

BOARD OF BINGHAM COUNTY COMMISSIONERS

REASON & DECISION

In regards to: The Planning & Zoning Commission's recommendation to approve The H&H Subdivision, a 2-Lot Subdivision.

Bingham County Commissioners Meeting date: July 11, 2022

Application filed by: Linda Rae Huff.

1. Exhibits to the Board Public Hearing Staff Report:
 - CC-1: Staff Report- Board of County Commissioners
 - S-7 Planning & Zoning Commission Reason & Decision, dated September 20, 2022
 - S-8 Planning & Zoning Commission Meeting Minutes September 8, 2022 and Planning & Zoning Commission sign in sheet for September 8, 2022
2. Exhibits to the Planning & Zoning Commission Staff Report:
 - S-5: Staff Report- Planning & Zoning Commission
 - A-1: Application for Subdivision Plat
 - A-2: H&H Subdivision Narrative
 - A-3: Preliminary Plat
 - A-4: Quit Claim Deed
 - A-5: Custom Soil Resource Report
 - A-6: Subdivision Guarantee
 - A-7: IDWR- Well Information Summary
 - A-8: Flood Plain Map
 - A-9: Parcel Map
 - A-10: Zoning Map
 - A-11: Comprehensive Plan Map
 - A-12: Aerial Map
 - A-13: Area of Impact Map
 - A-14: Subdivision Map
 - A-15: School District Map
 - A-16: Google Earth Imagery
 - A-17: Photographs
 - A-18: Utility Map
 - A-19: Bingham County Code Title 9, Chapter 1- Area of City Impact Agreement
 - S-2: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
 - S-3: Blackfoot/Snake River Government Agency Notice List and Notice of Mailing
 - S-4: Property Owners List- Planning & Zoning Commission and Notice of Mailing
 - S-6: Notice of Posting on Property- Addie Jo Harris- Planner

A. As to procedural items, the Board finds the following:

1. The meeting was held pursuant to Bingham County Section 10-14-4(E) to consider the Planning & Zoning Commissions recommendation on the Application.
2. The Board reviewed the Preliminary Plat, the written information presented to the Commission, and the Commission Minutes or the statement of action taken, prior to making a determination on the proposed plat.

B. After review of all content provided and presentation of the Staff Report by Addie Jo Harris, the Board held deliberation, which was as follows:

1. Commission reviewed the proposal to develop a 2-lot Subdivision, on approximately 1.16 acres, zoned "R" Residential. The parcel is currently 1.16 acres and is proposed for two lots; Lot 1 features an existing residence and will be 0.50 acres with Lot 2 (currently vacant) to be 0.66 acres in size. Both lots are proposed to be served via sanitary sewer connection from Groveland Water and Sewer District with individual culinary wells.
2. Commissioner Lewis asked Ms. Harris regarding approval from the City of Blackfoot on the Addendum B – Connection to Groveland Water & Sewer District Sanitary Sewer System, to which Ms. Harris explained that it is typical practice that the City of Blackfoot does not sign until the Final Plat.
3. Chairman Manwaring added where the proposed Lot 2 is a ½ acre lot, it is allowed to have individual wells and hookup to the Groveland Sewer and Water District which is consistent with Lot 1.
4. Commissioner Bair asked if Public Works confirms the pressurized irrigation is operational, wherein Ms. Harris stated it would be the County Surveyor verifies the system operation.

CONCLUSIONS OF LAW

Based on the entire record, and the Staff Report, the Board finds:

1. the Application met the requirements in Bingham County Code Section 10-4-2(D) as the purpose of "R" Residential Zoning District is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of areas which are best suited for residential purposes; and
2. the Application met the requirements in the Bingham County Code Section 10-6-6(B)(2) as proposed lots meet the half (.50) acre minimum with well or septic coupled with an appropriate shared community water or septic system; and
3. the Application met the requirements of Bingham County Code Section 10-6-7 in that each lot shall have a minimum of 75 feet of road frontage; and

4. the Application met the requirement of Bingham County Code Section 10-14-7 because the Application was completed and included all items listed therein; and
5. the Application met the requirements of Bingham County Code Section 10-14-4(B) as the proposed lots will have connection to Groveland Water and Sewer District septic system and individual wells with pressurized irrigation to be installed by the Developer with irrigation water from the Riverside Canal Company; and
6. the proposed Subdivision is consistent with the Bingham County Comprehensive Plan as this parcel is designated in the Residential-Residential Agriculture Area which provided for the “R” Residential zoning district.

DECISION

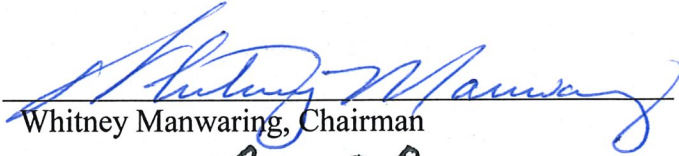
Based upon the record and discussion held, Commissioner Lewis moved to uphold the recommendation of the Planning & Zoning Commission to approve the request by Linda Rae Huff to develop a 2-Lot Subdivision, to be known as H&H Subdivision, on approximately 1.16 acres, zoned Residential. The parcel is currently Lot 1 Block 4 of the Groveland Townsite and is located at 174 N 380 W., based upon the record as presented and the Reason & Decision of the Planning & Zoning Commission. Commissioner Bair seconded. All voted in favor. The motion carried.

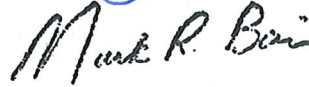
Request for Reconsideration/Judicial Review: Upon denial or approval of a Zone Change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

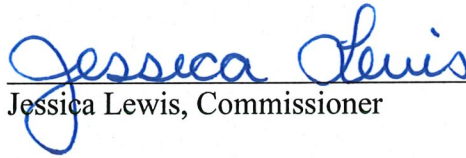
Dates this 23 day of August 2022.

**Board of Bingham County Commissioners
Bingham County, Idaho**


Whitney Manwaring, Chairman



Mark Bair, Commissioner


Jessica Lewis, Commissioner