

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the H and M Subdivision consisting of 1 Lot in an Agriculture Zoning District.

Board of County Commissioners Meeting Date: October 16, 2024

Property Owner: Jerry and Marsha Ivie

Developers: Matt and Hailey Ivie

The Board reviewed the record, which is comprised of:

1. Exhibits to the Staff Report:

S-1: Planning & Zoning Commission Staff Report

A-1: Application for Subdivision Plat

A-2: Survey Narrative

A-3: Plat

A-4: Warranty Deed

A-5: Guarantee- Flying S Title and Escrow of Idaho, Inc

A-6: Custom Soil Resource- United States Department of Agriculture

A-7: IDWR- Well Information Summary

A-8: 2023 Surface Water Tax Assessment- Jerry & Marsha Ivie

A-9: Email correspondence with Snake River Valley Irrigation regarding Ivie Water Rights

S-2: Zoning Map

S-3: Comprehensive Map

S-4: Flood Plain Map

S-5: Subdivision Map

S-6: Utilities Map

S-7: Nitrate Priority Area Map

S-8: Irrigation Provider Map

S-9: Google Images

S-10: Notice of Posting- Addie Jo Harris

S-11: Site photos

S-12: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission

S-13: Shelley Government Agency Notice & Notice of Mailing- Addie Jo Harris

S-14: Property Owners List & Notice of Mailing- Addie Jo Harris

2. Planning & Zoning Commission Meeting Exhibits & Minutes from August 14, 2024 and Planning & Zoning Commission sign in sheet for August 14, 2024.

3. All Information and Testimony presented at the Commissions Public Hearing on August 14, 2024.

4. Planning & Zoning Commission Reason & Decision, signed by Chairman William Aullman on September 17, 2024.

- A. **REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the August 14, 2024 Planning & Zoning Commission Public Hearing property owners Jerry and Marsha Ivie requested to create a one (1) lot subdivision from a portion of a 21.16-acre parcel they own located at 899 E 700 N, Shelley, Idaho, in an Agriculture Zoning District, for a lot size of 14.66 acres (14.994 acres total including right-of-way) pursuant to Bingham County Code Title 10 Chapter 14-Subdivision Regulations. The parcel currently features Jerry and Marsha Ivie's residence and the balance is used as pasture ground. The intent is to create a buildable single-family residential parcel for their children, Matt and Hailey Ivie (Developer), with the pasture ground portion. The Application is in conformance with the Bingham County Comprehensive Plan Map which is Agriculture.

Based on the record presented and received at the Planning & Zoning Commission Public Hearing, the Commission approved the Subdivision Application with the following condition:

- 1) Plat changes as recommended by the County Surveyor with the exception of burying the ditch in the frontage of the proposed subdivision shall be made.

REASON

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

- a. The Board found that the Application met the requirements in Bingham County Code Section 10-4-2(B) as the purpose of an 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 Application contains one lot in a much larger parcel size than required in the Agriculture Zoning District at 14.66 acres, is compatible with the surrounding area, and will continue to be farmed after the addition of one single family residence. Additionally, the proposed lot will have direct access off of 700 N Highline Road subject to permitting by Bingham County Road and Bridge; and
- b. The Board found that the Application still met the requirements of Bingham County Ordinance Section 10-14-4(A) because the Application was completed and included all items listed in 10-14-4(A) 1-23; and
- c. In determining the acceptance of the proposed Subdivision, the Commission considered the objectives of the ordinance and reviewed Section 10-14-4(D)(3).
 1. The Board found the Application is consistent with the Bingham County Comprehensive Plan with the proposed lot size being greater than the minimum lot size in an Agricultural Zoning District with a

- Comprehensive Plan Map Area of Agriculture as referenced in Section 10-14-4(D)(3)(c); and
2. in reference to Section 10-14-4(D)(3)(d), the Board found the proposed Subdivision is requesting to have an individual septic system, subject to permitting from the Idaho Department of Public Health and a culinary well, subject to permitting from the Idaho Department of Water Resources; and
 3. there were no concerns addressed relating to the public's financial capability of accommodating services pursuant to Section 10-14-4(D)(3)(e); and
 4. there were no concerns related to health, safety, or environmental problems presented pursuant to Section 1-14-4(D)(3)(f).
- d. The Board found that the Application met the requirements in Bingham County Code Section and 10-14-4(B) as irrigation water will be assessed by the Snake River Irrigation Company utilizing one (1) inch/acre from the total 21.16 inches/acres of irrigation rights owned on the overall property by Jerry and Marshal Ivie in an open ditch system with the addition of an individual culinary well, septic system and drain field; and
 - e. The Board found that the proposed Subdivision is considered to be consistent with the Bingham County Comprehensive Plan Map Area of Agriculture; and
 - f. A brief discussion was held in regards to the condition put in place by the Planning & Zoning Commission, wherein Chairman Manwaring confirmed with Addie Jo Jackman, Planning & Development Assistant Director, that it was found that the ditch was not required to be buried, to which Ms. Jackman confirmed was correct.
 - g. Commissioner Jackson had no concerns and stated that the Application met all requirements.

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve H and M Estates Subdivision, consisting of one (1) 14.66-acre residential lot to be created from a 21.16- acre parcel, located at 899 E. 700 N., Shelley, Idaho in an Agriculture zoning designation as proposed by Jerry and Marsha Ivie, subject to the following condition:

1. Plat changes as recommended by the Bingham County Surveyor with exception of burying the ditch in the frontage of the proposed subdivision shall be made.

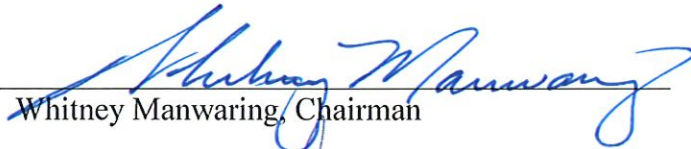
Chairman Manwaring seconded. Both voted in favor. The motion carried.

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.

Dated this 25 day of October, 2024.

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


Whitney Manwaring, Chairman


Eric Jackson, Commissioner

Vacant, Commissioner

CERTIFICATE OF SERVICE

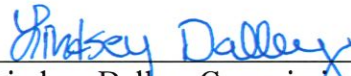
I certify that on the 25 day of October 2024, I served a true and correct copy of the Reason & Decision for H & M Estates Subdivision upon the following person(s) in the manner(s) indicated:

- Mail
- Email: haileyivie@outlook.com
- Hand Delivered
- Designated Courthouse Box

Matt & Hailey Ivie
940 E. 1400 N.
Shelley, Idaho 83274

- Mail
- Email: tolsen@binghamid.gov
- Hand Delivered
- Designated Courthouse Box

Tiffany Olsen
Planning & Development Director



Lindsey Dalley, Commission Clerk