

**BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS**

In regards to: The Planning & Zoning Commission's recommendation to approve the Tressel Subdivision- a 11-Lot Subdivision

Board of County Commissioners Meeting Date: September 20, 2022.

Property Owners: Jannifer Dee McLaughlan & Daniel Lee McLaughlan  
Garin & Danee Bagley

Developer: Honey Brook Investments, LLC/Collin Hunter

A. The Board reviewed 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: Subdivision Narrative

A-4: Quit Claim 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 from June 15, 2022 and Planning & Zoning Commission sign in sheet for June 15, 2022

3. All Information and Testimony presented at the Commissions Public Hearing on June 15, 2022 and the general layout map by Connect Engineering provided to the Board at the meeting by Director Olsen

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

- B. **REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the June 15, 2022 Planning & Zoning Commission Public hearing, the Commission recommended approval of the Application from Honeybrook Investments, LLC to develop Tressel Subdivision consisting of 11 lots, in a Residential/Agriculture Zoning District, with lot sizes ranging between 1 and 1.46 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 People's Canal, which would run between lots 3 and 4 as well as Lots 7 and 8. The Subdivision will be accessed from a new County road existing to the North from 300 North Tressel Road. The Comprehensive Plan Map has this area designated as Residential/Residential Agriculture.

### REASON

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 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 proposed subdivision is compatible with existing lot/parcel sizes in the area and is surrounded by Residential/Agriculture zoned lands. The proposed lot sizes in the area and is surrounded by Residential/Agriculture zoned lands. The proposed lot sizes are between 1.00 and 1.46 acres, which meets/exceeds the minimum lot size required to be compliant with the area regulation. The Subdivision will have a single point of ingress/egress extending north from Tressel Road to create a new internal road, built to county standards, by the Developer with a cul-de-sac with the intention of connecting to any future development that may occur on the property to the North; and
- b. 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, irrigation water will be delivered via a pressurized system using water rights from Peoples Canal which would run between lots 3 and 4 as well as lots 7 and 8 and will be installed by the Developer and operated by a Home Owners Association as required by the People's Canal; 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; and

- e. Commissioner Bair asked Director Olsen if it was determined as to where the irrigation ditch would be relocated, wherein she stated this was shown on the updated photo provided to the Board showing that the ditch would be rerouted with the People's Canal as well as the proposed location. Director Olsen stated if approved, she will be sure the location of the water source is shown in the Final Plat.
- f. Commissioner Lewis stated there are two properties outside of the subdivision and asked for clarification regarding their participation with the Homeowners Association. Director Olsen stated she does not anticipate there being any issues but would confirm their willingness to participate with the Homeowners Association.
- g. Commissioner Lewis stated the irrigation stops at the property line of the larger property next to Lot 1 and she would like confirmation that this property would have continued water delivery. Director Olsen stated it is required that the property have water delivery and she would assure the water delivery to that lot.
- h. Chairman Manwaring stated this Application fits within the Comprehensive Plan, is in a Residential/Residential Agriculture area and the lot sizes are appropriate with individual septic and wells. He added that Tressel Road is a local road to the west and the spacing between driveway approaches is 65 feet.
- i. Commissioner Bair added that he has reviewed all subdivision regulations and staff comments from the Planning & Development Department and agrees that all requirements have been met for this Application.

### **DECISION**

Commissioner Lewis moved to uphold the decision of the Planning and Zoning Commission to approve the 11-Lot Subdivision to be known as Tressel Subdivision, requested by Honey Brook Investments, LLC/Collin Hunter, on approximately 14.55 acres, as described in the Application materials and Staff Report. This motion is based upon the record provided, Reason & Decision of the Planning & Zoning Commission and this approval is contingent on the following conditions:

1. Written verification from the Canal Company for irrigation delivery method with the Homeowners Association covering the two lots located outside of the Subdivision that will be receiving irrigation water.
2. Confirmation that the two lots located outside of the subdivision have irrigation water after the irrigation ditch has been relocated.

Director Olsen asked Commissioner Lewis to add the condition to be sure there is sufficient easement for maintenance and pressurized delivery system with the rerouting of the water source.

Commissioner Lewis added the requirement that the Developer shall work with the Canal Company to be sure the easement is sufficient for relocation the water source.

Commissioner Bair added that the location of the pump would be shown as well.

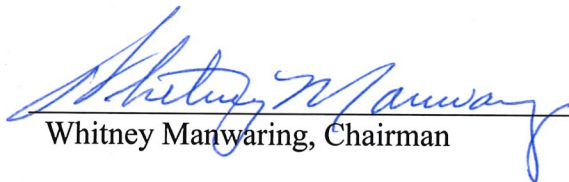
Commissioner Bair seconded the motion. All voted in favor. The motion carried.

**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 12 day of October 2022.

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

  
Whitney Manwaring, Chairman

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Mark Bair, Commissioner

  
Jessica Lewis, Commissioner