

BOARD OF BINGHAM COUNTY COMMISSIONERS

REASON & DECISION

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

Board of County Commissioners Meeting Date: August 9, 2022.

Application filed by: Colby & Natalie Hulse.

The Board finds that the record is comprised of:

1. Exhibits to the Board Public Hearing Staff Report:
 - CC-1: Staff Report- Board of County Commissioners
 - S-19: Planning & Zoning Commission Reason & Decision signed on May 5, 2022
 - S-21: Planning & Zoning Commission Public Hearing Minutes held on April 13, 2022 & Audio
 - PZ-1: Sign-in sheet for Planning & Zoning Commission Public Hearing
2. Exhibits to the Planning & Zoning Commission Staff Report:
 - S-1: Staff Report- Planning & Zoning Commission
 - A-1: Application for Subdivision Plat
 - A-2: JKW Acres Subdivision Narrative
 - A-4: Warranty Deed
 - A-5: Custom Soil Resource Report for Bingham Area, Idaho
 - A-6: Subdivision Guarantee
 - A-7: IDWR- Well Information Summary
 - S-2: Parcel Map
 - S-3: Zoning Map
 - S-4: Comprehensive Plan Map
 - S-5: Flood Plain Map
 - S-6: Aerial View Map
 - S-7: Subdivision Map
 - S-8: Area of Impact Map
 - S-9: School District Map
 - S-10: Utilities Map
 - S-11: Nitrate Priority Area Map
 - S-12: Irrigation Company Map
 - S-13: Google Imagery Map
 - S-14: Notice of Posting- Addie Jo Harris
 - S-15: Site Photographs
 - S-16: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
 - S-17: Firth Government Agency Notice List & Notice of Mailing- Addie Jo Harris

S-18: Property Owners List & Notice of Mailing- Addie Jo Harris

- 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. The Board reviewed the Applicants request to develop a 2-lot Subdivision, to be known as "JKW Acres", on approx. 13 acres, zoned "A" Agriculture. Lot 1 consists of 5.019 acres and Lot 2 is proposed to be 7.312 acres, both will have direct access to 450 E Riverview School Road, an existing County Road. Each lot would have an individual septic system and private well for culinary purposes with irrigation water rights assessed by the New Sweden Irrigation District via a pressurized irrigation system.
 2. Commissioner Lewis explained that the Reason & Decision state that it will be a new pressurized irrigation system but on less than four acres, where there is no road, the County usually does not do a Development Agreement and asked if enforcement of this would become a civil matter. Planning & Development Director Tiffany Olsen responded by explaining that traditionally there has not been a Development Agreement for an Application such as this but Planning & Development will begin doing so on all infrastructure pursuant to Bingham County Code Section 10-14-11. Commissioner Lewis confirmed with Director Olsen that there would be a Development Agreement for this infrastructure upon approval by legal counsel.
 3. Commissioner Bair asked for clarification regarding pressurized irrigation on the property, to which Ms. Harris confirmed there is current irrigation for farming purposes and it would need to be converted to be used for residential purposes. Director Olsen added there would be a pump and associated mechanisms installed for each lot. If there was an existing system, Planning & Development would require a letter from the engineer stating that the system is functional and provides enough capacity for each lot.
 4. Chairman Manwaring confirmed with Ms. Harris that the concerns addressed by David Romrell were taken care of, which she stated they had.
 5. Commissioner Bair stated this property is within the City of Firth Area of Impact and asked if there was any concerns received. Ms. Harris stated that notice was provided and there were no concerns or feedback received. Ms. Olsen added there

are no specific guidelines on growth within the City of Firth Area of Impact Agreement.

REASON

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(B) and Section 10-6-6 as the proposed lot sizes exceed the minimum acreage required in an Agriculture Zoning District; and
2. the Application met the requirements in the Bingham County Code Section 10-6-6(B)(1) and 10-14-4(B) because proposed lots exceed the minimum parcel size with individual culinary wells and sanitary sewer systems. The Board found that there would be a Development Agreement in place pertaining to the infrastructure; and
3. 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 10-414-4(A) 1-23; and
4. The proposed Subdivision is consistent with the Bingham County Comprehensive Plan as the area is designated as Residential/Residential Agriculture which is established to direct the orderly and timely conversion of land as the need arises into residential areas that are still rural in character.

DECISION

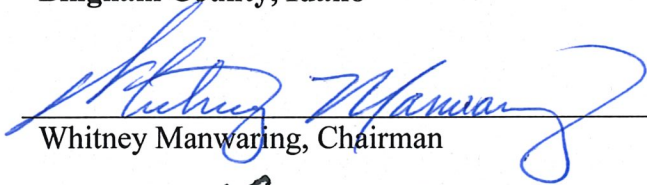
Based upon the record and discussion held, Commissioner Lewis moved to uphold the recommendation of the Planning & Zoning Commission to approve the request by Colby and Natalie Hulse to approve a 2-Lot Subdivision to be known as the "JKW Acres". And to ensure that pressurized irrigation is installed, a Development Agreement will be signed prior to approval of the Final Plat. 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.

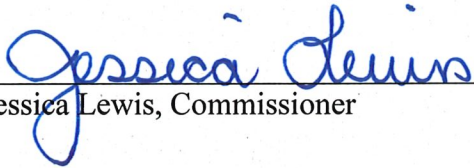
Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been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