

## **BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS**

In regards to: The Ned & Barbara Gneiting Living Trust and Developers, Intermountain Development and Construction, LLC's, request for a Reconsideration of the Board of County Commissioners written decision on the Bishop Estates Subdivision dated February 26, 2025.

Board of County Commissioners Reconsideration Meeting Date: April 25, 2025

Property Owners: The Ned & Barbara Gneiting Living Trust  
Developers: Intermountain Development & Construction, LLC

**REQUESTED ACTION:** The request for reconsideration was provided by Mark V. Cornelison and D. Andrew Rawlings representing the Landowners. However, on March 19, 2025, Mr. Cornelison provided an email stating that the Landowners and Developers would be representing themselves.

At onset of the meeting, Commissioner Jensen stated in conjunction with the Public Hearing held on February 12, 2025, wherein Commissioner Manwaring recused himself pursuant to Idaho Code 74-403 and 74-404 due to a conflict. Therefore, Commissioner Manwaring would again be recused from the reconsideration of the subject Application and Commissioner Jensen would continue as acting Chairman.

With Commissioner Jensen, as Acting Chairman, and Commissioner Jackson present, the Board held the hearing for the reconsideration request on the record in an open meeting, and determined if The Ned & Barbara Gneiting Living Trust identified errors or specific deficiencies in the Decision for which the reconsideration was sought.

Legal Counsel stated that today's meeting is listed as a reconsideration, which is set out in Bingham County Code 10-10-3, which was reviewed for the record as follows:

10-10-3 (B): The Reconsideration hearing shall not be a public hearing but shall be a meeting open to the public. The hearing shall be an "on the record review," The Board shall only consider the underlying record, the written request for reconsideration, and the written specific deficiencies in the decision submitted by affected persons if any. The hearing shall be limited to consideration of the issue(s) included in the request for reconsideration. No oral testimony will be allowed from the audience or by the appellant. The Board may request legal advice from county legal counsel.

10-10-3(C): The Board may affirm, reverse, or modify the underlying decision. The Board may reverse or modify the underlying decision only if: (1) the Board finds that the substantial rights of the appellant or affected party has/have been prejudiced; and (2) the underlying decision is in violation or excess of constitutional or statutory authority; made upon unlawful procedure; not supported by substantial evidence; or arbitrary, capricious, or an abuse of discretion. The Board shall not have the authority to waive any requirements of this title or to take any action that is contrary to the specific provisions of this title.

## REASON

Per Bingham County Code 10-10-3(C)(1), Commissioner Jensen asked Commissioner Jackson if he felt that the substantial rights of the appellant or affected party have been prejudiced in anyway. Commissioner Jackson stated that he does not feel as though the rights of the appellant or affected party have been prejudiced. Commissioner Jensen concurred and stated that he also does not feel that the rights of the appellant or affected party have been prejudiced.

Per Bingham County Code 10-10-3(C)(2), Commissioner Jensen stated within the Request for Reconsideration, it stated in Idaho Code Section 637-6535(2)(b), this request for reconsideration is based upon the limited fact that, according to the Board's written decision, it appears to have misunderstood the scope of the question it was asked to consider an appeal from the Commission as well as the facts before it regarding the comparative cost to connect to Groveland Water Sewer District versus drilling a well and requiring that each owner have an individual septic.

Paul Rogers stated that Tiffany Olsen, Planning & Development Director, would like to clarify one item as there were details misrepresented by county staff in regards to the cost to connect to Groveland Water Sewer District and it is important to bring to the Boards attention that there was good justification in clarifying connection fees.

