

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Bishop Estates Subdivision consisting of 35 lots in a Residential/Agriculture Zoning District, located North and West of 206 N. 400 W., Blackfoot, Idaho.

Chairman Manwaring recused himself from the decision in regards to the Application due to conflict.

Board of County Commissioners Meeting Date: February 12, 2025

Property Owners: The Ned & Barbara Gneiting Living Trust

Developers: Intermountain Development & Construction, LLC

The Board reviewed the record from the Planning & Zoning Commission Public Hearing held on September 11, 2024, 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: Bishop Estates Concept Plan Narrative- Sunrise Engineering
- A-3: Plat
- A-4: Warranty Deed & Quitclaim Deed
- A-5: Guarantee- Old Republic National Title Insurance Company
- A-5A: Revised Guarantee- Old Republic National Title Insurance Company
- A-6: Custom Soil Resource- United States Department of Agriculture
- A-7: IDWR- Well Information Summary
- A-8: Stormwater Control Plan
- A-9: Riverside Canal Company
- S-2: Aerial Map
- S-3: Zoning & Subdivision Map
- S-4: Comprehensive Plan Map
- S-5: Area of Impact Map
- S-6: School District Map
- S-7: Utilities Map
- S-8: Irrigation Provider Map
- S-9: GIS Map
- S-10: Notice of Posting- Addie Jo Jackman
- S-11: Site Photos
- S-12: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
- S-13: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Addie Jo Jackman
- S-14: Property Owner List & Notice of Mailing- Addie Jo Jackman
- S-15: Preliminary Plat- Boots-N-Roses Estates

S-16: Planning & Zoning Commission Meeting Minutes- Boots-N-Roses Estates- Held August 14, 2019

S-17: Planning & Zoning Commission- Reason & Decision- Boots-N-Roses Estates- Held August 14, 2019

S-18: Preliminary Plat- Boots-N-Roses Estates

S-19: Board of County Commissioners Meeting Minutes- Held October 22, 2019

S-20: Reason & Decision- Board of County Commissioners- Held October 22, 2019

S-21: Letter to withdraw application for proposed Boots-N-Roses Subdivision- dated December 30, 2019

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 11, 2024.

The Board reviewed the record from the Planning & Zoning Commission Public Hearing held on December 12, 2024, which is comprised of:

5. Exhibits to the Staff Report:

S-1A: Planning & Zoning Commission Staff Report

A-2A: Bishop Estates Preliminary Plat Supplemental Narrative- Sunrise Engineering

A-3A: Preliminary Plat

S-10A: Notice of Posting- Addie Jo Jackman

S-12A: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission

S-13A: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Addie Jo Jackman

S-14A: Property Owner List & Notice of Mailing- Addie Jo Jackman

6. Planning & Zoning Commission Meeting Exhibits & Minutes from December 11, 2024 and Planning & Zoning Commission sign in sheet for December 11, 2024.
7. All Information and Testimony presented at the Commissions Public Hearing on December 11, 2024.
8. Planning & Zoning Commission Reason & Decision, signed by Chairman William Aullman on January 21, 2025.

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, The Ned & Barbara

Gneiting Living Trust, and Developers, Intermountain Development & Construction LLC, requested to create 35-Lot residential subdivision, zoned "R/A" Residential/Agriculture, within the City of Blackfoot Area of Impact, with lots ranging in size from 1.00 to 1.88 acres. The Bingham County Comprehensive Plan Map has this parcel designated as Residential Agriculture which is in conformance with the Application and is subject to comply with Title 10 Chapter 14 *Subdivision Regulations*.

REASON

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

- a. The Board found that the Subdivision Application met the recommendation for Conditions of approval that would minimize adverse conditions; and
- b. The Board found that the Subdivision Application met the reasons for recommending the approval; and
- c. The Board found that the proposed subdivision to be consistent with the Comprehensive Plan; and
- d. The Board found that the availability of public or private services to accommodate the proposed subdivision; and
- e. That the public financial capability of supporting services for the proposed subdivision; and
- f. Any other health, safety, or environmental problems that may be brought to the commission's attention; and
- g. The recommendations of a city of the proposed development is located within a City of Impact Area or within one mile of a city not having a valid impact area; and
- h. Commissioner Jensen asked Tiffany Olsen, Planning & Development Director, if the Application is approved as presented would they hold the right for at a future date to extend water for the city and it is not implemented in the decision.

