

BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION

APPLICATION OF: Conditional Use Permit for a Temporary Second Dwelling
for Medical Hardship in an "A" Agricultural Zoning District

**PROPERTY OWNER &
APPLICANT:**

Avelinda Garza

Requested Action: Property Owner and Applicant, Avelinda Garza, requested a Conditional Use Permit to allow the placement of a temporary second dwelling on her property located at 763 S 1400 W, Pingree, ID, zoned Agricultural, to allow family to assist in caring for her father. Pursuant to Bingham County Code Section 10-7-4, *Additional Dwelling Unit, Temporary*, each parcel of property considered a buildable parcel shall be allowed one additional temporary dwelling for medical hardship, with a statement from a licensed physician attesting to the medical condition and need for assistance, with an approved Conditional Use Permit.

Property Location: 763 S 1400 W, Pingree, ID. Parcel No. RP0158103, Township 4 South, Range 33 East, Section 11, consisting of approx. 5.09 acres

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

Public Hearing Date: July 8, 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 and supplemental maps, notice, and other materials.
2. Planning and Development Services Director, Tiffany Olsen, 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 the neutral position, stating they have no objections or concerns.

3. With no questions from the Commission, testimony was presented by the Applicant (T-2) Avelinda Garza, of 763 S 1400 W, Pingree, ID, who reviewed the Application request. With no questions from the Commission, the Chairman called for testimony from the public.
4. There was no testimony presented from the public; therefore, Chairman Johns closed the Public Hearing on this Application.
5. During Commission discussion, the Commission did not express any concerns with the Application.

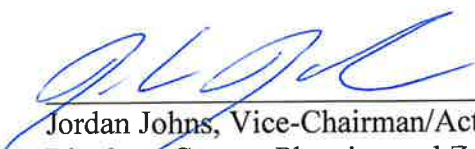
II. REASON

The Planning and Zoning Commission found:

1. that a Conditional Use Permit is required for a Temporary Secondary Dwelling in an Agricultural zone pursuant to Bingham County Code Section 10-5-3, *Land Use Chart*; and
2. pursuant to Bingham County Code Section 10-7-4(B), each lot, tract, or parcel of property considered a buildable parcel shall be allowed one additional temporary dwelling for a medical hardship with an approved Conditional Use Permit; and
3. the manufactured home meets the requirements of a temporary dwelling as provided for in Bingham County Code Section 10-7-4 and is on blocks. Additionally, the Applicants received an approved Septic Permit for the structure's connection and permission from the Idaho Department of Water Resources for use of an existing well on the property; and
4. the Application met the requirements of Bingham County Code Section 10-7-4(F) as the Applicant provided a letter from Guss Grimmer, Family Nurse Practitioner, regarding the necessity of the requested recipient's medical conditions for which the temporary secondary dwelling is sought; and
5. the Application met the requirements of Bingham County Code Section 10-7-4(G) and (H) as the Applicant provided a statement acknowledging compliance with the requirement to remove the temporary secondary dwelling from the property in a timely manner, when no longer necessary; and
6. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete; and
7. 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 Bingham moved to approve the Conditional Use Permit Application requested by Avelinda Garza to allow a temporary second dwelling on her property located at 763 S 1400 W, Pingree, Idaho, to care for her father due to a medical hardship. An updated letter from a licensed physician attesting to the continued need for Mr. Garza's care must be provided to Planning and Development Services every two (2) years. Commissioner Tominaga seconded. Commissioners Bingham, Tominaga, Bautista, Jolley, and Winder voted in favor. The motion passed.



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



Date