

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Cedar Estates Subdivision, Division 4, consisting of 43 lots in a Residential/Agriculture Zoning District.

Board of County Commissioners Meeting Date: June 25, 2024

Property Owners & Developers: Griffin Family, LLC & Deer Meadows Development, LLC

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: Legal Description- First Amended Silver Leaf Number 4 Overall Boundary
- A-5: Warranty Deed
- A-6: USDA Custom Soil Resource Report
- A-7: Guarantee- Old Republic National Title Insurance Company
- A-8: IDWR- Well Information Summary
- A-9: Woodville Canal Company- Certificate of water shares
- A-10: Eastern Idaho Regional Sewer District- Commitment to Serve
- A-11: Final Plat- Cedar Estates Division 1-3
- A-12: Traffic Impact Study Cedar Estates Subdivision
- A-13: Commission Minutes from June 2021- Preliminary Plat- Cedar Estates Subdivision
- A-14: Irrigation System Maintenance and Easement Agreement
- S-2: Aerial 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 Harris
- 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- Ashley Taylor

S-17: Property Owners List & Notice of Mailing- Ashley Taylor

S-18: Additional Property Owners List & Notice of Mailing- Ashley Taylor

2. Planning & Zoning Commission Meeting Exhibits & Minutes from April 10, 2024 and Planning & Zoning Commission sign in sheet for April 10, 2024.
3. All Information and Testimony presented at the Commissions Public Hearing on April 10, 2024.
4. Planning & Zoning Commission Reason & Decision, signed by Chairman William Aullman on May 22, 2024.

A. **REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the April 10, 2024 Planning & Zoning Commission Public Hearing, the Commission recommended conditional approval of Developer, Deer Meadows Development LLC, on behalf of Griffin Family, LLC, to create a 43- lot residential subdivision to be known as “Cedar Estates Subdivision Division No. 4” located South Ride Way, Shelley, Idaho on 53.87 acres in a Residential/Agriculture Zoning District. The average lot size is 1.00 acre, ranging in size from 1/02 to 1.51 acres. Division 4 is the last phase of development and completes the Cedar Estates Subdivision Master Plan for a total of 138 lots.

Based on the record presented and received at the Planning & Zoning Commission Public Hearing, the Commission recommended approval of the proposal with the following conditions:

1. A connection be placed on the pressurized irrigation system, at an accessible agreed upon location with the Fire District, for a pumper to be able to access water for fire suppression services.
2. A water cistern tank is not required.
3. A left turn lane for westbound traffic on County Line Road at the intersection of New Sweden and County Line Road is necessary as a mitigation measure from the traffic impacts of Cedar Estates Subdivision No.4 as recommended by the Traffic Impact Study and County Public Works and depicted on the Concept Plan.

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 10-14-2 (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 in this Division is compatible with area development and is an extension of Cedar Estates Divisions 1-3. Division 4 of the subdivision will be served from two new county

