

**BINGHAM COUNTY PLANNING & ZONING COMMISSION  
REASON AND DECISION**

**APPLICATION OF:** (1) Zoning Amendment from Agriculture to Residential/  
Agriculture, and if recommended for approval  
  
(2) Bautista Estates Subdivision

**PROPERTY OWNERS  
AND APPLICANTS:** Selia and Gilbert Bautista Jr.

---

**Requested Action:** Property Owners and Applicants Selia and Gilbert Bautista Jr. requested to amend the Zoning designation of their property from “A” Agriculture to “R/A” Residential/Agriculture following Bingham County Code Title 10 Chapter 15 *Amendments* and if recommended for approval, to create a three-lot single-family residential subdivision (two buildable and one non-buildable lot), to be known as Bautista Estates, on approx. 5.11 acres, in accordance with Bingham County Code, Title 10, Chapter 14, *Subdivision Regulations*.

**Property Location:** Parcel No. RP0428101, addressed as 159 E 350 N, Blackfoot, ID 83221, consisting of approx. 5.11 acres

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

**Public Hearing Date:** January 14, 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, maps, notice, and other materials.
  
2. Planning and Development Services 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 Treasurer submitted testimony in a neutral position stating that the taxes will need to be prepaid for the 2025 year before the Treasurer signs the plat.

(T-2) Bingham County Public Works submitted testimony in a neutral position stating any new approaches must meet current Bingham County standards and that South Wapello (350 N) is a local road posted at 40 mph.

(T-3) The Department of Environmental Quality submitted testimony in a neutral position and offered general recommendations for land development projects.

3. With no questions from the Commission, testimony was presented by the Applicants' Representative (T-4) Chris Street, Professional Land Surveyor with Harper Leavitt Engineering, 800 W Judicial, Blackfoot, ID, who testified that the Bautista family's intent is to allow their daughter to build a home next to their home. He provided a larger plat which was entered into the record as Exhibit T-4A. He explained that the Comprehensive Plan Map area is designated as Multi-Use and that the area consists of existing homes along the highway. He testified that proposed lot two already has a permitted septic system and drain field, which the Health Department will need to inspect to ensure viability. He added that there is an existing septic system and drain field in use with the existing home on lot one. Mr. Street concluded that the use of the ground is going to stay the same, the livestock will remain on the property, and that the only change will be an additional lot for their daughter.

Commissioner Thomson was concerned that the lot sizes on the Zoning Amendment Application were different than the proposed lot sizes on the Subdivision Application and was not sure which was accurate. Mr. Street stated the Applicant had submitted the Application to the County prior to HLE being hired. He explained that the Subdivision Application and plat had been updated due to a last-minute lot reconfiguration, and the Narrative was mistakenly not updated, but confirmed that the Subdivision Application and plat show the correct lot sizes. Assistant Director Jackman confirmed this information to be correct and clarified that if a motion to recommend approval was received, it would be based upon the plat which corresponded with the lot sizes provided in the notice materials.

Commissioner Thomson clarified that there are two Applications for consideration, one for a zone change and the second for a subdivision. He also clarified that subdivisions being heard tonight, which will use their well for household use only, will be governed by the Idaho Department of Water Resources (IDWR). Mr. Street confirmed this to be correct.

4. Testimony in a position of support, in neutral, or in a position of opposition was not received. Acting Chairman Johns then closed the Public Hearing for this Application.
5. Commission discussion commenced with Commissioner Thomson, who reiterated concerns about the lot sizes identified on the Zoning Amendment Application not matching the lot sizes on the plat, noting that he did not want this to cause an issue in the future for the homeowners and asked for legal counsel's clarification. Because legal counsel was not present at that time, Assistant Director Jackman confirmed that, because notice with the accurate plat information was issued, meeting all legal requirements, a discrepancy in the Application materials would not require a new Public Hearing or any issues for future

homeowners. Commissioner Thomson preferred to wait and confirm Staff's position with legal counsel before proceeding with the Subdivision Application.

