

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Murkwood Subdivision, a replat of Lots 1 and 2 of Block A in the Grimmert's Addition, to create a 4-Lot Residential subdivision located at approximately 759 West 200 North, 198 North 750 West and 196 North 750 West, all located in Blackfoot, on approximately 3.99 acres as proposed by property owners Mathew & Corrie Cagle and John & Tracy Stewart.

Board of County Commissioners Meeting Date: March 18, 2025

Property Owners & Developers: Mathew & Corrie Cagle and John & Tracy Stewart

The Board reviewed the record from the Planning & Zoning Commission Public Hearing held on January 23, 2025, 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: Murkwood Subdivision Narrative- HLE Engineering

A-3: Preliminary Plat

A-4: Warranty Deed (Inst. 664516), Quit Claim Deed (Inst. 758571), Warranty Deed (Inst. 570038), Bingham County Ordinance 2022-10 (Inst. 746910) & Warranty Deed (Inst. 429297).

A-5: 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: Letter from Grimmert Ditch Company regarding water shares

A-9: Postal Box Approval Letter

A-10: Grimmert Ditch Water Schedule 2024

S-2: Aerial Map

S-3: Zoning & Subdivision Map

S-4: Comprehensive Plan Map

S-5: Flood Plain Map

S-6: Utilities Map

S-7: Irrigation Provider Map

S-8: GIS Map

S-9: Notice of Posting- Addie Jo Jackman

S-10: Site Photos

S-11: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission

S-12: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Addie Jo Jackman

S-13: Property Owner List & Notice of Mailing- Addie Jo Jackman

2. Planning & Zoning Commission Meeting Exhibits & Minutes from January 23, 2025 and Planning & Zoning Commission sign in sheet for January 23 2025.

3. All Information and Testimony presented at the Commissions Public Hearing on January 23, 2025.
 4. Planning & Zoning Commission Reason & Decision, signed by Chairman William Aullman on March 5, 2025.
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- A. REQUESTED ACTION: Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the January 23, 2025 Planning & Zoning Commission Public Hearing, Property Owners and Applicants, Mathew & Corrie Cagle and John & Tracy Stewart, requested and received a recommendation for approval to create a four (4) lot subdivision, zoned "C1" Light Commercial and "R" Residential, from Lots 1 and 2 of Block A of the Grimmett's Addition to the Moreland Townsite, in accordance with Bingham County Code Title 10 Chapter 14 *Subdivision Regulations*, to be known as Murkwood Subdivision with a total of approximately 3.99 acres. The Cagle's intent by incorporating the Stewart parcels into the proposed subdivision is to increase the two parcels so each are slightly larger than 1.00 acre to prevent burial of the open ditch irrigation system as required by Bingham County Code Section 10-14-4(B)(4). The Bingham County Comprehensive Plan Map has all parcels designated as Residential/Residential Agriculture.
 - B. Because Lot 4 is less than one (1) acre in size and is located in a "C1" Light Commercial zone, approval by the Board of County Commissioners in necessary pursuant to Bingham County Code Section 10-6-6(B)(5) Area Regulations and has been noticed for action at the same meeting the Subdivision Application is presented.

REASON

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

- a. Recommendations for conditions of approval that would minimize adverse conditions, if any:
 - i. There were no concerns.
- b. The reasons for recommending the approval, conditional approval, modification or denial:
 - i. Chairman Manwaring stated this item will be addressed today during the rendering of decision.
- c. The proposed subdivision to be consistent with the Comprehensive Plan.
 - i. There were no concerns.
- d. The availability of public or private services to accommodate the proposed subdivision:
 - i. There were no concerns.
- e. The public financial capability of supporting services to accommodate the proposed subdivision:
 - i. There were no concerns.
- f. Any other health, safety, or environmental problems that may be brought to the commission's attention:

- i. The Board had no concerns. Chairman Manwaring stated there was no testimony provided at the hearing.
- g. The recommendations of a city if the proposed development is located within a City Impact Area or within one mile of a city not having a valid impact area:
 - i. There were no concerns.
- h. Chairman Manwaring asked Ms. Olsen to explain there being a "R" Residential Subdivision in a "C1" Light Commercial zone, wherein Ms. Olsen referred to Exhibit S-3 and explained that this specific zone is a blended area. Lots 3 and 4 will continue to be zoned Light Commercial, Lots 1 and 2 will be Residential and again these were only incorporated to increase the acreage to over one (1) acre to prevent the burial of the ditch.
- i. Chairman Manwaring confirmed that the water will be provided by the Grimmer Ditch Water Company, where it was confirmed there is plenty of water and will be gravity fed. Chairman Manwaring asked Ms. Olsen why there was an issue of burying the ditch. Ms. Olsen stated it would be expensive and within the first application the lots were one (1) acre and Code states One (1) acre or less requires a buried ditch. Ms. Olsen stated that the Cagle's went to a few individuals to determine what that would look like to bury the ditch for the area, wherein the approximate cost was \$80,000.00. Ms. Olsen reiterated that any parcels in a Residential subdivision with lots less than one (1) acre that is in the frontage needs to be buried and the subject ditch is not in the frontage, it is on the side and rear of the property. Ms. Olsen stated that County Code states that any parcels in subdivisions that are one (1) acre or less require a buried ditch, which is why Lot 1 and Lot 2 are proposed to be 1.03 acres.
- j. Chairman Manwaring stated that the Applicant had provided a postal box approval letter, which states that PO Boxes shall be used for development. Chairman Manwaring asked for confirmation from Ms. Olsen that all mail will be delivered by PO Box, to which Ms. Olsen confirmed.
- k. Commissioner Jackson had no questions or comments at this time.
- l. Commissioner Jensen stated that it is good that neighbors worked together on this matter.
- m. Ms. Olsen stated if moved for approval, because there is not a lot of infrastructure within the subdivision, there will not be any private road signs, approaches, or an approach permit until there is an application for building permit on Lot 1, she expects that a Final Plat will be before the Board quickly. Ms. Olsen stated that given the season, she will be sure that the Developers have irrigation to Lot 2 and the culvert has been installed, along with written verification from the ditch company as well as an on-sight observation, likely by the County Surveyor.

DECISION

Commissioner Jensen moved to uphold the decision of the Planning & Zoning Commission to approve Murkwood Subdivision, a replat of Lots 1 and 2 of Block A in the Grimmer's Addition, to create a 4-Lot Residential Subdivision located at approximately 759 West 200

North, 198 N. 750 W., and 96 N. 750 W., all located in Blackfoot, on approximately 3.99 acres as proposed by property owners Mathew & Corrie Cagle and John & Tracy Stewart. Commissioner Jackson seconded. All voted in favor. The motion carried.

Commissioner Jackson moved to approve the proposed Lot 4 to be less than one (1) acres in size, located in a "C1" Light Commercial zone, pursuant to Bingham County Code Section 10-6-6(B)(5), *Area Regulations*. Commissioner Jensen 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 2 day of April, 2025.

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



Whitney Manwaring, Chairman

Eric Jackson, Commissioner



Drew Jensen, Commissioner

CERTIFICATE OF SERVICE

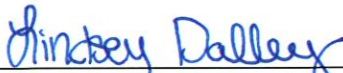
I certify that on the 2nd day of April 2025, I served a true and correct copy of the Reason & Decision for Murkwood Subdivision upon the following person(s) in the manner(s) indicated:

- ☐ Mail
- ☒ Email: cstreet@hleinc.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Chris Street
Professional Land Surveyor
HLE, Inc

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

Tiffany Olsen
Planning & Development Director



Lindsey Dalley, Commission Clerk