

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

**APPLICATION OF:** Elevated Business Park Subdivision

**PROPERTY OWNER &  
APPLICANT:** High Tech Comfort, LLC

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**Requested Action:** Property Owners and Applicants, High Tech Comfort, LLC, requested to develop a 3-lot commercial subdivision, to be known as Elevated Business Park, on approximately 5.99 acres of land zoned “M1” Light Manufacturing, in accordance with Bingham County Code, Title 10, Chapter 14, *Subdivision Regulations*. The Comprehensive Plan Map Area has this parcel designated as Industrial/Commercial, which is consistent with the zoning and development of these parcels.

**Property Location:** Parcel Nos. RP0224603 & RP0190806, West and Northwest of 624 W 100 N, Blackfoot, ID, 83221, consisting of approx. 5.99 acres.

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

**Public Hearing Date:** April 8, 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, testimony, and other materials.
  
2. At the onset of the Public Hearing, Commissioner Tominaga advised that he would be recusing himself from the Elevated Business Park Subdivision Application as he is a member of the property ownership team. Next, Planning and Development Services Director Tiffany Olsen 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 for 2026 need to be prepaid if the plat is recorded after April 15, 2026. Taxes for 2025 have been paid in full.

(T-2) Bingham County Public Works submitted testimony in a neutral position stating no issues with the proposed Elevated Business Park. Pioneer Road is posted at 45mph and is a minor collector. Any new approaches must meet current Bingham County standards.

(T-3) Allan Johnson, PE with the Idaho Department of Environmental Quality (DEQ), submitted testimony in a neutral position providing general land development recommendations and stated that, depending on usage, the water system may meet the definition of a public drinking water system, which would require DEQ review, approval, and ongoing compliance with Idaho regulations. A drinking water system serving an average of at least 25 individuals for at least 60 days out of the year, regardless of configuration, qualifies as a public water system as defined in the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08) DEQ further stated that individual septic systems are proposed; however, the project is located approximately 1,500 feet from an existing sewer line operated by the Groveland Water and Sewer District (GWSD). DEQ has determined that sewer is considered reasonably accessible to multiple lot developments when the collection system is 2,000 feet or closer and the owner of the system agrees to provide service. Due to this fact, DEQ will not consider approving the disposal of wastewater by any method other than a connection to GWSD unless GWSD denies service. If GWSD denies service and septic systems are proposed, the applicant should be made aware that, depending on the nature of the commercial business located within the subdivision, septic systems discharging 2,500 gallons or more per day would be required to be large soil absorption systems (LSAS), which must be designed by a licensed professional engineer and reviewed and approved by DEQ. The applicant should contact Southeast Idaho Public Health for information about permitting and constructing septic systems.

3. After Director Olsen presented the Staff Report, Commissioner Thomson asked for the testimony provided by DEQ to be reread for clarification. With no further questions, the Commission heard from (T-4) the Applicant's Representative, Chris Street, Professional Land Surveyor with HLE, Inc., at 800 Judicial Street, Blackfoot, ID. Mr. Street confirmed that the Application meets the minimum lot size requirements, zoning, and approach standards, and explained that irrigation will be provided to all lots with a realignment of the lateral along the proposed property lines. Mr. Street testified that the size of the property, at just less than 6.00 acres, and the location of the property being between 100 North and the railroad, isn't ideal for residential development, but rather, he believed the highest and best use is for commercial development, given the surrounding area and zoning designation of Light Manufacturing.

In response to DEQ's testimony, Mr. Street explained that he is in the process of scheduling a meeting with DEQ, the Idaho Department of Public Health, and the Groveland Water and Sewer District to discuss a recently issued DEQ Internal Memorandum regarding the requirement of connection to a municipal system when a connection is available within 2,000 feet of a proposed subdivision. The reason this is important is that Groveland Water

and Sewer District follows Idaho Code, which states that if a connection exists within 200 feet of a proposed subdivision, then the subdivision development is required to connect. If the distance is greater than 200 feet, the subdivision is not required to connect even if there is capacity. With the conflict in interpretation, it is unknown at this time if the Elevated Business Park Subdivision will be required to connect, as it appears the closest point of sewer connection is approximately 1,500 feet.