Without further discussion on the Zoning Amendment Application, Commissioner Carter proposed that a motion be made for the Zoning Amendment and to wait for legal counsel to clarify Commissioner Thomson's concerns regarding the Subdivision Application.

## **II. REASON (ZONING AMENDMENT)**

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 owners and included all required contents of a complete Application; and
2. the Multi-Use Comprehensive Plan Map Area designation supports the desired Zoning Amendment to the Residential/Agriculture District, as it allows for any type of zoning. The Commission did not identify any concerns relating to conflicting zoning, spot zoning, or nonconforming neighboring zones; and
3. 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). The Commission found that the subject property is currently served with utilities and has adequate access from 350 N South Wapello Road; and
4. the property is surrounded by parcels consisting of a combination of residential and agricultural land uses, with the Wapello Townsite located to the east, and the surrounding lands are zoned Residential/Agriculture to the east, northeast, and southeast of the proposed subdivision, which supports compatibility with the area; and
5. the Public Hearing met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

## **III. DECISION (ZONING AMENDMENT)**

Based on the record, Commissioner Carter moved to recommend approval of the Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture on approx. 5.11 acres of land, located at approx. 159 E 350 N, Blackfoot, ID 83221, as proposed by Selia and Gilbert Bautista Jr., Commissioner Jolley seconded the motion. Commissioners Carter, Jolley, Thomson, Tominaga, and Winder voted in favor. The motion passed.

#### IV. PUBLIC HEARING RECORD AND INFORMATION CONTINUED FOR THE SUBDIVISION APPLICATION

When Legal counsel, Paul Rogers, returned to the Courtroom, Commissioner Thomson referred to Exhibit A-1, where it stated the lots would be divided into two (2) two-and-a-half (2.5) acre lots, and was concerned that this acreage did not match the plat. He explained he did not want this to cause issues in the future. Assistant Director Jackman provided more context and explained to legal counsel that the Application he was referring to was for the zone change and not for the subdivision. Furthermore, the subdivision application was updated, and both items were re-noticed with the correct information. Assistant Director Jackman confirmed that the notice with the correct information, which reflects the plat that was before the Commission at this Public Hearing, was reposted on the property, resent to all necessary property owners, and published in the newspaper. Paul Rogers, Legal Counsel, stated that if the Application was noticed correctly, there was no concern. Mr. Rogers reviewed the notices and confirmed there was no concern and the Commission could proceed.

#### V. REASON (SUBDIVISION)

1. the Application met the requirements of Bingham County Code Title 10, Chapter 14, *Subdivision Regulations*; and
2. the Application met the requirements of Bingham County Code Section 10-4-2(C), which states that the purpose of the "R/A" Zone is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities; and
3. the Application met the requirements of Bingham County Code Section 10-6-6(B)(1) as the proposed lots meet the 1-acre minimum allowed for in a Residential/Agriculture Zoning District with individual culinary wells, septic systems, and drainfields on each lot; and
4. the lots are located within the Blackfoot Irrigation Company service area and will be served through an existing open ditch. Lot 1 will retain 9 shares, Lot 2 will receive 1 share, and Lot 3, a designated right-of-way, will receive no shares; and
5. the proposed Subdivision is considered to be consistent with the Bingham County Comprehensive Plan, as the area is designated as Multi-Use, which supports all zoning designations and development of the parcel; and
6. the Public Hearing met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

**VI. DECISION (SUBDIVISION)**

Based on the record, Commissioner Jolley moved to recommend approval of the Bautista Estates Subdivision as proposed by Property Owner and Applicants, Selia and Gilbert Bautista Jr., located at 159 E 350 N, Blackfoot, ID. Commissioner Carter seconded the motion. Commissioners Jolley, Carter, Thomson, Tominaga, and Winder voted in favor. The motion passed.

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

  
\_\_\_\_\_  
Date