



BINGHAM COUNTY PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA AND NOTICE
Bingham County Courthouse, Courtroom 1
501 N. Maple Street, Blackfoot, ID 83221

WEDNESDAY, JANUARY 11, 2023 AT 7:00 P.M. (AMENDED 1/6/2023)

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 1-253-215-8782, Meeting ID 820 0395 2075, Passcode 37194255 and online at: <https://us02web.zoom.us/j/82003952075?pwd=cmhhOUNBUnNacDYvUWWhjZGQ0aHc5UT09>

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. ZONING AMENDMENT FROM AGRICULTURE TO RESIDENTIAL/ AGRICULTURE (ACTION ITEM: RECOMMENDATION) PLEASE BE ADVISED THE APPLICANTS INTENDED LAND USE HAS BEEN MODIFIED:

A proposal from the Shoshone-Bannock Tribes to amend the zoning of approx. 3.33 acres located at 350 S 700 W, Blackfoot, from “A” Agriculture to “R/A” Residential Agriculture. The parcel features an existing Facility that was previously used by the Tribes Tribal Youth Education Program (TYEP). According to the Applicant, due to a decreasing number of students with an ability to access the property, TYEP opted to relocate back to a centralized location in Fort Hall. Given the Tribes ownership of the Facility, and it being vacant, the Tribes determined there is a need to expand Substance Use Disorder (SUD) treatment to its members, which includes establishment of a Residential SUD Treatment Facility. The program would include supervised temporary residential SUD treatment consisting of (1) SUD treatment; (2) class room space for training and counseling services to aid the residents SUD treatment and sobriety; (3) life skills training; (4) transportation assistance; (5) individual SUD and behavioral health (BH) counseling; and (6) other services at the site as well as in the local Fort Hall community. The residential Facility will temporarily house up to 18 individuals. The Tribes do not plan to add any structures to the parcel but rather remodel and use the existing facilities to support the residents receiving SUD services. The proposed use is allowed in a Residential/Agriculture Zone under the *Assisted Living Care Facility/Residential Care* land use pursuant to Section 10-7-9(D)(2) of Bingham County Code and if the Zoning Amendment is approved, will require a Zoning Permit, with the Applicant meeting all IDAPA regulations for such facility. The request is in conformance with the Comprehensive Plan Map designation of Residential/Residential Agriculture. The Applicant states the zoning amendment will not change the current land use as the Facilities were previously operated as an educational center and the new land use will be for teaching life skills/education and counseling. **Approx. Location: Parcel No. RP0262610, Township 3S, Range 34E, Section 23, consisting of approx. 3.33 acres**

- 2. BASALT BAR ESTATES SUBDIVISION, REMAND FROM THE BOARD OF COUNTY COMMISSIONERS FOR ADDITIONAL FACT FINDING (ACTION ITEM: RECOMMENDATION)** Daniel and Catherin Wachs, Brian and Donna Aschliman, and Jay and Lee Ann Wells, received a recommendation for approval by the Planning & Zoning Commission at the Public Hearing held on August 10, 2022 to develop Basalt Bar Estates Subdivision, consisting of 4 lots, in a Residential Zoning District, within the Woodville Townsite. On November 1, 2022, the Board of County Commissioners heard the recommendation and requested additional fact finding pursuant to the procedures set forth in Bingham County Code Section 10-3-7. The Board seeks additional fact finding on (1) the community septic system that is proposed on Lots 2 and 3; (2) Idaho Public Health Department's position on the community septic system that is proposed on Lots 2 and 3; (3) discussion to determine whether the definition of *Community Sewage Disposal System* contained in Bingham County Code Section 10-2-3 is meant to be the definition of the method of sewage disposal provided for in Section 10-6-6(B) or whether those terms are intended to be defined individually; and (4) response from County legal counsel on the best way to proceed with the Application. Additional Fact Finding testimony will be limited to above 4 items. **Property Owners/Location: Daniel and Catherin Wachs, 707 E 1550 N, Shelley, Parcel No. (RP7057400) consisting of 0.77 acres; Jay and Lee Ann Wells, 705 E 1550 N, Shelley, ID (RP7057510) consisting of 1.55 acres; Brian and Donna Aschilman, 709 E 1550 N, Shelley, ID (RP7057300) consisting of 0.89 acres. Township 1N, Range 37E, Section 17**
- 3. PERRY AND MARGO HAWKER, CONDITIONAL USE PERMIT: DIVISION RIGHT TRANSFER (ACTION ITEM: DECISION)** A proposal from Perry and Margo Hawker for a Conditional Use Permit to transfer one (1) Division Right from a remnant of an Original Parcel, which is too small to utilize the division right, identified as the "Sending Parcel" to a remnant of an Original Parcel, identified as the "Receiving Parcel" for retention on the farm parcel. According to Bingham County Code Section 10-14-3 "*Original Parcel Division,*" division rights may be transferred from one Original Parcel to another Original Parcel if assessed under one ownership and approved by a Conditional Use Permit. **Sending Parcel: RP0245101, consisting of approx. 1.92 acres, Township 3S, Range 34E, Section 8, Zoned Agriculture | Receiving Parcel: RP0254208, Township 3S, Range 34E, Section 15, consisting of approx. 61.36 acres, Zoned Agriculture.**

B. ADMINISTRATIVE ITEMS:

CONSENT ITEMS (ACTION ITEM: DECISION): Ratify the Planning and Zoning Meeting Minutes and Decisions from 12/14/2022; and

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN POSITIONS (ACTION ITEM: DECISION)

COMMISSION ITEMS / DIRECTOR'S REPORT (ACTION ITEM: DISCUSSION)

1. Bingham County/City of Blackfoot Area of City Impact Agreement Status
2. Review of Land Use Decisions issued by the Board of County Commissioners