

BOARD OF BINGHAM COUNTY COMMISSIONERS

REASON & DECISION

In regards to: The Planning & Zoning Commission's recommendation to approve the request for Zoning Amendment of approximately 2.0 acres and approximate location of 759 W 200 N, Blackfoot, Idaho, currently zoned mostly Light Commercial "C1" with a small area zoned Residential "R", to all Residential "R".

Property Owners: Mathew and Corrie Cagle

Board of County Commissioners Public Hearing Date: June 17, 2024

Commissioner Jackson was not present for said Public Hearing and was excused.

The record provided to the Board is comprised of the following:

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- Lindsey Dalley, Commission Clerk
 - CC-4: Property Owners Notice List & Notice- Lindsey Dalley, Commission Clerk
 - CC-5: Notice of Posting- Tiffany G. Olsen- Planning & Development Director
2. Exhibits to the Planning & Zoning Commission Staff Report:
 - S-1: Staff Report- Planning & Zoning Commission
 - A-1: Application for Zone Change
 - A-2: Cagle Zone Change Narrative
 - A-3: Proposed Site Plan
 - A-4: Warranty Deed
 - A-5: Application for Subdivision Plat
 - A-6: Murkwood Subdivision Narrative
 - A-7: Murkwood Subdivision Boundary
 - A-8: Custom Soil Resource Report- United States Department of Agriculture
 - A-9: Guarantee- Old Republic National Title Insurance Company
 - A-10: Well Construction Search- Idaho Department of Water Resources
 - A-11: Water Share Acknowledgement- Kay Martin- Grimmitt Ditch Company
 - S-2: Aerial Map
 - S-3: Zoning Map
 - S-4: Comprehensive Plan Map
 - S-5: Flood Plain Map
 - S-6: Subdivision Map
 - S-7: Area of Impact Map
 - S-8: School District Map

- S-9: Utilities Map
- S-10: Nitrate Priority Area Map
- S-11: Irrigation Provider Map
- S-12: ½ mile proximity parcels by size Map and List
- S-13: Google Imagery
- S-14: Notice of Posting: Addie Jo Harris
- S-15: Site Photographs
- S-16: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission Public Hearing Notice
- S-17- Blackfoot/Snake River Government Agency Notice List & Notice of Mailing- Addie Jo Harris
- S-18: Property Owners List and Notice of Mailing- Addie Jo Harris

3. All Information and Testimony presented prior to the Planning & Zoning Commission Public Hearing:

- (T-1) Testimony from Bingham County Surveyor
- (T-2) Testimony from Allan Johnson, Regional Engineering Manager with the Idaho Department of Environmental Quality
- (T-3) Testimony from Adam Settell, Environmental Health Specialist with Southeastern Idaho Public Health
- (T-4) Testimony from Bingham County Public Works

4. Testimony presented at the Planning & Zoning Commission Public Hearing:

(T-5) Applicant's Representative Chris Street, Professional Land Surveyor with HLE, Inc., 800 W. Judicial Street, Blackfoot, Idaho, stated that the zone change is appropriate to bring the parcel, which is already being used for residential purposes, into compliance with the surrounding area as the neighboring properties are also residential properties. He explained that there are currently utilities along 200 N. Additionally, the small jog of the property line depicted on the proposed plat is intended to go around the existing well which will stay with the house that is already constructed on Lot 1, and the corresponding jog is to meet the minimum acreage requirement. He explained that a portion of the property to the south is in the flood plain and anticipates the future home to be located out of the flood plain as the septic system will need to be at least fifty feet (50') from the irrigation ditch. He informed the Commission that the intent is to allow the Applicant's family to live next to one another.

As to procedural items, the Board finds the following:

1. Requested Action: The Public Hearing was held pursuant to Bingham County Code 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 of the Boards Public Hearing was provided as follows:
 - a. Sent to Government Agencies on May 20, 2024 (CC-3 List of Government Agencies and Notice)
 - b. Published in the Bingham News Chronicle on May 22, 2024 (CC-2- Affidavit of Publication)
 - c. Sent to 15 property owners within 300' of this property on May 20, 2024. (CC-4 Property Owners Mailing List and Notice)
 - d. Site was posted on June 1, 2024 and pictures were taken on October 19, 2023 (CC-5 Notice of Posting Affidavit and S-15 pictures)
3. There was no testimony received prior to the Boards Public Hearing.
4. With no additional questions for Staff after presentation of the Staff Report, the Public Hearing was opened. The Board received testimony as follows:

The Applicant's Representative was not present.

Chairman Manwaring asked if there was testimony to be given in favor of the Application, wherein there was none.

Chairman Manwaring asked if there was testimony to be given in neutral of the Application, wherein there was none.

Chairman Manwaring asked if there was testimony to be given in opposition of the Application, wherein there was none.

REASON

Public testimony was closed and the Board moved into discussion and deliberation which was held and the Board hereby finds:

Bingham County Code Section 10-4-2 (D), which states that the purpose of the "R" Residential Zone in that parcel meets the following criteria:

1. Close proximity to existing townsites or which are contiguous to another "R" or "R/A" Zone;
 - a. The Board had no concerns.
2. Lot size compatible with existing lot sizes in immediate vicinity;
 - a. The Board had no concerns.

3. Accessibility of Municipal services or the possibility of extension of services in the foreseeable future;
 - a. The Board had no concerns.
4. Compatibility with existing uses in the immediate vicinity;
 - a. The Board had no concerns.
5. Protection from incompatible uses;
 - a. The Board had no concerns.
6. Adequate service by roadways;
 - a. The Board had no concerns.

There was no further discussion and Chairman Manwaring requested a motion at this time.

DECISION

Decision: Commissioner Bair moved to uphold the decision of the Planning & Zoning Commission to approve the Zoning Amendment from Mathew and Corrie Cagle for Parcel No. RP8000028 from Light Commercial and Residential to Residential on 2.02 acres of land. Said decision is based off of the record, discussion held and the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both 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 1 day of July 2024.

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


Whitney Manwaring, Chairman


Mark Bair, Commissioner


Eric Jackson, Commissioner