

## BOARD OF BINGHAM COUNTY COMMISSIONERS

### REASON & DECISION

In regards to: The Planning & Zoning Commission's recommendation to approve the request submitted by Rob and LaRee Wray, to develop a 7-lot subdivision with 6 single-family residential lots and one lot consisting of approximately 0.387 acres to be dedicated as a 50-foot wide public road right of way, to be known as Apple Grove Estates, on approximately 12.82 acres of land, zoned "R/A" Residential/Agriculture, in accordance with Bingham County Code, Title 10, Chapter 14, Subdivision Regulations.

Property Owner & Applicant: Rob & LaRee Wray

Board of County Commissioners Meeting Date: February 25, 2026

Prior to the Meeting, the Board of County Commissioners, reviewed the Application and materials submitted by the Applicants along with the Staff Report and all supplemental maps, notices and other materials.

### REASON

After presentation of the Staff Report by Addie Jo Jackman, Assistant Planning & Development Director, the Board of County Commissioners held discussion and deliberation, wherein they found the following:

1. The Application met the requirements of Bingham County Code Title 10, Chapter 14, *Subdivision Regulations*; and
2. The Application met the requirements of Bingham County Code Section 10-4-2(C), which states that the purpose of the "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 Board found the area surrounding the proposed subdivision to the north, west, and south is zoned Residential/Agriculture and features existing residential subdivision developments and a combination of farm/residential development with lands to the east zoned Residential, including the Groveland Townsite; and
3. The Application met the requirements of Bingham County Code Sections 10-6-6(B)(1) as the proposed lots exceed the 1-acre minimum allowed in a Residential/Agriculture Zoning District with individual culinary wells, septic systems, and drainfields on each lot. The Board found that connection to a community water or sewer system is not required under Idaho Code Section 42-3212 because the distance from available connections exceeds 200 feet from the proposed subdivision. Additionally, testimony was provided by the Applicant's Representative, both in the form of an engineered estimate and in verbal testimony, that established that extension of community utilities would not be economically feasible for the proposed density, which supported the Boards decision to recommend individual culinary wells, septic systems, and drainfields; and

4. Adequate access to all lots will be extended from 400 W. Groveland Road through an existing 50-foot-wide easement/private road that will be converted into a new county road, to be known as Baton Rouge Lane. The new county road is proposed to terminate in a temporary turnaround that will be removed/vacated at such time, if/when Baton Rouge Lane extends to the west; and
5. The subdivision will be irrigated utilizing ten (10) water shares via a new pressurized irrigation system, and that groundwater rights may be utilized if canal water is insufficient; and
6. The proposed subdivision is considered to be consistent with the Bingham County Comprehensive Plan, as the area is designated as Residential/Agricultural, which supports the Residential/Agriculture Zoning District.

Chairman Manwaring asked Ms. Jackman if the open space and community space area will be maintained or if there will be a Homeowners Association, wherein Ms. Jackman stated that was not specified but that it was stated on the record that the property has been cleaned up substantially since the development has occurred with the division right lots and the current owners. Ms. Jackman reiterated that there was no confirmation how it would continue to be maintained, whether by shared responsibility or independent responsibility. Ms. Jackman stated if the Board would like to place that as a condition to be sure it is maintained, that could be done.

Commissioner Jensen stated recently on subdivision proposals, the Fire Marshall has suggested a cistern and asked Ms. Jackman if that was discussed for this application. Ms. Jackman confirmed that was not discussed for this application.

Commissioner Jackson asked Ms. Jackman if the road would be paved, to which Ms. Jackman explained the road would be paved and would be a county road.

Chairman Manwaring stated there was discussion regarding water rights and asked Ms. Jackman if there was any groundwater. Ms. Jackman explained that there are groundwater rights, but no verification was provided within the application materials because the Applicant is not planning to utilize those for irrigation, but it was stated for the record at the Public Hearing before the Planning & Zoning Commission that there is groundwater rights associated with the property.

