

## **BOARD OF BINGHAM COUNTY COMMISSIONERS**

### **REASON & DECISION**

In regards to: The Planning & Zoning Commission's recommendation to approve the request for amendment of the Comprehensive Plan designation from Agriculture to Residential/Agriculture and Zoning Amendment from Agriculture to Residential/Agriculture.

Property Owners: Rosendo Vera Mirales

Board of County Commissioners Public Hearing Date: May 28, 2025

The record provided to the Board is comprised of the following:

1. Exhibits to the Board Public Hearing Staff Report:
  - CC-1: Staff Report- Board of County Commissioners
  - CC-2: Proof of Publication- Idaho State Journal and Post Register- Board of County Commissioners
  - CC-3: Blackfoot//Snake River Government Agency Notice List & Notice- Lindsey Dalley, Commission Clerk
  - CC-4: Property Owners Notice List & Notice- Lindsey Dalley, Commission Clerk
  - CC-5: Notice of Posting- Ashley Taylor, Planner
  - CC-6: Oath of Affirmation: Marisol Madrigal
2. Exhibits to the Planning & Zoning Commission Staff Report:
  - S-1: Staff Report- Planning & Zoning Commission
  - A-1: Application for Zone Change
  - A-2: Project plan
  - A-3: Warranty Deed
  - A-4: Zoning Amendment- County Code 10-15-3
  - S-2: Aerial Map
  - S-3: Zoning Map
  - S-4: Comprehensive Plan Map
  - S-5: Subdivision Map
  - S-6: Utilities Map
  - S-7: ½ Mile Proximity by Size Map Irrigation Provider Map
  - S-8: Project Site Map
  - S-8A: Applicant's neighboring parcels
  - S-9: Notice of Posting- Addie Jo Jackman
  - S-10: Photographs
  - S-11: Proof of Publication- Idaho State Journal and Post Register- Planning & Zoning Commission Public Hearing Notice
  - S-12: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing- Ashley Taylor- Planner
  - S-13: Property Owners List and Notice of Mailing- Ashley Taylor- Planner

As to procedural items, the Board of County Commissioners finds the following:

1. Requested Action: The Public Hearing was held pursuant to Bingham County Code Section 10-3-6(A)(11) where the Board held a Public Hearing, using the same notice and hearing procedures as the Commission, on the Application for an Amendment to the Zoning Designation.
2. In accordance with Bingham County Code 10-3-6, Notice of the Boards Public Hearing was provided as follows:
  - a. Sent to Government Agencies on May 2, 2025 (CC-3 List of Government Agencies and Notice)
  - b. Published in the Idaho State Journal and Post Register on May 6, 2025 (CC-2- Affidavit of Publication)
  - c. Sent to property owners within 300' of this property on May 2, 2025. (CC-4 Property Owners Mailing List and Notice)
  - d. Site was posted on May 12, 2025 (CC-5 Notice of Posting Affidavit and pictures)

There was no testimony received prior to the Boards Public Hearing.

At the Public Hearing, the Staff Report was presented by Addie Jo Jackman, Planning & Development Assistant Director.

There were no questions for county staff at this time.

Testimony was presented by Marisol Madrigal (CC-6), Applicant's daughter and representative, stated that she is a single mom, rent costs are increasing and a way that her parents could help her is to proceed with this application. Currently the property is covered in weeds and her parents have tried to place cattle on the property but it is a lot of work. Ms. Madrigal stated that in the future she is planning on having a home on the property for her and her children, which is close to her children's school.

Chairman Manwaring stated within the application, it states the plan is to build two homes on the property, to which Ms. Madrigal stated that was correct.

Commissioner Jensen stated there is currently a home on the property and asked if there would be a road installed down the middle in order to serve the two lots. Ms. Madrigal confirmed that was correct.

Commissioner Jackson asked how long her father had owned the subject property, to which Ms. Madrigal stated for 5-6 years.

With no further questions for Ms. Madrigal, the Chairman called for testimony from the public.

There was no testimony in favor, neutral, nor in opposition.

