

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

APPLICATION OF: Twin Buttes Division No. 1, 1st Amended Subdivision, a replat of lots 2 and 3 of the Twin Buttes Subdivision

PROPERTY OWNERS: Jeffery and Kay Lynne Baldwin

Requested Action: Property Owners and Applicants, Jeffery Allen and Kay Lynne Baldwin, requested to replat lots 2 and 3 of the Twin Buttes Subdivision Division No. 1, to develop a four-lot subdivision, to be known as Twin Buttes Subdivision Division No. 2, on approx. 5.257 acres of land, zoned "R/A" Residential/Agriculture, in accordance with Bingham County Code Title 10 Chapter 14 Subdivision Regulations. Lots 1, 2, and 4 of the proposed subdivision range in size from 1.10 to 1.34 acres, and are proposed to have individual culinary wells, individual septic systems, and drainfields when developed. Lot 3 is proposed to be 1.63 acres in size and consists of the Applicant's residence, served by an existing culinary well, septic system, and drainfield. Access to all lots will be provided via an existing driveway, which is proposed to be converted to a private road/easement extending from Highway 26. Irrigation water will be provided utilizing groundwater rights assessed by the Bingham Ground Water District with distribution via an above-ground system. The lots are not located within an irrigation district and do not have access to surface water rights.

Property Location: Parcel Nos. RP8266580 and RP8266590, 1017 W Highway 26, Blackfoot, ID 83221, consisting of approx. 5.257 acres.

Applicable Regulations: Bingham County Comprehensive Plan dated November 20, 2018
Bingham County Zoning Ordinance 2012-08, as amended

Public Hearing Date: December 10, 2025

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:
 - a. Application and materials submitted by the Applicant; and
 - b. Staff Report, maps, notice, and other materials.
2. Planning and Development Services Assistant Director/Lead Planner Addie Jo Jackman presented the Staff Report for the Application. She reviewed the requested action and

acknowledged that before the Public Hearing, the Commissioners were provided the record of written testimony received, which included:

(T-1) Bingham County Treasurer submitted testimony in a neutral position stating that the taxes will need to be prepaid for the 2025 year before the Treasurer signs the plat.

(T-2) Bingham County Public Works submitted testimony in a neutral position stating that Baldwin Lane is an acceptable name for the private road and that the Developer is responsible for the placement of a new private street sign.

(T-3) The Department of Environmental Quality submitted testimony on a neutral position and offered their general recommendations for land development projects.

3. With no questions from the Commission, testimony was presented by the Applicants' Representative (T-4) Stewart Ward, with Dioptra, LLC, 4880 Clover Dell Rd, Chubbuck, ID, who added that this property has a groundwater irrigation right that will be shared among all 4 lots.
4. Testimony in a position of support or in a position of opposition was not received.
5. Testimony in neutral was received from (T-5) Rodney Johnson, 1013 W Highway 26, Blackfoot, ID, who expressed concerns about flooding in the area and explained that stormwater flows through a gully that runs along Highway 26. Over the years, he stated that this recurring runoff has caused basement flooding, septic backups, and standing water for multiple homes. He added that the most serious issue occurs at 500 North, where the water pools because there is no culvert under the roadway, which prevents the water from continuing to flow. Mr. Johnson's primary concern was the long-term impact this unmanaged drainage has on multiple households, including new property owners who would be affected by the water flow pattern. He thought the best way to move forward was to install a proper culvert under 500 North and ensure proper drainage; this improvement would give water a clear outlet, reduce flooding for all affected properties, and create a manageable, long-term solution for the neighborhood. Commissioner Carter asked Mr. Johnson to point to his property on the Courtroom screen; an image of this was entered into the record as Exhibit T-5A.
6. With no further questions, the Applicant's Representative, Mr. Ward, provided a rebuttal statement explaining that he understood Mr. Johnson's concerns and that any new homes would have to go through an approval process for development in floodplain-designated areas. Director Olsen responded to questions of the Commission regarding floodplain development standards, requirements for construction above base flood elevation, and the requirements of Elevation Certificates. She further explained that in areas prone to flooding or where surface water is present, the Department of Public Health conducts test-hole evaluations as part of the septic permitting process. Based on the conditions observed, the Department may require a higher level of treatment using what is referred to as a "complex septic system." She stated that these systems provide enhanced filtration and greater

protection for the property owner and groundwater protection, and that there are several of these advanced systems approved in this area due to similar conditions.