Chairman Manwaring asked if it was specified that a turnaround would be left in place, wherein Ms. Jackman stated the turnaround would remain until the road is proposed to extend to the west to intersect with Bond Road.

Chairman Manwaring asked Dusty Whited, Bingham County Public Works Director, if the proposed road, Baton Rouge, will need to be a 24-foot road, wherein Mr. Whited explained there will be 50 feet of right-of-way and 24 feet of pavement with 2 feet of compacted gravel on each side for shoulder.

Mr. Whited stated the engineer will have to determine if the current gravel road meets the county standards or not and what is there may need to be removed and replaced or could verify what is currently there and add to it. Mr. Whited reiterated that the road will be to county standards.

Discussion was held in regards to the box culvert, wherein Chairman Manwaring stated the culvert is located within the right-of-way and asked Mr. Whited how that would work. Mr. Whited explained that he is not sure how the road was placed and that was part of his concern that the road will need to be dug up and verified that it is installed to meet Idaho Standard for Public Works Construction and if not, it will need to be redone.

Chairman Manwaring asked for clarification and that if the culvert were within the right-of-way, it would need to be moved, wherein Mr. Whited stated that was correct if standards are not met.

Discussion was held in regards to irrigation, wherein Ms. Jackman stated the irrigation easement is on the north end of the lots and she believes that the pump is located to the north of the lots as well. Commissioner Jensen asked for clarification and that the testimony provided states there would be pressurized irrigation and no groundwater would be used at this point. Ms. Jackman confirmed that was correct.

Commissioner Jackson had no questions.

Commissioner Jensen had no questions.

Chairman Manwaring stated that he appreciates that the Applicant reached out to Groveland Water and Sewer on the cost to try to hook up and pursuant to Idaho Code 42-3212, only parcels within 200 linear feet are required to connect. Therefore, only lot 1 would otherwise be required, which is hard to require 1-lot at that expense. Commissioner Jackson stated that the cost would be prohibitive.

## **DECISION**

**Commissioner Jensen moved to conditionally approve the Apple Grove Estates Subdivision consisting of 7-lots, located West of 416 W. 175 N., Blackfoot, Idaho, on approx. 13.70 acres, as proposed by property owners Rob and Laree Wray, subject to the following conditions:**

- 1) Any open space will be maintained by each individual lot owner.**
- 2) The turnaround will remain in place until it is determined to be removed due to extension of the road.**
- 3) The box culvert may need to be dug up to meet specks or relocated to be out of the right-of-way**

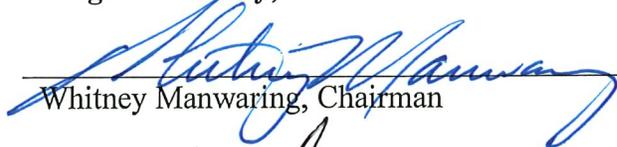
**Commissioner Jackson seconded. All voted in favor. The motion carried.**

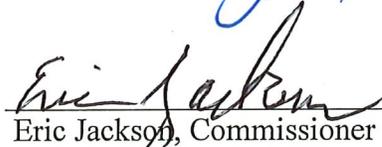
**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration 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 13 day of March, 2026.

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

  
Whitney Manwaring, Chairman

  
Eric Jackson, Commissioner

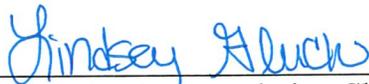
  
Drew Jensen, Commissioner

## CERTIFICATE OF SERVICE

I certify that on the 13 day of March, 2026, I served a true and correct copy of the Reason & Decision for the request for Apple Grove Estates Subdivision, upon the following person(s) in the manner(s) indicated:

- |   |                  |
|---|------------------|
| <input type="checkbox"/> Mail   | Rob & LaRee Wray |
| <input checked="" type="checkbox"/> Email: <u>roblaree@atcnet.net</u> | 3870 N. Moose Ln |
| <input type="checkbox"/> Hand Delivered                               | Moore, ID 83255  |
| <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                     |                                 |

  
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Lindsey Gluch, Commission Clerk