Ms. Olsen stated the Board would review the Application as presented today and it would be set based upon what that determination is.

Commissioner Jensen asked if in the future, water needs to be extended, would an easement be needed, wherein Ms. Olsen stated that an easement could potentially be needed. Ms. Olsen explained at any time services are rendered to be closer to the development, the Department of Water Resources and the Department of Public Health, have their own regulations on when connections can be encouraged or required, which is outside the county's purview. Ms. Olsen stated for instance if the Application is approved without a sewer connection and three (3) years from now the sewer connection is within 200 feet of a property line in the development, the Department of Public Health may not approve an individual septic system because it is now within that Idaho Code Section that states it needs to require. Based upon the location of current infrastructure today, the request is for individual connections.

- i. Commissioner Jackson asked what the cost would be to add the water line in order to hookup to services now before installing the roads versus after the roads are installed.

Ms. Olsen stated the quote within the Application materials stated the cost of the lot with an individual well, the purporting is \$96,967.77. The total cost to the end user is \$112,791.27. If there was a connection to the water service, the cost is listed as \$127,448.38. If looking at each lot, the cost would be approximately \$14,700.00 per lot more to connect to the water system.

- j. Commissioner Jackson stated that there is a need for affordable housing in the county and the Board is trying to be economically feasible but also uphold safety.
- k. Commissioner Jensen confirmed with Ms. Olsen that it was an increase of approximately \$14,000.00 per lot to connect to the water system and asked if it was a wash between that connection and drilling a well. Ms. Olsen stated the Applicant provided that they felt like the construction of an individual well is approximately \$15,800.00.
- l. Ms. Olsen stated in the event it is determined that connection to the sewer system is not feasible and should not be required, she would recommend and encourage that the Board follow the Department of Environmental Quality's recommendations for the Applicant to perform a level one pathogen evaluation to demonstrate that the combined septic systems from the subdivision will not cause ground water quality standards to exceed the proposed lot density. Ms. Olsen stated that is something that the Applicant's engineer had referred to being completed and that there should not be an issue. Ms. Olsen stated if the Board chooses to uphold the decision as it is currently provided in the recommendation, that would not be necessary.

DECISION

Commissioner Jensen moved to uphold the decision of the Planning & Zoning Commission to approve the Bishop Estates Subdivision consisting of thirty-five (35) residential lots located North and West of 206 N. 400 W., Blackfoot, Idaho, in a Residential/Agriculture zoning designation, subject to the following condition placed by the Planning & Zoning Commission and one added condition:

1. The subdivision lots connect to Groveland Water and Sewer District's sewer system.

Newly added condition:

1. The subdivision lots connect to Groveland Water and Sewer District's water system, due to the cost being comparable between drilling a well or connecting to the water system.

Commissioner Jackson 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 26 day of February, 2025.

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

Recused

Whitney Manwaring, Chairman

Eric Jackson

Eric Jackson, Commissioner

Drew Jensen

Drew Jensen, Commissioner

CERTIFICATE OF SERVICE

I certify that on the 26 day of February 2025, I served a true and correct copy of the Reason & Decision for Bishop Estates Subdivision upon the following person(s) in the manner(s) indicated:

- Mail
- Email: tanner@buildidc.com
- Hand Delivered
- Designated Courthouse Box

Intermountain Development & Construction
LLC

- Mail
- Email
- Hand Delivered
- Designated Courthouse Box

The Ned & Barbara Gneiting Living Trust
361 W. 200 N.
Blackfoot, Idaho 83221

- Mail
- Email
- Hand Delivered
- Designated Courthouse Box

Groveland Water & Sewer District
PO Box 833
Blackfoot, Idaho 83221

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

Tiffany Olsen
Planning & Development Director



Lindsey Dalley, Commission Clerk