

# **Bingham County**

Planning & Zoning Department 501 N. Maple #203, Blackfoot, ID 83221

Phone: (208) 782-3178 Fax: (208) 782-3868

# APPLICATION FOR SUBDIVISION PLAT

SUBDIVISION NAME:	1st Amended Estella Rose Estates	
Property Owner(s) Name:	Terry and Penny Fowler	Phone: 208-243-0156
Address:	134 N 150 W	City/Zip: Blackfoot 83221
Property Owner Email:	reg11spfpa@aol.com	Developer Email: reg11spfpa@aol.com
Developer Name	Terry Fowler	Phone: 208-243-0156
Address	134 N 150 W	City/Zip Blackfoot 83221

Submit:	Completed Application
$\checkmark$	Narrative: on a separate sheet of paper Identifying existing use, Intended use of subdivision, Evaluating effects of proposed Subdivision on adjoining property, General compatibility with other properties and uses. Compliance with the Comprehensive Plan
$\checkmark$	Subdivision Guarantee Policy from Title Company
$\checkmark$	Three (3) soft copies of proposed Subdivision Plat: on 24" x 36" and one (1) on 11" x 17"
	Fees

Application Fees: Application Fee 375
Deposit for Mailings & Publication 75

Total = 450

Attention: the applicant will be required to pay any additional fees that exceed the \$450 fee (example; second publication)

Subdivision Plat Review: the information/data listed below must appear on the Preliminary Plat as per Idaho Code §50-1304 and shall be cerified prior to submittal to the Board.

NAMES/ADDRESSES	MISCELLANEOUS			
✓ Subdivision Name	Zone Classification(s)			
Owner(s) Name, Address & Phone	Highways and/or Current Streets			
Developer Name, Address & Phone	Right-of-Ways, Easements & Widths			
Adjacent Property Owner/Development Names	Road Cross Sections			
LOCATION MAP	PROPOSED			
✓ Vicinity Map Showing Relation to One (1) Mile Radius	Subdivision Acreage			
Legal Description/Proof of Ownership	Number of Lots			
Public Land Corners or Other Acceptable Monuments	Average Lot Size (Acreage)			
North Point	Utility/Easement Locations & Widths			
Scale (Minimum 1" = 400')	Type of Water/Septic System			
TOPOGRAPHY	Approval from the Health Dept			
<b>✓</b> Contours	Open Areas			
✓ Countour Intervals Noted (Minimum 5' Intervals)	Parking			
GEOLOGY	Street Names (Numerical Designation Required)			
✓ Flood Plain Designation, If Applicable	Proposed Phasing Schedule			
Attach Depth to Water/Drainage/Permeability	ENGINEERING DATA			
✓ Attach Soil Types & Depth	Name, Address & Phone			
v v	Date Drawn			
Appointment of Designated Agent  I, we the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my, our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County:				
following person as my, our representative for all transactions regar				
following person as my, our representative for all transactions regar				
following person as my, our representative for all transactions regar myself/ourselves, as owner(s), and Bingham County:				
following person as my, our representative for all transactions regar myself/ourselves, as owner(s), and Bingham County:  Designated Agent: Chris Street, HLE  Property Owner Signature:	Date:			
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following person as my, our representative for all transactions regar myself/ourselves, as owner(s), and Bingham County:  Designated Agent: Chris Street, HLE  Property Owner Signature: Property Owner	Date: 6-1-24  Date: 4-24  Date: 4-24  Date permission is hereby given to the duly authorized representative of enticity of the applicant(s) and property owner(s). It is further understood stographs and obtain any verifications and data necessary for at I have read this application and understand the contents. I also state			



#### 1<sup>st</sup> AMENDED ESTELLA ROSE ESTATES NARRATIVE

This proposed 4 lot subdivision is a replat of Lot 1, Block 1 of Estella Rose Estates and is located about 1/4-mile North of Blackfoot on the West side of Rose Road. It would create 3 new residential Lots and one small Non-buildable Utility Lot around an existing communication tower. The property has frontage along Rose Road and is bordered by single family residential parcels and farm ground. The land to the North, West and South are residential properties that vary in size from around 0.63 acre to 3.77 acres each. There is farm ground and cellars to the Northwest and farm ground to the East across Rose Road.

