

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

APPLICATION OF: Long Lane Subdivision

**PROPERTY OWNER &
APPLICANT:** David and Sylvia Long

Requested Action: Property Owners and Applicants, David and Sylvia Long, request to develop a 3-lot residential subdivision, to be known as the Long Lane Subdivision, on approximately 6.57 acres of land zoned "R/A" Residential/Agriculture, in accordance with Bingham County Code, Title 10, Chapter 14, Subdivision Regulations.

Property Location: Parcel No. RP0232503, located at 911 W 45 S, Blackfoot, ID. Township 3 South, Range 34 East, Section 4, consisting of approx. 6.57 acres.

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

Public Hearing Date: May 13, 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 Public Hearing, Planning and Development Services Assistant Director 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 that Lot 3 will need to obtain a Bingham County Approach Permit.

(T-2) Southeastern Idaho Public Health submitted testimony in a neutral position and stated the Applicant needs to apply for a land development permit.

(T-3) Marc Pange, Groveland Sewer & Water (GWSD) Chairman, submitted testimony in a neutral position and stated that they do not have a sewer or water connection available within reasonable proximity to the subdivision.

(T-4) Department of Environmental Quality provided testimony in a neutral position and offered general recommendations for land development projects.

(T-5) Alan Stander, of 50 S 900 W, Blackfoot, ID, submitted testimony in opposition and provided a copy of bill text House Bill 1222 Pg.'s 1 & 2 of 4 relating to domestic wells; amending section 42-111 Idaho Code.

(T-6) Cameron Cronquist, of 908 W 45 S, Blackfoot, Idaho, submitted testimony in opposition stating concerns of adding new users to the existing irrigation system that, to his knowledge, is already at max capacity. Mr. Cronquist also had concerns about easement access and developing a largely agricultural area.

3. The Applicant's Representative (T-7) Chris Street, HLE, Inc., of 800 West Judicial, Blackfoot, ID, testified in response to questions about access. Mr. Street testified that access to the Applicant's parcel will not change, that the same access is proposed for Lot 2, and that Lot 3 will have direct access from 900 West. He reviewed that there is an existing pressurized irrigation system from a groundwater well and that the properties nearby have a Water Users Agreement for this use. Mr. Street testified that all utilities exist and are within the public utility easement. Mr. Street explained that the Applicant's son would like to build a home on Lot 3 to be closer to his family. Lot 2 is undetermined for future ownership at this time.

Commissioner Bingham asked Mr. Street to review the water system in greater detail as he read testimony that expressed great concerns with it. Mr. Street said it is under the authority of the Water Users Agreement, which states the water rights will stay with the land, and the intent is to expand the system to serve the new lots. Chairman Adams clarified that the existing private road would serve the proposed Lot 2, which would result in four (4) residential parcels utilizing the access with Lot 3 using a new approach directly onto 900 W.

4. There was no testimony presented in support of or in neutral of the Application. Testimony in opposition was presented by:

(T-8) Alan Stander, of 50 S 900 W, Blackfoot, ID, who asked the Commissioners to review Senate Bill 1222, identified as Exhibit T-5 in the record. Mr. Stander reviewed that the Bill provides that any division of land greater than five or more lots or parcels or sites for the purpose of sale, building, or development, whether now or in the future, is a subdivision. He believes the division of land in this area is greater than five and should all be a subdivision. Mr. Stander also spoke to the well and requested that it be monitored or metered following the requirements in the Bill. Mr. Stander discussed that a subdivision was previously approved on the subject property with a community well and had previously discussed this Application with the Idaho Department of Environmental Quality. The Pocatello office was familiar with the Application and understood it to be a home on a five-acre parcel, within an individual culinary well. Mr. Stander testified that the County should stick with the original plan of one residence per 5-acre parcel. He concluded by stating that

if the Simperts and Cronquists wanted to live in a subdivision, they would have bought land in town.

