

BOARD OF BINGHAM COUNTY COMMISSIONERS

REASON & DECISION

In regards to: The Planning & Zoning Commission's recommendation to approve the 1st Amended Stone River Estates, a 2-Lot Replat.

Bingham County Board of Commissioners Meeting Date: July 21, 2022.

Application filed by: Curtis Carpenter (Owner of Lot 11) and Austin Jacobs (Owner of Lot 12)

The Board finds that the record is comprised of:

1. Exhibits to the Board Public Hearing Staff Report:
 - CC-1: Staff Report- Board of County Commissioners
 - S-20: Planning & Zoning Reason & Decision- May 11, 2022
 - S-21: Planning & Zoning Minutes- May 11, 2022
2. Exhibits to the Planning & Zoning Commission Staff Report:
 - S-1: Staff Report- Planning & Zoning Commission
 - A-1: Application for Subdivision Plat
 - A-2: Detailed Narrative A-3: Preliminary Plat
 - A-4: Quit Claim Deed- Instrument No. 711872
 - A-5: Custom Soil Resource report A-6: Subdivision Guarantee
 - A-7: Idaho Department of Water Resources- Well Construction Search
 - A-8: Final Plat for Stone River Estates No. 1- Instrument No: 710169
 - S-2: Parcel Map
 - S-3: Zoning Map
 - S-4: Comprehensive Plan Map
 - S-5: Flood Plain Map
 - S-6: Aerial Map
 - S-7: Subdivision Map
 - S-8: Area of Impact Map
 - S-9: School District Map
 - S-10: Utilities Map
 - S-11: Nitrate Priority Area Map
 - S-12: Irrigation District Map
 - S-13: Map
 - S-14: Notice of Posting- Addie Jo Harris
 - S-15: Site Photographs
 - S-16- Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
 - S-17: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing
 - S-18: Property Owners List & Notice of Mailing

- A. As to procedural items, the Board finds the following:
1. The meeting was held pursuant to Bingham County Section 10-14-4(E) to consider the Planning & Zoning Commissions recommendation on the Application.
 2. The Board reviewed the Preliminary Plat, the written information presented to the Commission, and the Commission Minute and the statement of action taken, prior to making a determination on the proposed plat.
- B. After review of all content provided and presentation of the Staff Report by Addie Jo Harris, which included the request was for a lot line adjustment between two parcels in the Stone River Estates Subdivision. A brief discussion was held in regards to testimony presented during the Commissions Public Hearing from Blake Jolley, Connect Engineering, wherein he stated the location of a lath was thought to be the property corner which was inaccurate and a structure was constructed. Once the correct property corner pin was located, it was realized the accessory structure has been built too close to the lot line necessitating a lot line adjustment, which requires a Replat pursuant to Bingham County Code.

Ms. Harris further explained that the Applicant's started to install a fence and found the proper corner pin, realizing they had gone off the lath that was not accurate previously.

There were no further concerns or deliberation at this time.

REASON

Based upon the entire record, and the Staff Report, the Board finds:

1. the Application met the requirements in Bingham County Code Section 10-4-2 (C) as the purpose of an "R/A" Zone is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities. The Carpenters' have an existing home and accessory structure; in which the accessory structure was constructed too close to the property line. The Replat is essentially a lot line adjustment within a Subdivision pursuant to Bingham County Code; and
2. the adjustment does not affect either parcel from meeting the one-acre minimum lot size for a Residential/Agriculture Zoning District so both lots will be still compliant with Area Regulations pursuant to Bingham County Code Section 10-6-4; and
3. the Application met the Requirements of Bingham County Code Section 10-14-4(A) because the Application was completed and included all items listed in Sections 10-14-4 (A) 1-23; and
4. the proposed Subdivision is considered to be consistent with the Bingham County Comprehensive Plan as the area is designated as Residential/Residential Agriculture; and

5. the Application met the requirements of Idaho Code Section 67-6513 and Bingham County Code Section 10-3-6 as 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 Public Hearing and notice was posted on the property a minimum of one week prior to the Public Hearing.

DECISION

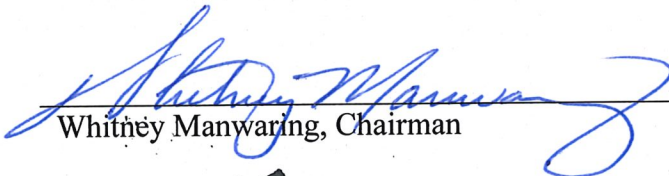
Commissioner Lewis moved to uphold the recommendation made by the Planning & Zoning Commission to approve the request by Curtis Carpenter and Austin Jacobs for a 2-Lot Replat, to be known as the 1st Amended Stone River Estates Subdivision, based upon the information provided today and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both Commissioners voted in favor. Commissioner Bair was not present for this meeting. The motion carried.

Request for Reconsideration/Judicial Review: Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

Dates this 23 day of August 2022.

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


Whitney Manwaring, Chairman


Mark Bair, Commissioner


Jessica Lewis, Commissioner