

BINGHAM COUNTY PLANNING & ZONING COMMISSION

REGARDING THE APPLICATION OF:

East View Subdivision, 2-lots in an “A”

Agricultural Zoning District

Property Owners/Applicants: William and Lisa Wells

REASON AND DECISION

December 14, 2022

Requested Action: William and Lisa Wells requested to develop a 2-lot Subdivision, to be known as “East View Subdivision”, on approx. 11.34 acres with a current use of irrigated farm ground, in a “A” Agriculture Zoning District, with lot sizes of 6.08 and 6.25 acres. Each lot will have individual septic systems, wells for culinary purposes, and irrigation water rights from the Bingham Ground Water District with the point of diversion from the existing irrigation well. Additionally, both lots will have access to 200 E Wicks Road via a 50’ private easement to be constructed by the Applicants, meeting setbacks from property lines and structures on adjacent parcels. The Comprehensive Plan Map has this area identified as Agriculture.

Property Owners & Applicants: William and Lisa Wells

Property Location: Approx. Location: 181 N 200 E, Blackfoot, ID 83221, Parcel No. RP0438703 Township 2S, Range 36 E, Section 28, consisting of approx. 11.34 acres.

Applicable Regulations: Bingham County Comprehensive Plan, Dated November 20, 2018
Bingham County Zoning Ordinance 2012-08

Public Hearing Date: December 14, 2022

I. MEETING INFORMATION AND TESTIMONY

1. The following was reviewed by the Commission:
 - a. Application;
 - b. Staff Report;
 - c. Governmental Agencies who provided comments were:

(T-1) Bingham County Treasurers Office, stated taxes for 2022 will need to be prepaid prior to the Treasurer signing the plat, if approved.

(T-2) Allan Johnson, Regional Engineering Manager with Idaho Department of Environmental Quality, provided general land development recommendations as shown in his response.



(T-3) Gwen Inskeep, Bingham County Surveyor, had the following comments upon initial review of the proposed Plat:

- Show gaps in deeds on the north and south
- Include and update easement names
- Include the westerly existing 50' easement area in the subdivision boundary
- Add note stating street signs are the responsibility of the developer and move the cluster mailbox to the interior of the subdivision
- Provide an irrigation easement to Lot 1 and utility easement to subdivision
- Check lot distances as they do not close
- Update scale bar, aliquot description in title and narrative
- Update acknowledgment to show correct last name

(T-4) Bingham County Public Works, stated 200 E. Wicks Road is a Local Road, the speed limit is not posted, and the approach spacing is 65 feet. The proposed gang mailbox and turnout location should be inside a private easement.

(T-5) Jeff Gardner, Bingham County Sheriff, had no comments or concerns.

(T-6) Verl Jarvie, Blackfoot Fire Marshall, had no comments or concerns.

(T-7) Gwen Inskeep, Bingham County Surveyor, provided the following updated testimony after reviewing a modified plat which supersede all comments contained in Exhibit T-3:

- Show and explain gaps in deeds and indicate plans to relocate an existing fence to allow for access
- Update aliquot description in title on sheet 2
- Include lot numbers and label easement distances

d. No public response was received prior to the Public Hearing.

2. Testimony presented at the Public Hearing was as follows:

(T-8) Applicants Representative, Chris Street, Professional Land Surveyor with Harper Leavitt Engineering, 800 W Judicial, Blackfoot, Idaho, introduced an updated Preliminary Plat, marked as Exhibit T-8A, with the lot size corrections and added notes. Mr. Street clarified that the parcel acreage had been modified since the submission of the Application by including the 50-foot easement in the Subdivision boundaries instead of creating a flag shaped lot. The correct acreage provides Lot 1 with 6.25 acres and Lot 2 with 6.08 acres. The land is currently irrigated using ground water along the Southerly boundary line with plans to extend that irrigation to Lot 2. Additionally, utilities will be extended through the 50-foot easement along the Northerly boundary line. The proposed road width through the 50-foot easement will be roughly 26-foot wide to accommodate emergency services.

