

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



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BOARD OF BINGHAM COUNTY COMMISSIONERS REASON & DECISION

In regard to: The Planning & Zoning Commission's recommendation to approve the request to develop a 3-lot residential subdivision, to be known as the Long Lane Subdivision, on approximately 6.57 acres of land zoned "R/A" Residential/Agricultural, located at 911 W 45 S, Blackfoot, ID, in accordance with Bingham County Code, Title 10, Chapter 14, *Subdivision Regulations*.

Property Owner & Applicant: David & Sylvia Long

Board of County Commissioners meeting date: June 24, 2026

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

REASON

After presentation of the Staff Report by Tiffany Olsen, 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 Board discussed concerns relating to the existing zoning designation and how it came to be at this location, but determined the subject parcel is zoned "R/A" Residential/Agricultural and meets the requirements of Bingham County Code Section 10-4-2 (C), which states the purpose of this zone; and
3. Although the lands surrounding the proposed subdivision are zoned "A" Agricultural, the area along 900 W Wilson Road consists of smaller parcels containing a residence, which is consistent with the proposed features of the Application; and
4. The Application met the requirements of Bingham County Code Section 10-6-6(B)(1), as the proposed lots exceed the 1-acre minimum allowed for in an "R/A": Residential/Agricultural zone with individual culinary wells, septic systems, and drainfields on each lot; and
5. Lots 1 and 2 will have access to 45 S, an existing 50-foot-wide private road, to 900 W Wilson Road; Lot 3 will have direct access to 900 W Wilson Road; and
6. A Water Users Agreement exists, and irrigation for the new lots will be utilized with existing groundwater rights from the Bingham Groundwater District, and the existing underground irrigation system will be expanded to deliver irrigation water to each lot by the Developer; and

7. The Board discussed concerns relating to the existing Comprehensive Plan designation but determined that 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; and

Chairman Manwaring referred to Exhibit S-4, Long Lane Subdivision Comprehensive Map, and asked Ms. Olsen if the light pink portion that comes down Wilson Road is considered an “R/A” Residential/Agricultural area, wherein Ms. Olsen stated that it is a Residential/Agricultural Area and has been since 2018. Ms. Olsen stated it appears that there are some roads within Bingham County that were added, some being within 300 and 500 feet on either side of the higher classification roads where development is anticipated. Chairman Manwaring asked Ms. Olsen for clarification and that it was 2018 when 3 Putt Partners came in to develop the proposed 16-lot subdivision, wherein she confirmed that to be accurate. Discussion was held in regard to sewer and water, wherein Ms. Olsen explained that Idaho Code supports connection within 200 feet of a sewer district line to a property that is being subdivided, it would be required to connect. Ms. Olsen stated that Bingham County Code and IDAPA regulations for public health don’t have a specific distance but use a word of “reasonable” distance for connection. Ms. Olsen stated testimony was received from Groveland Water and Sewer District, that there connections are not reasonably close or available for this application.

Commissioner Jackson stated there was testimony presented in regard to the lot size and asked Ms. Olsen for clarification. Ms. Olsen explained that the Applicants home is a proposed 2.4 acres and currently is 6.57 acres. Ms. Olsen stated that by dividing that 6.57 into three lots, the Applicant is retaining a little more than 2 acres and the 2 new lots to be created will be 2.00 acres.

Commissioner Jackson stated there was testimony provided in regard to the irrigation system to irrigate the new lots is already at capacity and asked Ms. Olsen if that would be a civil issue or would this be something to place a condition to have proper water to be applied to the lots without being at cost to the current landowners. Ms. Olsen stated that Bingham County Code provides that any subdivider or developer that has irrigation water, must provide irrigation to the new proposed lots at a rate that there is capacity and enough water to be utilized for those lots. Therefore, it would be incumbent on the developer to be sure that the system has the water and capability to support all parties but how that is effectuated would be civil. Ms. Olsen stated at the time of Final Plat, Planning & Development will work with the Engineer and Surveyor to conduct an inspection of the irrigation system to verify that it is operational. The Developer has to provide written verification that they have reviewed the size of the pump, the depth of the well, the length and size of the pipe and that it has been designed to sufficiently serve those that are receiving water.