Commissioner Thomson questioned whether the modifications to the irrigation system are expected to interrupt downstream users' access through the summer months. Mr. Street responded that it should not and that the downstream users have consented to the relocation of the ditch and are aware of the Developer's intent, which is required in Idaho Code.

4. No testimony in a position of support, neutral, or in opposition was presented. With no further questions for the Applicant's Representative, the Public Hearing for this item was closed.
5. Commission discussion began with Commissioner Carter, who questioned whether the commercial subdivision would allow for future residential development and if the lots are buildable. Director Olsen explained that the subdivision is proposed for commercial development, and if a residence were desired, a Conditional Use Permit would be required for a dwelling in a Commercial or Manufacturing Zoning District.

Commissioner Jolley commented, in his professional opinion, that a sewer connection at approximately 1,500 feet is not feasible for a three-lot subdivision, and confirmed with Director Olsen that any connection and/or improvements would be at the Developer's cost. Director Olsen confirmed that the Internal Memorandum was also new to her knowledge. She testified that Groveland Water and Sewer District has been following the State Code, which requires connection to the District's system if a connection exists within 200 feet, which has been supported by her Department. She reminded the Commission that the Bingham County Code requires a feasibility analysis if a water or sewer connection is available within 1,320 feet, which is why one was not provided for this Application. She suggested a conditional recommendation to approve for either connection to the Groveland Water and Sewer District, if required, or with individual septic systems if a will-not-serve letter is provided by the District. If this recommendation were followed, it would provide the Applicant time to determine how the sewer will be treated and update the plat, if needed. Commissioner Jolley testified that he would prefer not to include a condition related to connection to the system and for the Developers to obtain a will-not-serve letter from the Groveland Water and Sewer District. Commissioner Thomson confirmed with Director Olsen that if Groveland Water and Sewer District provides a will-serve letter, the development would be required to connect. Chairman Adams discussed that the

Commission has been following the 200-foot distance and has done so on many prior applications.

Ultimately, the Commissioners agreed that the cost of sewer connection would not be feasible for a three-lot subdivision and that individual septic system development, as proposed by the Applicant and Developer, should be allowed. Commissioner Thomson offered a potential condition related to irrigation relocation if the Commission felt it was necessary, but also said he would be fine without a condition if the Commission determined there would be no disturbances to flow with mitigation. Chairman Adams reiterated that the Applicant's Representative testified that the Developers are working with the neighbors and did not believe a condition was necessary.

## 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 subject parcel is zoned "M1" Light Manufacturing and meets the requirements of Bingham County Code Section 10-4-2(G), which states that the purpose of this zone; and
3. the lands surrounding the proposed subdivision are also zoned "M1" Light Manufacturing and consist of portions of farm ground and other light manufacturing businesses, 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)(5) as the proposed lots exceed the 1-acre minimum allowed for in a "M1" zone with individual culinary wells, septic systems, and drainfields on each lot; and
5. the Commission discussed that the cost of connection to the Groveland Water and Sewer District would not be feasible for a three-lot subdivision and agreed that development should be allowed to proceed with individual septic systems on each lot, as proposed by the Applicant and Developer; and
6. adequate access to all lots will be extended from 100 N Pioneer Road via a new private road with proper permitting from the Bingham County Public Works Department; and
7. lots are located within the United Canal Company using the Clark Lateral, with adequate water shares to deliver irrigation to each lot. The existing open irrigation ditch will be relocated along the west boundary, and a new ditch will be built along the north and east boundaries to serve Lot 3. Approval was obtained from the United Canal Company and from the downstream water users, as shown in Exhibit A-9A. The Commission found that

from the Application details, the property owner will retain all 15 water shares, and a Water Users Agreement will be recorded to govern irrigation for all lots; and

8. the proposed Subdivision is considered to be consistent with the Bingham County Comprehensive Plan, as the area is designated as Industrial/Commercial, which supports the Light Manufacturing 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 Elevated Business Park Subdivision consisting of three lots totaling approx. 5.99 acres as proposed by Property Owners and Applicants, High Tech Comfort, LLC, located West and Northwest of 624 W 100 N, Blackfoot, ID. Commissioner Thomson seconded the motion. Commissioners Jolley, Thomson, Carter, and Winder voted in favor. The motion passed.

  
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Stephen Adams, Chairman  
Bingham County Planning and Zoning Commission

4-30-26  
Date