

## BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Kimball Farms Subdivision, an 8-Lot Subdivision

Application filed by: Killpack Land Company

### REASON & DECISION

#### REASONS

- A. The Board finds that the record is comprised of:
  1. Exhibits to the Staff Report:
    - S-5: Planning & Zoning Commission Staff Report
    - A-1: Application for Subdivision Plat- submitted by Killpack Land Company, LLC.
    - A-2: Narrative for Subdivision Plat- Blake Jolley- Connect Engineering
    - A-3: Preliminary Plat- Kimball Farms
    - A-4: Legal Description for Killpack Subdivision
    - A-5: Custom Soil Resources Report- USDA
    - A-6: Guarantee Conditions & Stipulations- Joy Denning- Alliance Title & Escrow LLC
    - A-7: Idaho Department of Water Resources Well Driller's Report
    - A-8: Kimball Farms Subdivision- Flood Plain Map
    - A-9: Kimball Farms Subdivision- Parcel Map
    - A-10: Kimball Farms- Zoning Map
    - A-11: Kimball Farms- Comprehensive Plan Map
    - A-12: Kimball Farms- Aerial Map
    - A-13: Kimball Farms- Area of Impact Map
    - A-14: Kimball Farms- Subdivision Map
    - A-15: Kimball Farms- School District Map
    - A-16: Kimball Farms- Utilities Map
    - A-17: Killpack proposed Zone Change
    - A-18: Photographs- 500 N. Atlantic Road
    - S-2: Proof of Publication
    - S-3: Firth Government Agency Notice
    - S-4: Kimball Farms- Property Owners List for Notice
    - S-6- Notice of Posting- Addie Jo Harris- Planner
    - S-7: Decision & Minutes for the Planning & Zoning Commission Hearing
  2. Planning & Zoning Commission Meeting Minutes March 9, 2022 and Planning & Zoning Commission sign in sheet for March 9, 2022.
  3. Planning & Zoning Commission Reason & Decision, dated April 4, 2022.

- B. As to procedural items, the Board finds the following is a part of the official record:
1. Requested Action: The Meeting was held pursuant to Bingham County Section 10-14-4(E) to receive the Planning & Zoning Commission recommendation on the Application.
  2. In accordance with Bingham County Code 10-3-6 Notice was provided as follows:
    - a. Sent to 31 Government Agencies on February 1, 2022 (S-3)
    - b. Published in the Bingham News Chronicle on February 8, 2022 (S-2)
    - c. Sent to 14 Property Owners on February 1, 2022 (S-4)
    - d. Site was posted on February 10, 2022 (S-6)
  3. Government Agencies provided the following comments:
    - a. (T-1) Barbara Marlatt, Bingham County Treasurers Office, stated the taxes for the 2021 are paid in full however if the Plat is recorded after April 15, 2022, taxes for 2022 will need to be paid in full prior to the Treasurer signing the plat.
    - b. (T-2) David Romrell, Bingham County Surveyor, stated the delta on curve #8 needs to read 42° instead of 43° and easement lines for pressurized irrigation need to be depicted.
    - c. (T-3) Sandy Gaydusek, City of Shelley, had no comments or concerns.
    - d. (T-4) Dusty Whited, Bingham County Public Works, stated Atlantic Road is a local road with an unposted speed limit of 55 miles per hour. The approach spacing requirement at this location is 65 feet from existing approaches. Gang mailbox location and street signage is not shown on the Preliminary Plat and must be on the proposed 405 W Prairie Lane (a new County Road).
    - e. (T-5) Allan Johnson, Department of Environmental Quality, who stated this site overlies the ground water capture zones for several nearby private wells and a list of public water systems as detailed in Mr. Johnson's letter. DEQ recommends consolidation of drinking water services wherever feasible. DEQ considers public drinking water systems generally more protective of human health and ground water resources than using individual private wells, and we recommend that the developer be required to investigate connecting to an existing public drinking water system or establishing a public drinking water system for this development. Further, general recommendations for land development were included in the letter.
    - f. (T-6) Chief Deputy Jeff Gardner, Bingham County Sheriff's Office, had no issues.
  4. Director Olsen presented the Staff Report to the Board. She reviewed that no testimony in support, in neutral, nor in opposition was presented and that the Planning & Zoning Commission moved to recommend approval of the Application without conditions as reflected in their Reason & Decision.

## CONCLUSIONS OF LAW

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

1. the Application met the requirements in Bingham County Code Section 10-4-2(C) as the purpose of "R/A" zone is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities. The Board found the proposal is very compatible with existing uses in the area and compatible with existing lot sizes in the area as the proposed Subdivision is surrounded by parcels of similar size. The existing zoning is Residential/Agriculture with majority of the surrounding area is zoned Agriculture and a small strip of Residential/Agriculture to the South. The Subdivision is accessible by roadways and the Developer is to construct a new County Road for all lots within the Subdivision to be built to County Road Development Standards and to be named *Prairie Lane*; and
2. the Application met the requirements in Bingham County Ordinance Sections 10-6-6(B)(1) and 10-14-4(B) because proposed lot sizes exceed the 1 acre minimum with individual culinary wells and sanitary sewer systems. Further, irrigation water rights will be assessed by the Snake River Valley Irrigation Company and delivered via a pressurized irrigation system to be installed by the Developer; 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 10-14-4 (A) 1-23; and
4. the proposed Subdivision is considered to be consistent with the Bingham County Comprehensive Plan as the parcel is designated in the Comprehensive Plan Map as Residential/Residential Agricultural area; and
5. the Application met the requirements of Idaho Code §67-6513 and Bingham County Code Section 10-3-6 because the Public Hearing was held for all property owners within 300 feet; published in the official newspaper a minimum of 15 days prior the Hearing and notice was posted on the property a minimum of one week prior to the Hearing.

## DECISION

Commissioner Lewis moved to uphold the recommendation made by the Planning & Zoning Commission, to approve the 8-Lot subdivision to be known as Kimball Farms Subdivision on approximately 11.17 acres, which is zoned Residential/Agriculture and there will be access off 500 North Atlantic Road. Further, all phases and/or parcels created in the vicinity must be

continuous and progress in an orderly fashion. Commissioner Bair seconded. All voted in favor. The motion carried.

Dates this 17 day of June 2022.

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

  
Whitney Manwaring, Chairman

  
Mark Bair, Commissioner

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Jessica Lewis, Commissioner