Commissioner Jensen stated that Mr. Cronquist testified in regard to the footage of the pipe and asked Ms. Olsen how the footage was determined. Ms. Olsen stated if she understood correctly an additional 1200 feet of pipe would need to be added to support providing water to the two lots but that an irrigation design has not been received at this time. Discussion was held in regard to testimony provided by Mr. Cronquist, wherein he stated that the system was designed for 950 feet of pipe years ago; and was not designed to sustain the extension of an additional 1,200 feet of pipe. If another 500 feet is added, it is essentially tripling the capacity for a pump that wasn’t designed for that.

Commissioner Jackson asked if the matter should be remanded back to the Planning & Zoning Commission for additional information in regard to cost for adding to the mainline and would be burdened by the Applicant, wherein Ms. Olsen stated if the Board would like to approve the Application, that request could be placed as a condition that the Applicant provide written verification to the Planning & Development Department, that improvements to the system has been made in order to support the two lots and can provide capacity to all users that are on the system.

Commissioner Jensen asked Ms. Olsen if the system updates have to go through any lawns, the Applicant will need to repair that as well, wherein Ms. Olsen referred to County Code Section 10-14-4(4), titled Irrigation System, which reads, if water rights are currently associated with the land within the proposed subdivision boundary, then irrigation must be provided to each lot. Ms. Olsen stated that the county would require that a licensed engineer, irrigation professional, contractor and/or developer provide proof that the design and size of the pump is adequate to serve the number of proposed lots, and that the allotted water shares or water ownership conveys with the land. Again, that is for the three lots, if you were requiring a condition to ensure that the pump is adequate to serve the number of proposed lots plus the two adjacent lots that utilize those water rights. Ms. Olsen stated that is something that the county could require compliance with before final plat is approved or before lots are sold. Ms. Olsen stated a condition such as this has been required in the past where changes were made to an open ditch irrigation system and the county required downstream users to verify their water supply and capacity were not reduced by those changes, even though those users were outside the subdivision boundary.

Chairman Manwaring reiterated that the subject property was previously approved as Residential/Agricultural for a 16-lot subdivision and therefore does not view the current request as spot zoning. Along Wilson Road/900 West, the corridor is already zoned R/A, and this parcel ties into that corridor even though it appears surrounded by agriculture on the map.

Chairman Manwaring referred to Bingham County Code 10-14-15, and stated in regard to protective covenants, those are private matters to be handled by the landowners, HOAs and their boards. The Board nor Planning & Zoning Commission, enforce or base decisions on those covenants.

Chairman Manwaring referred to Senate Bill 1222 and stated that he does not believe it is particularly relevant to this specific subdivision application. Commissioner Jackson and Commissioner Jensen agreed.

Chairman Manwaring stated that testimony was provided by Mrs. Simper that, when she bought her property, everyone in the area signed covenants agreeing not to create additional lots on their approximately 5-6 acre lots. Chairman Manwaring asked Legal Counsel how that should be handled, wherein Mr. Rogers stated that a subdivision was approved many years ago and the covenants were signed. The neighbors likely had expectations when they signed the covenants, including limits on adding lots. However, Bingham County Code 10-14-15 states that the county must not base its land use decision on private covenants, so the Commissioners should exclude covenants from their decision making. Chairman Manwaring asked if the subject application is upheld, is that going to cause issues with the water situation. Mr. Rogers stated if neighbors believe the covenants are being violated, their recourse is through the court system and not through the county. The county's role is to apply its ordinances and standards, while judges handle covenant enforcement in any civil disputes between neighbors.

Ms. Olsen stated when the prior owner (3 Putt) sold the division rights they created covenants and a Water Users Agreement. Due to wording, the documents say they apply to "lots 1-3 of the Acres Subdivision", even though that subdivision was approved but never recorded, so technically does not exist as a subdivision. Because all affected owners signed and agreed, some neighbors argue the covenants are still enforceable privately, despite the subdivision not being recorded.

Mr. Rogers referred to Bingham County Code 10-14-15, which states protective covenants are meant to set higher private standards for future owners, they are enforced only through civil action, and local governments do not enforce covenants and may not use them as a basis for subdivision decisions. Therefore, the Board must not factor these covenants into its decision.

