

BINGHAM COUNTY PLANNING AND ZONING COMMISSION
ADMINISTRATIVE APPEAL DATE: JUNE 12, 2024

STAFF REPORT

REQUESTED ACTION:

Oscar and Carmen Mattson filed an Administrative Appeal to the Bingham County Planning and Development Services Director on February 29, 2024 appealing the written Administrative Decision dated February 22, 2024.

The Appellants request the Director's decision be overturned by the Planning and Zoning Commission following the procedures set forth in Bingham County Code Section 10-10-1 *Administrative Appeal*.

NOTICE OF PLANNING AND ZONING COMMISSIONS ADMINISTRATIVE APPEAL HEARING:

In compliance with Bingham County Code Section 10-10-1 and the Planning and Zoning Commissions directive:

1. Notice of the Administrative Appeal Hearing was sent to the Appellants and property owners within 300 feet of the subject parcel on May 21, 2024.
2. The Appellant was provided an opportunity to supplement the Appeal record no later than seven (7) days prior to the Hearing, however, Planning and Development Services did not receive any additional information from the Appellant.

BINGHAM COUNTY CODE SECTION 10-10-1 *Administrative Appeal*:

Appeals to the Commission concerning interpretation or administration of this title may be made by any person or agency aggrieved or affected by any decision of the Administrator.

A. Such appeal shall be made within ten (10) calendar days after receiving the decision of the Administrator by filing with the Administrator a notice of appeal specifying the grounds upon which the appeal is made.

B. The Administrator shall transmit to the commission all papers constituting the record upon which the appeal is based.

C. An administrative appeal shall not stay all proceedings in furtherance of the action taken by the Administrator unless granted by the Board or by a court based upon an application showing due cause.

D. Upon receipt of an administrative appeal, the commission shall allow all affected persons an opportunity to be heard. At least seven (7) days prior to said opportunity, notice shall be given to all affected persons in such manner as shall be determined appropriate by the commission.

E. The commission shall approve, conditionally approve or disapprove the appeal. Upon granting or denying an appeal, the commission shall specify:

1. The ordinance, facts and standards used in evaluating the application; and
2. The reasons and rationale for approval or denial.

F. The commission shall make their decision within a reasonable time.

G. Once the decision is made, the applicant, any affected person, or the Administrator may appeal the decision of the commission to the Board. The appeal shall be filed with the Administrator before five o'clock (5:00) P.M. of the tenth calendar day following the commission's action.

PLANNING AND ZONING COMMISSION DECISION:

The Commission may approve, approve with conditions, or deny the Appeal. The Planning and Zoning Commission Decision may be appealed to the Board of County Commissioners in writing within 10 days from the date of its Reason and Decision.

Sample Motion for Approval: Based on the record, I move to approve the Administrative Appeal filed by Oscar and Carmen Mattson and allow the Appellants to request a Conditional Use Permit to transfer three (3) division rights from what is identified as the "Old Presto School Parcel" to the "Farm Parcel" for future land division and development based upon:

1. the ordinance, facts and standards used in making your decision; and
2. the reasons and rationale for approval

Sample Motion for Approval with Conditions: Based on the record, I move to conditionally approve the Administrative Appeal filed by Oscar and Carmen Mattson and allow the Appellants to request a Conditional Use Permit to transfer three (3) division rights from what is identified as the "Old Presto School Parcel" to the "Farm Parcel" for future land division and development based upon:

1. the ordinance, facts and standards used in making your decision; and
2. the reasons and rationale for approval

with the following conditions: _____

Sample Motion for Denial: Based on the record, I move to deny the Administrative Appeal filed by Oscar and Carmen Mattson. The Mattson's may apply for a Conditional Use Permit to transfer three (3) division rights from what is identified as the "Old Presto School Parcel" to the "Farm Parcel" but the three (3) division rights cannot be used to create buildable parcels. The "Farm Parcel" has exceeded the number of land divisions allowed by Idaho Code Section 50-1301(17) and Bingham County Code Section 10-14-3(A). Any future land division within the "Farm Parcel" shall be platted. This denial is based upon the referenced codes and on the

advice of Bingham County legal counsel who stated the Appellants request to transfer and create parcels with the three (3) division rights within the boundaries of the "Farm Parcel" is not legal.