## REASON

Public testimony was closed and the Board moved into discussion and deliberation which was held and the Board hereby finds:

Bingham County Code Section 10-4-2 (C), which states that the purpose of the “R/A” Residential/Agriculture Zone in that parcel meets the following criteria:

1. Suitability of parcel for agricultural purposes;
  - a. The Board had no concerns.
  - b. Commissioner Jensen stated with a home the area could be irrigated and if not, it would be a dry lot.
  - c. Commissioner Jackson stated the future owner could have a small garden as well.
2. Proximity to existing areas of similar population density;
  - a. The Board had no concerns.
3. Lot size compatible with existing lot sizes in the immediate area;
  - a. The Board had no concerns.
  - b. Chairman Manwaring stated the subject parcel, if divided in half, is compatible with existing lot sizes to the North and the South.
4. Compatible with the existing uses in the immediate area;
  - a. The Board had no concerns.
5. Protection from incompatible uses;
  - a. The Board had no concerns.
6. Accessibility to adequate utilities;
  - a. The Board had no concerns.
7. Adequate service by roadways;
  - a. The Board had no concerns.

The Board reviewed the guidelines for spot zoning within the Comprehensive Plan Policy O2, wherein deliberation was held as follows:

Guidelines for spot zoning may include the following factors when determining land use.

- 1) Does the proposed zoning correct a mistake?
  - a. Chairman Manwaring stated the Comprehensive Plan is only a guide and in 2018 when it was amended there are probably many areas that stayed the same designation and the application could be correcting a mistake.

- 2) What is the size of the parcel or lot?
  - a. Chairman Manwaring stated the size of the parcel is 6.15 acres.
- 3) What is the zoning prior to and after the requested rezone?
  - a. Chairman Manwaring stated current zoning is Agriculture and requested rezone is for Residential/Agriculture.
- 4) What is the existing zoning of the adjacent properties?
  - a. Chairman Manwaring stated the adjacent properties are zoned Agriculture.
- 5) What are the benefits and detriments to the subject property's landowner resulting from the rezone?
  - a. Chairman Manwaring stated the benefit is to assist the Applicants daughter in having a home for her children that is close to their school.
- 6) What are the benefits and detriments to the neighboring property owners resulting from the rezone?
  - a. Chairman Manwaring stated there was testimony received from David Keller in regards to his concerns and stated that he could see more impact in the future if there were six homes but it is only planned to be two homes.
- 7) What are the benefits and detriments to the community resulting from the rezone?
  - a. The Board concurred there was none.
- 8) What is the relationship between the zoning change and other comprehensive plan policies?
  - a. Chairman Manwaring stated the policies are tied together and it is unknown how this parcel was placed within the Comprehensive Plan as it is.
- 9) Are there changed circumstances since the comprehensive plan was adopted?
  - a. Chairman Manwaring stated the county is constantly amending the Comprehensive Plan depending on the Application and that is why the corridors along the highways it was designated as multi use to eliminate issues on Comprehensive Plan.
  - b. Commissioner Jensen stated with no irrigation water, it makes it hard to utilize the full 6.15 acres.
- 10) Is there compatibility with surrounding land uses?
  - a. Chairman Manwaring stated if approved, it would be more compatible.
- 11) Do the public benefits outweigh detriments to other landowners?
  - a. The Board had no issues.
- 12) What is the effect on adjacent communities?
  - a. Chairman Manwaring stated that any communities are away from the subject property, therefore if any, it would be minimal.

Chairman Manwaring stated that he has never been in favor of approving a zone change that was not contiguous to the next zone on the sides of the subject property but in review of the application and the close proximity to other lots on that particular parcel. Chairman Manwaring referred to Exhibit T-3, which is testimony received from David Keller, wherein he stated that his worry is impact on his water supply due to more draws on the aquifer and he fears that if the zoning changes, other might follow suit, leading to a city-like environment, which they purposely chose to avoid. Chairman Manwaring stated that he asked Ms. Madrigal if they still planned to only place two homes on the property, which an application for a subdivision would be required. With that, Chairman Manwaring stated that he does not have an issue with the submitted application.

Commissioner Jackson stated that he feels the subject property is more suitable for housing rather than agriculture due to the issue with irrigation.

Commissioner Jensen stated that it is commendable for the father to help his children with housing and he is an advocate for personal property rights. Commissioner Jensen stated he is in favor of the application.