Testimony in favor nor in opposition was received.

Testimony in neutral was received by:

(T-9) John Atwood, 217 E 200 N, Blackfoot, Idaho, who was concerned that the size of the proposed lots may be large enough to further divide. Commissioner Leavitt confirmed that the current zoning designation is "A" Agriculture and in an Agriculture zone, the lot size minimum for a Subdivision parcel, in this Zone, is 5 acres. Therefore, to allow smaller lot sizes than those proposed, the parcel would have to be rezoned. Director Olsen confirmed Mr. Atwood received notice in the mail as he resides within 300 feet of the parcel and informed him that he would receive notice should any future land use modifications on the property be requested as long as Bingham County Code requires a 300-foot radius for notices. Mr. Atwood did not want the possibility of 10 more homes in close proximity to his back yard.

The Applicants Representative provided a rebuttal statement: Chris Street, HLE, appreciated Mr. Atwood's concerns and let him know that there would be a total of three (3) processes to allow for smaller lots in an "A" Agriculture zoning designation. This would consist of a Zone Change, a Comprehensive Plan Map Amendment, as well as a Subdivision Application. He also stated that Mr. Atwood can rest easy knowing the lot sizes will remain as proposed and that no division rights are available on this parcel.

3. The Public Hearing for this item was closed after the Applicants' rebuttal statement.

II. REASON

The Planning & Zoning Commission hereby finds:

1. the Application met the requirements in Bingham County Code Section 10-4-2(B) as the purpose of "A" Agriculture zone is to preserve and protect the decreasing supply of agricultural land. This zone also is established to control the infiltration of urban development into agricultural areas which will adversely affect agricultural operations. The proposed lot sizes are 6.08 and 6.25 acres which meets, and exceeds, the minimum lot size required to be compliant with the area regulation and allows opportunity for continued agricultural production on each lot; and
2. the Application met the requirements in Bingham County Ordinance Sections 10-6-6(B)(4) and 10-14-4(B) because proposed lots exceed the 5-acre minimum with individual culinary wells and sanitary sewer systems. Additionally, irrigation water will be provided from the Bingham Ground Water District with a point of diversion from an existing irrigation well; and
3. the Application met the requirements in Bingham County Ordinance Section 10-6-8 each lot will be provided access via a 50-foot easement extending from 200 E Wicks Road terminating in a cul-de-sac providing adequate access and turn around for safety

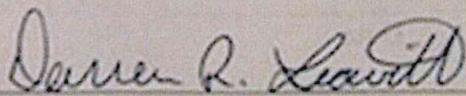
vehicles and meeting all required setbacks from property lines and structures on adjacent parcels; and

4. 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
5. the proposed Subdivision is considered to be consistent with the Bingham County Comprehensive Plan as the area is designated as Agriculture; and
6. 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.

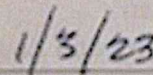
III. DECISION

Based on the record and the discussion, Commissioner Carroll moved to recommend to approve the request by William and Lisa Wells for a 2-lot Subdivision to be known as the "East View Subdivision" in a "A" Agriculture Zone, as described in the Application materials as supplemented with additional information in the Staff Report, in accordance with the requirements of Bingham County Code Title 10 "Zoning Regulations" and subject to all applicable laws and regulations and that all corrections noted by County Staff be made to the Plat prior to being considered by the Board of County Commissioners. Further, any phases and/or parcels created in the vicinity must be continuous and progress in an orderly fashion.

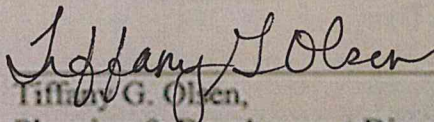
Commissioner Aullman seconded the motion. Commissioners Carroll, Aullman, Chappell and Croft voted in favor. The Motion carried.



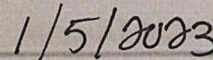
Darren Leavitt, Chairman
Bingham County Planning and Zoning Commission



Date



Tiffany G. Olsen,
Planning & Development Director



Date