(T-9) Jensen Simper, of 918 S 45 W, Blackfoot, ID, resides at the end of the private road subject to the Application. She expressed concerns regarding shared infrastructure, Covenants and Restrictions, an increase in traffic, water capacity, and preservation of the rural character of the community. Ms. Simper testified that this proposal would negatively impact the area by adding additional homes, and it would change the lifestyle that existing property owners relied upon when purchasing their land. She said that the current water system serves 4 parcels and operates at near capacity, and if this Application is approved, it will place greater demand on a limited shared resource, which raises concerns regarding long-term reliability, maintenance, and future infrastructure needs. Concerning the private lane, additional lots will increase vehicle use, construction traffic, and maintenance demands for existing residents. Ms. Simper testified that an important factor in her decision to buy the land to build their home was that there was a Covenant stating that no lots would be subdivided, and that the Covenants were agreed to and signed by all property owners, including the Applicant. Additionally, she stated she specifically chose a larger acreage property in order to preserve their lifestyle, with open space, privacy, lower-density living, and limited development. By allowing further development, it would fundamentally change the character of the area. In closing, she testified that her opposition was based solely on protecting the infrastructure, agreements, and rural character that existing property owners reasonably relied upon. Ms. Simper requested that the County respectfully deny the Application.

Commissioner Jolley questioned Ms. Simper's understanding of the current irrigation water system and asked Ms. Simper whether she likewise understood that the Applicant isn't proposing to attach the two new lots to the existing system. Ms. Simper testified that it was not her understanding and that the existing irrigation well was going to be used for the new lots. Commissioner Bingham asked Ms. Simper to review the Covenants. Ms. Simper testified that when she purchased her lot, there were Covenants signed by all property owners that none of the lots would be further subdivided.

(T-10) Cameron Cronquist, of 908 W 45 S, Blackfoot, ID, testified to his written testimony previously submitted as Exhibit T-6 in the record. Mr. Cronquist spoke to the Covenants that indicate they were for a subdivision, but advised that this was a scrivener's error and that there is case law that supports scrivener errors in documents. Commissioner Bingham asked Mr. Cronquist what the difference was between now and in the future with irrigation if these lots are developed, because the amount of land being watered isn't changing, and questioned if it was a distribution system issue. Mr. Cronquist testified that the capacity of the system is the issue. The system was designed for 950 feet of pipe years ago; and was not designed to sustain the extension of an additional 1,200 feet of pipe. Now, with this proposal, if another 500 feet is added, it is essentially tripling the capacity for a pump that wasn't designed for that. Mr. Cronquist testified that it is challenging to get water today with the 4 parcels utilizing the system.

5. With no additional public testimony, rebuttal testimony was offered by Mr. Street. Mr. Street did not address testimony related to the Covenants but did address the access

easement. Mr. Street testified that the easement is for ingress/egress, it is not restricted, that there is no Access Agreement limiting adding additional users to it, and acknowledged that it is on the Cronquist's property.

Mr. Street provided a history of the prior approved subdivision that failed to be built. The Developers chose not to proceed with that development and created lots with existing division rights.

Mr. Street addressed the water capacity concerns and stated that there are options for the property owners to increase their water use. Mr. Street said there are 10 lots that are of similar size in the area, the land is zoned Residential/Agricultural, which supports one-acre development, and that it meets all code requirements for approval.

Commissioner Carter asked for more information on how the parcels were rezoned to allow for smaller lots. Mr. Street said that in 2022, the subdivision was proposed for 16 lots, and that at the same time, a Zoning Amendment was applied for. A community water system for culinary use was conditioned upon approval, but ultimately the Developer chose not to proceed with the development, and division rights were used to create the parcels as they are described today.

Commissioner Thomson asked how the private road would be maintained. Mr. Street responded that there is no Easement Agreement for the use of the private road. Mr. Street concluded by saying that the Longs have the right to use the easement.

With no further questions for Mr. Street, the Public Hearing for this Application was closed.

6. In Commission discussion, Chairman Adams summarized the points of clarification that were gained during the Public Hearing. Commissioner Bingham asked about the Covenants; Commissioner Jolley reviewed Bingham County Code Section 10-14-15 about Covenants, stating that they are not to be used as a basis for decision on an action before the commission or Board.

Commissioner Carter testified that he feels that the current zoning designation of R/A is spot zoning and is not consistent with the surrounding area. He noted that the surrounding zoning is compatible with the existing parcel sizes of 5 acres, which is compatible with the adjacent Agricultural zoning. Commissioner Carter said the Commission shouldn't add to a mistake by adding more residences to properties that are currently compatible with the area. Commissioner Carter testified that he would vote against a zoning amendment or a subdivision on this land due to the lot sizes and the lack of consistency with planning in the immediate area, and he understood where the neighbors in opposition were coming from.

Commissioner Thomson agreed with Commissioner Carter, stating it does not fit the surrounding area, even though there are residential homes around, and pointed to Exhibit S-3, which was on the Courtroom screen, showing it is surrounded by large agricultural

fields. He stated that adding two more homes to the property would take away from compatibility with the surrounding area.