Chairman Manwaring stated within the Staff Report it states there are no irrigation rights associated with the parcel but with a home on one acre, if water rights are not obtained working with the Idaho Department of Water Resources at some point in the future, the Applicant and future land owners must be aware that an individual culinary well is only permitted to irrigate up to half an acres of land if the total use is not in excess of 13,000 gallons per day pursuant to Idaho Code Section 42-111.

Chairman Manwaring stated in mirroring the Planning & Zoning Commission Reason & Decision, page 3 of 4, the following was met;

1. The Application met the requirements in Bingham County Code Section 10-15-3 as the Application was submitted by the property owner and included all required contents of a Complete Application; and
  - a. The Board had no concerns.
2. The Residential/Agricultural Comprehensive Plan Map Area corresponds with R and R/A Zones in the Zoning Ordinance and is established to direct the orderly and timely conversion of land as the need arises into residential areas that are still rural in character, and the Application met the specific purpose of the Comprehensive Plan; and
  - a. The Board had no concerns.
3. The 6.15-acre parcel is one of the largest residential parcels in the area and is located approximately 0.40 miles south of an existing R/A zone, is surrounded by similarly sized parcels with a residence and agricultural land, would not be harmful to adjacent or neighboring uses, and will not create urban density; and
  - a. The Board had no concerns.

4. The purpose of the R/A Residential/Agriculture Zone is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities and that have lot sizes compatible with existing lot sizes in the immediate area pursuant to Bingham County Code Section 10-4-2(C); and
  - a. The Board had no concerns.
5. The Application met the R/A purpose as parcels exist in the immediate area that are as small as one-acre in size with existing residential uses; and
  - a. The Board had no concerns.
6. The Application would comply with Bingham County Code Section 10-6-6(B)(1) as the property is large enough in size to accommodate the Applicant's home with an individual well and septic system, as well as future residential development of two (2) parcels with individuals wells and septic systems if a Subdivision Application is approved; and
  - a. The Board had no concerns.
7. The Application met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.
  - a. The Board had no concerns.

Commissioner Jackson stated that he had no further questions.

Commissioner Jensen stated he has no concerns.

Chairman Manwaring stated that he is in favor due to the proximity and where it sits within the particular area and that there will only be two homes, which would not change the surrounding area.

There was no further discussion and Chairman Manwaring requested a motion at this time.

### **DECISION**

**Decision:** Commissioner Jensen moved to uphold the Planning & Zoning Commissions decision to approve the Comprehensive Plan Map Amendment from Agriculture to Residential/Agricultural and the Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture of approximately 6.15 acres located at 420 N. 1100 W., Blackfoot, Idaho 83221. Commissioner Jackson seconded.

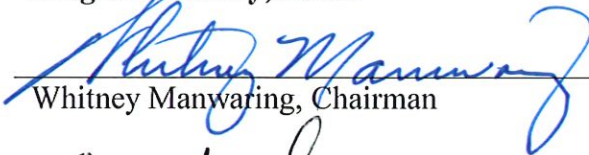
Commissioner Jensen amended the motion to state that this decision is based on the discussion held, review of the Comprehensive Plan on spot zoning and Bingham County Code Section 10-4-2(B) and 10-4-2(C) and the Reason & Decision of the Planning & Zoning Commission. Commissioner Jackson seconded. All voted in favor. The motion carried.

**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

**Regulatory Takings:** Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

Dated this 20 day of June, 2025.

**Board of Bingham County Commissioners  
Bingham County, Idaho**

  
\_\_\_\_\_  
Whitney Manwaring, Chairman

  
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Eric Jackson, Commissioner

  
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Drew Jensen, Commissioner

## CERTIFICATE OF SERVICE

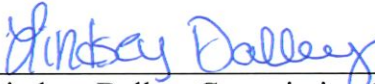
I certify that on the 20 day of June 2025, I served a true and correct copy of the Reason & Decision for the request for Comprehensive Plan Amendment and Zoning Amendment from "A" to "R/A", submitted by Rosendo Vera Mirales, upon the following person(s) in the manner(s) indicated:

- ☒ Mail
- ☐ Email:
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Rosendo Vera Mirales  
PO Box 1095  
Blackfoot, Idaho 83221

- ☐ Mail
- ☒ Email: [tolson@binghamid.gov](mailto:tolson@binghamid.gov)
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Tiffany Olsen  
Planning & Development Director

  
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Lindsey Dalley, Commission Clerk