Estella Rose Estates and all surrounding lands are zoned Residential Agriculture (RA). This zone designation along with the comprehensive plan and current Subdivision ordinances provide opportunity for residential growth of this kind and Lots down to 1 acre in size.

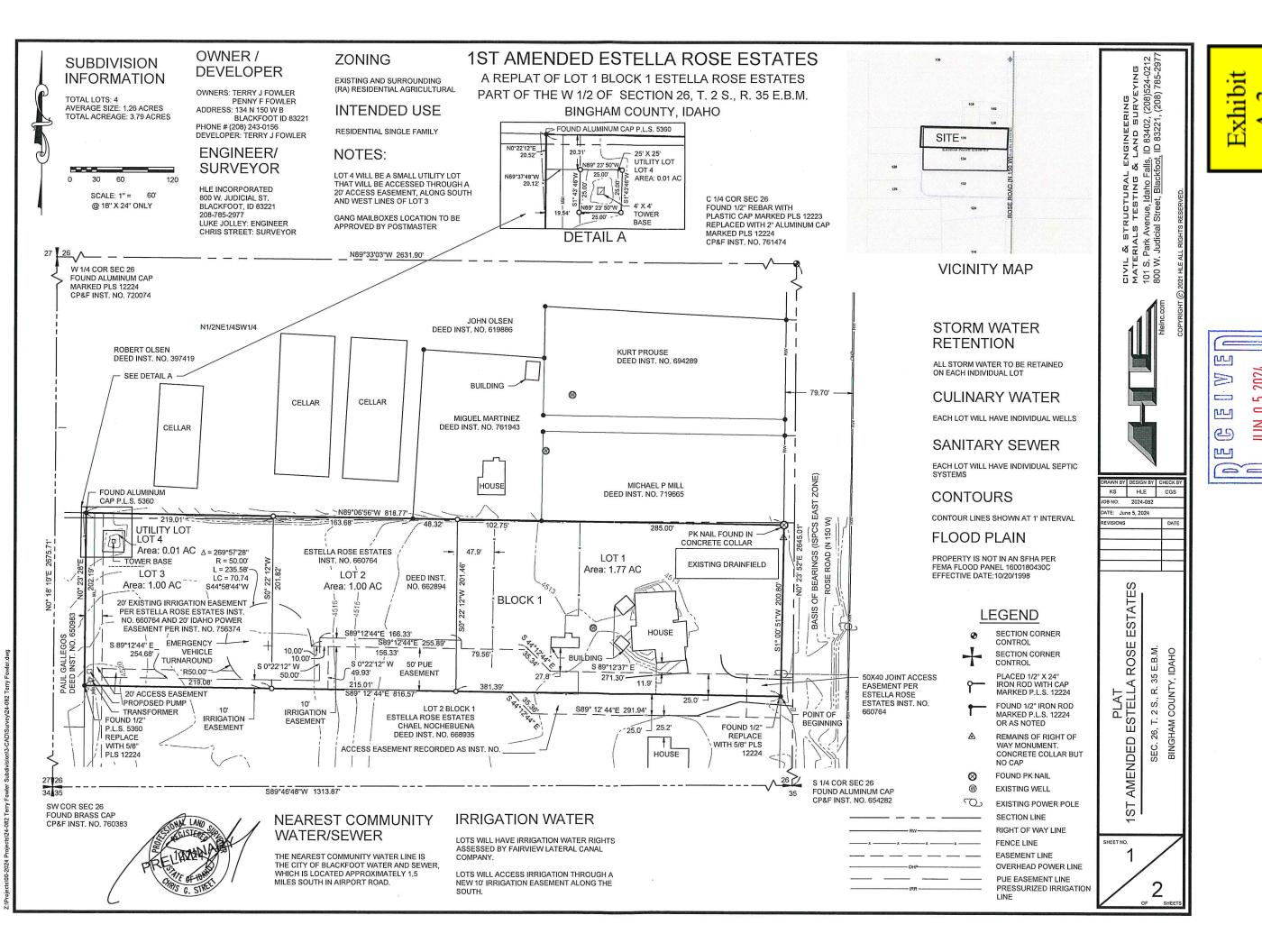
Lots would access Rose Road, through the existing driveway approach. This driveway is currently a 50 X 40 joint access easement as recorded in the Estella Rose Estates Plat. It is proposed that it be expanded to a 50' wide private road easement to be used by all 3 residential Lots. An easement for the portion in Lot 2 Estella Rose Estates will be recorded to allow the easement to cross over the lot line.

