removal of the word heavy to allow said land use to be applied to more businesses providing a equipment sales, service and/or rental for heavy and light equipment.</i>								
35	Home occupation/ <u>business</u> (requires Home Occupation Certificate)	A	A	A	A	A	A	A	A
	<i>Require Home Occupation Certificate for all home occupation uses. For example, we have received a number of gunsmithing business inquiries. We request a copy of the business's FFL, home inspection by the ATF, and receive a written acknowledgment the home owner will abide by the regulations of a home occupation found in Section 10-7-20. The Planning & Zoning Commission found the word "occupation" to be ambiguous and suggested adding the word business for additional clarification.</i>								
36	Junkyard/ <u>Salvage Yard/Parts resale</u>	N/A	N/A	N/A	N/A	N/A	N/A C	C	A C
	<i>Modified an allowed use of a junk yard to a conditionally permitted use in a M2 zone. If the site is not maintained in an orderly manner and cannot comply with the Specific Regulations, a CUP may be revoked. This modification would eliminate the need for salvage/parts resale in the Land Use Chart.</i>								
37	Landscaping business <u>with indoor storage of equipment</u>	N/A	N/A C	N/A C	N/A	A	A	A	A
	<i>Added "with indoor storage of equipment" to the listed use to prevent outdoor storage and thereby allowing the land use with an approved conditional use permit in A and R/A zones.</i>								
38	Laundromat or dry cleaners/ <u>laundry or linen supply</u>	N/A	N/A	N/A	N/A C	C	A	A	A
	<i>Added "laundry or linen supply" to the listed use and allow this use in R zones where it is likely community members will launder clothing in higher populated areas.</i>								
39	Laundry/linen supply	N/A	N/A	N/A	N/A	C	A	A	A
	<i>See #38 above</i>								
40	Manufactured home/travel trailer park	N/A	N/A	N/A	N/A	N/A	C	A C	A C
	<i>Modified the allowed use of "manufactured home/travel trailer park" to conditionally permitted in the M1 and M2 zones as opposed to an outright allowed land use.</i>								

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
41	Meat packing facility	N/A €	€	N/A	N/A	N/A €	€	A	A
Modified the not allowed use to conditionally permitted due to the commercial nature of the land use and larger parcels of land. This was added to 16. Commercial meat packing/processing facility and removed from 41. entirely.									
42	Office/professional buildings	N/A	N/A €	N/A €	N/A €	A	A	A	N/A
Modified non-allowed uses to conditionally permitted in A, R/A and R zoning districts as these are areas where our community resides and having offices or professional buildings in townsites or populated areas seems likely.									
43	Reception center, wedding/event	C	C	C	N/A	A	A	C	N/A
Added "event" to reception center/wedding to encompass occasions where large amounts of public may attend for celebration.									
44	Recreation—indoor (public/commercial)	€	€	€	€	€	A	A	N/A
Added "public" to the listed use. This was suggested to be removed and added to 47.									
45	Recreation – outdoor (public/commercial)	A	A	A €	C	A	A	A	N/A
Added "public" to the listed use and modified outright allowed use in a R/A zone to a conditionally permitted use.									
46	Recycling	C	C	N/A	N/A	N/A	C	€ A €	A C
Modified M1 zoning to an allowed use due to the manufacturing nature of the land use.									
47	Schools/facilities - arts, dancing, dramatics, <u>gymnastics</u> , <u>athletics</u> , <u>indoor recreation</u> , music, business, secretarial work, etc. (public/commercial)	N/A €	C	C	C	N/A	A	C	N/A
Added "gymnastics" to the listed use as we have received Applications for this land use and most closely associated it with this school and modified the non-allowed use to a conditionally permitted use in a NR/A zone. The proposed additions to this section allowed for the elimination of 44. Recreation – indoor (public/commercial) which has no definition in Bingham County Ordinance. Additionally, this would allow a broader application for athletics such as wrestling, martial arts, gymnastics, etc. to utilize existing facilities and/or the addition of a fitness center/public gym in the County.									

	Listed Use	A/NR	A	R/A	R	C1	C2	M1	M2
48	Schools - public school districts, charter, private, college/university	C	A C	A C	A C	A C	A C	C	N/A C
<i>Modified outright allowed uses for schools to conditionally permitted consideration. School land uses often trigger traffic studies, access considerations, etc. and the nearby conditions for compatibility should be considered.</i>									
49	Seasonal activities; <u>(commercial):</u> corn mazes, live Christmas nativities, haunted houses, holiday celebrations, or revivals (see subsection 10-7-7I of this title)	N/A A	A	N/A A	N/A	A	A	A	C
<i>Modified the NR/A and R/A zones to allow seasonal activities.</i>									
50	Stable, boarding	A	A	A	N/A	N/A	N/A	N/A	N/A
<i>Removed. See #6 and #7</i>									
51	Stable, riding	C	C	C	N/A	A	A	N/A	N/A
<i>Removed. See #6 and #7</i>									
52	Tower - broadcast, cell, telecommunication, <u>internet, fiber, or other wireless/tower structure</u>	C	C	N/A C	N/A C	C	C	C	A C
<i>Added "internet, fiber or other wireless/tower structure" to encompass all towers. Modified zoning districts to allow towers with an approved conditional use permit to comply with FCC regulations.</i>									
53	Wind turbines/ <u>MET towers</u> , commercial	C	C	N/A	N/A	N/A	N/A	C	C
<i>Added "Met Towers" to Wind turbines so the listed use is associated with both structures as part of a wind energy facility and will have the same setbacks.</i>									
54	Winery	C	C	C	N/A	N/A	N/A	A	A
<i>Removed. See #10</i>									