



**BINGHAM COUNTY PLANNING & ZONING COMMISSION  
REGULAR MEETING AGENDA AND NOTICE**

**(Amended 6/27/2024)**

**Bingham County Courthouse, Courtroom 1  
501 N. Maple Street, Blackfoot, ID 83221**

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**WEDNESDAY, JULY 10, 2024 AT 6:00 P.M.**

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**THE PLANNING & ZONING COMMISSION MEETING WILL BE LIVE STREAMED VIA ZOOM FOR AUDIO PURPOSES ONLY, UNLESS OTHERWISE PRE-APPROVED BY THE PLANNING & DEVELOPMENT DIRECTOR. ALL INDIVIDUALS WISHING TO PROVIDE PUBLIC TESTIMONY MUST BE PRESENT AT THE PUBLIC HEARING TO DO SO – TESTIMONY VIA ZOOM WILL NOT BE RECEIVED.** Join Zoom Meeting by phone at (253) 215-8782, Meeting ID: 867 2687 3874 Passcode: 89933278 and online at: <https://us02web.zoom.us/j/86726873874?pwd=dXBSZlptWWVXcVpuWC9uNWZlNTBjdz09>

**A. PUBLIC HEARINGS: CALL PUBLIC HEARING TO ORDER (CHAIRMAN), DISCLOSURE OF CONFLICT OF INTEREST- EX-PARTE COMMUNICATION AND SITE VISIT:** Disclose who was talked to, the basic substance of the conversation and if it had any influence. Disclose if a site visit was made, location(s) of the visit, and what was seen.

**1. VARIANCE FROM THE SETBACK REQUIREMENT TO A WATERWAY FOR A STRUCTURE (ACTION ITEM: DECISION)** Property owner Jason Stevens requests a variance to the required 100-foot setback from the Snake River of approx. 30 feet to allow an existing non-permitted carport structure to remain in its current location on his property, located in a “R” Residential Zoning District, and within the Shelley Area of City Impact. Pursuant to Bingham County Code Section 10-10-5 *Variances*, the Applicant must show an undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. **Approx. Location: 1288 N 590 E, Shelley, ID. Parcel No. RP8270460. T1N R36E Sec 36, Lot 1 Block 1 of Riverbend Estates Subdivision Division No. 2, consisting of approx. 1.22 acres**

**ITEM NO. 2 HAS BEEN WITHDRAWN AND WILL NOT BE HEARD**

**2. ~~VARIANCE FROM THE SETBACK REQUIREMENT FROM AN EASEMENT TO A STRUCTURE (ACTION ITEM: DECISION)~~** Property owner Trent Armstrong requests a variance to the required 20-foot setback from a private irrigation easement to the location of a previously poured concrete pad for a to-be constructed (and properly permitted) structure in a “R” Residential Zoning District. The existing concrete pad is immediately adjacent to a 15-foot easement for an irrigation source that was never developed on the property and will have no effect to neighboring properties; therefore, the variance requested is for approx. 20 feet. Pursuant to Bingham County Code Section 10-10-5 *Variances*, the Applicant must show an undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. **Approx. Location: 907 E 1230 N, Shelley, ID. Parcel No. RP8247700. T1N R37E Sec 34, Lot 8 Block 2 of the Willow Estates Subdivision Division No. 3, consisting of approx. 0.91 acres**

- 3. LIMITED PUBLIC HEARING RE: CONDITIONAL USE PERMIT AND VARIANCE REQUEST FOR AN EXISTING MONOPOLE TOWER/WIRELESS COMMUNICATION FACILITY: (ACTION ITEM: DECISION)** Vision WiFi Inc. (owned and operated by Josh and Audrey Preston), on behalf of property owner Darrell Marcus Oler, submitted a Conditional Use Permit to allow the placement of an existing 98-foot-tall monopole tower/wireless communication facility on Mr. Oler's property in a Residential/Agriculture Zoning District and a Variance Application to sections of the Specific Use Performance Standards of Bingham County Code Section 10-7-35. The Applications were heard by the Planning and Zoning Commission on March 13, 2024 but the Commission tabled action to a subsequent meeting in order to allow the applicable canal company to meet and discuss the placement of the previously erected tower in relation to its water source. A letter from the Blackfoot Slough Manager has been provided indicating the tower's location is acceptable and the Applications will be presented for further consideration with testimony limited to the canal company's letter. **Approx. Location: 75A E Rich Lane, Blackfoot, ID. Parcel No. RP0447613, T3S R36E Sec 6, consisting of approx. 3.2 acres**
- 4. 1<sup>st</sup> AMENDED ESTELLA ROSE ESTATES SUBDIVISION (ACTION ITEM: RECOMMENDATION)** Property owners Terry and Penny Fowler request a replat of Lot 1 Block 1 of the Estella Rose Estates Subdivision to create a four (4) lot subdivision consisting of the Fowler's existing residential lot, two (2) new residential lots at approx. 1 acre each, and one (1) small non-buildable utility lot, approx. 25' x 25', encompassing an existing 98-foot tall wireless communication tower. The parcel is zoned "R/A" Residential/Agriculture, is in the Blackfoot Area of City Impact, and consists of approx. 3.79 acres in total. The new residential lots are proposed to have individual culinary wells, septic systems and drain fields with access extending from an existing shared approach. Irrigation water will be from the Corbet Slough Ditch Company through a new pressurized irrigation system. The Bingham County Comprehensive Plan Map has this parcel designated as Residential Agriculture. **Approx. Location: 134B N 150 W, Blackfoot, ID. Parcel No. RP8267490, T2S R35E Sec 26, consisting of approx. 3.79 acres**
- 5. VARIANCE FROM THE SETBACK REQUIREMENT FROM AN EASEMENT TO A STRUCTURE (ACTION ITEM: DECISION)** If the 1<sup>st</sup> Amended Estella Rose Estates Subdivision is recommended for approval, property owners Terry and Penny Fowler request a variance to the required 20-foot setback for a structure from a proposed 50-foot wide access easement. The existing accessory structure is located approx. 11.9 feet to the north of the 50-foot wide access easement within the proposed 1<sup>st</sup> Amended Estella Rose Estates Subdivision. Pursuant to Bingham County Code Section 10-10-5 *Variances*, the Applicant must show an undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. **Approx. Location: 134B N 150 W, Blackfoot, ID. Parcel No. RP8267490, T2S R35E Sec 26, consisting of approx. 3.79 acres**

