

BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION

APPLICATION OF: Comprehensive Plan Amendment from Agriculture to Residential/Agricultural, and if Recommended for Approval, a Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture

PROPERTY OWNER: Rosendo Vera Mirales

Requested Action: Property Owner and Applicant Rosendo Vera Mirales requested to amend the Comprehensive Plan Map designation from Agriculture to Residential/Agricultural and amend the zoning from "A" Agriculture to "R/A" Residential/Agriculture on a parcel consisting of approximately 6.15 acres located at 420 N 1100 W, Blackfoot, Idaho according to Bingham County Code Section 10-15-4(c) and following Bingham County Title 10 Chapter 15 Amendments.

Property Location: 420 N 1100 W, Blackfoot. Parcel No. RP0174605, T2S, R34E, Sec 07, approx. 6.15 acres

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

Public Hearing Date: April 9, 2025

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:

- a. Application and materials provided by the Applicant; and
- b. Staff Report with exhibits; and
- c. Testimony received before the Public Hearing included:
(T-1) David Keller of 430 N 1100 W, Blackfoot, ID, provided testimony in opposition to the Application. A summary of his testimony includes:
 - He values the privacy and space in his area and is concerned that the amendment will increase congestion.
 - He worries about the potential impact on his water supply due to more draws on the aquifer.
 - He fears that if zoning changes are approved, others might follow suit, leading to a city-like environment, which they purposely chose to avoid.

- (T-2) Bingham County Public Works Director submitted neutral testimony stating all new approaches must meet Bingham County approach standards.
- (T-3) Bingham County Surveyor submitted neutral testimony stating she reviewed the Idaho Department of Water Resources (IDWR) Irrigation Rights Map and found that water rights are associated with the land. It doesn't appear that water rights were specifically restricted from being transferred in the chain of title; therefore, according to Idaho Code Section 55-617, said water rights may be available and transferable via a name change application with IDWR. The Surveyor suggests the Applicant contact IDWR for further direction.
2. At the Public Hearing, the Staff Report, which included the above-mentioned testimony, was presented by Tiffany Olsen, Planning and Development Director. Commissioner Adams questioned the distance to the closest "R/A" Residential/Agriculture zone to the north, to which Director Olsen stated it was approx. 0.4 miles, but was not aware of the distance to the R/A zone existing further North and across Highway 91.
 3. With no further questions from the Commission, testimony was presented by (T-4) the Applicant's Representative, Marisol Madrigal, of 420 N 1100 W, Blackfoot, who testified that she nor her father and Applicant, Rosendo Vera Mirales, have received any complaints about her father's property, and in review of the surrounding properties, it appeared to be one of the nicest properties in that area. Ms. Madrigal testified that the reason her father wants to rezone the parcel is to subdivide the 6.15-acre parcel for future residential home development for her and her sibling. She further testified that she is a single mother, and with things becoming very expensive, this is one of the ways her father can help her.
 4. With no further questions for Marisol Madrigal, the Chairman called for testimony from the public. No testimony was received in support, neutral, or opposition. After Ms. Madrigal's testimony, the Public Hearing portion of the Application was closed.
 5. During Commission discussion, Chairman Aullman guided the Commission to discuss the Comprehensive Plan Map Area Amendment first. Commissioner Adams clarified that there was one domestic well on the parcel, and there were no known issues with domestic wells in the area to be concerned about.

Chairman Aullman referred to testimony received in a position of opposition, which provided concerns with the density, and asked the Commission if they believed this Application would adversely impact the area by allowing the zone change and a few more homes with a subsequent small subdivision. Commissioner Adams testified he noticed from the photos provided in the Staff Report that there were multiple structures on each of the parcels in the area and that this property appeared to have the least amount of structures

and be the best maintained. Commissioner Adams testified that adding two (2) more homes would fit with the surrounding properties.

Chairman Aullman referred to the Subdivision Map (Exhibit S-5), which depicted that land division had occurred in the area. Chairman Aullman testified he did not believe changing the zoning would be harmful or create urban density, but would allow people to use more of their property for a beneficial use.

Commissioner Adams testified that the Application met the criteria and the specific purposes of the County's Comprehensive Plan.

Commissioner Jolley referred to a one-acre parcel in the immediate area; he testified that with the subject parcel being six (6) acres, he questioned if there should be a condition placed on the motion to limit future lot sizes to two (2) acres to reduce the density and address the congestion concern received in the written testimony of a neighbor (Exhibit T-1). Commissioner Adams believed two-acre lots would fit with the R/A zoning and was not opposed to the condition.

The Commission discussed their preference as to whether one motion would be sufficient or if two motions were needed, and determined that one motion would be appropriate.

Commissioner Jolley questioned if the motion would be subject to the discussed condition. Commissioner Bingham testified he believed the two-acre minimum condition was irrelevant, as there were similarly sized lots already in the area, to which Commissioners Adams and Johns agreed.

II. REASON

The Planning and Zoning Commission found:


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
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

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
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
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
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 individual wells and septic systems if a Subdivision Application is approved; and
7. the Application 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 Comprehensive Plan Map Amendment from Agriculture to Residential/Agricultural and a Zoning Amendment from “A” Agriculture to “R/A” Residential/Agriculture on approx. 6.15 acres of land, located at approx. 420 N 1100 W, Blackfoot, ID, as proposed by Rosendo Vera Mirales.

Commissioner Carroll seconded the motion. Commissioners Jolley, Carroll, Adams, Bingham, Johns, Jewett, Watson, and Winder voted in favor. The motion passed.



William Aullman, Chairman
Bingham County Planning and Zoning Commission



Date