

REASONING AND DECISION OF LAW
A TWO(2) LOT SUBDIVISION KNOWN AS HAPPY ACRES SUBMITTED BY MICHAEL & JANINE FORD.

The matter of a two (2) Lot subdivision to be known as Happy Acres was heard by the Bingham County Planning and Zoning Commission ("Commission") on May 13, 2020. Following testimony and discussion, the Commission voted unanimously for approval of Happy Acres, a two (2) Lot Subdivision, to the Board of County Commissioners.

This Board of County Commissioners ("Board") met to discuss the matter in open meeting on June 23, 2020, with all three 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". 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 two (2) Lot Subdivision to be known as Happy Acres.

1. The Board finds that the Application met the requirements 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/or water facilities; and
2. The Board finds that 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, lots size are compatible; has adequate utilities, and has direct access to Thomas Road (100 S), a County road; and
3. The Board finds that the Application met all requirements in Bingham County Ordinance Chapter 10-6-6(B)(1) because proposed lots meet the one (1) acre minimum with individual wells and septic.
4. The Board finds that the Application met all requirements of Bingham County Code 10-14-4 because the Application was completed and included all items listed in 10-14-4(A) 1-23; and
5. The Board finds that 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. Lots will have irrigation water rights assessed by the Watson Canal Company; and

6. The Board finds that 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 of County Commissioners found that the proposed subdivision will be consistent with the Bingham County Comprehensive Plan.

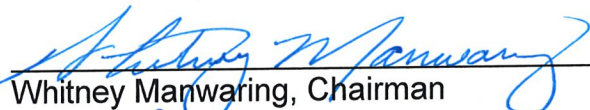
Conclusion

In conclusion, based upon the individual Reasoning and Decision of Law noted above, this Board unanimously agrees to uphold the recommendation of the Planning & Zoning Commission and approve the request by Michael and Janine Ford for a 2-Lot Subdivision to be known as "Happy Acres" located about ¾ miles Southwest of Riverside on Thomas Road (100 S). Commissioner Bair moved to uphold the Planning & Zoning Commission recommendation to approve the 2-Lot Short Plat Subdivision to be known as Happy Acres located about ¾ miles Southwest of Riverside on Thomas Road (100 S), based upon the Reason and Decision of Law presented today. Commissioner Lewis 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