

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Underwood Acres Subdivision, a replat of Lot 4 Block C, in the Christiansen Addition of Moreland Townsite, in a Residential Zoning District.

Board of County Commissioners Meeting Date: October 22, 2024

Property Owners & Developers: Michael & Holly Underwood

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: Boundary- HLE
 - A-5: Quitclaim Deed
 - A-6: Custom Soil Resource- United States Department of Agriculture
 - A-7: Guarantee- Old Republic National Title Insurance Company
 - A-8: IDWR- Well Information Summary
 - A-9: United Canal Company- 2024 Water Assessment
 - S-2: Aerial Map
 - S-3: Zoning & Subdivision Map
 - S-4: Utilities Map
 - S-5: Irrigation Provider Map
 - S-6: Google Map Image
 - S-7: Notice of Posting- Addie Jo Jackman
 - S-8: Site Photos
 - S-9: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
 - S-10: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Addie Jo Jackman
 - S-11: Property Owner List & Notice of Mailing- Addie Jo Jackman
 2. Planning & Zoning Commission Meeting Exhibits & Minutes from September 11, 2024 and Planning & Zoning Commission sign in sheet for September 11, 2024.
 3. All Information and Testimony presented at the Commissions Public Hearing on September 11, 2024.
 4. Planning & Zoning Commission Reason & Decision, signed by Chairman William Aullman on October 1, 2024.
- A. **REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the September 11, 2024 Planning & Zoning Commission Public Hearing, property owners and developers, Michael

& Holly Underwood request a replat of Lot 4 Block C in the Christiansen Addition of Moreland Townsite to create a 2-lot subdivision to be known as "Underwood Acres Subdivision", in a Residential Zoning District, located at approximately 166 N 710 W, Blackfoot, Idaho on a parcel consisting of 2.16 acres , with each lot proposed to be 1.08 acres in size, pursuant to Bingham County Code Title 10 Chapter 14, Subdivision Regulations.

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

1. The existing trailer be removed prior to the Final Plat being recorded, if approved by the Board of County Commissioners.

REASON

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

- a. The Board found that the Subdivision Application met the requirements in Bingham County Code Section 10-4-2(D) as the purpose of Residential ("R") zone is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of areas which are best suited for residential purposes that have close proximities to townsite or are contiguous to land zoned Residential with lot sizes consistent with the immediate vicinity and adequate service by roadways; and
- b. The proposed Underwood Acres Subdivision contains two lots with sizes compatible with the surrounding areas within the Moreland Townsite, adjacent to lands zoned Residential, and has adequate service by existing county roads with direct access to N 710 W Second East; and
- c. The Board found that pursuant to Bingham County Code Section 10-6-8, lots at 1.00 acre or greater may be developed with an individual well and septic system. The proposed application contains two lots, at 1.08 acres each. Lot 1 will retain its existing culinary well and septic system and Lots 2 is proposed to have its own culinary well and septic system, subject to further permitting with the appropriate jurisdiction; and
- d. The Board found that the Application met the requirements in Bingham County Code Section 10-14-4 as irrigation water will be assessed by the United Canal Company utilizing nine (9) shares and transported through the Draper Ditch. The existing ditch along the lot frontages adjacent to N 710 W Second East and 160 N First South will be buried in accordance with Bingham County Code Section 10-10-4(B)(4)(a), which requires all irrigation ditches within a residential subdivision along the front of the subdivision and the front of each individual lot to be an enclosed system; and

- e. The Board found that the application met the requirements of Bingham County Code 10-14-4(A) because the application was completed and included all items listed in 10-14-4(A)1-23; and
- f. The Board found that the proposed subdivision is considered to be consistent with the Bingham County Comprehensive Plan with a Comprehensive Plan Map Area of Residential Agriculture; and
- g. Commissioner Jackson asked Ms. Jackman in regards to the sewer system, wherein Ms. Jackman stated that private septic and wells are being proposed. Ms. Jackman confirmed that Moreland does have municipalities for sewer and water but the distance is quite great and not available; and
- h. Chairman Manwaring had no questions or concerns.

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the Underwood Acres Subdivision, subject to the following condition:

1. The existing trailer be removed prior to the Final Plat being recorded.

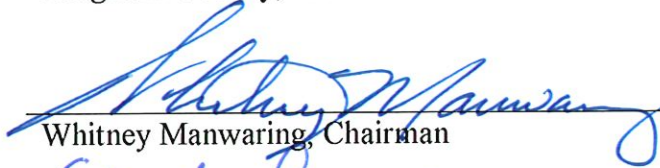
Commissioner Jackson further reviewed the reasons in which this Application is to be approved. Chairman Manwaring seconded. Both voted in favor. The motion carried.

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 1 day of ~~October~~^{November}, 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 1 day of ~~October~~^{November} 2024, I served a true and correct copy of the Reason & Decision for Underwood Acres Subdivision upon the following person(s) in the manner(s) indicated:

- Mail
- Email: cstreet@hleinc.com
- Hand Delivered
- Designated Courthouse Box

Chris Street, Professional Land Surveyor
HLE, Inc

- Mail
- Email:
- Hand Delivered
- Designated Courthouse Box

Holly Underwood
166 N. 710 W.
Blackfoot, Idaho 83221

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

Tiffany Olsen
Planning & Development Director



Lindsey Dalley, Commission Clerk