

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

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

(2) the Mountain Aura Estates Subdivision

**PROPERTY OWNERS
AND APPLICANTS:**

Diego Armando Bustamante-Aquino & Dora Patricia Vidal-Andrade

Requested Action: Property Owners and Applicants, Diego Armando Bustamante-Aquino & Dora Patricia Vidal-Andrade, requested to develop a 17-lot residential subdivision, on approx. 20.26 acres of land, zoned “R/A” Residential/Agriculture, in accordance with Bingham County Code Title 10 Chapter 14 *Subdivision Regulations*, to be known as Mountain Aura Estates. The subdivision consists of one approx. 2.45-acre lot to be dedicated to the County as public right-of-way for the development of a county road to serve the subdivision and 16 single-family residential lots, ranging in size from 1.00 to 1.50 acres. In order to facilitate the subdivision development, an amendment to the Comprehensive Plan Map Area designation is required from Agricultural to Residential/Agricultural per Bingham County Code Title 10 Chapter 15 Amendments.

Property Location: Parcel No. RP0353904, located North and east of 46 W 50 S, Blackfoot, ID, 83221, consisting of approx. 20.26 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. At the Public Hearing, 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 Public Works submitted testimony in a neutral position and stated that all new approaches must meet current Bingham County standards. Mitchell Lane is a local road posted at 50 mph.
- (T-2) Spencer Larsen, Manager of the Blackfoot Irrigation Company and Blackfoot Slough, submitted testimony in a neutral position, stating that the Blackfoot Irrigation, Blackfoot Slough, and the Lloyd Canal each supply water to this property, and the Applicant has 25 shares. Blackfoot Irrigation provides the shares and delivery to the Blackfoot Slough and, in turn, the Lloyd Canal. Each canal company requires a homeowners association (HOA) to hold the shares and to pay their individual assessments
3. With no questions from the Commission, testimony was presented by the Applicants' Representative, (T-3) Chris Street, Professional Land Surveyor with Harper Leavitt Engineering, 800 W Judicial, Blackfoot, ID. Mr. Street provided a larger map of the proposed plat, entered into the record as Exhibit T-3A. He testified that the proposed subdivision consists of lots ranging from approximately 1 acre to 1.5 acres, all accessed from a newly proposed county road. Each lot is proposed to be served by individual wells and septic systems, with the plat identifying the locations of the proposed systems, including replacement drain field areas. Mr. Street stated that Idaho State Code allows individual wells and septic systems on one-acre parcels/lots. He explained the property is currently leased for farming, and the Applicant is proposing a pressurized irrigation system. The location of the irrigation pump is currently not on the property and may change as a full design of the irrigation system has not been completed, nor has an easement been procured. He acknowledged that these items, along with final road design approval by Public Works, must be addressed prior to final plat.

Mr. Street testified that this area, being in the Blackfoot School District, does not have a lot of single-family residential development. Most of the development is seen West of Blackfoot, in the Snake River School District, or North in the Shelley School District. He stated this proposal would provide new residential lot opportunities near the middle school and city limits within the Blackfoot School District. He further explained that the change to the Comprehensive Plan Map Area designation was intended to align the map with the existing "R/A" Residential/Agriculture zoning.

Commissioner Jolley noted that septic system sizing is determined by home size and occupancy and questioned the varying septic sizes shown on the plat. Mr. Street stated they anticipated household occupancy, erred on the side of caution, and confirmed that replacement areas were included, though he was unsure of the specific calculations used.

Commissioner Winder agreed there are not a lot of developments to the East of Blackfoot, and questioned whether individual wells and septic systems could later result in annexation into the City of Blackfoot. Mr. Street testified that the nearest community system is located

more than a mile west, and annexation was unlikely due to surrounding agricultural land. He stated that development in the area is often limited by high water tables, floodplain concerns, and nitrate priority areas, none of which apply to this property.

Commissioner Carter questioned whether the subdivision would be better suited for a community water system and asked whether that option had been considered. Mr. Street testified that the Application was submitted prior to learning of recent requirement changes related to community systems and confirmed with County Legal Counsel, Paul Rogers, that the Commission could impose a community water system as a condition. Commissioner Carter also asked about soil conditions and leaching potential. Mr. Street testified that the soils were moderate, not known to leach rapidly, and noted the most recent well depth in the area was approximately 80 feet.

4. Testimony in favor nor in opposition was received. Neutral testimony was received from:

(T-4) Robert Olsen, 21 E 100 N, Blackfoot, ID, who owns property north of the project site. Mr. Olsen expressed concern that survey markers were placed approximately one foot onto his property and requested the boundary be moved back to the historic fence line, which he stated has existed for 80 to 100 years. Commissioner Jolley asked whether the encroachment was consistent along the entire boundary, and Mr. Olsen testified that the distance may vary.

(T-5) Tod Bell, 56 N 100 W, Blackfoot, ID, who recently purchased property at 3 S 55 W, Blackfoot, ID. Mr. Bell testified that they purchased the land for open space and horses. He expressed concern that annexation could increase taxes. He also raised concerns regarding liability if flood irrigation water from his ditch, running west to east, were to encroach onto future neighboring homes. Commissioner Carter asked about the location of his property, and Mr. Bell identified it as northwest of the proposed subdivision.

