

REASONING AND DECISIONS OF LAW
A 34-LOT SUBDIVISION TO BE KNOWN AS “CEDAR ESTATES” FOR APPLICANT
GRIFFIN FAMILY, LLC

The matter of a 34- Lot Subdivision for Cedar Estates was heard by the Bingham County Planning and Zoning Commission (“Commission”) on August 12, 2020. Following testimony and discussion, the Commission voted unanimously for approval of the Cedar Estates Subdivision to the Board of County Commissioners.

The Board of County Commissioners (“Board”) met to discuss the matter in Open Meeting on November 10, 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 Decisions 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 34-Lot Subdivision of Cedar Estates by Griffin Family, LLC, the Applicant.

1. This Board finds the Application met the requirements in in Bingham County Code Chapter 10-4-2(C) as the purpose of “R/A” Zone is for the establishment of low density single family dwellings with lot sizes sufficient for individual sewer and water facilities. Additionally, the zone is established for the orderly and timely conversion of land as the need arises into residential;
2. This Board finds the Application met all requirements in Bingham County Code Chapter 10-4-2(C)1-7 as the existing area is similar in population density, lot sizes are compatible; has adequate utilities and access through two (2) new County roads to County Line Road to minimize the number of approaches; and
3. The Board finds the Application met the requirements of Bingham County Ordinance Chapter 10-6-6(B)1 because proposed lots meet the one (1) acre minimum with individual wells and sanitary sewer services are to be provided from the Eastern Idaho Regional Waste Water Authority; and
4. The Board finds the Application met the requirements of Bingham County Code 10-14-4(A) because the application was completed and included all items listed in 10-14-4(A)1-23;
5. The Board finds the Application met the requirements of Bingham County Code Chapter 10-14-4(B) as the proposed lots will have individual wells and sanitary

sewer services will be provided by the Eastern Idaho Regional Waste Water Authority. Per Exhibit "CC-2" and Exhibit "CC-3" of the Staff Report, Woodville Water and Sewer will annex Cedar Estates Subdivision and a will served letter will be provided by the Eastern Idaho Regional Waste Water Authority. Lots will have irrigation water rights assessed by the Woodville Canal Company and delivery will be by a pressurized irrigation system; and

6. 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
7. The Board finds that the proposed Subdivision will be consistent with Bingham County Comprehensive Plan.

Conclusion


In conclusion, based upon the individual Reasoning and Decisions of Law noted above, this Board unanimously agrees to uphold the decision of the Commission and approve the request by Griffin Family, LLC for a 34-Lot Subdivision to be known as "Cedar Estates" located at approximately 801 East 1600 North. Commissioner Lewis moved to approve the recommendation of the Planning and Zoning Commission and approve the 34-Lot subdivision to be located at 801 East 1600 North on forty (40) acres of land in an "R/A" Zone with the stipulation that the updated Plat entered today known as A-3(a) is reviewed by County Surveyor, Public Works Director and the Fire Marshall, with the additional road with temporary turnaround. Also that the Developer, will include an irrigation plan as part of the final plat. Commissioner Bair seconded. All voted in favor.

The parties have 14 days to ask for a reconsideration of the decision pursuant to Idaho Code 67-6535(2)(b); The parties have twenty eight (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