BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION

APPLICATION OF:	Williams Addition Subdivision
PROPERTY OWNERS/ APPLICANTS:	Firth 700 North LLC

Requested Action:	Property Owners and Applicants, Firth 700 North LLC, requested to develop an 8-lot residential subdivision, to be known as the "*Williams Addition Subdivision*", on approximately 17.592 acres of land, zoned "R/A" Residential/Agricultural, located north, northwest, and east of 496 E 700 N, Firth, ID, in accordance with Bingham County Code, Title 10, Chapter 14, *Subdivision Regulations*.
Property Location:	Parcel Nos. RP0394307 & RP0396928 located north, northwest, and east of 496 E 700 N, Firth, ID. Township 1 South, Range 36 East, Sections 25 and 26, consisting of approximately 17.592 acres.
Applicable Regulations:	Bingham County Comprehensive Plan dated November 20, 2018 Bingham County Zoning Ordinance 2012-08, as amended
Public Hearing Date:	October 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, 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 the Commissioners had been provided the written testimony received prior to the Public Hearing.

3. In response to Commission questions, Staff responded that because the proposed subdivision is located in an A-zone floodplain designation, a base flood elevation is required to be established by a Land Surveyor; that land with an unidentified ownership is being acquired through a quiet-title action; and that access is provided by private easements serving no more than four lots each, with one lot having direct County-road access. Staff illustrated the easements on the plat, which image was entered into the record as Exhibit S-1A, confirmed the western easement was recorded, and that the property currently has

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no surface or groundwater rights. The Commission also discussed the surrounding "A" Agricultural zoning and the subject property's "R/A" Residential/Agricultural zoning.

4. The Applicant, (T-5) Blake Jolley, 423 E 700 N, Firth, ID, testified that the floodplain area follows Firth Creek, sometimes referred to as the Firth Slough, and that the buildable portions of the proposed subdivision are outside the floodplain designation. He stated the unidentified ownership area is underway, but regardless of the quiet title action, the lots would still meet the two-acre minimum average if it were not acquired. He explained that the easements would be 50 feet wide, the neighboring-property easement had been recorded, and hammerhead turnarounds were planned for fire access. He reviewed the 2024 rezoning action and noted that there was a requirement of a two-acre average lot size, the absence of irrigation rights, and old irrigation infrastructure that was deteriorated or filled in.

5. No public testimony was offered in favor, neutral, or opposition, and the Public Hearing was closed. During deliberations, the Commission discussed the lack of irrigation water rights and how that may impact future lot owners, the possibility of obtaining water rights, consideration of whether restrictions on landscaping were necessary, and potential impacts due to the absence of irrigation water rights.

   Without responses to these concerns provided for in the record, Commissioner Carter moved to reopen the Public Hearing; Commissioner Winder seconded the motion, all voted in favor, and the hearing was reopened. The Applicant, Mr. Jolley, testified that irrigation rights may be available, but purchase was not assured; if so, delivery would require reopening the ditch. He discussed water-conscious dry landscaping and drip systems. Mr. Jolley reminded the Commission that the property had previously been rezoned and that the Application before the Commission was for subdivision approval, not a zoning amendment. He emphasized that the Commission's consideration should focus on whether the proposed subdivision complies with the applicable subdivision regulations rather than reconsidering the appropriateness of the existing zoning designation. He stated that the nearest city sewer connection was in the City of Firth, and that the newly constructed nearby fire station used a private well and septic system because city connections were not feasible. Lastly, he did not object to a plat notation about dry landscaping until irrigation rights are obtained.

   No additional public testimony was offered following the reopened hearing, and the Public Hearing was closed again.

6. During Commission discussion and deliberation, the Commissioners considered the lack of irrigation water rights; restrictions on using culinary water for irrigation in subdivisions recorded after July 2025; a note on the Final Plat disclosing the absence of irrigation water rights; a note on the Final Plat requiring dry landscaping; proposed private access easements; floodplain; ownership issues; surrounding agricultural lands; the 2024 rezoning; the Comprehensive Plan Map designation; the proximity to the City of Firth; and the feasibility and timing of future city utilities. Several Commissioners expressed that they considered the proposed two-acre lots compatible with the rural character, the zoning, the proposed future land-use, and development of currently unirrigated land.