7. Commission discussion commenced with Commissioner Carter asking if septic systems had been approved for properties in the floodplain. Director Olsen confirmed this is true. She explained the process administered by the Idaho Department of Public Health for when a septic system permit is requested. She said that the State analyzes a test hole to determine what type of septic system is appropriate by reviewing the soil type, determining if subwater is present when the test hole is analyzed, and that such a finding may determine if additional monitoring may be necessary. Commissioner Carter testified that he believed that approving this Application would be a disservice to the future property owners because it may put individuals in jeopardy and possibly create downstream public health concerns with the property being primarily in the floodplain.

Commissioner Watson testified that he believed there was not much that could be done to alleviate flooding concerns, as this area is in a floodplain designated area. Chairman Johns added that there are options available to develop in the floodplain and that the County would require the future homeowners to meet all construction requirements.

Commissioner Thomson asked if the existing home within the subdivision had an Elevation Certificate? Director Olsen stated she wasn't certain and did not have that information available to her. Commissioner Carter added that the current existing home appeared to be south of the floodplain, but that the to-be-created lots are mostly in a floodplain designated area.

Commissioner Tominaga asked if development of the homes would need to be built up in elevation, to which Director Olsen responded that this property is in a flood zone "A", and that any new construction in this designation would need to be built above the base flood elevation. She also added that basements or crawlspaces more than four (4) feet in depth are not allowed in the floodplain and that the Applicant had been made aware of this information.

Commissioner Winder testified that he believed the Idaho Department of Public Health would monitor test holes and the area to determine which type of septic system would be compatible for the subdivision.

II. REASON

The Planning and Zoning Commission found:

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.

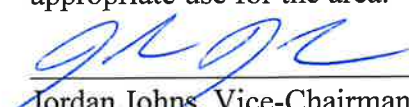
The Commission found the area to the south, east, and west of the proposed subdivision is zoned Residential/Agriculture, consisting of undeveloped ground to the south and west, and residential parcels to the southeast, and east; and

3. the property does not lie within an irrigation district boundary, but irrigation water will be provided utilizing groundwater rights assessed by the Bingham Ground Water District with distribution via an above-ground system. In accordance with Bingham County Code Section 10-14-4(f) and Idaho Code Section 31-3805, a Water Users Agreement for the lots within the Subdivision will be recorded before the Final Plat; and
4. adequate access will be provided from Highway 26 by converting an existing driveway to a private road/easement, subject to approval from the appropriate fire district to verify adequate construction and turnaround; and
5. the Application met the requirements of Bingham County Code Section 10-6-6(B)(1) as the proposed lots meet the 1-acre minimum allowed for in a Residential/Agriculture Zoning District with individual culinary wells, septic systems, and drainfields on each lot; and
6. the property lies within a designated floodplain area however, there are rules and regulations to be followed during construction to keep any structure reasonably safe from flooding; and
7. the Comprehensive Plan Map area is inconsistent with the Zoning Designation, but because this is a replat of an existing subdivision, a Comprehensive Plan Map Amendment is not required; and
8. the Public Hearing 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 Watson moved to recommend approval of the Twin Buttes Division No. 1, 1st Amended Subdivision, a replat of Lots 2 and 3 of Twin Buttes Subdivision Division No. 1, to create a 4-lot residential subdivision, located at approx. 1017 W Highway 26, Blackfoot, ID, on approx. 5.257 acres as proposed by property owners Jeffery and Kay Lynne Baldwin.

Commissioner Winder seconded the motion. Commissioners Watson, Winder, Thomson, and Tominaga voted in favor. The motion passed. Commissioner Carter voted in opposition based on the area being in the floodplain and that he did not believe building more houses would be an appropriate use for the area.


Jordan Johns, Vice-Chairman/Acting Chairman
Bingham County Planning and Zoning Commission

12-23-25
Date