

REASONING AND DECISION OF LAW
A 2-LOT SUBDIVISION KNOWN AS DAY ACRES SUBMITTED BY PAUL & DEANA DAY.

The matter of a 2-Lot subdivision to be known as Day Acres was heard by the Bingham County Planning and Zoning Commission ("Commission") on January 13, 2021. Following testimony and discussion, the Commission voted unanimously to recommend approval of Day Acres, a 2-Lot Subdivision, to the Board of County Commissioners.

This Board of County Commissioners ("Board") met to discuss the matter in open meeting on February 8, 2021, 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", the information found in the record, and 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 2- Lot Subdivision to be known as Day 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" Residential/Agricultural Zoning District is to permit the establishment of low density single-family dwellings with lot sizes sufficient for individual sewer and water facilities. This request is in proximity to existing areas of similar population density and lot size and adequate serviced by roadways in that the proposal is for a 2-Lot Subdivision, for lot sized of 1.09 and 1.00 acres, is similar to those in the area on 100 South Thomas Road and each lot has road frontage access; and
2. 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; and
3. The Board finds that the Application met all requirements in Bingham County Code 10-14-7 because the Application was completed and included all items listed in the Combination of Preliminary and Final Plats for a Subdivision of 4 lots or less via the Short Plat process; and
4. The Board finds that the Application met all requirements of Bingham County Code 10-14-4(B) as the proposed lots will have individual septic systems and drain fields and individual wells. Said lots will have irrigation water rights; and

5. The Board finds that the Application met the requirements of Idaho Code §67-6513 and Bingham County Code Section 10-3-6 because the Public hearing was held for all property owners within 300 feet; published in the official newspaper a minimum of 15 days prior to the Hearing and notice was posted on the property a minimum of one week prior to the Hearing; and
6. The Board of County Commissioners found that the proposed subdivision will be consistent with the Bingham County Comprehensive Plan.

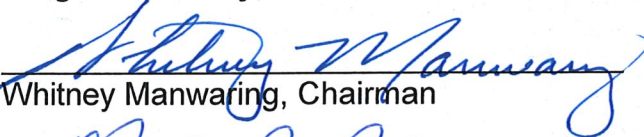
Conclusion

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 Paul & Deana Day for a 2-Lot Subdivision to be known as "Day Acres" located at approximately 1056 W. 100 S., Blackfoot, Idaho 83221. Commissioner Lewis moved to accept the Short Plat Application submitted by Paul & Deana Day, for the property located at approximately 1056 West 100 South on 2.61 acres and will be 2 lots with a .52 right of way included, based upon the Reasoning and Decision issued by the Planning & Zoning Commission as it met Bingham County Code Chapter 10-4-2 (C) and is appropriate for Residential/Agricultural Zoning with houses similar in size in the area. That it met Bingham County Ordinance Chapter 10-6-6(B)1 because the lots meet the 1 acre minimum with individual well and septic. That it met the Bingham County Code 10-14-7 because it was a complete application as reviewed by the Administrator and Surveyor. That it met the requirement of Bingham County Code Chapter 10-4-14-4 (B) and all lots will have individual septic and drain fields, which are allowed. That it meets the Bingham County Comprehensive Plan and met the requirements of Idaho Code § 67-6513 and Bingham County Code Section 10-3-6 on Public Hearings. 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 ^{16th} ~~21~~ day of February 2021.

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


Whitney Manwaring, Chairman


Mark Bair, Commissioner


Jessica Lewis, Commissioner