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Commissioner Winder testified that as the growth of the City of Firth moves in a southerly direction, water and sewer services would be more accessible, but that could take five to twenty years. He added that the subdivision proposal, with two-acre lots, fits the rural feel of the area rather than half- or quarter-acre lot development. Chairman Adams thought that was the intention of the Commission when it approved the rezone, with two-acre lot sizes as the condition. Commissioner Winder stated that, in his opinion, it was a reasonable buffer size between city limits, rather than going from five-to-ten-acre parcels to quarter-acre parcels, and this type of development needs to be the goal moving forward for this area.

Commissioner Tominaga testified he liked the idea of a subdivision here but wanted to be clear about what is allowed and not allowed for any future homeowners regarding irrigation. He again suggested that Mr. Jolley add a notation on the Final Plat that until there are water rights on the property, dry landscaping would be required. Commissioner Winder agreed and thought there should also be a condition placed that the Applicant should also do their due diligence to try and obtain water rights for the development. Chairman Adams testified that watering a yard may not be as important as watering the wheat field next to it because that's what pushes our whole economy, meaning agricultural commerce. Chairman Adams stated that he didn't want to force a property owner to have a yard when dry landscaping is a better option. Commissioner Thomson did not think a condition needed to be placed that the Applicant needed to go find water rights but was not opposed to a plat notation to make that information available to a prospective buyer, and to that, Commissioner Johns agreed. Commissioner Carter clarified that this would be an annotation on the plat and not a condition of the approval. Director Olsen testified, if that was the direction of the Commission, that the motion would be to recommend approval of the subdivision to the Board of County Commissioners with a recommendation that a note be added to the Final Plat indicating that the land is platted without an irrigation water source.

Commissioner Carter stated he did not know how a two-to-three-acre parcel could be dry-landscaped, adding that weeds would start to develop and create scenarios where owners are likely to break Idaho Code. Chairman Adams asked if he thought smaller lot sizes would be beneficial. Commissioner Carter explained that as this area becomes a part of Firth, there would be municipal water available and smaller lots would have a lawn to irrigate, and it wouldn't create the same scenario as proposed. Chairman Adams testified that the Shelley/Firth Fire Station could not feasibly connect to the City of Firth's water or sewer source.

Commissioner Carter raised concerns with the proposed subdivision, citing Comprehensive Plan Section E, Points 2 and 3, including conflicts with surrounding agriculture, discouragement of urban sprawl and fragmentation of agricultural land, possible weed encroachment, and potential advantages of waiting for city services. The Commission distinguished a recommendation for a dry-landscaping notation on the Final Plat from a condition requiring the Applicant to obtain water rights.

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II. REASON

The Planning and Zoning Commission found:

1. the proposed 8-lot subdivision development meets the applicable requirements of Bingham County Code Title 10, Chapter 14, Subdivision Regulations; and

2. the parcels comprising the proposed subdivision development are zoned "R/A" Residential/Agricultural, and the proposed development is consistent with the purpose of this zoning district pursuant to Bingham County Code Section 10-4-2(C) because the lots are of a size suitable for residential and agricultural purposes; the development is in proximity to the City of Firth; the land is compatible with neighboring uses featuring a mixture of residential and agricultural development; accessibility to adequate utilities; and adequate service by roadways; and

3. the proposed subdivision development meets the applicable minimum lot size requirements of Bingham County Code Section 10-6-6 but, more notably, meets the requirement for an average lot size of two (2) acres, which was as a condition of the 2024 Board of County Commissioners Zoning Amendment approval; and

