

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The Planning & Zoning Commission's recommendation to approve the Zoning Amendment from "R" Residential to "C1" Light Commercial.

Application filed by: Thaddeaus Scott.

REASON & DECISION

- A. 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
 - CC-2: Proof of Publication- Bingham News Chronicle- Board of County Commissioners
 - CC-3: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing
 - CC-4: Property Owners Notice List & Notice of Mailing
 - CC-5: Notice of Posting- Addie Jo Harris- Planner
 - 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 Zone Change
 - A-2: Reasoning for Application for Zone Change.
 - A-3: Site Plan
 - A-4: Quit Claim Deed- Instrument No. 696063.
 - A-5: Planning & Zoning Commission- Findings of Facts and Conclusions of Law and Minutes dated January 12, 2018
 - S-2: Scott Zone Change Parcel Map
 - S-3: Scott Zone Change- Zoning Map
 - S-4: Scott Zone Change- Comprehensive Plan Map
 - S-5: Scott Zone Change- Flood Plain Map
 - S-6: Scott Zone Change- Aerial Map
 - S-7: Scott Zone Change- Subdivision Map
 - S-8: Scott Zone Change- Area of Impact Map
 - S-9: Scott Zone Change- School District Map
 - S-10: Scott Zone Change- Utilities Map
 - S-11: Scott Zone Change- Nitrate Priority Area Map
 - S-12: Scott Zone Change- Irrigation Company Map
 - S-13: Scott Zone Change- ½ miles proximity parcels by size
 - S-14: Map
 - S-15: Notice of Posting: Addie Jo Harris
 - S-16: Site Photographs
 - S-17- Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission

S-18: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing

S-19: Property Owners List & Notice of Mailing

3. Planning & Zoning Commission Meeting Minutes May 11, 2022 and Planning & Zoning Commission sign in sheet for May 11, 2022.
4. Planning & Zoning Commission Reason & Decision, dated May 11, 2022.
5. All Information and Testimony presented at the Public Hearing on May 11, 2022:
 - T-1: Testimony from Blackfoot Fire District
 - T-1A: provided Section 308.5 and 308.5.1
 - T-2: Testimony from Bingham County Sheriff's Office
 - T-3: Testimony from Bingham County Public Works
 - T-4: Testimony from Allan Johnson- Department of Environmental Quality
 - T-5: Testimony from Bingham County Surveyor
 - T-6: Testimony in support from L. Douglas Murdock
 - T-7: Oath or Affirmation- Thaddeaus Scott

B. As to procedural items, the Board finds the following:

1. Requested Action: The Public Hearing was held pursuant to Bingham County Section 10-3-6(A)(11) where the Board held a Public Hearing, using the same notice and hearing procedures as the Commission, on the Application for an Amendment to the Zoning Designation.
2. In accordance with Bingham County Code 10-3-6 Notice was provided as follows:
 - a. Sent to Government Agencies on May 25, 2022 (CC-3 List of Government Agencies and Notice of Mailing)
 - b. Published in the Bingham News Chronicle on May 27, 2022 (CC-2: Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on May 25, 2022. (CC-3 Property Owners Mailing List and Notice of Mailing)
 - d. Site was posted on May 16, 2022 (CC-5 Property Posting)
3. There was no testimony received from Government Agencies prior to the Boards Public Hearing.
4. There was no public response received prior to the Boards Public Hearing:
5. Testimony received at the Board's Public Hearing:
 - a. (CC-6) Thaddeaus Scott, Applicant, stated that he has owned this property for approximately four years. He has met with the Fire Department who advised, due to level of occupancy, what kind of fire suppression system would need to be installed, along with a smoke detector system. He will be installing a commercial system, which will be integrated throughout the entire building. He also met with Health and Welfare who stated it is required to have a direct exit from the sleeping area for the infants.

6. Testimony was closed and moved into Board's discussion.
7. Chairman Manwaring stated he has no concerns and this request fits in the multi-use corridor.
8. Commissioner Bair had no concerns or comments.
9. Commissioner Lewis had no concerns or comments.

CONCLUSION OF LAW

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

1. the Zoning Amendment Application was filed by the property owners in accordance with Bingham County Code Section 10-15-2(D).
2. Bingham County Code Section 10-4-2(D) provides for the description and qualifications for the Light Commercial Zoning District and the Board found the parcel meets that designation as:
 - a. The parcel was once zoned Light Commercial and there is a Light and Heavy Commercial zoning in all four directions of the parcel.
 - b. The parcel has adequate service by roadways. The Public Works Director provided comment there were no issues with access to the property.
 - c. There are no concerns with compatibility with existing uses as there are a number of properties operating a business in the area that are also zoned Light Commercial and the use of a daycare is allowed in a Light Commercial Zone.
3. The proposed zoning designation is consistent with the Bingham County Comprehensive Plan as the parcel has a map designation of Multi-Use, which is supported by the Light Commercial Zoning District.
4. The Application met the requirements of Idaho Code Section 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 Public Hearing and notice was posted on the property a minimum of one-week prior to the Public Hearing.

DECISION

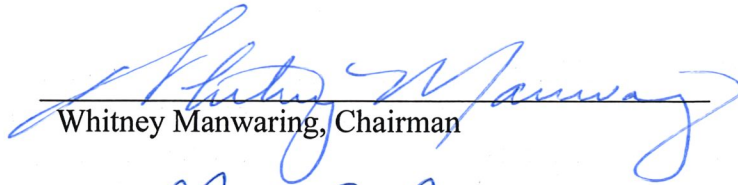
Commissioner Bair moved to uphold the decision made by the Planning & Zoning Commission to approve the Zone Change for Thaddeaus and Kaylee Scott, located at 1205 W. Highway 39, Blackfoot, Idaho, from "R" Residential to "C1" Light Commercial on approximately 1.04 acres. Said motion is based upon the record and the Reason & Decision of the Planning and Zoning Commission. Commissioner Lewis seconded. All voted in favor. 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 10 day of August 2022.

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


Whitney Manwaring, Chairman


Mark Bair, Commissioner


Jessica Lewis, Commissioner