Adding 2 residential lots will not significantly impact traffic in the area. Historically, Bingham County has not required Traffic Studies for subdivisions with under 100 new proposed lots.

Proposed lots will have individual wells and septic systems. Power is available in the adjacent County Roadway, Rose Road, to the East. The 50-foot ingress/egress easement will serve as a public utility easement to provide access to utilities. Lots shall have irrigation water rights through the Corbet Slough Ditch Company. Delivery will be through a pressurized irrigation system.

Since property is zoned and designated for Residential Agriculture in the current Bingham County Comprehensive plan, this land fits the requirements for this proposal, and closely matches the existing land uses.





# 1ST AMENDED ESTELLA ROSE ESTATES

A REPLAT OF LOT 1 BLOCK 1 ESTELLA ROSE ESTATES PART OF THE W 1/2 OF SECTION 26, T. 2 S., R. 35 E.B.M. BINGHAM COUNTY, IDAHO

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#### OWNER'S DEDICATION

Know all men by these present that the undersigned owner of the land described as:

Part of the SW 1/4 of Section 26, Township 2 South, Range 35 East B.M. Bingham County, Idaho described as:

Lot 1, Block 1, of Estella Rose Estates.

Parcel contains 3.79 acres more or less.

Have caused the same to be subdivided into lots and block; and do hereby warrant and save the county of Bingham harmless from any existing easements or encumbrances. It is the intention of the owner to include all of the land described in the boundary description in the plat. The location and dimensions of the lots are to be as shown on the accompanying map of the property. The easements shown are not dedicated to the public, but the right to use said easements is hereby perpetually reserved to the public for public utilities, roadway slopes and drainage or for any other use designated on the plat and no structures other than those for such utility purposes are to be erected within the lines of said easements. The individual lots described in this plat will not be served by any water system common to one (1) or more of the lots, but will be served by individual wells. In compliance with the disclosure requirements of Idaho Code 31-3805 (1)(b), irrigation water is provided and will be assessed by Corbet Slough Ditch Company. Delivery will be through a pressurized irrigation system.

In witness whereof I as the owner do hereunto set my hand.

PENNY FOWLER	

TERRY FOWLER

## TREASURERS CERTIFICATE

CERTIFICATE OF APPROVAL

the issuance of a certificate of disapproval.

Sanitary Restrictions as required by Idaho Code Title 50,

Chapter 13 have been satisfied. Sanitary restrictions may be

reimposed, in accordance with Section 50-1326, Idaho Code, by

Health District Signature

I the undersigned County Treasurer in and for the County of BINGHAM, State of Idaho, per the requirements of Idaho Code 50-1308, do hereby certify that all county property taxes due for the property included in this project are current.

County	Treasurer	
--------	-----------	--

Date

STATE OF IDAHO

Notary Public

My commission expires:

Date

## **ZONING APPROVAL**

## COUNTY APPROVAL

County Commissioners, Bingham County, Idaho resolution

adopted this	day of	, 2024		

Chairman County Commissioners

## **ACKNOWLEDGMENT**

COUNTY OF		<u>`</u>
On this	day of	201

before me a Notary Public, in and for said State, personally appeared Terry Fowler and Penny Fowler, known or identified to me to be the signers of the Owner's Dedication and

acknowledged to me that they signed said dedication freely and voluntarily for the purposes therein mentioned.

Residing in			
	Residing in		

The accompanying subdivision plat was reviewed and approved by the planning and zoning commission of the County of

Bingham, Idaho, this	day of,	2024
	•	

Zoning Administrator

This plat was duly accepted and approved by the Board of

adopted this	day of	, 2024

### COUNTY SURVEYOR'S APPROVAL

I certify that I have examined this plat and find that it complies with Section 50-1305 of the Idaho Code.