4. the proposed subdivision complies with Bingham County Code Section 10-6-8 *Easement Regulations*, as proposed Lots 1 through 3 would access 700 N by a recorded 50-foot ingress/egress easement, proposed Lots 4, 5, 7, and 8 would access 700 N by a separate 50-foot easement, and Lot 6 has existing direct access to 700 N. Further, the Commission found that the Applicant represented that the easements would terminate with fire-access hammerheads. New approaches are subject to applicable County standards and permit requirements; and

5. the subject property does not currently have irrigation water rights. The Commission found that pursuant to Idaho Code Sections 42-111 and 42-227, qualifying domestic exempt wells in new subdivisions are limited to in-home uses and livestock watering unless additional water rights are lawfully obtained for other uses. The Commission discussed the absence of irrigation water rights, restrictions on using domestic exempt wells for outdoor irrigation, and the feasibility of dry landscaping. The Commission found that a notation should be included on the Final Plat indicating that the lots are to be dry landscaped until irrigation water rights are obtained as a notice to any potential buyers of the lots and that this condition of approval would minimize adverse conditions as stated in Bingham County Code Section 10-14-4(E)(3)(a). Although the Commission, as a majority, concluded this finding, Commissioner Carter explained his position in opposition, citing that as this area becomes a part of Firth, there would be municipal water available and smaller lots would have a lawn to irrigate, and it would be a more suitable development at that time; and

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6. the proposed subdivision development's proximity to the City of Firth is approximately ½ mile, existing surrounding agricultural and residential land uses, and the Comprehensive Plan objectives concerning compatibility of land uses, agricultural land preservation, and discouragement of urban sprawl and fragmentation of agricultural lands, support Bingham County Code Section 10-14-4(E)(3)(c) that the proposed subdivision development is consistent with the Comprehensive Plan and the map designation for the parcels of Residential/Agriculture. The Commission noted that Commissioner Carter disagreed with this finding based on the 2018 Comprehensive Plan, Section E, including Point 3 *discouraging urban sprawl, fragmentation of large agricultural tracts, and leapfrog residential development,* which he testified occurred when the subject parcels were rezoned in 2024 and therefore could not support the application; and

7. that with regard to Bingham County Code Section 10-14-4(E)(3)(d), public water and sewer services are not currently available to accommodate the proposed subdivision development. The Commission considered the proximity of existing municipal services and the feasibility of future connections as the City of Firth expands in a southerly direction, but without an Area of City Impact, the Commission could not anticipate when this would occur; and

8. that with regard to Bingham County Code Section 10-14-4(E)(3)(e), there are no concerns pertaining to the public financial capability to provide services associated with the proposed subdivision development; and

9. portions of proposed Lots 1, 3, 4, and 8 are within a FEMA-designated Zone A floodplain, which requires a Hydrologic and Hydraulic Flood Study to be conducted to establish Base Flood Elevations for subdivision development. With the Flood Study information received from Gerald Williams, P.E., the Commission found that a Base Flood Elevation was established and that development standards will be required at the time of residential development for all structures in the floodplain designated area, which would satisfy Bingham County Code Section 10-14-4(E)(3)(f) to address environmental concerns with the Application; and

10. the City of Firth did not provide recommendations or comments on the proposed subdivision development as provided for in Bingham County Code Section 10-14-4(E)(3)(g); and

11. the Public Hearing met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

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III. DECISION

Based on the record, Commissioner Tominaga moved to recommend approval of the proposed 8-lot residential subdivision to be known as Williams Addition Subdivision as proposed by Property Owner and Applicant, Firth 700 North LLC, located north, northwest, and east of 496 E 700 N, Firth, ID, with a recommendation to include a notation on the Final Plat that the property would be dry landscaped until irrigation water rights are obtained.

Commissioner Bingham seconded the motion. Commissioners Tominaga, Bingham, Johns, Thomson, and Winder voted in favor. Commissioner Carter voted in opposition based on the Application not meeting the 2018 Comprehensive Plan, Section E, Point 3, *discouraging urban sprawl, fragmentation of large tracts of agricultural land, and leapfrog residential development.* The motion passed, 5–1.

Stephen Adams, Chairman
Bingham County Planning and Zoning Commission

11-6-26
Date

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