

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

APPLICATION OF: Morning Dew Subdivision

**PROPERTY OWNER &
APPLICANT:** Douglas Williams

Requested Action: Property Owner and Applicant, Douglas Williams, requested to develop a five-lot residential subdivision, on approx. 6.71 acres of land, zoned "R/A" Residential/Agriculture, in accordance with Bingham County Code Title 10 Chapter 14 *Subdivision Regulations*, to be known as Morning Dew Acres.

Property Location: Parcel No. RP0365121 & RP0365120, located south and east of 431 W Riverton Road, Blackfoot, 83221, consisting of approx. 6.71 acres.

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

Public Hearing Date: January 14, 2026

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 Public Works submitted testimony in a neutral position and stated all new approaches must meet current Bingham County Standards. Riverton Road is a major collector and the speed limit is unposted.

(T-2) Mark Pratt, President of Eastern Idaho Water Company, submitted testimony in a neutral position, stating the Applicant owns 19.7 shares with the Eastern Idaho Water Company. Shares are not allowed to be divided in amounts less than 5 shares per individual. Additionally, any subdivision should hold the water rights collectively in a homeowners association.

Staff Comment contained in the Staff Report: Staff clarified that water can be provided to each lot with the existing shares as long as they are collectively held in an HOA and not individually held by each lot owner.

3. With no questions from the Commission, testimony was presented by the Applicants' Representative (T-3) Chris Street, Professional Land Surveyor with Harper Leavitt Engineering, 800 W Judicial, Blackfoot, ID, who provided a larger map of the plat, which was entered into the record as Exhibit T-3A. He explained that Mr. Williams owns 6.71 acres, which were primarily alfalfa flood-irrigation fields. Mr. Street testified that Mr. Williams has had a difficult time flood-irrigating and getting enough water for the alfalfa, and due to this, has chosen that the best use of this ground would be to develop it. He stated that the proposal consists of larger lots, which would be accessed from a private gravel road with an emergency vehicle turnaround built to fire code standards. He explained that prior to the subdivision being approved, the road would be inspected by the local Fire Chief to ensure it is built in accordance with the Fire Code. Mr. Street testified that there will be an open ditch running along the westerly side of the proposed private road for homeowners to access their water rights. He added that Riverton Road has a functional classification of Arterial, which is the largest County Road classification designed to handle the most traffic. He stated that a traffic study is not required for a proposed subdivision smaller than 100 lots. He concluded that this area was zoned correctly for this type of development, and the plat met the minimum lot size requirement.
4. Testimony in a position of neutral, favor, or opposition was not received. Acting Chairman Johns then closed the Public Hearing for this Application.
5. Commission discussion commenced with Commissioner Jolley questioning whether a pressurized system was required if there was more than one lot. He noted this Application was proposed with a gravity system, and that testimony stated it was not functioning well. Although it looked like there was a plan in place, he mentioned that he may have more questions for Mr. Street.

Commissioner Thomson expressed concern that irrigation in the area was under significant scrutiny and may not have been properly permitted by the City of Blackfoot. He referenced major flaws in the system, explaining there were 10 shares of water in the Eastern Idaho Water Company, with the Miners' Ditch serving as the carrier. Commissioner Jolley also asked about a black line shown on Exhibit S-2, unsure whether it represented a property line or the ditch location.

6. Due to additional questions, Commissioner Jolley motioned to reopen the Public Hearing. Commissioner Tominaga seconded the motion. Commissioners Jolley, Tominaga, Carter, Thomson, and Winder voted in favor. The motion passed.

Mr. Street clarified that the black line on Exhibit S-2 was a property line and that Mr. Williams owned both parcels. Regarding irrigation, Mr. Street testified that Mr. Williams had been in contact with the irrigation company and suggested that a condition requiring a pressurized system could be added if the Commission felt it was more appropriate. He explained that Mr. Williams sought residential development because he lacked sufficient water to irrigate alfalfa.

Commissioners discussed the location of the proposed new ditch and road. Mr. Street confirmed the ditch would be new and identified its location on the plat map. An image of the screen was entered as Exhibit T-3B, noting that it followed an existing irrigation structure. Commissioner Carter confirmed irrigation flows south to north and that the new road would be east of the ditch.

Commissioner Tominaga asked whether the lot size affected the need for a pressurized system. Mr. Street stated the subdivision ordinance requires lots one acre or less to have an underground or pressurized system, while lots over one acre may use other irrigation methods. Commissioner Thomson stated he did not believe a pressurized system was warranted for this Application.

Mr. Street further testified that homeowners could not irrigate using their individual culinary wells and must instead rely on surface water rights. He confirmed culinary wells are limited to indoor domestic use and livestock watering, but not irrigation. Commissioner Tominaga asked about enforcement, and Mr. Street stated HLE would inspect the irrigation system, with verification by County staff, and that building permits may be limited until infrastructure is operational. Assistant Director Jackman clarified that this relates to subdivision infrastructure requirements, while culinary well use is regulated and inspected by the Idaho Department of Water Resources (IDWR).

Mr. Street also explained that irrigation districts often prefer a water users' group rather than assessing individual lot owners, as it is typically more successful than a homeowners association (HOA).

Commissioner Winder questioned what would prevent homeowners from eventually connecting sprinkler systems to culinary wells and asked whether the Commission should ensure a viable irrigation option now. Mr. Street testified that irrigation systems must be built and proven operational before engineers provide written confirmation to the County. He noted IDWR's primary concern is individuals irrigating more than a half-acre without water rights, and secondly, subdivision lot owners using culinary wells for outdoor irrigation. He stated the cost of a pressurized system would depend on pump and electrical requirements, and while Mr. Williams lacked enough watering days for alfalfa, he believed there was sufficient water for grass lawns with an open ditch system.

7. With no further questions for Mr. Street or testimony in a position of neutral, favor, or opposition being received, Chairman Johns then re-closed the Public Hearing for this Application. The Commission did not further discuss the Application.

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; and
3. the lands surrounding the proposed subdivision are zoned Residential/Agricultural, consisting of portions of farm ground with residential development, which is consistent with the features of the proposed 4-lot subdivision; 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 a Residential/Agriculture Zoning District with individual culinary wells, septic systems, and drainfields on each lot; and
5. adequate access to all lots will be extended from West Riverton Road through a proposed 50-foot-wide easement/private road; and
6. lots are located within the Eastern Idaho Water Company, and managed by the Miners Ditch Company, with adequate water shares to deliver irrigation to each lot through a new open ditch situated along the west side of the easement/private access road located on the eastern boundary of the proposed subdivision; and
7. 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
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 Winder moved to recommend approval of the Morning Dew Acres Subdivision as proposed by Property Owner and Applicant, Douglas Williams, located South and East of 431 W Riverton Road, Blackfoot, ID. Commissioner Jolley seconded the motion. Commissioners Winder, Jolley, Carter, Thomson, and Tominaga voted in favor. The motion passed.



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



Date