

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve, with condition, the Hidden Meadows Subdivision, 27 Lots in a Residential/Agriculture Zone.

Board of County Commissioners Meeting Date: January 24, 2024

Property Owners: Callister Ranch

Developer: Scott Briscoe Construction

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: Hidden Meadows Subdivision Narrative

A-3: Plat

A-4: Legal Description- Hidden Meadows Boundary

A-5: Quit Claim Deed

A-6: USDA- Custom Soil Resource Report

A-7: Guarantee- Old Republic

A-8: IDWR- Well Information Summary

A-9: Water right verification- email

A-10: Water right verification- Dustin Wixom- President of Roseview Canal Company

S-2: Parcel Map

S-3: Zoning Map

S-4: Comprehensive Plan Map

S-5: Flood Plain Map

S-6: Subdivision Map

S-7: Area of Impact Map

S-8: School District Map

S-9: Utilities Map

S-10: Nitrate Priority Area Map

S-11: Irrigation Provider Map

S-12: Aerial Image

S-13: Notice of Posting- Addie Jo Jackman

S-14: Google Images

S-15: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission

S-16: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Tiffany G. Olsen

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S-17: Property Owners List & Notice of Mailing- Tiffany G. Olsen

2. Planning & Zoning Commission Meeting Exhibits & Minutes from November 8, 2023 and Planning & Zoning Commission sign in sheet for November 8, 2023.
3. All Information and Testimony presented at the Commissions Public Hearing on November 8, 2023.
4. Planning & Zoning Commission Reason & Decision, signed by Chairman Darren Leavitt on November 29, 2023.

A. **REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the November 8, 2023 Planning & Zoning Commission Public Hearing, the Commission recommended approval of the proposal from Developer, Scott Briscoe Construction, on behalf of land owners Callister Ranch, to create a 27-Lot development to be known as “Hidden Meadows Subdivision” with a condition that a fire hydrant be located within the subdivision boundaries and near 300 N or 300 W for fire flow access (as recommended by the Blackfoot/Snake River Fire Marshal).

Pursuant to Bingham County Code Section 10-14-4 (e)(2)., the Board shall review the Preliminary Plat, the written information presented to the Planning & Zoning Commission, and the Commission Minutes or the statement of action taken prior to making a determination on the proposed plat.

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(C) and 10-6-6(B)(1) as the purpose of “R/A” Residential/Agricultural zone is to establish low density single-family dwellings with lot sizes sufficient for individual sewer and water facilities. The Commission found the parcels meet the minimum lot size in the R/A zone of 1-acre each and are compatible with the surrounding area with similar size subdivisions such as the Washington Height Subdivision and the to-be-platted Tressel Subdivision to the west of the subject parcel. The Commissioners recognized the concerns of the community but stood by their collective support of personal property rights and that the request complies with Bingham County development standards; and
- b. The Board found that there is adequate service by roadways with two points of access, one onto 300 W. Washington Road and the other onto 300 N. Tressel Road. There was testimony received by the Planning & Zoning Commission where concern was expressed regarding increase of traffic, speed, and visual impairments from a rise in the road but heavily relied on the testimony from Public Works stating

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traffic counts were reviewed as well as accident reports and therefore determined no additional traffic control is needed; and

- c. The Board found that the Application still met the requirements of Bingham County Code 10-14-4(B) as irrigation water rights area assessed by the New Lavaside Ditch Company, with delivery from the Roseview Ditch; and
- d. The Board found that the Application met the requirements of Bingham County Code Section 10-14-4(A) because the Application was complete and included all items listed in Sections 10-14-4(A)1-23; and
- e. 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 which allows for the desired use; and
- f. Commissioner Bair asked what utilities would be provided, wherein Director Olsen referred to Exhibit S-9, and explained there is gas within the Washington Heights Subdivision nearby but she is unsure if there would be gas provided to each lot.
- g. Director Olsen did state there has been conversation with Roseview Canal Company and believes the verification of water rights has been provided, along with looking at the design of the system with 49 water rights but she has not seen documentation that there is sufficient water to serve 27 residential lots.
- h. Commissioner Bair asked Director Olsen who would be in charge of cleaning the ditches in the event there is a buildup of moss in the spring when the head gate it opened. Director Olsen stated that she was unsure but there were comments made that the cross connection would be included in the Homeowners Covenants. It is also known that Homeowners Covenants are challenging to enforce and the county has no role in those enforcements. Chairman Manwaring stated that the Homeowners Association should have an individual designated in order to keep the water flowing within the ditch.
- i. Discussion was held in regards to the condition put in place by the Planning & Zoning Commission, which was to require a fire hydrant be located within the Subdivision boundaries and near 300 N or 300 W for fire flow access (as recommended by the Blackfoot/Snake River Fire Marshal). Director Olsen stated within the testimony received from Verl Jarvie, it defines what the suggested requirements would be. Chairman Manwaring stated within the motion that was made, it stated "fire hydrant", wherein Director Olsen stated it could be assumed that a hydrant would be to have water, which would be a fire well.

Commissioner Bair stated he believes that to do a fire well on this property it would be cost prohibitive for 27 homes and a burden but there are other options that could be used as well. One being a 15,000 tank to be buried under the ground, a hydrant is placed on top of that tank, so the water could be drawn out and it does not have to be pressurized. Director Olsen stated that suggestion would comply with the condition.

Discussion was held in regards to removing the condition put in place by the Planning & Zoning Commission and holding a meeting with all fire personal to make requirements pertaining to fire suppression consistent throughout all subdivision applications.

- j. Commissioner Jackson had no major concerns and stated that the application for Hidden Meadows meets all requirements as set forth in code.

DECISION

Commissioner Bair moved to conditionally uphold the decision of the Planning & Zoning Commission to approve the Hidden Meadows Subdivision, a 27-Lot Subdivision in an "R/A" Residential/Agriculture zone, remove the condition to require a fire hydrant and add the following conditions:

- 1) The Roseview Canal Company be added to the irrigation source.
- 2) The pump location be added to the Plat Map.

Said decision is based upon the Reason & Decision of the Planning & Zoning Commission, the record and discussion held. Commissioner Jackson seconded. Chairman Manwaring added the Roseview Ditch with the New Lavaside Ditch together be added to the irrigation source. All voted in favor. The motion carried.

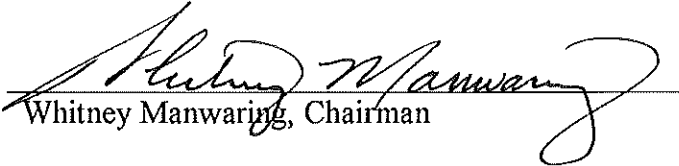
Request for Reconsideration/Judicial Review: Upon denial or approval of a Zone Change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

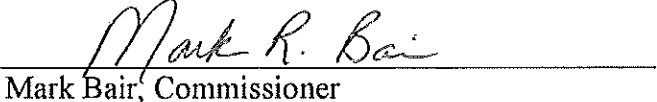
Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

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Dated this 9 day of February, 2024.

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


Whitney Manwaring, Chairman


Mark Bair, Commissioner


Eric Jackson, Commissioner

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