5. Mr. Street provided rebuttal testimony, stating he appreciated Mr. Olsen's concerns and explained that another company completed the survey. He testified he would recommend moving the boundary back to the fence and dedicating the narrow strip to Mr. Olsen. Regarding annexation, Mr. Street testified that the City cannot force annexation of parcels larger than five acres and that surrounding properties would need to be annexed as well, with larger parcels requiring willing participation. He did not foresee city boundaries expanding in that direction and referenced a similar unsuccessful annexation attempt west of Blackfoot due to resident tax concerns.

Commissioner Jolley noted that shifting the northern boundary, as requested by Mr. Olsen, could require lot reconfiguration. Mr. Street testified that the plat would be redrawn to accommodate the neighbor and believed the adjustment would be minor and not a substantial change, though final determination rests with the Planning Director. Assistant

Director Jackman suggested noting for the record that minor modifications are anticipated, with the minimum acreage standards to be maintained.

In response to concerns about water delivery and water encroachment, Mr. Street testified that any irrigation water entering the property must also leave the property in equal measure. He further stated that stormwater will be managed through road design utilizing drainage swales, and property owners are required to retain stormwater on their own lots.

The Commission discussed considering a condition to require a community well. Mr. Street responded by stating that his firm had not yet designed a system following the updated Memorandum issued by the Idaho Department of Water Resources, but that it could be a condition of approval.

Commissioner Carter observed that the Zoning District map and the Comprehensive Plan Area map are out of sync and asked when the zoning designation for this property was changed. Assistant Director Jackman testified she was unsure but knew that it was not in recent years and noted much of the surrounding area is zoned Residential/Agriculture. She explained that the Comprehensive Plan Map area adjustment is largely housekeeping on an application-by-application basis until a county-wide cleanup occurs, and Commissioner Carter confirmed the zoning designation shown on Exhibit S-3 was correct. With no further questions for Mr. Street or Staff, the Public Hearing was closed.

5. Commissioner discussion included Commissioner Jolley, who testified that when looking at the Comprehensive Plan Map Area versus the Zoning District map, a Comprehensive Plan Map amendment makes sense in the area and he did not have any issues with this request. He added that he liked that some of the lots are larger than 1 acre, and stated that it would be a nice addition to the area. There were no concerns or further discussion provided by the Commission.

II. REASON

1. the Planning and Zoning Commission reviewed the Application and record 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 approx. 20.26 acres of land with a current Comprehensive Plan Map Area designation of Agricultural. To facilitate the Applicant's desire to subdivide their property, which is zoned

Residential/Agriculture, an amendment is required to the Residential/Agricultural Comprehensive Plan Map Area; and

- c) that the subject parcel meets the specific purposes of the Comprehensive Plan for a Residential/Agricultural Map Area in that the request is consistent with development in the vicinity, 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
 - d) that it was appropriate to recommend approval of the Comprehensive Plan Map Area Amendment from Agricultural to Residential/Agricultural to support the current zoning designation and facilitate subdivision development upon review of the Applicant’s responses to Bingham County Code 10-15-3(E).
2. the Planning and Zoning Commission reviewed the Mountain Aura Subdivision Application and record in the context of Bingham County Code Title 10 Chapter 14 *Subdivision Regulations* and made the following findings:
- a) the Application met the requirements of Bingham County Code Title 10, Chapter 14, *Subdivision Regulations*; and
 - b) the Subdivision Application met the zoning district purposes of Bingham County Code Section 10-4-2(C) as 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, with compatibility to existing uses in the immediate area and similar population density. The Commission found the area consists primarily of residential parcels, agriculturally farmed fields, and the subject property is surrounded by Residential/Agriculture zoning. Additionally, the proposed development has access to utilities, adequate service by roadways, with proposed lot sizes suitable for a combination of residential and agricultural land uses; and
 - c) the Application met the requirements of Bingham County Code Sections 10-6-6(B)(1) as the proposed lots meet the 1-acre minimum allowed for in a Residential/Agriculture Zoning District; and
 - d) irrigation water rights will be assessed by the Blackfoot Irrigation Company through 25 shares, with water delivery by the Lloyd Canal Company and the Blackfoot Slough Company. Water will be delivered to all lots through a new pressurized irrigation system; and

3. 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 Carter moved to recommend approval of the Mountain Aura Estates Subdivision, located at approx. North of 46 W 50 S, Blackfoot, ID, on approx. 20.26 acres, as proposed by Diego Armando Bustamante-Aquino & Dora Patricia Vidal-Andrade. Commissioner Winder seconded the motion. Commissioners Carter, Winder, and Tominaga voted in favor. The motion passed.

Commissioner Thomson voted in opposition based on the large number of lots being proposed, the property being surrounded by agriculture, and that this development would cause undue stress to the surrounding property owners.



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



Date