Chairman reiterated that the Board could approve the application but that the Department of Environmental Quality and Idaho Department of Water Resources will still need to approve the wells and septic. Therefore, there is still a chance that it could not be approved.

Mr. Rogers stated if the water is a concern to the Board, there is the ability to remand back to the Planning & Zoning Commission for additional information and to be sure that an expert is brought in or a condition could be placed that the Applicant is required to have an expert come in and make sure that the system is adequate.

Commissioner Jensen stated that he agreed with Planning & Zoning Commissioner Jolley when he stated that the project wasn't compatible with the surrounding area. However, it is unlikely that anyone will come in and farm a five acre parcel as a full farm. Commissioner Jensen stated that these parcels are more realistic as household farms and it is preferable to concentrate on new houses in this location rather than have a residential development spread out more widely into the surrounding farming area. Chairman Manwaring stated that he had that written as a note as well and that the farmers have larger equipment and do not want smaller parcels, but the parcel will still allow an individual to grow a garden or crops and raise beef or other animals.

Commissioner Jensen stated that he respects the landowner's private property rights and understands that they are trying to make room for children to return, but the main concern is not reducing irrigation opportunities for existing users. Therefore, he would be in favor of remanding the application to the Planning & Zoning Commission for more information on the irrigation system, rather than simply adding a condition without fully understanding the system, so any solution provides a clear, substantial benefit to all affected parties.

Chairman Manwaring stated if the application moves forward rather than being remanded, a condition could be placed requiring the Applicant to pay the full cost of hiring someone to evaluate the pump and water pressure, and if needed, to upgrade the pump and extend/upgrade piping on the property to ensure adequate irrigation. Commissioner Jensen stated that he would be in favor of placing such condition.

Commissioner Jackson stated that it is well stated that the Applicant is responsible for the water condition but to him, this Application is not consistent with the Comprehensive Plan or surrounding area. Specifically, placing two smaller lots alongside three existing five-acre lots.

Chairman Manwaring stated although there are concerns, this property already lies in the Residential/Agriculture zone, where one-acre lots are allowed. The proposal creates three lots on approx. 6.6 acres (roughly two acres each), so the subdivision meets the R/A zoning standards and is an allowed use.

Commissioner Jackson stated that he agreed with Planning & Zoning Commissioner Carter who recommended denial because it was inconsistent with the surrounding areas.

DECISION

Commissioner Jensen moved to uphold the Planning & Zoning Commission's recommendation to approve the proposed three lot residential subdivision to be known as Long Lane Subdivision, as proposed by Property Owners and Applicants, David & Sylvia Long, which will be located at 911 West 45 South, Blackfoot, Idaho, with the following conditions:

- 1) The Applicant is required to provide and update the irrigation/watering system as needed, ensuring all affected properties have adequate water pressure, with all upgrade costs paid by the Developer/Applicant.

Chairman Manwaring seconded.

Commissioner Jensen moved to amend the motion to add the following condition:

- 2) The Applicant, at his expense, hires a professional engineer to design the water system so that the pump and piping will be adequate to provide for all affected properties.

Chairman Manwaring seconded. Chairman Manwaring and Commissioner Jensen voted in favor. The motion passed.

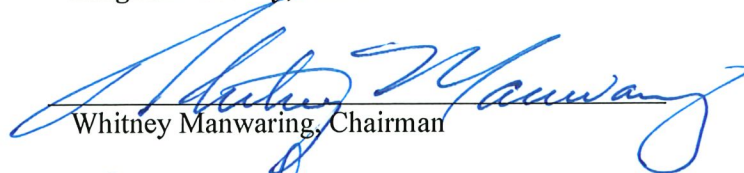
Commissioner Jackson voted in opposition as he did not feel that the Application is consistent with its surrounding area with the five acre lots versus the two acre lots.

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 10th day of July 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 10th day of July 2026, I served a true and correct copy of the Reason & Decision for the Long Lane Subdivision upon the following person(s) in the manner(s) indicated:

- ☐ Mail
- ☒ Email: SLong1721@gmail.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

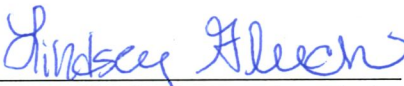
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Tiffany Olsen
Planning & Development Director



Lindsey Gluch, Commission Clerk