

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

APPLICATION OF: Willowbrook Meadows Subdivision, a 2-lot Residential Subdivision

PROPERTY OWNERS: Daren & Terri Ferrell

Requested Action: Property Owners and Applicants, Daren & Terri Ferrell, requested to develop a 2-lot residential subdivision on approx. 2.96 acres of land, zoned “R/A” Residential/Agriculture, in accordance with Bingham County Code Title 10 Chapter 14 *Subdivision Regulations*, to be known as Willowbrook Meadows Subdivision, with lot sizes to be 1.05 and 1.69 acres in size. Lot 2 is intended for the construction of a new residential home for the Applicant, and Lot 1 will be held for future residential use and/or for posterity. Lots are proposed to have individual culinary wells, individual septic systems and drainfields. Access will extend directly from 950 W Pine Road. Surface water rights will be provided and assessed by the People’s Canal & Irrigation Co. and delivered through an open ditch with two (2) existing culverts.

Additional Information: On August 13, 2025, the Applicants received a recommendation of approval by the Planning and Zoning Commission for a Zoning Amendment on Parcel No. RP0211713 from a combination of “A” Agriculture and “R/A” Residential/Agriculture to all “R/A” Residential/Agriculture, and a Comprehensive Plan Map Amendment from Agricultural to Residential/Agricultural, on a total of 4.46 acres of land, to facilitate the proposed subdivision development. The Board of County Commissioners will also need to find that the Zoning and Comprehensive Plan Map Amendments meet the requirements of Bingham County Code prior to preliminary plat entitlement of the Willowbrook Meadows Subdivision pursuant to Bingham County Code Section 10-15-7.

Property Location: 30 N 950 W, Blackfoot, Idaho 83221. Parcel No. RP0211713, consisting of approx. 2.96 acres

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

Public Hearing Date: September 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. At the Public Hearing, 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 Surveyor submitted testimony in a neutral position and stated they have no concerns.

(T-2) Bingham County Public Works submitted testimony in a neutral position and stated that any new approaches must meet current Bingham County Standards.

(T-3) Idaho Department of Environmental Quality submitted testimony in a neutral position and offered its general recommendations for land development projects.

(T-4) Bingham County Treasurer submitted testimony in a neutral position and stated the taxes will need to be prepaid for the 2025 year before the Treasurer signs the plat.
3. With no further questions from the Commission, testimony was received from the Applicant (T-5) Daren Ferrell of 30 N 950 W, Blackfoot, ID, who testified that they don't have immediate plans to develop their property, but rather at some point in the future. Commissioner Bingham asked about the existing outbuildings shown on the aerial imagery and their proximity to the proposed subdivision boundary lines. Assistant Director Jackman advised the Commission that the parcel lines on the images are an approximation of the County's GIS system and are not always an accurate depiction. Chairman Adams asked Mr. Ferrell to explain the ditch irrigation system and how that would work with neighboring properties. Mr. Ferrell responded by testifying that the ditch also serves his neighbors, Tate & Kylie Hansen, with whom he has been in communication, recognizing they have a right to the ditch irrigation water as well. Mr. Ferrell testified that he and the Hansen's have discussed creating a written agreement related to the use of the ditch, but have yet to finalize any documentation.
4. No testimony in a position of support or in a position of opposition was received.
5. Testimony in a neutral position was presented by (T-6) Tate Hansen of 40 N 950 W, Blackfoot, ID, who resides directly north of the Ferrell's property. Mr. Hansen testified that he is concerned about the existing ditch. He wanted to ensure that he would have access to maintain the ditch and proper flow to his property if the ditch were relocated to facilitate the subdivision development. Commissioner Winder asked Mr. Hansen what conditions or restrictions could be placed on the subdivision to protect his interest in the ditch. Mr. Hansen requested covenants or some type of agreement that all future owners of the

Ferrell's subdivision lots would have to abide by. Director Olsen commented that the Bingham County Code requires the Developer to enter into a Water Users Agreement, which is recorded with the land. This Agreement would set out the use, responsibility for maintenance, and other affairs related to the ditch and would be a part of a Title Report for any future lot owners. Director Olsen acknowledged Mr. Hansen's familiarity with Idaho Code Title 42 and the rights of ditch users. She commented that if there were to be an issue with the relocation of the ditch that impedes Mr. Hansen's flow or access, it would be a civil issue between him and the lot owner.

6. Mr. Ferrell provided a brief rebuttal statement to Mr. Hansen's testimony that he is more than happy to work out a written agreement to provide clarification on the ditch.
7. Chairman Adams then closed the Public Hearing for this Application and commenced Commission discussion. Commissioner Bingham confirmed with Director Olsen that when a structure is built, setbacks will be verified from the ditch, existing buildings, and property lines. The Commission found no concerns with the development of the property into a subdivision based on the Application and the testimony received.

II. REASON

The Planning and Zoning Commission found:

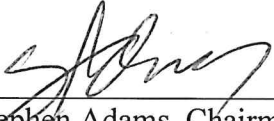
1. that the Board of County Commissioners will need to approve the Applicant's Zoning Amendment in order for the development of the Willowbrook Meadows Subdivision to proceed; and
2. the Application met the requirements of Bingham County Code Title 10, Chapter 14, *Subdivision Regulations*; and
3. the Subdivision Application met the requirements of Bingham County Code Section 10-4-2(D) as the purpose of the "R/A" Residential/Agriculture zone is to permit the establishment of low density single-family dwellings with lot sizes sufficient for individual sewer and water facilities that have suitability of parcel for agricultural purposes; proximity to existing areas of similar population density; lot size compatible with existing lot sizes in the immediate area; compatible with the existing uses in the immediate area; protection from incompatible uses; accessibility to adequate utilities; and adequate service by roadways. The Commission reviewed the Application and did not have any concerns with these criteria being met; and
4. the area consists of primarily residential parcels to the north, east, and south, with agriculturally farmed parcels to the west. The Commission also found Residential/Agriculture zoning exists to the north, east, and south; and
5. the Application met the requirements of Bingham County Code Sections 10-6-6(B)(1) as the proposed lots meet the 1-acre minimum allowed for in a Residential/Agriculture Zoning District with an individual culinary well, individual septic system, and drain field on each lot; and

6. that surface water rights exist with the People's Canal and Irrigation Company. The ditch is proposed to remain open and shall provide irrigation delivery in accordance with Bingham County Code Section 10-14-8(H) and Idaho Code Section 31-3805 with a Water Users Agreement for the lots within the Subdivision to be recorded prior to the Final Plat; and
7. adequate access will be provided from 950 West Pine Road with new approaches subject to permitting from Bingham County Public Works; and
8. 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
9. 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 Jolley moved to recommend approval of the Willowbrook Subdivision, to create a 2-lot residential subdivision located at approx. 30 N 950 W, Blackfoot, ID, on approx. 2.96 acres as proposed by property owners Daren and Terri Ferrell.

Commissioner Johns seconded the motion. Commissioners Jolley, Johns, Bingham, Watson, and Winder voted in favor. The motion passed.



Stephen Adams, Chairman
Bingham County Planning and Zoning Commission

10-8-25
Date