1. the ordinance, facts and standards used in making your decision; and
2. the reasons and rationale for denial

ATTACHMENTS

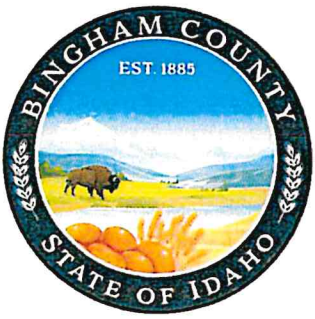
EXHIBIT #

Planning & Development Services Director Written Decision	S2
Oscar and Carmen Mattson Appeal of Administrative Decision	S3
Verification of compliance with notice requirements	S4

PLANNING & DEVELOPMENT
SERVICES

ADMINISTRATIVE DECISION FOR
OSCAR AND CARMEN MATTSON
DATED 2/22/2024

Exhibit
S-2



BINGHAM COUNTY PLANNING & DEVELOPMENT SERVICES

February 22, 2024

Oscar and Carmen Mattson
807 E Presto Rd.
Firth ID 83236

RE: Building/Division Rights RP0545716 | Township 2S, Range 37E, Section 08

Dear Mr. and Mrs. Mattson,

This letter is a follow up to several conversations we have had regarding the parcel you own, identified as RP0545716, consisting of approx. 18.55 acres, located at approximately 749 E 450 N Presto Road, Firth, ID, and your continued desire to transfer three (3) division rights from what is identified as the “Old Presto School Parcel” to the “Farm Parcel” for future land division. I reference *continued desire* as you, on behalf of James Jim Mattson, submitted a Conditional Use Permit Application to transfer the same three (3) division rights from the “Old Presto School Parcel” to the “Farm Parcel” on December 27, 2018. Prior to the February 13, 2019 Planning and Zoning Commission’s Public Hearing, on January 24, 2019, a written request to withdraw the Application (signed by Mr. James Mattson) was received and the file was closed with no action taken.

As we discussed, the “Farm Parcel” is one of five divisions (or parcels created) within an Original Parcel shown in purple on Exhibit A, attached hereto and incorporated herein. From this map, you can follow the sequential order of parcel creation within this Original Parcel. You will note the 5th parcel created is non-buildable because all division rights within the Original Parcel had been utilized; this was acknowledged in the Quitclaim Deed (Instrument No. 633458) stating “This parcel contains no division or building rights.”

It is apparent from Exhibit A that the number of divisions within the purple Original Parcel exceeded the number allowed and any future development within any one of the parcels would require the subdivision process to be initiated and approved. This statement is supported by Bingham County Code Section 10-14-3(A) which reads “*An Original Parcel in any zone may be divided into no more than four (4) lots including the original parcel. The original parcel shall constitute the first division/building right. Any division of land beyond four (4) of an original parcel shall require a subdivision plat to be filed in accordance with provisions set forth in this Chapter.*”

Not only is land division beyond four parcels defined and regulated in Bingham County Code, Idaho Code Section §50-1301(17) defines a Subdivision as: “A track of land divided into five (5) or more lots, parcels, or site for the purpose of sale or building development, whether immediate or future...”

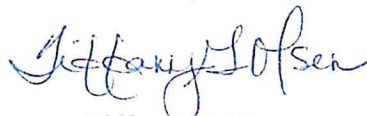
I cannot speak to prior interpretation or administration of this Department as it relates to division rights. With that said, on April 21, 2020, the Bingham County Board of County Commissioners issued a Memorandum enforcing the above referenced sections of Bingham County Code and Idaho Code. Within this Memorandum, the Board recognized there has been various interpretations, guidance, and decisions on how parcels are divided within Bingham County when using division rights which has caused Bingham County to be non-compliant with the law. On the same date, the Board voted to enforce and abide by local and state regulations and only allow an Original Parcel, in any zone, to be divided into no more than four (4) lots including the Original Parcel. The Memorandum was mailed to all Applicants who received an approved Conditional Use Permit for a Division Right Transfer prior to April 2020. A copy of the Memorandum is enclosed for your reference; you nor James Mattson received this Memorandum because the Conditional Use Permit Application was withdrawn.

