

BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION

APPLICATION OF: (1) Comprehensive Plan Map Area Amendment from an Agricultural Area to Natural Resource/Agricultural Area; and if recommended for approval

(2) Talley Homestead Subdivision, a 2-lot residential subdivision

**PROPERTY OWNERS/
APPLICANTS:**

James Douglas & Patricia Ann Burkman

Requested Action: Property Owners and Applicants, James Douglas & Patricia Ann Burkman, requested to develop a 2-lot residential subdivision on approx. 14.66 acres of land, zoned "A/NR" Agricultural/Natural Resource, in accordance with Bingham County Code Title 10 Chapter 14 *Subdivision Regulations*, to be known as Talley Homestead Subdivision. The Comprehensive Plan Map has this parcel identified as Agricultural, and therefore, if the proposed subdivision is recommended for approval, the Commission shall also recommend that the Board of County Commissioners amend the Comprehensive Plan Map area for the parcel to Natural Resource/Agricultural per Bingham County Code Section 10-15-4(C).

Lot 1 of the proposed subdivision is approx. 5.01 acres with a new individual culinary well, an individual septic system, and drainfield with new residential development and will have a new access extending from 550 N McDonaldville Road. Lot 2 is proposed to be 9.65 acres and would contain the Applicants existing residence, individual culinary well, individual septic system, and drainfield with an existing access extending from 350 W McDonaldville Road. There are no irrigation water rights associated with the parcel and therefore, there will be no irrigation water provided to the proposed lots.

Property Location: 562 N 350 W, Blackfoot, ID 83221. Parcel No. Parcel No. RP0282202. Township 2 South, Range 35 East, Section 04, consisting of approx. 14.66 acres

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

Public Hearing Date: September 10, 2025

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, maps, notice, and other materials.
2. At the Public Hearing, Assistant Director/Lead Planner Addie Jo Jackman 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 Surveyor submitted testimony in a neutral position and has no comments or concerns.
 - (T-2) Bingham County Public Works submitted testimony in a neutral position and has no issues with the proposed Talley Homestead Subdivision. Any approaches for new residents must meet current Bingham County standards.
 - (T-3) Bingham County Treasurer submitted testimony in a neutral position and stated taxes will need to be prepaid for 2025 before the Treasurer signs the plat.
 - (T-4) Idaho Department of Environmental Quality submitted testimony in a neutral position and offered general recommendations for land development projects.
3. With no further questions from the Commission, testimony was received from the Applicant (T-5) Patricia Burkman of 562 N 350 W, Blackfoot, ID, who testified that the intent is to create a buildable parcel for her son and his family to live nearby while they age into their senior years. Mrs. Burkman reviewed property specifics related to irrigation and lava flows, noting that the property is too small for agricultural land uses. Chairman Adams reviewed Exhibit S-2, which is an aerial of the property to determine the location of where a new home may be constructed on the proposed Lot 1.
4. Testimony in a position of support, in neutral, nor in a position of opposition was received.
5. Chairman Adams then closed the Public Hearing for this Application, and commenced Commission discussion. Commissioner Bingham testified that the development of the subdivision on the property is the highest and best use of the land. The Commission agreed,

commenting that it is a good location, has access, and that there were no concerns with modifying the Comprehensive Plan Map designation to facilitate the development.

II. REASON

1. The Commissioners reviewed the Application, and the evidence in support and opposition of said Application in the context of Bingham County Code Title 10 Chapter 15 *Amendments*, and made the following findings:
 - a. the Comprehensive Plan Map Area Amendment Application met the requirements in Bingham County Code Section 10-15-3, as the Application was submitted by the property owners and included all required contents of a complete Application; and
 - b. the requested amendment is for approximately 14.66 acres of land with a Comprehensive Plan Map Area designation of Agriculture. In order to facilitate the Applicant's desire to subdivide their property, which is zoned Agriculture/Natural Resource, an amendment is required to the Natural Resource/Agricultural Map Area; and
 - c. the Natural Resource/Agriculture Comprehensive Plan Map Area is established in areas that contain scenic areas, watershed areas, wildlife habitat, agriculture uses, and natural resources that may include, but are not limited to, mineral deposits and timber or outdoor recreation facilities. This area will allow the development of such uses in an orderly manner to provide protection for the health, safety, and welfare of residents. Development in hazardous areas such as steep or unstable slopes, wetlands, or flood areas may be limited; and
 - d. it was appropriate to recommend approval of the Comprehensive Plan Map Area Amendment from Agriculture to Agriculture/Natural Resources to facilitate subdivision development upon review of the Applicants response to Bingham County Code Section 10-15-3(E).
2. The Commissioners reviewed the Application, and the evidence of said Application in the context of Bingham County Code Title 10 Chapter 14 *Subdivision Regulations*, and made the following determinations:
 - a. the Subdivision Application met the zoning district purposes of Bingham County Code Section 10-4-2(A) as the "A/NR" Agriculture/Natural Resource zone is to provide for the protection and orderly development of the County's natural resources. The Commission found that the creation of a two-lot subdivision with large lot sizes for immediate use and future residential growth is aligned with the purpose of this zone. Additionally, the Commission found that the proposed development has access to utilities, is compatible with adjacent uses, and has adequate service by roadways; and

- b. the Application met the requirements of Bingham County Code Sections 10-6-6(B)(4) as the proposed lots meet the 5-acre minimum allowed for in an Agriculture/Natural Resource Zoning District; and
- c. the area consists primarily of residential parcels, agriculturally farmed fields, and lava flows, and the subject property is surrounded by Agriculture/Natural Resource zoning to the north and west; and
- d. adequate access will be provided from 550 N McDonaldville Road for proposed Lot 1, and Lot 2 has existing access from 350 W McDonaldville Road. Any new approaches are subject to permitting from Bingham County Public Works; and
- e. that there are no irrigation water rights associated with the parcel and therefore there will be no irrigation water provided to the proposed lots; and
- f. the Board of County Commissioners will need to approve the Applicant's Comprehensive Plan Map Amendment in order for the proposed Subdivision to proceed; and
- g. 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 recommend approval of the Talley Homestead Subdivision Comprehensive Plan Amendment to Natural Resource/Agricultural, located at approx. 562 N 350 W, Blackfoot, ID, on approx. 14.66 acres as proposed by property owners James Douglas & Patricia Ann Burkman.

Commissioner Bingham seconded the motion. Commissioners Jolley, Bingham, Johns, Watson, and Winder voted in favor, and the motion carried.

Based on the record, Commissioner Bingham moved to recommend approval of the Talley Homestead Subdivision, to create a 2-lot residential subdivision located at approx. 562 N 350 W, Blackfoot, ID, on approx. 14.66 acres as proposed by property owners James Douglas & Patricia Ann Burkman.

Commissioner Watson seconded the motion. Commissioners Bingham, Watson, Jolley, Johns, and Winder voted in favor, and the motion carried.



Stephen Adams, Chairman
Bingham County Planning and Zoning Commission

10-8-25
Date