

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Papa D Subdivision, a 4-Lot Subdivision.

Application filed by: The Oram Family Estate Trust

REASON & DECISION

A. The Board finds that the record is comprised of:

1. Exhibits to the Staff Report:

S-1: Planning & Zoning Commission Staff Report

A-1: Application for Subdivision Plat

A-2: Existing use and proposed use document

A-4: Personal Representative's Deed

A-5: Custom Soil Resource Report- United Department of Agriculture Resources

A-6: Guarantee- Pioneer of Bingham County

A-7: Idaho Department of Water Resources Well Driller's Report

S-2: Papa D Subdivision- Parcel Map

S-3: Papa D Subdivision- Zoning Map

S-4: Papa D Subdivision- Comprehensive Plan Map

S-5: Papa D Subdivision- Flood Plain Map

S-6: Papa D Subdivision- Aerial Map

S-7: Papa D Subdivision- Subdivision Map

S-8: Papa D Subdivision- Area of Impact Map

S-9: Papa D Subdivision- School District Map

S-10: Papa D Subdivision- Utilities Map

S-11: Papa D Subdivision- Nitrate Priority Area Map

S-12: Papa D Subdivision- Irrigation Company Map

S-12A: Example of K-Line Irrigation

S-13: Approximate proposed location map

S-14: Notice of Posting (Addie Jo Harris- March 21, 2022)

S-15: Miscellaneous photographs

S-16: Proof of Publication- Bingham News Chronicle

S-17: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing (Addie Jo Harris- March 18, 2022)

S-18: Property Owners Notice List & Notice of Mailing (Addie Jo Harris- March 18, 2022)

2. Planning & Zoning Commission sign in sheet for April 13, 2022 and Planning & Zoning Commission Meeting Minutes April 13, 2022

3. Planning & Zoning Commission Reason & Decision, dated May 9, 2022.

4. All Information and Testimony presented at the Commissions Public Hearing on April 13, 2022.

- B. As to procedural items, the Board finds the following:
1. Requested Action: The Meeting was held pursuant to Bingham County Section 10-14-4(E) to consider the Planning & Zoning Commissions recommendation on the Application.
 2. In accordance with Bingham County Code 10-3-6 Notice was provided as follows:
 - a. Sent to Government Agencies on March 18, 2022 (S-18 List of Government Agencies and Notice)
 - b. Published in the Bingham News Chronicle on March 22, 2022 (S-17 Affidavit of Publication)
 - c. Sent to 20 property owners within 300' of this property on March 18, 2022. (S-19 Property Owners Mailing List and Notice)
 - d. Site was posted on February 21, 2022 (S-16 pictures & S-6 Property Posting)
 3. Government Agencies provided the following comments:
 - (T-1) Tanna Beal, Bingham County Treasurer, stated if the plat is recorded after April 15th, taxes for 2022 would need to be pre-paid prior to the Treasurer signing the plat.
 - (T-2) Craig Rowland, Bingham County Sheriff, had no issues.
 - (T-3) David Romrell, Bingham County Surveyor, stated comments he had on the plat have been addressed.
 - (T-4) Dusty Whited, Bingham County Public Works, stated Tressel Road is a local road which is not posted, therefore, the minimum distance between approaches would be 65 feet.
 - (T-5) Allan Johnson, Department of Environmental Quality, provided general land development recommendations.
 - (T-6) Marc Pange, Groveland Water and Sewer District Chairman, stated GWSD does not have water and sewer connections available within a reasonable proximity to the property as it is approximately 1.5 miles to the nearest connection.
 - (T-7) Oath or Affirmation signed by Stewart Ward- Dioptra.
 - (T-8) Oath or Affirmation signed by Spencer Larsen- Peoples and United Canal Companies Manager.
 4. Testimony provided at the Public Hearing included (T-7) Stewart Ward, Professional Land Surveyor and Owner of Dioptra, as the Applicant's Representative. Testimony in Neutral was provided by (T-8) Spencer Larsen, People's and United Canal Companies Manager, who advised a Home Owners Association would be required for the irrigation.
 5. There was no testimony provided in support or in opposition at the Public Hearing. After Larsen's testimony, the Public Hearing was closed.
 6. The Commission moved to recommend approval of the Application, without conditions.
 - 7.

CONCLUSIONS OF LAW

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

- a. 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 compatible with existing uses in the area as the surrounding land is primarily a combination of residential and agricultural uses. The Board found the proposed subdivision is compatible with existing lot/parcel sizes in the area and is surrounded by Residential/Agriculture zoned land. The proposed lot sizes are between 5.14 acres and 20.70 acres which far exceeds the minimum lot size required to be compliant with the zoning regulations. The Subdivision access will extend from 300 North Tressel Road via a new private easement, to be constructed by the Developer terminating in a cul-de-sac meeting Bingham County Road Standards, and will provide access to all lots which satisfies the requirements for adequate service by roadways; and
- b. the Application met the requirements in Bingham County Ordinance Sections 10-6-6(B)(1) and 10-14-4(B) because proposed lots exceed the 1 acre minimum with individual culinary wells and sanitary sewer systems. The Board expressed their appreciation for the larger lot sizes to minimize the potential of ground water contamination. Additionally, the Board found the lots are proposed to have irrigation water rights assessed by the People's Canal Company. The Applicant is currently proposing irrigation delivery via a K-Line System; and
- c. 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
- d. the proposed Subdivision is considered to be 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. This map area includes larger lots and open space to allow for the raising of livestock and agriculture uses to provide for family food and the pleasure of those residing on the premises and said Application is consistent with this designation; and
- e. 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 and minimum of 15 days prior to the Hearing and notice was posted on the property a minimum of one week prior to the Hearing.

DECISION

Commissioner Bair moved to uphold the decision of the Planning and Zoning Commission to approve the 4-Lot Subdivision to be known as Papa D Subdivision, located directly North from 351 W. 300 N., Blackfoot, Idaho on approximately 41.58 acres. Further, all phases and/or parcels

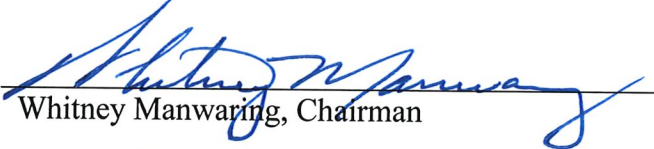
created in the vicinity must be continuous and progress in an orderly fashion. Chairman Manwaring seconded. Both Commissioners voted in favor. The motion carried. Commissioner Lewis was absent.

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 17 day of June 2022.

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


Whitney Manwaring, Chairman


Mark Bair, Commissioner

Jessica Lewis, Commissioner