**ITEMS NO. 6 & 7 HAVE BEEN POSTPONED TO A SUBSEQUENT HEARING DATE**

- ~~6. **FREEDOM ESTATES SUBDIVISION (ACTION ITEM: RECOMMENDATION)** Property owners Jason and Rebecca Young request to create a six (6) lot subdivision to be known as the “Freedom Estates Subdivision” consisting of the Young’s existing residential lot (on 1.06 acres), four (4) new lots at 1.00 acre each, and one (1) new lot at 2.01 acres. on a parcel of 7.25 acres zoned “R/A” Residential/Agriculture. New lots are proposed to have individual culinary wells, septic systems and drain fields with irrigation delivered through a pressurized irrigation system and assessed through the Wearyrick Ditch Co. Proposed Lots 1 and 2 will have direct access to 25 S Grant Avenue with the remaining 4 lots having access extending from 25 S Grant Avenue via a 50 foot wide private road. The Bingham County Comprehensive Plan Map has this parcel designated as Residential Agriculture **Approx. Location: 755 W 25 S, Blackfoot, ID, Parcel No. RP0229109, T3S R34E Sec 2, consisting of approx. 7.25 acres**~~
- ~~7. **VARIANCE FROM THE SETBACK REQUIREMENT FROM AN EASEMENT TO A STRUCTURE (ACTION ITEM: DECISION)** If the Freedom Estates Subdivision Application is recommended for approval, property owners Jason and Rebecca Young request a variance to the required 20 foot setback distance for a structure from a proposed 50 foot wide access easement. There are two (2) existing accessory structures within the setback area; one is 4.5 feet to the west of the proposed access easement and the other, permitted for construction in April 2024, is 5.9 feet to the east of the proposed access easement. Pursuant to Bingham County Code Section 10-10-5 *Variances*, the Applicant must show an undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. **Approx. Location: 755 W 25 S, Blackfoot, Idaho, Parcel No. RP0229109, T3S R34E Sec 2, consisting of approx. 7.25 acres**~~
8. **SOUTH THOMPSON LANE SUBDIVISION (ACTION ITEM: RECOMMENDATION)** Property owners Lynn Coe Leavitt, Linnea Chidester, and Jenny Orgill, request to create a 3-lot subdivision to be known as “South Thompson Lane Subdivision” consisting of two (2) residential lots at 5.00 and 5.25 acres each and one (1) non-buildable lot identified as 35 E Pintail Lane (a private road), located in a Residential/Agriculture Zoning District and in the floodplain. The private road will provide access from 75 S Thompson Lane to two (2) existing parcels and the two (2) proposed lots within this Application. Both residential lots are proposed to have individual culinary wells, septic systems and drain fields, with irrigation water assessed by the Blackfoot Irrigation Company and delivered by the Lloyd Ditch through a buried ditch gravity pipe system. The Bingham County Comprehensive Plan Map has this parcel designated as Agriculture. **Approx. Location: South of 81 S 35 E, Blackfoot, ID. Parcel No. RP0447203, T3S R36E Sec 6, consisting of approx. 11.69 acres**

- 9. VARIANCE FROM THE SETBACK REQUIREMENT FROM A RIGHT OF WAY TO A STRUCTURE (ACTION ITEM: DECISION)** Property owners Randy and Lana Line request a variance to the required 50-foot setback for a structure from the I-15 Interstate Right-of-Way for placement of storage unit buildings at 20 feet from the Applicants property. The Applicants received approval to construct and operate a Storage Facility, Outside and Self Service/RV Facility at the Planning and Zoning Commissions May 22, 2024 Public Hearing which included ITD's permission to be closer than allowed by Bingham County Code Section 10-6-3 but the application materials did not include this specific variance request. **Approx. Location: East of 597 E 1500 N, Shelley, ID. Parcel No. RP0454802, T1N R37E Sec 19, at approx. 1.77 acres & South of 597 E 1500 N, Shelley, ID. Parcel No. RP0373303, T1N R36E Sec 24, at approx. 1.26 acres. Total acreage is approx. 3.03 acres**

**B. ADMINISTRATIVE ITEMS:**

**CONSENT ITEMS (ACTION ITEM: DECISION)**

Ratify the Planning and Zoning Meeting Minutes and Decisions from 5/8/2024, 5/22/2024, and/or 6/12/2024

**ITEMS FROM THE COMMISSION AND PLANNING & DEVELOPMENT DIRECTOR'S REPORT (ACTION ITEM: DISCUSSION)**

Review proposed modifications to Title 10, Zoning Regulations

**C. ADJOURN.**