

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the First Amended Silver Leaf Subdivision, Division No 4.

Board of County Commissioners Meeting Date: February 28, 2024

Property Owners & Developers: Riverside Investment Group, LLC and Dewight and Lyndsay Lee

Developer: Riverside Investment Group, 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: Quitclaim 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: State of Idaho- Annual Report for Riverside Investment Group LLC

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- Addie Jo Harris

S-17: Property Owners List & Notice of Mailing- Addie Jo Harris

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

Reason & Decision

First Amended Silver Leaf Subdivision, Division 4

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

A. **REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the January 10, 2024 Planning & Zoning Commission Riverside Investment Group and Dewight and Lyndsay Lee, proposed to amend the Silver Leaf Subdivision, Division No. 4 Plat recorded on September 22, 2021 to:

1. Adjust the lot lines between Lots 6 and 7 (identified on the proposal plat as Lots 14 and 16);
2. To create a non-buildable Lot 11 feet wide on the north and 15.5 wide on the south to adjust property lines to an existing fence to the east (identified on the proposed plat as Lot 17); and
3. And to create a non-buildable lot for future connectivity from the cul-de-sac to the property to the east owned by Dalon and Lisa Esplin (connecting to 600 West Clark Road (identified on the proposed plat as Lot 15).

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. Remove Lot 15 from the Plat and be resubmitted;
2. Recommend approval of Lots 14, 16, and 17; and
3. Adjust the sizes of Lots 14 and 16 once Lot 15 is removed.

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 10-14-12 as modifications to an approved Plat require a replat of the development; and
- b. The Board found that the lot line adjustments still meet the minimum acreage requirements of Section 10-4-2(D) for the "R" Residential Zone and have no effect to the irrigation, sanitary sewer or culinary water services. It was proposed to create two non-buildable lots, the first to correct a boundary line dispute with the landowner to the east of the subdivision, and the second to allow right of way for future road extension in the event of development on the parcel to the east, extending connection to 600 W.; and

- c. The Board found that based upon the testimony received that 11 out of 12 Lots in the development had been sold with the understanding the plat illustrated a dead end, cul-de-sac, road, modifying the plat to include a through road for unknown future development was a substantial change; and
- d. The Board found that based upon the testimony received from the lot owners in the subject subdivision, not one person addressed concerns with the non-buildable lot, running north and south, correcting a boundary line adjustment with the Esplin's, landowners to the east; and
- e. The Board found that Application still 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. Chairman Manwaring had no concerns; and
- g. Commissioner Bair had no concerns; and
- h. Commissioner Jackson had no concerns.

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the First Amended Silver Leaf Subdivision, Division No. 4, located east of 60 South Anderson Lane, Blackfoot, as proposed by Riverside Investments, LLC and Dewight and Lyndsay Lee, including the conditions put in place by the Planning & Zoning Commission, which were as follows:

- 1) Remove Lot 15 from the Plat and be resubmitted;
- 2) Recommend approval of Lots 14, 16 and 17; and
- 3) Adjust the sizes of Lots 14 and 16 once Lot 15 is removed.

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 15 day of March, 2024.

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


Whitney Manwaring, Chairman

Mark Bair, Commissioner


Eric Jackson, Commissioner