In summary, as documented by the email Mr. Mattson sent to me on September 17, 2023, it is your intent to transfer division rights from the "Old Presto School Parcel" to the "Farm Parcel" for the purpose of creating new parcels within the boundary of the "Farm Parcel." Based on the above and for reasons stated within, your request is respectfully denied.

If you disagree with my decision, pursuant to Bingham County Code Section 10-10-1(A), you may file an appeal to the Bingham County Planning and Zoning Commission. The appeal is required to be made within ten (10) calendar days after receiving this decision. An appeal can be made by filing a Notice of Appeal specifying the grounds upon which the appeal is made, to this Department. The appeal will then be heard by the Bingham County Planning & Zoning Commission.

If you have any questions, please do not hesitate to contact me.

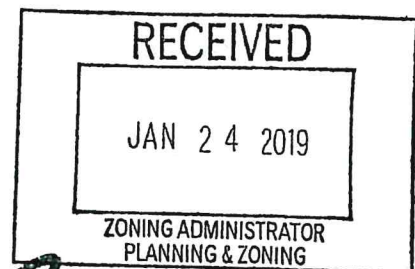
Sincerely,



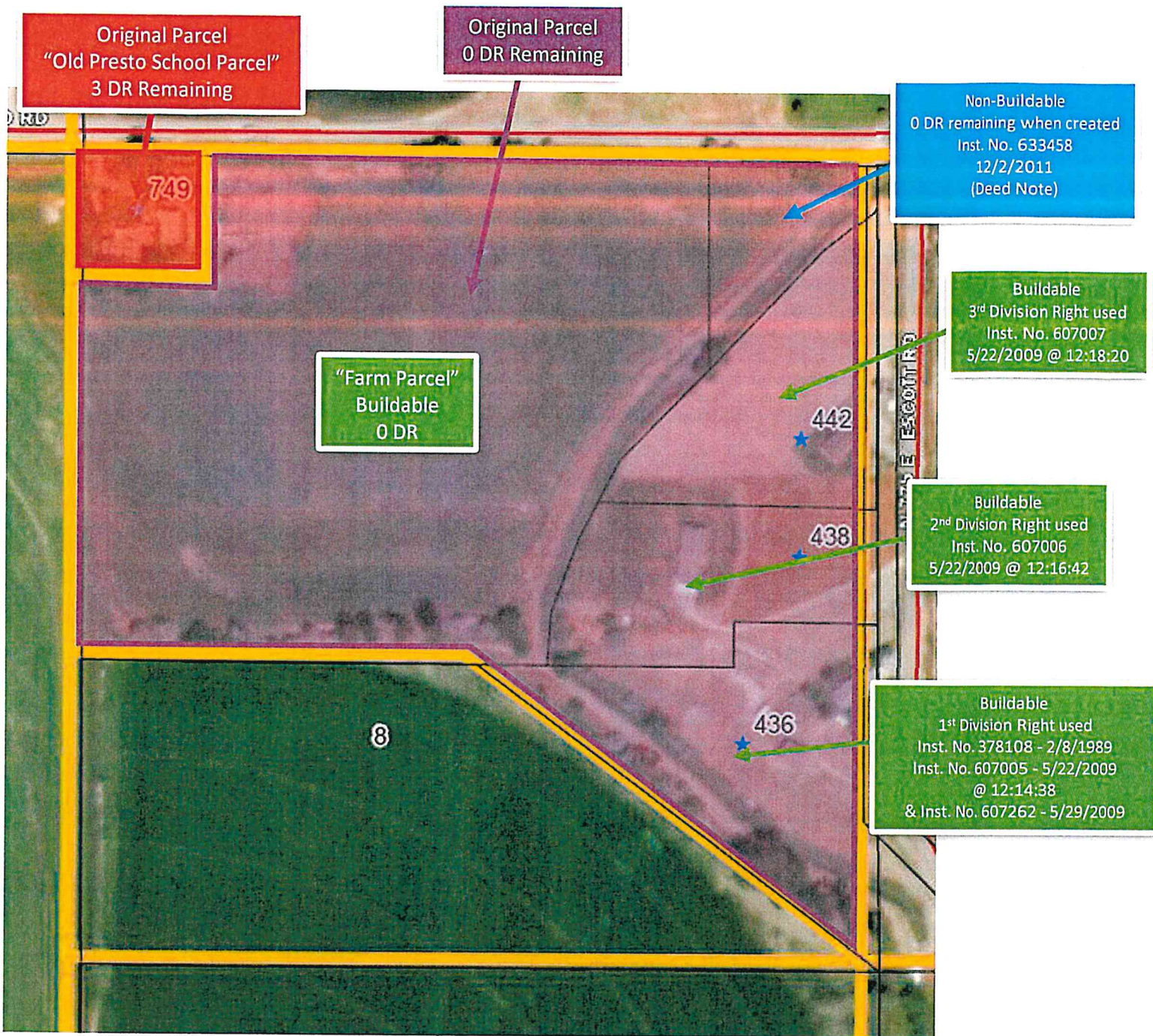
Tiffany G. Olsen
Director

Encl.

I James Jim Mattson
request that the
division right transfer
permit be taken off
of the agenda for
planning and zoning
meeting for February
2019.



James J. Mattson



OSCAR & CARMEN MATTSON
Building/Division Right Research
RP0545716
Township 2S, Range 37E, Section 08




-  Original Parcel Boundaries
-  Original Parcel
-  Original Parcel

Exhibit
A

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Mark Bair

Jessica Lewis



Lindsey Gluch-Commission Clerk
501 N. Maple #204
Blackfoot, ID 83221
Phone: 782-3013
Fax: 785-4131

TO: Contractors, Developers, Realtors, and Residents of Bingham County and Surrounding Area

FROM: Bingham County Board of Commissioners

DATE: April 21, 2020

RE: Enforcement of Idaho Code and Bingham County Code relating to Subdivisions (divisions of land in excess of 4 divisions) and Road/Driveway Approaches