Date

Professional Land Surveyor	
Idaho License No. 12223	

#### SURVEYORS NARRATIVE

The purpose of this survey is to split an existing 3.79 acre parcel into 4 lots. Lot 1 will be 1.78 acres and has an existing home on it, Lots 2 and 3 will be buildable 1.00 acre lots and Lot 4 is a small utility lot.

The Basis of Bearings for this survey is N 00°23'52" E between the S 1/4 corner and C 1/4 corner of Section 26.

## SURVEY REFERENCES

DEED INST. NO. 397419, 619886, 650983, 662894, 668935, 694289, 719665, 761943

ESTELLA ROSE ESTATES INST. NO. 660764

IDAHO POWER EASEMENT INST. NO. 756374

CP&F INST. NO. 654282, 720074, 760383, 761474

& STRUCTURAL ENGINEERING RIALS TESTING & LAND SURVEYING Park Avenue, <u>Idaho Falls</u>, ID 83402, (208)524-02<sup>-</sup> Judicial Street, <u>Blackfoot,</u> ID 83221, (208) 785-22

MATERIA 101 S. Park 800 W. Jud

KS HLE CGS OB NO: 2024-082 TE: June 5, 2024

ESTATES

ROSE E.B.M. PLAT ESTELLA F œ 2 S., 26, T. AMENDED

SEC.

SURVEYORS CERTIFICATE

I, Chris G. Street, a Registered Professional Land Surveyor in the State of Idaho, do hereby certify that this plat is an accurate representation of the survey completed under my supervision

Chris G Street License No. 12224 Date

SHEET NO.

ST

Bingham County Planning & Development Department 490 N. Maple Street, Suite A, Blackfoot, ID 83221 Phone: (208) 782-3178 Fax: (208) 782-3868	NoApplication Date
	APPLICATION FOR VARIANCE
Applicant: <u>  Jerry   Fawler</u> and Penny Fowler Address: <u>134 B North</u> 150 west	
Location:	(Physical location if mailing address different.)
*Applicant Must be Property Owner(s) Email: re-	NOTE: Attach "Recorded" Deed.
2S 35E Township Range S	26 Existing Zone RA
Parcel No. RP8267490  Proposed Variance and Reason:	Property Size 3.78
See See Variance and Reason:	attached

Appointment of Designated Agent

I/We the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my/our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County.

Property Owner(s): 7

Designated Agent: Chris Street, HLE

APPLICATION FEE:

\$350

In granting a Variance the Planning & Zoning Commission may prescribe appropriate conditions and safeguards in conformity with the current Bingham County Zoning Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the Variance is granted shall be deemed a violation of the Ordinance. The approval of a Variance does not permit the violation of any section of the Buildling Code, or any other County Ordinance. All Variance, whether approved or denied have a ten(10) day appeal period and must be appealed in writing at the Bingham County Planning & Zoning Office.

**DECLARATION:** By signing this application, it is understood and agreed that permission is hereby given to the duly authorized representative of Bingham County to, place & remove signs on the subject property and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Zoning Administrator and staff may inspect the subject property, take photographs and obtain any verifications and data necessary for preparation of its report to the Planning & Zoning Commission. I hereby acknowledge that I have read this application and understand the contents. I also state that the above information is correct.

APPLICANT(S):

Signature:

Site Plan Show drawing of location (including roads, all buildings, parking areas, service a yards, signs, utilities, traffic pattern, etc.). Please show all distances between buildings & property lines.	reas,
	N
	3

1. Name: Terry Fowler

A. Phone #: 208 2430156

2. Designated Agent: Chris G. Street

A. Phone #: 2087852977

- Legal description of property: Lot 1 Estella Rose Estates Inst. No. 660764
- 4. Description of Variance requested: See attached.

This application is for a variance, to reduce the required setback from a 50' wide, private Road Easement, to a building structure, as set forth in County Code 10-6-3, which requires 20 feet. The variance is requested only for the small area where the easement runs between 2 homes.

