

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

APPLICATION OF: Conditional Use Permit to Transfer 8 Division Rights

**PROPERTY OWNER &
APPLICANT:** Riverbend Farms, LLC

Requested Action: Jared Wattenbarger, on behalf of property owner Riverbend Farms, LLC, requested a Conditional Use Permit to transfer a total of eight (8) Division Rights from three (3) Original Parcels identified as the “Sending Parcels” to two (2) Original Parcels identified as the “Receiving Parcels” for retention of their ownership following the regulations of Bingham County Code Section 10-14-3 *Original Parcel Division*.

Sending Parcels: Parcel Nos. RP0450002, RP0449905, and RP0448606. Township 1 North, Range 37 East, Section 16, consisting of a total of approx. 25.90 acres

Receiving Parcels: Parcel No. RP0482201. Township 1 North, Range 37 East, Section 34, consisting of approx. 57.10 acres consisting of

Applicable Regulations: Bingham County Comprehensive Plan, Dated November 20, 2018
Bingham County Zoning Ordinance 2012-08

Public Hearing Date: June 12, 2024

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:
 - a. Application;
 - b. Staff Report; and
 - c. Testimony presented prior to the Public Hearing which included:
(T-1) Bingham County Surveyor;
(T-2) Idaho Department of Environmental Quality; and
(T-3) Bingham County Public Works.

2. After the Staff Report was presented, testimony presented at the Public Hearing was received from:

Applicant (T-4) Jared Wattenbarger, 5032 W 81 S, Shelley, ID, on behalf of Riverbend Farms, LLC, who explained that the intent was to move the Division Rights to temporarily hold them on the Receiving Parcel. The Commission confirmed the following:

- a. the Receiving Parcel contains two (2) Original Parcels and the North Original Parcel holds 3 (three) Division Rights and the South Original Parcel holds 4 (four) Division Rights and therefore if the transfer is approved, the North Original Parcel would hold 7 (seven) Division Rights and the South Original Parcel would hold 8 (eight) Division Rights; and
 - b. that the County has previously seen Division Right transfers in which the Receiving Parcels already had available Division Rights. Staff added that that there is no limit to the amount of times Division Rights can be transferred; and
 - c. that the parcels were held in the same ownership.
3. With no testimony being received in support, in neutral, or in opposition of the Application, after Mr. Wattenbarger's testimony, the Public Hearing for this item was closed.
 4. The Commission had no further questions for Staff and did not express any concerns with the Application.

II. REASON

The Planning and Zoning Commission found:


1. the Receiving Parcel is zoned Agriculture which supports and controls the infiltration of development pursuant to Bingham County Code Section 10-4-2(B); and
2. the Application met the requirements of Bingham County Code Section 10-14-3(C)(5) as both the Sending and Receiving Parcels are held in the same ownership and are remnants of an Original Parcel; and
3. the purpose for the Division Right transfer is because the Sending Parcels, zoned Residential/Agriculture, may be subdivided in the future and pursuant to Bingham County Code Section 10-14-8(D)(10), Division Rights cannot be located within the boundaries of a subdivision; and
4. the Applicant acknowledged that the transfer is to retain the Division Rights on the Receiving Parcel, to maintain in their ownership, as an Original Parcel cannot be divided more than four (4) times utilizing Division Rights without applying for a Subdivision, under the current regulations of Bingham County Code Section 10-14-3; and
5. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete. Further the Commission did not identify concerns regarding the transfer creating a negative effect to neighboring uses on Receiving Parcel; and
6. the Application met the general objectives of the Comprehensive Plan; and

7. that the notice requirements of Idaho Code Title 67 Chapter 65 and Bingham County Code Section 10-3-6 were met.

III. DECISION

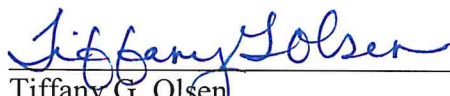
Based on the record, Commissioner Bingham moved to approve the Conditional Use Permit Application from Riverbend Farms, LLC to transfer a total of eight (8) Division Rights from three (3) Original Parcels located in Township 1 North, Range 37 East, Section 16 in Shelley, Idaho to two (2) original parcels located South of 944 E 1300 N, Shelley, Idaho as proposed in compliance with Bingham County Code Section 10-14-3.

Commissioner Butler seconded the motion. Commissioners Bingham, Butler, Carroll, Johns and Jolley voted in favor and the motion carried.



Drew Jensen, Vice-Chairman
Bingham County Planning and Zoning Commission

7/16/2024
Date



Tiffany G. Olsen
Planning & Development Director

7/16/2024
Date