

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Parris Subdivision, a 1-Lot Subdivision in a "R/A" Residential/Agriculture Zoning District & a Comprehensive Plan Map Amendment from Agriculture to Residential/Residential Agriculture.

Board of County Commissioners Meeting Date: August 30, 2023

Property Owners & Developers: Alejandra Margarita Parris

The Board reviewed the record, which is comprised of:

1. Exhibits to the Staff Report:

- S-1: Planning & Zoning Commission Staff Report
- A-1: Application for Subdivision Plat
- A-2: Subdivision Narrative
- A-3: Plat
- A-4: Legal Description
- A-5: Custom Soil Resource Report- United States Department of Agriculture
- A-6: Guarantee- Old Republic National Title Insurance Company
- A-7: IDWR- Well Information Summary
- A-8: FEMA- Flood Hazard Area Documentation
- A-9: Quit Claim Deed- Legal Description
- S-2: Parcel Map
- S-3: Zoning Map
- S-4: Comprehensive Plan Map
- S-5: Flood Plain Map
- S-6: Aerial Map
- S-7: Subdivision Map
- S-8: Area of Impact Map
- S-9: School District Map
- S-10: Utilities Map
- S-11: Nitrate Priority Area Map
- S-12: Irrigation Provider Map
- S-13: Aerial Image
- S-14: Notice of Posting- Addie Jo Harris
- S-15: Google Images
- S-16: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
- S-17: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Addie Jo Harris
- S-18: Property Owners List & Notice of Mailing- Tiffany G. Oleson

2. Planning & Zoning Commission Meeting Exhibits & Minutes from March 8, 2023 and Planning & Zoning Commission sign in sheet for March 8, 2023.

3. All Information and Testimony presented at the Commissions Public Hearing on March 8, 2023.
4. Planning & Zoning Commission Reason & Decision, signed by Chairman Darren Leavitt on March 27, 2023.

A. **REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the March 8, 2023, the Planning & Zoning Commission Public Hearing, the Commission considered Alejandra Margarita Parris's request to develop a 1-Lot Subdivision, to be known as "Parris Subdivision," on approximately 1.19 acres (currently a non-buildable parcel recently created without a Division Right), in a "R/A" Residential/Agriculture Zoning District. The parcel is located along the North Right-of-Way of 250 N Jacobson Lane, approximately half a mile South of Highway 26 and Northwest of Moreland Park Ponds. The proposed 1-Lot Subdivision will have an individual well for culinary purposes, a private septic sewer system and drain field, with irrigation water rights assessed by the Peoples Canal and Irrigation Company delivered through an existing irrigation ditch that runs along the North boundary of the property. The parcel is proposed to have direct access to an existing County Road, 250 N Jacobson Lane. The Comprehensive Plan Map has this area identified as Agriculture and therefore if recommended for approval, the Commission shall recommend to amend the Comprehensive Plan Map to reflect the change to Residential/Residential Agriculture pursuant to Bingham County Code Section 10-15-4 (c).

REASON

Based on the entire record and Staff Report, the Board finds:

- a. The Board found that the Application met the requirements in Bingham County Code Section 10-4-2 (C) as the purpose of "R/A" zone is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities. The proposed lot is 1.19 acres in size which meets the minimum acreage, per lot, required to compliant with R/A Zone and Area Regulations. The Board found the proposed lot is similar to nearby lot sizes, compatible with the area, and has adequate road frontage with access from 250 N Jacobson Road; and
- b. The Board found that the Application met the requirements in Bingham County Ordinance Section 10-6-6(B)(4) and 10-14-4 (B) as the proposed lot meets the 1-acre minimum to qualify for individual culinary well and sanitary sewer system; and
- c. The Board found that the property is in the flood plain; however, the Applicant received a Letter of Map Revision Base on Fill (LMOR-F) Determination (Case No. 22-10-0943A, dated September 3, 2022) from the Federal Emergency Management Agency (FEMA) removing a portion of the property from the flood plain where the Applicant desires to construct a new residence; and
- d. The Board found that the Application met the requirements of Bingham County Code Section 10-14-4(A) as the Application was completed and included all items listed in Sections 10-14-4(A)1-23.

- e. Chairman Manwaring had no concerns in regards to the Application.
- f. Commissioner Jackson had no concerns in regards to the Application.
- g. Commissioner Bair had no concerns and stated that the Application meets all subdivision regulations.

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve Parris Subdivision, a 1-Lot Subdivision in a R/A Zoning District, and the Comprehensive Plan Map Amendment from Agriculture to Residential/Residential Agriculture.

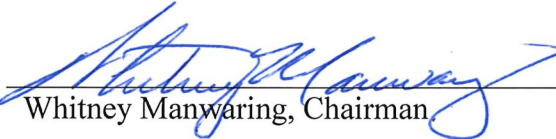
Chairman Manwaring amended the motion to add that this decision is based upon the record, the Reason & Decision of the Planning & Zoning Commission and discussion held. Commissioner Bair seconded. All voted in favor. The motion carried.

Request for Reconsideration/Judicial Review: Upon denial or approval of a Zone Change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

Dated this 13th day of September, 2023.

**Board of Bingham County Commissioners
Bingham County, Idaho**


Whitney Manwaring, Chairman


Mark Bair, Commissioner


Eric Jackson, Commissioner