5.

- A. Unique site characteristics which are peculiar to the land involved and which are not applicable to other lands. The proposed site has existing buildings unique to the property. In planning to develop the unused land behind an existing residence, the shared access that runs between two existing homes is the only location that works for the private access easement to access the acreage behind the existing homes. It is allowable to access up to 2 more parcels of land through an easement, however, the setback of 20' cannot be met, since there is only 87 feet between them and the setback from a 50' wide easement is 20 feet, which would require a total of 90 feet.
- B. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this title. If the full setback is enforced in this situation, the access to the property in the back would not be available. The variance from required setback is only sought to allow passage between the existing homes. It is proposed that the full setback along the rest of the easement would be followed.
- 6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings. By following the requirements of this title to obtain a Variance through the proper authorities, we are not asking for any special privilege that is not allowed to any other citizen of the county.
- 7. That public interest will not be harmed. If approved, this variance of setback would not affect any public interest. Reducing setback requirement from a 50' easement would not present any new risk or danger to the public. Any use of the existing homes or the proposed access road, will not be impaired. The owners of the homes agree with the requested variance.

Without this variance, the access, distribution and use of the land for the family is very limited. With a variance, the land can be divided and utilized while conforming to all other applicable ordinances.

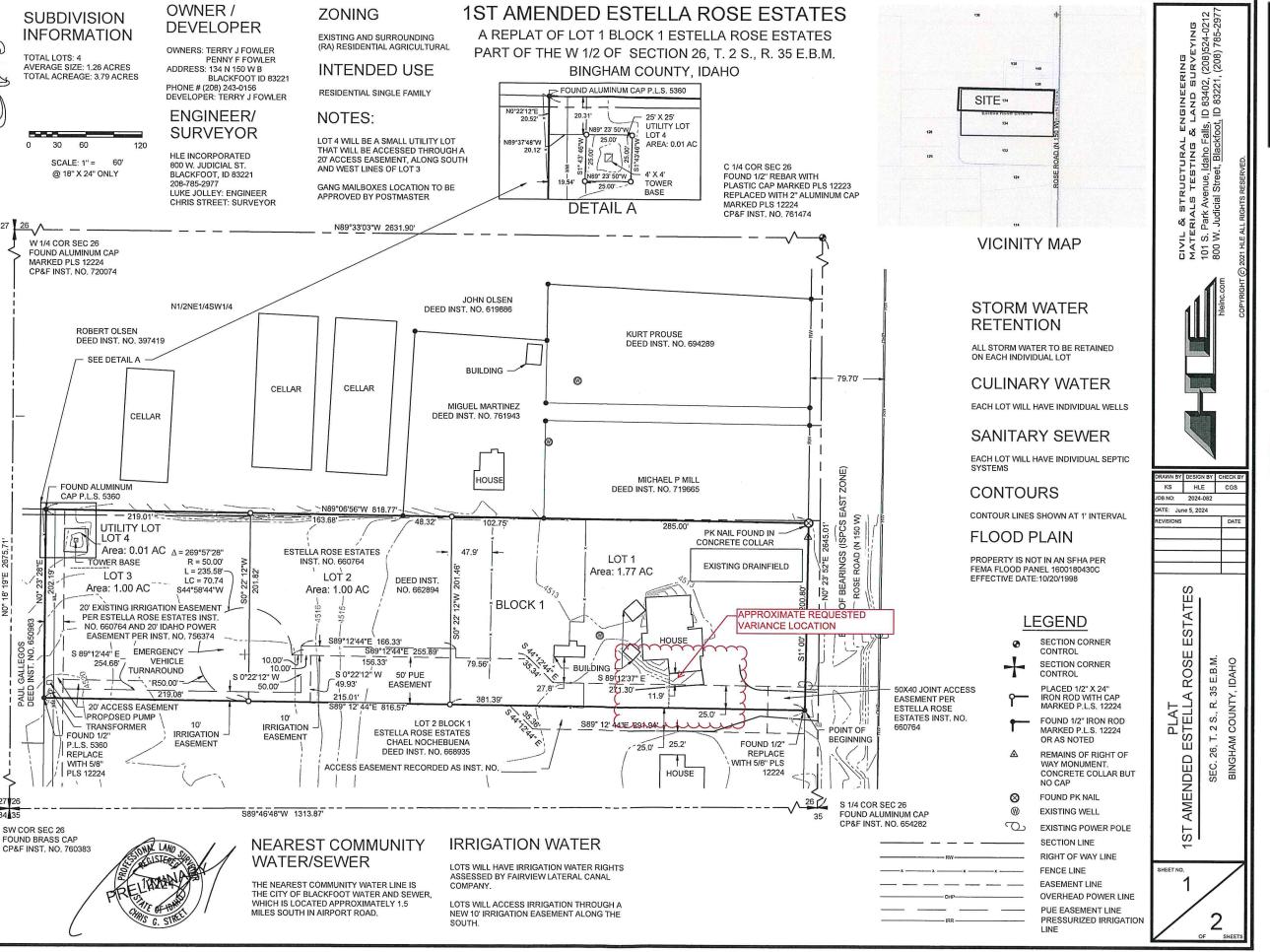


Exhibit A-12



## 1ST AMENDED ESTELLA ROSE ESTATES

A REPLAT OF LOT 1 BLOCK 1 ESTELLA ROSE ESTATES PART OF THE W 1/2 OF SECTION 26, T. 2 S., R. 35 E.B.M. BINGHAM COUNTY, IDAHO

Date

RECORDER'S CERTIFICATE	

## OWNER'S DEDICATION

Know all men by these present that the undersigned owner of the land described as:

