

BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION

APPLICATION OF: Conditional Use Permit for a Single Family Dwelling in a “M1”
Light Manufacturing Zoning District

**PROPERTY OWNER &
APPLICANT:** Clinton Harper

Requested Action: Property owner Clinton Harper requested a Conditional Use Permit to allow a single-family dwelling with an individual well and septic system to be constructed on 1.09 acres located in an “M1” Light Manufacturing Zoning District. The Application may be considered for approval pursuant to Bingham County Code Section 10-5-3 *Land Use Chart* which allows single-family dwellings in this zone with an approved Conditional Use Permit.

Property Location: East of 671 W 150 N Blackfoot, Idaho. Parcel No. RP0193403, Township 2S, Range 34E, Section 25, consisting of approx. 1.09 acres

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 at the Public Hearing, testimony was then heard by the Applicant (T-4) Clinton Harper, residing East of 671 W 150 N, Blackfoot, Idaho, who stated he is looking to build a home and beautify the area with the existing home on the property to be removed. Commissioner Butler asked when the home will be torn down to which Mr. Harper stated it will take time and that there are many projects planned to clean up the property and understands cleaning up the property is what the County is looking for as well.

3. No testimony was received and the Public Hearing in support, in neutral, or in opposition of the Application and therefore after Mr. Harper's testimony, the Public Hearing for this item was closed.
4. Commission discussion included Commissioner Bingham who asked if a condition could be placed to allow for a timeline and understands that some projects are started and not finished but need to be taken care of. Director Olsen responded that Bingham County Code Section 10-8-7 allows for conditions to be placed on approval of a Conditional Use Permit which includes controlling the sequence and timing of development and assuring that plans are developed to properly maintain the project. Commissioner Carroll stated that the photos provided depict there is a lot to do on the property and there are extenuating circumstances. Vice-Chairman Jensen agreed with their father passing and a farm homestead to clean up, and commented for the Commissioners consideration that it will take a lot of time to do this clean up but also added that it is expensive to conduct all of that before getting a Certificate of Occupancy.

II. REASON

The Planning and Zoning Commission found:

1. the subject property is zoned "M1" Light Manufacturing, and in accordance with Bingham County Code Section 10-5-3 *Land Use Chart*, a single-family dwelling is allowed in this Zoning District with an approved Conditional Use Permit; and
2. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete; and
3. the Applicant stated there is quite a bit of clean up on the subject land to take place as the parcel was recently created from a large farm parcel to which was a portion of the Harper family homestead. The Applicant informed the Commission, in both his Narrative and Public Hearing testimony, that he intends to clean up the property and bring the land into compliance with Bingham County Codes, and has had discussions with the County on what needs to take place to do so. The Commission appreciated the efforts of the Applicant and expressed concerns with the amount of clean up that was involved with the land, the timeframe for said clean up to take place, and discussed potential conditions to ensure compliance would be followed that the parcel is maintained to be appropriate in appearance; and
4. the Application is in accordance with Bingham County Code Section 10-8-3 as it will not be unduly hazardous or disturbing to existing or future neighboring uses; nor involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants; and

5. the Application will not create any additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the County; and
6. the Application is proposing to use an existing approach to the property from 150 N Moreland Road but will be required to obtain an easement from the adjacent landowner (to which the access is located on) or be subject to establishing a new approach which will need to be approved by Bingham County Road and Bridge prior to the issuance of a Building Permit; and
7. the single-family residence will have an individual culinary well, septic system, and drain field, and have utility systems provided to accommodate said residential use; and
8. the notice requirements of Idaho Code and Bingham County Code Title 10 Chapter 3 were met.

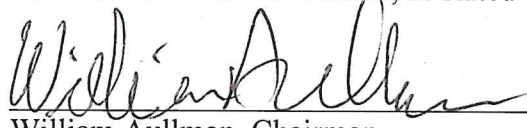
III. DECISION

Based on the record, Commissioner Bingham moved to approve the Conditional Use Permit Application requested by Clinton Harper to construct a single-family home in a “M1” Light Manufacturing Zoning District located East of 671 W 150 N, Blackfoot, as proposed in compliance with Bingham County Code Title 10 Chapter 8 SUBJECT to the following conditions:

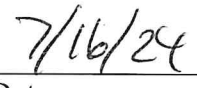
1. Applicant receive legal access to the parcel;
2. Miscellaneous items and materials be removed from the 1-acre parcel of land, bringing the parcel into compliance with Bingham County Code Title 10 prior to the issuance of a Certificate of Occupancy for the residence; and
3. Removal of the existing vacant home to the East.

Commissioner Johns seconded the motion. Director Olsen requested a point of clarification on the motion in that the Commission heard from the Applicant that the intention was to demolish the home at some point in the future but not associated with the CUP Application, although mentioned in the Applicant’s Narrative. Commissioner Butler asked if the home needed to be removed in order for the property to comply with Code. Director Olsen read the sample conditions provided stating that condition no. 2 included the subject parcel to be in compliance with all codes and condition no. 3 that the subject vacant home be removed. The Applicant attempted to respond to the Commissioners deliberation from the Courtroom but was advised by the County Prosecutor that the Public Hearing portion of the meeting had been closed. Vice-Chairman Jensen apologized to Mr. Harper.

Vice-Chairman again asked if there was further discussion and there was none. Commissioner Johns again seconded the motion. Commissioners Bingham, Johns, Butler, Carroll and Jolley voted in favor and the motion, as stated by Commissioner Bingham, carried



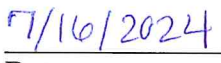
William Aullman, Chairman
Bingham County Planning and Zoning Commission



Date



Tiffany G. Olsen
Planning & Development Director



Date