

REASONING AND DECISION OF LAW
A RE-PLAT OF LOT 2 BLOCK 1 OF BINGHAM INDUSTRIAL PARK 3RD AMENDED PLAT
SUBMITTED BY F.A.S.S.T. LLC- REGISTERED AGENT CASEY L. ANDERSON.

The matter of a proposed re-plat of Lot 2 Block 1 of Bingham Industrial Park 3rd Amended Plat, located at the end of 80 West in said Subdivision which is about four (4) miles North of the City of Blackfoot and West of Interstate 15 was heard by the Bingham County Planning and Zoning Commission "Commission" on August 12, 2020. It is currently a 2.30 acre commercial lot with one existing building on it. It's proposed that the existing lot be split into two (2) lots and the intended use will remain Heavy Commercial. If approval by the Board of County Commissioners is received, lots will become Lots 7 & 8 of the 4th Amended Bingham Industrial Park Subdivision.

This Board of County Commissioners ("Board") met to discuss the matter in Open Meeting on October 9, 2020 with all three (3) Commissioners present. The meeting was held pursuant to Idaho Open Meeting Laws, the Idaho Local Land Use Planning Act, and relevant Bingham County Ordinances, specifically Section 14 of Bingham County Ordinance 2012-08. This Board reviewed the discussion of the "Commission", and the information found in the record, deliberated on those issues in light of the applicable governing law. A decision was then issued that day that is memorialized by these Reasoning and Decision of Law.

Reasoning and Decision of Law

The Board hereby finds the following Reasoning and Decision of Law to be of particular importance in arriving at its decision in regards to the approval of the 4th Amended Bingham Industrial Park Subdivision.

1. The Board finds the Application met all requirements in Bingham County Code Chapter 10-4-2(F) as the purpose of "C2" zone is to provide for the development of businesses and service establishments, which are incompatibility in community shopping areas, are larger in lot size and have easy highway access. This re-plat is near Interstate 15 and is 2.3 acres in land which is similar in size to those in the subdivision; and
2. The Board finds the Application met all requirements in Bingham County Code Chapter 10-4-2(F)1-3 as the existing area is similar in population density, lots size are compatible; have adequate utilities and both properties have direct access to 80 West, which is a County road; and the Application met the requirements of Bingham County Ordinance Chapter 10-6-6(B)(1) because proposed lots meet the one (1) acres minimum with individual wells and septic; and
3. The Board finds the Application met the requirements of Bingham County Code 10-14-1(A) because the Application was completed and included all items listed in 10-14-1(A) 1-23; and

4. The Board finds the Application met the requirements of Bingham County Code Chapter 10-14-4(B) as the proposed lots will have individual septic systems and drain fields and individual wells; and
5. The Board finds the Application met the requirements of Idaho Code § 67-6509 because the Public Hearing was held for all property owners adjoining the parcel under consideration; and
6. The Board of County Commissioners finds that the proposed Subdivision Plat Amendment will be consistent with the Bingham County Comprehensive Plan.

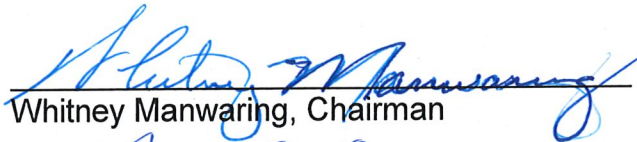
Conclusion

In conclusion, based upon the individual Reasoning and Decision of Law noted above, and in the Commission Reasons and Decision, this Board unanimously approved the request by F.A.S.S.T. LLC or Registered Agent, Casey L. Anderson for a re-plat of Lot 2 Block 1 of Bingham Industrial Park 3rd Amended Plat to become Lots 7 & 8 of the 4th Amended Bingham Industrial Park Subdivision as described in the application materials as supplemented with additional information in the Staff Report, in accordance with the requirements of Bingham County Code Title 10 "Zoning Regulation" and subject to all Idaho Code applicable laws and regulations. Commissioner Lewis moved to approve the Application for proposed re-plat of Lot 2 Block 1 of the Bingham Industrial Park 3rd Amended Plat, which is located at approximately 468 North 80 West and approximately 2.30 acre commercial lot, which will become Lots 7 & 8 of the 4th Amended Bingham Industrial Subdivision based on the Reasons and Decisions presented today. Commissioner Bair seconded. All voted in favor. The Motion carried.

The parties have 14 days to ask for a reconsideration of the decision pursuant to Idaho Code 67-6535(2)(b); The parties have 28 days from the date of signing of this document to appeal this decision for Judicial Review pursuant to Idaho Code §67-52, and/or to request a takings analysis pursuant to Idaho Code §67-8003, Protection of Private Property.

DATED this 23 day of November 2020.

**Board of Bingham County Commissioners
Bingham County, Idaho**


Whitney Manwaring, Chairman


Mark Bair, Commissioner


Jessica Lewis, Commissioner