It has been brought to the attention of the Board of County Commissioners (hereinafter referred to as "the Board") there has been varying interpretations, guidance, and decisions on how parcels are divided within our County when using division rights to create said parcels/lots which have caused Bingham County to be non-compliant with not only Bingham County Code (i.e. Chapter 10 "Zoning Regulations") but also Idaho Code (specifically Section 50-1301(7)). The Board cannot allow this practice to continue and issues this notice to all, that as of April 21, 2020, Bingham County will be enforcing Bingham County Code and Idaho Code as it relates to division rights and parcel divisions.

It is not the intention of the Board to restrict any applicant/land owner the use of their property, the division of their property, and do not intend to cease development in Bingham County. Rather, the Board has instructed the Planning and Zoning Department to enforce the Bingham County Code and Idaho Code, effective immediately, and to begin preparing revisions to the Bingham County Code to provide clear and concise instructions for land divisions when using division rights to create five (5) or more parcels/lots/sites for the purpose of sale or building development, whether immediate or in the future. Among this revision, the proposal will also provide those applicants'/land owners who have either (1) applied for a Conditional Use Permit with the Planning and Zoning Department by this date; or (2) received a decision from the Planning & Zoning Commission lawfully transferring division rights from one parcel to another parcel prior to this date, who acted on reliance of the Planning & Zoning Department staff to transfer said division rights, a process to be heard. This process could allow for the landowner to present information on the division right transfer, development of the property (parcel), and provide a method for the landowner to proceed with the desired development. Other considerations could be to create alternative options for transfers which could include

ORIGINAL

sending/receiving areas (similar to other jurisdictions), enact a sunset clause for development of division right transfers, or allow division rights to increase density for non-platted, and perhaps platted, parcels in some or all zoning districts.