Part of the SW 1/4 of Section 26, Township 2 South, Range 35 East B.M. Bingham County, Idaho described as:

Lot 1, Block 1, of Estella Rose Estates.

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PENNY FOWLER		

TERRY FOWLER

#### TREASURERS CERTIFICATE

I the undersigned County Treasurer in and for the County of BINGHAM, State of Idaho, per the requirements of Idaho Code 50-1308, do hereby certify that all county property taxes due for the property included in this project are current.

County Treasurer		

## CERTIFICATE OF APPROVAL

Sanitary Restrictions as required by Idaho Code Title 50, Chapter 13 have been satisfied. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

Date	Health District Signature
Date	ricaliti Diotrict Olgridiate

## **ACKNOWLEDGMENT**

TOTATOVELDOWLIN
STATE OF IDAHO ) COUNTY OF
On this day of202
before me a Notary Public, in and for said State, personally appeared Terry Fowler and Penny Fowler, known or identified me to be the signers of the Owner's Dedication and acknowledged to me that they signed said dedication freely ar voluntarily for the purposes therein mentioned.
Notary Public
Residing in
My commission expires:

## **ZONING APPROVAL**

The accompanying subdivision plat was reviewed and approved by the planning and zoning commission of the County of

Bingham, Idaho, this day of	, 202
Zoning Administrator	100000000000000000000000000000000000000

## **COUNTY APPROVAL**

	y accepted and approved i ioners, Bingham County, <b>I</b>	
adopted this	day of	, 2024
CI	hairman County Commissi	oners

### COUNTY SURVEYOR'S APPROVAL

I certify that I have examined this plat and find that it complies with Section 50-1305 of the Idaho Code.

Professional Land Surveyor	Date
daho License No. 12223	

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MATE 101 S. F 800 W.

DRAWN BY	DESIG	N BY	CHE	СКВ
KS	HL	E	С	GS
JOB NO:	2024	-082		
DATE: Jur	ne 5, 20	24		
REVISIONS				DATE
PLAT	D ESTELLA ROSE ESTATES	26 T 2 S. R 35 F B M		GHAM COUNTY, IDAHO

# SURVEYORS CERTIFICATE

I, Chris G. Street, a Registered Professional Land Surveyor in the State of Idaho, do hereby certify that this plat is an accurate representation of the survey



Chris G Street License No. 12224 Date

ST

PLAT AMENDED ESTELLA

## 1st AMENDED ESTELLA ROSE ESTATES SUBDIVISION - ZONING & SUBDIVISION MAP

