

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Great Western Subdivision- a 15-Lot Subdivision.

Board of County Commissioners Meeting date: September 21, 2022.

Property Owners: West River Farms, LLC.

Developer: MHD Development.

A. The Board reviewed the record comprised of:

1. Exhibits to the Staff Report:

S-1: Planning & Zoning Commission Staff Report

A-1: Application for Subdivision Plat

A-2: Subdivision Narrative

A-3: Preliminary Plat

A-4: Warranty Deed

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

A-6: Guarantee- First American Title Company

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 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 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: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Addie Jo Harris

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

2. Planning & Zoning Commission Meeting Exhibits & Minutes for June 15, 2022 and Planning & Zoning Commission sign in sheet for June 15, 2022.

3. All Information and Testimony presented at the Planning & Zoning Commission Public Hearing on June 15, 2022.

4. Planning & Zoning Commission Reason & Decision signed by Chairman Leavitt on July 6, 2022.

B. **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. At the June 15, 2022 Planning & Zoning Commission Public Hearing, the Commission recommended approval of the Application from MHD Development to develop a 15 lot Subdivision, to be known as “Great Western Subdivision”, consisting of 15 lots, in a Residential/Agriculture Zoning District, with lot sizes ranging between 2 and 2.163 acres. The lots will each have individual septic systems and wells for culinary purposes. Irrigation water will be delivered via a pressurized system using water rights from the Great Western Canal on the West side of the property. The Subdivision will be accessed from a new County road extending to the North from 1200 North Baseline Road. The Comprehensive Plan Map has this area designated as Residential/Residential Agriculture.

The Board reviewed the Preliminary Plat and record of the Planning & Zoning Commission’s decision. Based on the entire record, and the Staff Report, the Board finds:

REASON

- a. the Board found that the Application met the requirements in Bingham County Code Section 10-4-2(C) as the purpose of an “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 and the proposal meets the 2-acre minimum lot size as required when the parcel was rezoned. The subdivision will have a single point of ingress/egress at Baseline Road and will have new internal roads, built to County standards, by the Developer; and
- b. the Board found that the Application met the requirements in Bingham County Ordinance Sections 10-6-6(B)(1) and 10-14-4(B) because the proposed lots exceed the 1 acre minimum with individual culinary wells and sanitary sewer systems. Additionally, the Board found the lots are proposed to have irrigation water from the Great Western Canal delivered via a pressurized irrigation system to be installed by the Developer; and
- c. the Board found that 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 Board found that the proposed subdivision is considered to be consistent with the Bingham County Comprehensive Plan as the area is designated as Residential/Residential Agriculture; and
- e. Chairman Manwaring stated David Mundt expressed concerns regarding the access being directly across from the potato cellars and the speed limit, which was

addressed by Mr. Whited wherein it is not currently posted and therefore the speed limit is 55 mph. When development proceeds and families are moving in, a traffic study should be completed in order to further address these concerns. He stated that Blake Jolley will have communications with adjacent property owners in regards to access and that truck traffic is a concern during harvest time but it is possible that the individuals harvesting could place signage stating that harvesting is occurring in order to keep speed limited.

- f. Discussion was held in regards to approval from a effected irrigation district, wherein Commissioner Bair suggested a letter be received prior to and shown on Final Plat, showing the change. Chairman Manwaring concurred and stated that all parties should sign the letter showing what was agreed upon and the reasoning.
- g. Commissioner Lewis stated the access point was a concern and asked if the Developers were to speak with the Public Works Department, wherein Director Olsen stated that discussion was held and Mr. Whited looked at the potential access being moved to the West side. As previously indicated, Mr. Whited concurred there is a steep slope, along with another crossing that would need to be made and felt that access on the West side would not be appropriate.
- h. Commissioner Lewis stated the pressurized irrigation is not addressed on the Plat and asked if there was discussion as to where the placement would be. Director Olsen responded that she was unsure at this time but the location would be indicated on the Final Plat.

DECISION

Commissioner Lewis moved to uphold the decision of the Planning & Zoning Commission to approve a development by MHD Development to be known as Great Western Subdivision, based on the record presented and discussion held today, with the following conditions previously placed by the Planning & Zoning Commission:

- 1. The Final Plat shall show the roads are for future connections; and
- 2. The Final Plat shall show the rerouting of the main pivot wire and mainline with easements; and
- 3. The Right to Farm Act be placed on 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 12th day of October 2022.

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


Whitney Manwaring, Chairman

Mark Bair, Commissioner


Jessica Lewis, Commissioner