

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

APPLICATION OF: Hendricks Hollow Subdivision, a 4-Lot Subdivision in a “R/A” Residential/Agriculture Zoning District

PROPERTY OWNERS: Rodney & Robin Hendricks

Requested Action: Property owners, Rodney and Robin Hendricks, requested a 4-lot Subdivision, to be known as the “Rod Hendricks Subdivision,” on approx. 4.50 acres, located in a “R/A” Residential/Agriculture Zoning District, with lots ranging in size from 1 acre to 1.38 acres, located at 480 W 300 N Tressel Road, Blackfoot, ID at the Planning and Zoning Commission meeting on November 9, 2022 but the Application was tabled so that the Applicants could obtain additional information verifying the appropriate irrigation water share ownership and method of irrigation water delivery to be served to the proposed subdivision and meet Bingham County Code Section 10-14-4(B)(4)(d). A copy of the November 2022 record is included herewith for reference.

Since the previous Public Hearing, the property owners have verified water rights assessed by the People’s Canal and Irrigation Company to serve all lots with irrigation delivered through the Dubois Ditch with a pressurized 2” buried pipe from an existing irrigation pump, within an easement along the west side of each lot. The Applicants also amended the name of the proposed Subdivision to the Hendricks Hollow Subdivision.

Property Location: Parcel No. RP7063900 (Lots 9-12 of Block 7, Atomic City, ID) consisting of approx. 0.55 acres; Township 1 North, Range 31 East, Section 03

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

Public Hearing Date: May 14, 2025

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:

- a. The record of the first Public Hearing before the Planning and Zoning Commission on November 9, 2022; and
- b. Application and materials submitted by the Applicant for the second Public Hearing; and
- c. Staff Report with exhibits; and
- d. Testimony received before the second Public Hearing included:

(T-9) Bingham County Surveyor who submitted neutral testimony indicating she has no comments or concerns on the updated Application.

(T-10) The Department of Environmental Quality who submitted neutral testimony providing general recommendations for land development projects.

(T-11) Bingham County Public Works who submitted neutral testimony and stated a new turnout must be built to county standards and existing mailboxes must be built to county standards.

(T-12) Bingham County Treasurer who submitted neutral testimony and stated Rod Hendricks has the 2nd half of 2024 on 1 parcel and needs to prepay 2025 on all parcels.

(T-13) Southeast Idaho Public Health submitted neutral testimony and stated the owner/developer will need to apply for a land development application, pay fees, and prepare the lots for a subsurface wastewater disposal evaluation. The owner is responsible for digging test holes for soil development.

2. At the Public Hearing, the Staff Report, which included the above-mentioned testimony, was presented by Tiffany Olsen, Planning and Development Services Director.
3. With no questions from the Commission, testimony was presented by Applicants' Representative, (T-14) Chris Street, HLE Inc., 800 W. Judicial, Blackfoot, ID, who stated that the reason for the Application being tabled in 2022 was that although the Applicants had water rights, Dubois Ditch did not have capacity to carry the water at that time which had since been resolved. Mr. Street confirmed that an irrigation system had been installed, inspected, and was currently in functioning condition. Furthermore, the Blackfoot/Snake River Fire Marshal had been on site to review the existing approach, which will be converted to a private road/easement, and they were awaiting his written approval. Mr. Street noted there are existing mailboxes in the southeast corner of Lot 4, and the Postmaster had approved the addition of three new mailboxes, which will be required to meet the standards for Bingham County.

Commissioner Adams confirmed the location of the lots in relation to the easement. Mr. Street stated that the access road exists and will be increased to fifty (50) feet in width and will meet the specifications with a fire turnaround. He also added that these lots are for family members of the Applicants. Commissioner Jolley confirmed the distance to the nearest public sewer system was 1 mile to the south and $\frac{3}{4}$ of a mile to the east.

4. With no further questions for Mr. Street, the Chairman called for testimony from the public. Testimony in a position of support, neutral, or in opposition to the Application was received. Chairman Aullman then closed the Public Hearing.
5. During Commission discussion, Commissioner Carroll stated that he appreciated that this Application was tabled to allow the concerns to be addressed. The Commissioners did not provide any other comments or concerns on the Application.

II. REASON

The Planning and Zoning Commission found:

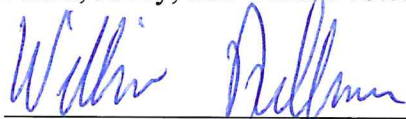
1. the Application met the requirements of Bingham County Code Section 10-4-2(D) as the purpose of the "R/A" Residential/Agriculture zone is to permit the establishment of low density single-family dwellings with lot sizes sufficient for individual sewer and water facilities that have suitability of 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
2. 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 and individual septic system and drain field on each lot; and
3. the Application met the requirements of Bingham County Code Title 10, Chapter 14, *Subdivision Regulations*. More specifically, Bingham County Code Section 10-14-4(B)(4)(d) as the Commission received a written letter from the Dubois Ditch Company (Exhibit A-8) stating the Applicant is in good standing with the Company, that all assessments, fees, and obligations related to water rights and ditch maintenance had been paid in full, and that there were no outstanding balance or compliance with their account. Additionally, the Applicant's Representative, Chris Street, testified that an irrigation system had been installed, inspected, and was in functioning condition to all lots; and

4. legal access to all four (4) lots will be from an existing driveway that will be converted to a 50-foot-wide access easement extending from 300 N Tressel Road, with an emergency service turnaround.
5. 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
6. 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 Carroll moved to recommend approval of the Hendricks Hollow Subdivision to create a 4-lot residential subdivision, located at approximately 480 W 300 N, Blackfoot, Idaho, on approx. 4.50 acres, as proposed by property owners Rodney & Robin Hendricks.

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



William Aullman, Chairman
Bingham County Planning and Zoning Commission


Date