Commissioner Jolley testified he understands where the neighbors are coming from regarding their purchasing the property with the understanding it wouldn't be further subdivided. He stated there is a concentration of homes there already, and the 6 acres isn't going to be used for substantial agricultural purposes, so the development of residences on the land isn't an issue for him. Because land is not increasing in quantity, it is best to focus development where development is or has already occurred, as opposed to taking prime agricultural lands for this purpose. Commissioner Jolley explained that division rights have been used all along 900 W to create smaller residential parcels, and when those are not available, creating smaller lots in a subdivision in an area of residential development is something the Commission should consider.

Commissioner Carter said that Commissioner Jolley made some good points, and he didn't disagree, but that this particular zoning is inconsistent in this area. He would like to see development happen in more densely populated areas. Furthermore, that larger lots are consistent with agricultural land and would not support the Application.

Commissioner Bingham testified that the Commission should consider the personal property rights of those who purchased the land and now wish to divide it.

Chairman Adams referred Commissioner Carter to Exhibit S-4, which depicts the Comprehensive Plan Map areas, and explained that these are the areas that the County has designated for development, drawing attention to the strips of colored residential areas along 900 W. If this were to be something that was passed, the new lots would be in the shaded area. Commissioner Thomson agreed with the fact that growth is coming, but it isn't here yet.

Commissioner Winder reviewed Exhibits S-3 and S-4, which show smaller lot sizes along adjacent roads within a ½ mile. He didn't fault the Planning and Zoning Commission for approving the amendments to the zoning designation in 2022, but since that did occur, the landowners have a right to file for a subdivision based on the current zoning designation. Commissioner Winder stated he didn't feel that if there were two new homes added, the existing neighbors would be prevented from living the agricultural lifestyle that they wished to continue to have.

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 Commission discussed concerns relating to the existing zoning designation and how it came to be at this location, but determined the subject parcel is zoned "R/A"

Residential/Agricultural and meets the requirements of Bingham County Code Section 10-4-2(C), which states the purpose of this zone; and

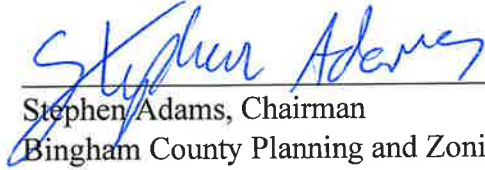
3. although the lands surrounding the proposed subdivision are zoned “A” Agricultural, the area along 900 W Wilson Road consists of smaller parcels containing a residence, which is consistent with the proposed features of the Application; and
4. the Application met the requirements of Bingham County Code Section 10-6-6(B)(1) as the proposed lots exceed the 1-acre minimum allowed for in a “R/A” Residential/Agricultural zone with individual culinary wells, septic systems, and drainfields on each lot; and
5. Lots 1 and 2 will have access to 45 S, an existing 50-foot-wide private road, to 900 W Wilson Road; Lot 3 will have direct access to 900 W Wilson Road; and
6. a Water Users Agreement exists, and irrigation for the new lots will be utilized with existing groundwater rights from the Bingham Groundwater District, and the existing underground irrigation system will be expanded to deliver irrigation water to each lot by the Developer; and
7. the Commission discussed concerns relating to the existing Comprehensive Plan designation but determined that 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 Carter moved to recommend denial of the proposed 3-lot residential subdivision to be known as Long Lane Subdivision as proposed by Property Owners and Applicants, David and Syliva Long, located at 911 W 45 S, Blackfoot, ID, based on Bingham County Code Section 10-4-14(c), that it is not consistent with the Comprehensive Plan. Commissioner Thomson seconded the motion. The motion failed to carry.

In discussion, Commissioner Winder testified that the Application is consistent with the Comprehensive Plan and the surrounding area. Commissioner Jolley agreed. Commissioner Bingham also agreed and cited the protection of personal property rights and the current zoning designation of Residential/Agricultural, which supports the proposal.

Based on the record, Commissioner Winder moved to recommend approval of the proposed 3-lot residential subdivision to be known as Long Lane Subdivision as proposed by Property Owners and Applicants, David and Syliva Long, located at 911 W 45 S, Blackfoot, ID. Commissioner Jolley seconded. Commissioners Winder, Jolley, and Bingham moved to approve. Commissioners Carter and Thomson voted against the motion for the reasons previously stated in their respective motions to deny the Application. The motion to recommend approval carried.



Stephen Adams, Chairman
Bingham County Planning and Zoning Commission



Date