

## BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the South Thompson Lane Subdivision consisting of 3 lots, in a Residential/Agriculture Zoning District.

Board of County Commissioners Meeting Date: September 11, 2024

Property Owners & Developers: Lynn Coe Leavitt, Linnea Chidester & Jenny Orgill

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: Overall Boundary
  - A-6: Guarantee- Flying S Title and Escrow of Idaho, Inc
  - A-7: Custom Soil Resource Report- United States Department of Agriculture
  - A-8: IDWR- Well Information Summary
  - A-9: 10' Buried Ditch Easement
  - A-10: Lloyd Canal/Ditch Water Share Document
  - S-2: Aerial Map
  - S-3: Zoning & SUB Map
  - S-4: Area of Impact Map
  - S-5: Utilities Map
  - S-6: Irrigation Provider Map
  - S-7: Aerial Image
  - S-8: Notice of Posting- Addie Jo Harris
  - S-9: Google Images
  - S-10: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
  - S-11: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Ashley Taylor
  - S-12: Property Owners List & Notice of Mailing- Ashley Taylor
2. Planning & Zoning Commission Meeting Exhibits & Minutes from July 10, 2024 and Planning & Zoning Commission sign in sheet for July 10, 2024.
3. All Information and Testimony presented at the Commissions Public Hearing on July 10, 2024.
4. Planning & Zoning Commission Reason & Decision, signed by Chairman William Aullman on July 25, 2024.

- A. **REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the July 10, 2024 Planning & Zoning Commission Public Hearing, the Commission recommended approval of Developers Lynn Coe Leavitt, Linnea Chidester and Jenny Orgill's request to create a 3-Lot subdivision to be known as "South Thompson Lane Subdivision" consisting of two (2) residential lots at 5.00 and 5.25 acres each and one (1) non-buildable lot identified as 35 E. Pintail Lane (a private road), located South of 81 S. 35 E, Blackfoot, Idaho on approximately 11.69 acres in a Residential/Agriculture Zoning District which is in the flood plain.

### 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) as the purpose of "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 Application contains lot sizes compatible with the surrounding area at 1-acre and will be accessed from an existing private road, 35 E. Pintail, to provide legal access to four (4) lots as required by Bingham County Code Section 10-6-8; 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. The Board found that the Application still met the requirements of Bingham County Code 10-14-4(B) as irrigation water will be assessed by the Blackfoot Irrigation Company and delivered from the Blackfoot Slough and Lloyd Canal through an existing buried ditch gravity pipe system with a 10-foot wide buried ditch easement utilizing 24 shares; and
- d. The Board found that proposed subdivision is considered to be consistent with the Bingham County Comprehensive Plan with proposed lot sizes that are consistent with the minimum lot size in an Agricultural Zoning District with a Comprehensive Plan Map Area of Agriculture. The Agriculture area supports limited residential development which aligns with larger lot sizes in the proposed subdivision; and
- e. The Board found that the Applicant provided in their narrative that in order to facilitate the subdivision development, there is only one location for the placement of a private road; and
- f. When Bingham County amends the Comprehensive Plan Map designations to correlate with the Zoning District designation, the subdivision will be included in the amendment for a map designation change to Residential Agriculture; and
- g. Commissioner Bair asked Addie Jo Jackman, Assistant Director, if the static water level is approximately 7-feet, if the Health Department would approve a septic system for the location, to which Ms. Jackman stated she is not certain but does know that there are other septic systems that have been approved in the immediate

- area. Although they may have to complete monitoring in order to determine what location would be most viable; and
- h. Commissioner Jackson had no concerns; and
  - i. Chairman Manwaring has no concerns.

### DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the South Thompson Lane Subdivision, to create a 3-lot residential subdivision consisting of 2 residential lots and 1 non-buildable lot identified as 35 E Pintail Lane, located South of 81 E. 35 E, Blackfoot, Idaho on approximately 11.69 acres, as proposed by Lynn Coe Leavitt, Linnea Chidester, and Jenny Orgill. Said decision is based upon the record, the Reason & Decision of the Planning & Zoning Commission and the discussion held today. 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.

Dated this 20 day of September, 2024.

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

  
Whitney Manwaring, Chairman

  
Mark Bair, Commissioner

  
Eric Jackson, Commissioner