

BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION

REGARDING: 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

**PROPERTY OWNER
AND APPLICANT:** Alejandra Margarita Parris

Requested Action: Alejandra Margarita Parris requested to develop a 1-lot Subdivision, to be known as “Parris Subdivision,” on approx. 1.19 acres (currently a non-buildable parcel due to recently being 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 Southwest 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 the Board of Commissioners to amend the Comprehensive Plan Map to reflect the change to Residential/Residential Agriculture pursuant to Bingham County Code Section 10-15-4(c).

Applicant’s Representative: Chris Street, Professional Land Surveyor, HLE, Inc.

Property Location: 772 W 250 N, Blackfoot, Idaho 83221, Parcel No. RP0185906 Township 2S, Range 34E, Section 23, consisting of approx. 1.19 acres

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

Public Hearing Date: March 8, 2023

I. MEETING INFORMATION AND TESTIMONY

1. The following was reviewed by the Commission:
 - a. Application;
 - b. Staff Report;
 - c. Governmental Agencies who provided comments were:
 - (T-1) Bingham County Surveyor had the following comments:
 - Add block number and update adjoiner ownership
 - Record corner perpetuation and filing record for the center quarter corner
 - Show all line types used in the legend and depict utility easement as stated in notes
 - Enlarge road names in vicinity map
 - (T-2) Eric Staats, Idaho Transportation Department, had no comments or concerns.
 - (T-3) Bingham County Sheriff had no comments or concerns.
 - (T-4) Marc Pange, Groveland Water and Sewer District Board Chairman, stated GWSD does not have Sewer or Water connection available within reasonable proximity to the Proposed Subdivision.
 - (T-5) Allan Johnson, Regional Engineering Manager with Idaho Department of Environmental Quality, provided general land development recommendations as shown in his response.
 - (T-6) Bingham County Public Works stated 250 N. Jacobson Lane is a Local Road, the speed limit is not posted, and the approach spacing is 65 feet.
 - (T-7) Bingham County Treasurers Office stated taxes for 2022 are paid in full. If the plat is recorded after 4/15/2023, the 2023 taxes will need to be prepaid in full.
 - (T-8) Spencer Larsen, Manager of Peoples Canal and Irrigation Co., stated the Parris Subdivision would lie in the service area of the People's Canal and has historically been irrigated from their canal system. However, the current owner does not own any shares with their company. They will need to obtain shares from the previous owner or make arrangements to use some of their shares for irrigation water.
 - d. No public response was received prior to the Public Hearing.
2. After Staff presented the Staff Report, Chairman Leavitt clarified that the reason for the Comprehensive Plan Map Amendment is because the Comprehensive Plan Map shows a map designation of Agriculture but the current zoning designation is “R/A” Residential/Agriculture therefore the existing zoning is not in compliance with the Map designation.
3. Testimony presented at the Public Hearing following the Staff Report included:
 - a. (T-9) Applicant’s Representative, Chris Street, Professional Land Surveyor with Harper Leavitt Engineering, 800 W. Judicial, Blackfoot, introduced a larger size of the Preliminary Plat that was also provided in the Staff Reports, marked as Exhibit

T-9A. Mr. Street stated last year he was hired by Mr. Jones, the Applicant's father, to adjust a boundary line on parcel RP0185906. Mr. Street explained it was unknown at that time that the boundary adjustment made this parcel non-buildable, thus requiring this Application. Mr. Street advised he has worked with the property owner, who had brought in fill material to achieve a higher elevation, and has removed a portion of the property from the floodplain. A LOMR-F, which is a removal from the flood plain area based on fill, has been submitted to FEMA and approved. The area included in the approved LOMR-F is the building pad on which the home will be constructed. In response to the People's Canal Company's testimony, Mr. Street addressed that when Mr. Jones sold the property to Ms. Parris, he was unaware of the need to transfer water rights; Mr. Jones has been working with the Canal Company to complete that transfer and provide water to the property. Mr. Street concluded with the existing irrigation ditch is the current supplier of irrigation water and will continue to be.

Commissioner Cox questioned with the elevated pad's location in the center of the property, if there is room to install a drain field between the pad and the canal, which appeared to be less than 100 feet. Mr. Street stated that FEMA requires the pad to be built 20 feet larger than the footprint of the home. Commissioner Cox then asked the location of the existing wells located on the adjacent lots. Mr. Street stated that information will be added to the map submitted to the Idaho Public Health Department in order to obtain a Septic Permit.

4. No testimony in support, in neutral, nor in opposition was received at the Public Hearing. After the Applicant's testimony, the Public Hearing was closed for this item.
5. The Commissioners moved to discussion and deliberation whereat Commissioner Aullman stated the Application met all of the requirements in Bingham County Code for consideration.

II. REASON

The Planning & Zoning Commission hereby finds:

1. the Application met the requirements of Bingham County Code Section 10-4-2(C) as the purpose of "R/A" Residential/Agriculture 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 be compliant with the R/A zone and Area Regulations. The Commission 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
2. the Application met the requirements in Bingham County Code Sections 10-6-6(B)(4) and 10-14-4(B) as the proposed lot meets the 1-acre minimum to qualify for an individual culinary well and sanitary sewer system. This statement was supported by testimony from Mr. Street verifying there was adequate area on the lot for placement of these systems, which was a concern of Commissioner Cox. Additionally, given the

testimony received from the People’s Canal, irrigation water rights will need to be ascertained from the prior landowner and conveyed to the Applicant in coordination with the Canal for delivery; and

3. the property is in the flood plain; however, the Applicant received a Letter of Map Revision Base on Fill (LOMR-F) Determination (Case No. 22-10-0943A, dated September 30, 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;
4. the Application met the requirements of Bingham County Code Section 10-14-4(A) because the Application was completed and included all items listed in Sections 10-14-4(A)1-23; and
5. the Proposed Subdivision is not considered to be consistent with the Bingham County Comprehensive Plan as the area is designated as Agriculture. In review of the Comprehensive Plan Map, all parcels North of 200 N Parks Road and West 750 W First West Road/Jacobson Lane are identified as Agriculture, although the area features parcel sizes appropriate for a Residential/Residential Agriculture Map designation. The Commission considered the area and made note the inconsistency is much greater than just this parcel. Additionally, the Commission heard the specific purpose of the Comprehensive Plan (items (a) through (l)) presented by Staff and did not express any concerns with the Map amendment; and
6. the requirements of Idaho Code and Bingham County Code were met because the public hearing was noticed in the official newspaper, the public hearing notice was posted on the premises, and notice was provided to all property owners within 300 feet of the proposed project prior to the hearing.

III. DECISION

Commissioner Carroll moved to recommend approval of the request by Alejandra Margarita Parris for a 1-lot Subdivision to be known as the “Parris Subdivision,” on approximately 1.19 acres in a “R/A” Residential/Agriculture Zone and a Comprehensive Plan Map designation amendment to Residential/Residential Agriculture, as described in the Application materials as supplemented with additional information in the Staff Report. Further, any phases and/or parcels created in the vicinity must be continuous and progress in an orderly fashion.

Commissioner Aullman seconded the motion. Commissioners Carroll, Aullman, Cox, and Johns voted in favor. The Motion carried.

Darren R. Leavitt
Darren Leavitt, Chairman
Bingham County Planning and Zoning Commission

3/27/23
Date

Audrey Hruby for Tiffany Olsen
Tiffany G. Olsen,
Planning & Development Director

3/27/23
Date