- roads extending south from 1600 N County Line Road which will connect to Cedar Estates Divisions 2 and 3 through extension 1580 N Cedar Court at the cost of the Developer for construction to County Road Standards; and
- b. The Board found that the Application met the requirements in Bingham County Ordinance Section 10-6-6(B)(1) and 10-14-4(B) because proposed lots meet the 1-acre minimum for Residential/Agriculture Zoning District. Further, the subdivision supports the installation of individual wells and sanitary sewer treatment with connection to the Eastern Idaho Regional Sewer District with design plans approved by the Idaho Department of Environmental Quality. Irrigation water will be assessed by the Woodville Canal Company with delivery provided by a pressurized system utilizing 45 shares of water; and
 - c. The Board found that the method of fire suppression for this subdivision should be from a connection to the pressurized irrigation system as agreed upon by the Developer and the Shelley/Firth Fire District, as the burial of water cistern is costly and where fire suppression isn't frequently used; and
 - d. 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
 - e. The Board found that Application is consistent with the Bingham County Comprehensive Plan which supports Residential development in areas adjacent to or surrounding proposed applications where sanitary sewer connection to a district or municipal system can be attained. Further, the Comprehensive Plan Map area designation of Residential Agriculture supports single-family residential development in the Residential/Agriculture Zoning District; and
 - f. Chairman Manwaring asked if when the Traffic Impact Study was completed, to allow the left turn lane, were there any concerns in regards to the speed limit of 55 mph, to which Ms. Jackman stated there was not any discussion in regards to the speed limit itself but does know they were primarily looking at the growth of 3.16% over a five (5) year period, considering this subdivision request before the Board today.
 - g. Chairman Manwaring stated that in the future, the speed limit may need to be changed, considering the amount of homes being added into the subdivision. Chairman Manwaring stated that sanitary sewer services will be provided by the Eastern Idaho Regional Sewer District, Irrigation Water will be assessed by the Woodville Canal Company (45 Shares) and each residence will have individual wells. There is also an existing Irrigation System and Maintenance Agreement between Griffin Family LLC and Norman and Charlotte Bird.
 - h. Commissioner Bair stated his concern is that Chief Randy Adams recommended a water cistern tank be installed, pressurized irrigation system so that they can maintain water during the winter months for all divisions, if it would not be a financial burden on the Developer. Commissioner Bair stated in review of the discussion held by the Planning & Zoning Commission, there is no discussion of

what the cost would be to do so. Commissioner Bair stated in the future he would like to know the size and cost of the tank. Ms. Jackman stated that the main water source for the winter season, is proposed to use Woodville Water & Sewer District system, which is a year-round system located nearby, to fill trucks or pump when needed. Ms. Jackman stated to her recollection, the main concern was primarily with maintenance of the system not being cleaned or used on a frequent basis and failing. Commissioner Bair asked if there was a letter from Woodville Water & Sewer District, stating that the system could be accessed in the event of an emergency, to which Ms. Jackman stated not to her knowledge but that was a topic of conversation as to what could be used in Bonneville County and it sounds as though jurisdictions are willing to help in the event of an emergency. Commissioner Bair stated that he believes there should be a signed agreement stating that the usage is allowed in the event of an emergency.

- i. Commissioner Jackson asked if there were concerns going across county lines, in the event there was a fire, for water access, to which Chairman Manwaring stated that there are several agencies that have an agreement to help another agency when needed. Mr. Nelson stated that the Subdivision has been annexed into the Woodville Water & Sewer District boundaries.
- j. Commissioner Bair mentioned the concerns from Dusty Whited in regards to a turning lane. Chris Nelson stated originally the lane was to be paved wider but it turns out that the lane would need to go into Bonneville County's right-of way. Therefore, Bonneville County's requirements are to be met as well.
- k. Chairman Manwaring confirmed that the initial cost of striping was under the burden of the Developer but would then be maintained by the county. Ms. Jackman confirmed.

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve Cedar Estates Subdivision, Division No.4., to create a 43-lot residential subdivision located South of 1600 N County Line Road, East of 845 E Red Cedar Street and West of 885 E Stone Ridge Way in Shelley, Idaho, on approximately 53.87 acres, as proposed by Deer Meadows Development, LLC, including the following conditions:

- 1) A connection be placed on the pressurized irrigation system, at an accessible agreed upon location with the Fire District, for a pumper to be able to access water for fire suppression services;
- 2) A left turn lane for westbound traffic on County Line Road at the intersection of New Sweden and County Lint Road is necessary as a mitigation measure from the traffic impacts of Cedar Estates Subdivision Division No.4, as recommended by the Traffic Impact Study and County Public Works and depicted on the Concept Plan.

Condition number 2 was not upheld by the Board of County Commissioners.

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 12 day of July, 2024.

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


Whitney Manwaring, Chairman


Mark Bair, Commissioner

Eric Jackson, Commissioner