

BEFORE THE BINGHAM COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING DATE: MAY 8, 2024

In regards to: Kambridge Creek Subdivision consisting of 3-Lots in a Residential/Agricultural Zoning District, located at 3 N 725 W., Blackfoot, Idaho 83221 (Parcel No. RP7040300).

Commissioner Jackson was not in attendance and therefore was excused from the Public Hearing.

Property Owner & Developer: Julie Hudson

The Board reviewed the record, which included the following:

1. Exhibits to the Staff Report:

CC-9: Board of County Commissioners Reason & Decision.

CC-10: Board of County Commissioners Minutes from March 6, 2024 Public Hearing.

CC-11: Staff Report

CC-12: Affidavit of Publication- Idaho State Journal- Published on April 10, 2024.

CC-13: Government Agency Notice- Lindsey Dalley, Commission Clerk, mailed on April 8, 2024.

CC-14: Property Owner's Notice- Lindsey Dalley, Commission Clerk, mailed on April 8, 2024.

CC-15: Posting Affidavit & Photographs- Posted by Ashley Taylor, Planner.

2. Testimony received prior to the Board's second Public Hearing included the following:

CC-16: Hwy 39 Wastewater Development estimate for Kambridge 23-173, for "3 Lots wastewater to GWSD pressurized line" dated March 13, 2024 from B. Luke Jolley, Professional Engineer with HLE, Inc.

CC-17: Email from Chris Street, Professional Land Surveyor with HLE, Inc., dated March 13, 2024.

CC-18: Hwy 39 Wastewater Development Estimate for Kambridge 23-173, for "2 lots individual wastewater septic systems" dated April 15, 2024, from Spence L. Ward, Professional Engineer with HLE, Inc.

REQUESTED ACTION: The Board of County Commissioners held a Public Hearing on March 6, 2024, to receive the Planning & Zoning Commissions recommendation to approve a Zoning Amendment from Light Commercial (C1) to Residential/Agriculture (R/A) and a recommendation to approve the Preliminary Plat for a 3-lot residential subdivision to be known as the "Kambridge Creek Subdivision", a replat of Lots 5 to 8 in Block 5 of the 1st Amended Riverside Townsite, proposed by property owner and developer, Julie Hudson.

Reason & Decision- 2nd Public Hearing
Kambridge Creek Subdivision

At the conclusion of the Board's Public Hearing the Board voted to uphold the Planning & Zoning Commissions recommendation to approve the Zoning Amendment but did not render a decision on the Subdivision Application. The Board questioned where Groveland Water and Sewer District's (GWSD) sewer mainline is located adjacent to Highway 39 along the south right-of-way at approximately 100 feet from the proposed subdivision's boundary, if the Application should be conditioned to connect to the GWSD sewer system rather than allowing individual septic systems for future lot development. Neither the Applicant's Representative, Chris Street, Professional Land Surveyor with HLE, Inc., or Marc Pange, GWSD Chairman, were able to offer a cost estimate for connection to the GWSD's sewer system as part of their respective testimony to aid in the Board's deliberation. Therefore, the Board voted to table its decision on the proposed Kambridge Creek Subdivisions and requested information be provided as follows:

- 1) The approximate cost for the installation of two domestic septic systems, drain fields and connection costs; and
- 2) The estimated cost of installing a small lift station, piping, boring and to secure a sewer connection to the GWSD's sewer mainline for the 3-lot's within the subdivision proposal.

The Board directed a second Public Hearing be held to receive this information at which time the Board may render a decision on the subdivision application.

In determining the acceptance of the proposed subdivision, the Board shall consider the Planning & Zoning Commissions recommendation, the record of the Board's first Public Hearing held on March 6, 2024, the record established in the Boards second Public Hearing held on May 8, 2024, the objectives of the Ordinance and, at a minimum, the following:

Bingham County Code Section 10-14-4(B):

- a. Recommendations for conditions of approval that would minimize adverse conditions, if any;
- b. The reasons for recommending the approval, conditional approval, modification or denial;
- c. The proposed subdivision to be consistent with the Comprehensive Plan;
- d. The availability of public or private services to accommodate the proposed subdivision;
- e. The public financial capability of supporting services for the proposed subdivision;
- f. Any other health, safety, or environmental problems that may be brought to the Commission's attention;
- g. The recommendations of a city if the proposed development is located within a City Impact Area or within one mile of a city not having a valid impact area.

