

**REASONING AND DECISION**  
**KEVIN & MARIA MURPHY ZONE CHANGE FROM "A" TO "R/A"**

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In the matter of a request for a Zone Change from "A" (Agriculture) to "R/A" (Residential/Agriculture) by Kevin and Maria Murphy in order to develop a 3-Lot Subdivision (Short Plat) to be known as "Murphy Estates" for a property on 5.01 acres and is about .5 miles along River Road from the Rose Interchange at the intersection of River Road and South Lavaside Road. This request was originally heard by the Planning and Zoning Commission ("Commission") on May 13, 2020. Following discussion, the Commissioners voted unanimously for approval of the Zone Change and subdivision to the Board of County Commissioners per Bingham County Code.

The Board of County Commissioners ("Board") met to discuss the matter in an Open Hearing on July 2, 2020, with all three (3) Commissioners present. The meeting was held pursuant to the Idaho Code Open Meeting Laws, the Idaho Land Use Planning Act, and relevant Bingham County Ordinances, specifically Section 10-4-2(F) of Bingham County Codified Ordinance. The Board reviewed the testimony given, the discussion of the "Commission", and the information found in the record, as well as allowed for additional testimony and deliberated on those issues in the light of the applicable governing law. A Decision was then issued that day that is memorialized in the Reasoning and Decision.

**Reasoning and Decision**

1. The Board finds that the Application met the requirements of 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;
2. The Board finds that the Application met the 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 have direct access to 15 W. River Road, a County road;
3. The Board finds the Application met the requirements in Bingham County Code Chapter 10-6-6(B)(1) because proposed lots meet the one (1) acre minimum with individual wells and septic;
4. The Board finds the Application met the requirements of Bingham County Code Chapter 10-14-4(A)1-23 because the application was completed and included all items;
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, drain fields and individual wells. Lots will have irrigation water rights assessed by the New Lavaside Ditch Company;
6. The Board finds that the Application met the requirements of Bingham County Code Chapter 10-15-2(D) as the property owner filed for the Zone Change request;

7. The Board finds that the Application met the requirements of Bingham County Code Chapter 10-15-3(A-D) as the Zone Change application was deemed complete;
8. The Board finds that the application met the requirements of Bingham County Code Chapter 10-15-3 (F) as the Rezone Request will be a continuation of orderly development and a benefit to community interests;
9. The Board finds that the proposed subdivision will be consistent with the Bingham County Comprehensive Plan.

### Conclusion

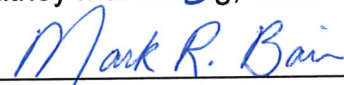
In conclusion, based upon the individual Reasoning and Decision of Law noted above: Commissioner Lewis moved to approve the Zone Change from "A" Agriculture to "R/A" Residential/Agriculture. Commissioner Bair seconded. All voted in favor. The Ordinance was signed and recorded as Instrument #719865.

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 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**

  
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Whitney Manwaring, Chairman

  
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Mark Bair, Commissioner

  
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Jessica Lewis, Commissioner