Ms. Olsen stated when she presented the Application to the Board, Commissioner Jensen asked Ms. Olsen how much it was to connect to the water system versus how much it was to install a well. Ms. Olsen stated at that time she represented to the Board that it was just over \$14,000 for the connection and \$15,000 for installation of a well and that they were similar in cost. Ms. Olsen stated she was inaccurate in that statement and within the reconsideration filed by the Applicant and the Developer, they brought to the Boards attention that the table provided may have been confusing to interpret but there is a sentence prior to the table that states that the table is a comparison of the cost to the end user to have a functioning water system and utilizes the models created and shown in the exhibits but the water connection to Groveland Water Sewer District will cost the end user \$14,657.11 more when installing wells. Ms. Olsen stated that she apologizes for the misrepresentation and clarified that amount is above and beyond that cost. Mr. Rogers stated that this was clarified within the Request for Reconsideration.

Commissioner Jackson stated within the reconsideration it states that collectively these additional costs increase the cost per lot by \$48,000, wherein Mr. Rogers clarified that is combined with the water and sewer.

Commissioner Jackson stated the Board should also consider the feasibility and how close it is to connect to Groveland Water Sewer District. Paul Rogers confirmed that during the previous hearing, it was stated that water connection was approximately 2,900 feet away.

Commissioner Jensen asked Commissioner Jackson if the Board violated any constitutional rights or statutory authority by placing the condition to connect to Groveland Water Sewer District and if he feels that there has been any information that would change his mind in regards to the previous decision made. Commissioner Jackson stated that he does not believe that the Board prejudiced

the applicant or violated their statutory authority. Commissioner Jensen concurred and stated that he also does not believe that the Board prejudiced the Applicant or violated statutory authority.

### DECISION

Commissioner Jackson moved that the Board does not find that the substantial rights of the appellant or affected party have been prejudiced. Commissioner Jensen seconded. Both voted in favor. The motion carried.

Commissioner Jensen moved to affirm the decision made by the Planning and Zoning Commission on February 12, 2025, with the conditions placed previously. Commissioner Jensen seconded. Both voted in favor. The motion carried.

A written decision shall be provided to the Applicant and/or affected person within sixty (60) days of receipt of the Request for Reconsideration or the Request is deemed denied. A decision shall not be deemed final for purposes of Judicial Review unless the process required Idaho Code Section 67-6535(2)(b) has been followed. The twenty-eight (28) day time-frame for seeking Judicial Review is tolled until the date of the written decision regarding reconsideration, or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

Dated this 21 day of May 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 21 day of May 2025, I served a true and correct copy of the Reason & Decision for the Request for Reconsideration of the Board of County Commissioners Reason & Decision for the approval of Bishop Estates Subdivision, with conditions, upon the following person(s) in the manner(s) indicated:

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| <input type="checkbox"/> Mail  | Intermountain Development & Construction LLC |
| <input checked="" type="checkbox"/> Email: <u>tanner@buildidc.com</u>  |  |
| <input type="checkbox"/> Hand Delivered                                |  |
| <input type="checkbox"/> Designated Courthouse Box                     |  |
|  |  |
| <input type="checkbox"/> Mail  | Tiffany Olsen                                |
| <input checked="" type="checkbox"/> Email: <u>tolsen@binghamid.gov</u> | Planning & Development Director              |
| <input type="checkbox"/> Hand Delivered                                |  |
| <input type="checkbox"/> Designated Courthouse Box                     |  |
|  |  |
| <input checked="" type="checkbox"/> Mail                               | Groveland Water & Sewer District             |
| <input type="checkbox"/> Email:  | PO Box 833                                   |
| <input type="checkbox"/> Hand Delivered                                | Blackfoot, Idaho 83221                       |
| <input type="checkbox"/> Designated Courthouse Box                     |  |
|  |  |
| <input checked="" type="checkbox"/> Mail                               | The Ned & Barbara Gneiting Living Trust      |
| <input type="checkbox"/> Email:  | 361 W. 200 M.                                |
| <input type="checkbox"/> Hand Delivered                                | Blackfoot, Idaho 83221                       |
| <input type="checkbox"/> Designated Courthouse Box                     |  |

  
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Lindsey Dalley, Commission Clerk