REASON

After presentation of the Staff Report and confirmation that there were no additional questions for county staff, the Public Hearing was open and testimony was presented as follows:

(CC-19) Applicant's Representative, Chris Street, Professional Land Surveyor with HLE, Inc., 800 Judicial Street, Blackfoot, Idaho, who stated that the costs provided do not include engineer costs or construction staking. The reason that those costs were not included is due to being a private lift station there is a potential that the Department of Environmental Quality would need to review the plans. If that occurs, an operator would need to maintain the system and not just the Homeowners Association, along with showing proof that there are financial resources to replace anything that may go out or become damaged within the system. Ms. Olsen added that the Department of Environmental Quality had been sent notice in regards to this hearing and did not submit testimony.

Mr. Street stated that in conversations with Marc Pange, GWSD, he stated that the GWSD is not in favor of small connections such as the proposed connection and want to have a main connection.

Mr. Street stated that cost for underground systems were received from Steadman Construction in the amount of \$7,000.00 - \$10,000.00, depending on the size of the house, along with a cost amount from Jag Enterprises in Pocatello. The other fees are standard connection fees. Commissioner Bair stated the cost that caught his eye was the PVC 8" Pipe at \$100.00 per foot, to place. Commissioner Bair stated in reference to the cost for septic tank and the individuals that he spoke with today stated a quote would be \$12,000.00 to \$15,000.00 and therefore that cost seems high as well.

There were no further questions for the Applicant's Representative.

Chairman Manwaring confirmed for the record that there was no public in attendance and therefore, there was no testimony in favor, in neutral, nor in opposition. The Public Hearing was then closed to testimony and the Boards deliberation was held.

Chairman Manwaring stated that all additional requested information has been provided to the Board, wherein there is a huge cost difference and he would be in favor of approving to allow individual septic systems as proposed originally. Commissioner Bair concurred.

Chairman Manwaring read verbiage from within the Boards Reason & Decision document from the first Public Hearing held on March 6, 2024, which read "Chairman Manwaring stated several years ago corridors along Highway 39 were made Multi-Use, which falls in line with the Comprehensive Plan. Chairman stated that on both sides of the property are "C1" Light Commercial but there is also Residential in the area as well. Commissioner Bair asked if the irrigation is going to be in a ditch or pressurized, to which Ms. Olsen clarified that it would be in a ditch with the United Canal Company. Chairman Manwaring read verbiage from the plat, which states that irrigation will be delivered for Lots 1 and 2 through existing ditches along the northerly boundary, and along the east side of the lots. Delivery to Lot 3 will be through the existing underground irrigation system along the east side of each lot".

There was no further discussion or deliberation.

The Board may uphold, conditionally uphold or deny the recommendation of the Planning & Zoning Commission recommendation as stated above. The Board shall only overrule the Commission by a majority vote. The final decision of the Board shall be issued in writing with a Reason & Decision. The Commission shall receive notice of the Board decision.

DECISION

Commissioner Bair moved to uphold the decision of the Planning & Zoning Commission and approve the 3-Lot subdivision to be known as Kambridge Creek Subdivision located on 3.8 acres. One Home is existing and the other 2-Lots are not filled and all would have private septic systems on all 3-Lots. Said subdivision will be located at 3 North 725 West, Blackfoot. This decision is based upon the new information provided today, the record and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both voted in favor. The Motion carried.

Request for Reconsideration/Judicial Review: Upon denial or approval of an Application, 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.

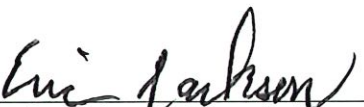
Dated this 17 day of May, 2024.

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

Whitney Manwaring, Chairman



Mark Bair, Commissioner



Eric Jackson, Commissioner