

**BINGHAM COUNTY PLANNING & ZONING COMMISSION**  
**REASON AND DECISION**

**APPLICATION OF:** South Thompson Lane Subdivision consisting of 3 lots, in a Residential/Agriculture Zoning District

**PROPERTY OWNER & DEVELOPER:** Lynn Coe Leavitt, Linnea Chidester, & Jenny Orgill

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**Requested Action:** Property owners Lynn Coe Leavitt, Linnea Chidester, and Jenny Orgill, requested to create a 3-lot subdivision to be known as “South Thompson Lane Subdivision” consisting of two (2) residential lots at 5.00 and 5.25 acres each and one (1) non-buildable lot identified as 35 E Pintail Lane (a private road), located in a Residential/Agriculture Zoning District and in the floodplain pursuant to Bingham County Code Title 10, Chapter 14 *Subdivision Regulations*. The Applicants applied for a Subdivision in 2022 consisting of four (4) lots but have since withdrawn that Application and wish to proceed with the Plat as proposed herein.

**Property Location:** South of 81 S 35 E, Blackfoot, Idaho, Parcel No. RP0447203, Township 3 South, Range 36 East, Section 06 consisting of 11.69 acres

**Applicable Regulations:** Bingham County Comprehensive Plan, Dated November 20, 2018  
Bingham County Zoning Ordinance 2012-08

**Public Hearing Date:** July 10, 2024

**I. MEETING NOTICE AND INFORMATION**

1. The following was reviewed by the Commission:
  - a. Application;
  - b. Staff Report; and
  - c. Testimony presented prior to the Public Hearing which included:
    - (T-1) Bingham County Treasurer; and
    - (T-2) Bingham County Surveyor; and
    - (T-2A) Bingham County Surveyor Supplemental; and
    - (T-3) Bingham County Public Works; and
    - (T-4) Bingham County Public Works.

2. After the Staff Report was presented, Commissioner Bingham questioned the Survey and the need for a Comprehensive Plan Amendment to which Assistant Director Jackman stated it is appropriate for the Comprehensive Plan to match the currently zoning designation however it was inadvertently missed on this Application and will not be considered at this time but would be remedied when the Comprehensive Plan Map designations are amended to match the Zoning District designations. Chairman Aullman questioned the private road and access to the buildable lots. Assistant Director Jackman stated that the Applicant is aware this private road can only access 4 residential lots.
3. Testimony was presented by (T-5) Applicant's Representative Chris Street, Professional Land Surveyor with HLE Inc. 800 West Judicial, Blackfoot, Idaho, commented this subdivision was recommended for approval in 2022 and has since been undeveloped at the request of the Developers but that earlier this year, the Applicants preferred to reengage the plat so a new Application has been proposed. The initial intention was to create a public road but there was a little contention between Applicant/Property owners that where Thompson Lane isn't paved, not all of the Applicants wanted to pave a new public road. It was ultimately determined to begin with a private road with the potential of becoming a County road at some point in the future. Mr. Street said there are two existing parcels that have legal access to the private road, the Risa's and the Wood's. The property to the north west is owned by the Applicants and has access from E 75 S and will grant easement access to De Boers property, which is located north of the Wood parcel.

Mr. Street explained that the Wood property is located in a Zone A floodplain with a base flood elevation which is provided on the Preliminary Plat. Mr. Street said test holes have been dug and groundwater was found at 7 feet which has been monitored for roughly 7 months in coordination with Southeastern Idaho Public Health. Commissioner Bingham verified the easement area for the private road is wide enough to become a County road if that were to be desired at some point in the future.

Commissioner Carroll stated that since the equalizing reservoir is close to the subject site, he wondered how much water fluctuation could affect this property. Mr. Street said he hasn't studied that specifically but did again indicate ground water was found in a range of between 4 and 7 feet and the spread of the fluctuation was 4 feet and added that the pad placed on the Wood's property is at 2 ½ feet above natural grade.

4. No testimony was received on the Application and the Public Hearing portion for this item was closed after Mr. Street's testimony.
5. Commission discussion included Commissioner Adams who disclosed the Risa's, one of the property owners to the north of the proposed Subdivision, is a close personal friend of his but that the relationship doesn't affect his ability to participate in the Application. The Commissioners didn't express any concerns and discussion was not held.

## II. REASON

The Planning and Zoning Commission found:

1. the Subdivision Application met the requirements in Bingham County Code Section 10-4-2(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 compatible with the surrounding area at larger than 1 acre and will be accessed from an existing private road, 35 E Pintail, to provide legal access to four (4) lots as required by Bingham County Code Section 10-6-8;
2. 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
3. the Application met the requirements in Bingham County Code Section and 10-14-4(B) as irrigation water will be assessed by the Blackfoot Irrigation Company and delivered from the Blackfoot Slough and Lloyd Canal through an existing buried ditch gravity pipe system with a 10-foot wide buried ditch easement utilizing 24 shares; and
4. the proposed Subdivision is considered to be consistent with the Bingham County Comprehensive Plan with proposed lot sizes that are consistent with the minimum lot size in an Agricultural Zoning District with a Comprehensive Plan Map Area of Agriculture. The Agriculture Area supports limited residential development which aligns with larger lot sizes in the proposed Subdivision; and
5. when Bingham County amends the Comprehensive Plan Map designations to correlate with the Zoning District designation, the Subdivision will be included in the amendment for a Map designation change to Residential Agriculture; and
6. the Application met the notice requirements of Idaho Code Title 67, Chapter 65 and Bingham County Code Section 10-3-6.

## III. DECISION

Based on the record, Commissioner Jolley moved to recommend approval of the South Thompson Lane Subdivision, to create a 3-lot residential subdivision consisting of 2 residential lots and 1 non-buildable lot identified as 35 E Pintail Lane, located South of 81 S 35 E, Blackfoot, Idaho on approx. 11.69 acres, as proposed by Lynn Coe Leavitt, Linnea Chidester, and Jenny Orgill.

Commissioner Carroll seconded the motion. Commissioners Jolley, Carroll, Adams, Bingham, Butler, Jewett, and Johns voted in favor and the motion carried.

William Aullman  
William Aullman, Chairman  
Bingham County Planning and Zoning Commission

July 25, 2024  
Date

Tiffany G. Olsen  
Tiffany G. Olsen  
Planning & Development Director

July 25, 2024  
Date