Once a draft ordinance is prepared, the Planning and Zoning Commission will review the revised code, make suggested edits/deletions, allow for public comment via a public hearing process, and ultimately recommend an ordinance to the Board for consideration. The recommended ordinance will undergo subsequent public hearing(s) and potential adoption. We hope to begin the public hearing process with the Planning and Zoning Commission by July 1, 2020, if not sooner. We encourage you to be involved and provide comment on the proposed ordinance. Watch for notices on our website and published in the local newspaper.

For reference, the Code Sections being enforced, as of April 21, 2020, are as follows:

1.) **Division of land.** When an individual/corporation divides a parcel into more than four (4) parcels of land, whether by the use of division rights or by the subdivision process, the division shall follow Bingham County Code Sections 10-14-3, 10-2, and Idaho Code Section 50-1301(17) which are as follows:

Bingham County Code Section 10-14-3 (A-G)

Specifically

10-14-3 (A): An original parcel in any zone may be divided into no more than four (4) lots including the original parcel. The original parcel shall constitute the first division/building right. Any division of land beyond four (4) of an original parcel shall require a subdivision plat to be filed in accordance with provisions set forth in this chapter "Subdivision Regulations." Exceptions to the foregoing are as follows:

1. An allocation of land in a legal condemnation.
2. The exchange of land that does not result in an increase of the number of lots or decrease a lot in area to less than the required minimum size for the zone.

10-14-3 (C)(5): Division rights shall not be transferred from one original parcel to another original parcel unless they are assessed under one ownership and are approved by a conditional use permit

Bingham County Code Section 10-2 "Definitions"

SUBDIVIDING: The act of dividing a lot, tract or parcel into two (2) or more lots, parcels or tracts for the purpose of sale or building development, whether immediate or future. A subdivision as defined by Idaho Code section 50-1301(17) is regulated under chapter 14 of this title.

Idaho Code Section 50-1301(17)

Subdivision: A tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural purposes shall mean the division of land into lots, all of which are five (5) acres or larger, and maintained as agricultural lands. Cities or counties may adopt their own definition of subdivision in lieu of this definition.

In Summary:

Enforcement applies to all original parcel division right owners wishing to use division rights, for all division right transfer applicants (via the Conditional Use Permit process) received on or after April 21, 2020 and persons wishing to subdivide property without the use of division rights, as follows:

Parcel Divisions of 4 parcels or less:

- For parcels of property being divided into four (4) or less parcels, without the use of division rights, the property owner shall follow the “Short Plat” subdivision process in Bingham County Code 10-14-7.
- For parcels of property being divided into four (4) or less parcels, with the use of division rights, the property will need to meet the size as required by the zoning district it is in, have legal access via an approach to a County roadway or private easement (no more than 4 parcels), and meet other standards set forth in Bingham County Code.

Parcel Divisions in Excess of 4:

- Any applications to use division rights to create parcels IN EXCESS OF FOUR (4) will be required to follow the Bingham County Subdivision process.
- Any division of a parcel to create additional parcels, without division rights, IN EXCESS OF FOUR (4) will be required to follow the Bingham County Subdivision process.

For all owners who successfully received a decision from the Planning and Zoning Commission transferring division rights, please contact the Planning and Zoning office to review your proposed development intentions prior to July 1, 2020.

Again, if you have any questions on how this memorandum affects your property or division right transfer, please contact the Planning and Zoning Department at (208) 782-3177 or by email at buildingpermits@co.bingham.id.us.

2.) **Approach/Access:** It is important to know that possessing a division right does not automatically provide you a buildable right for the divided parcel. A Building Permit Application is filed with the Planning & Zoning Department; with this filing is an extensive review of the parcel which includes a zoning review. The Planning & Zoning Department works closely with Public Works, Road and Bridge Department, to assign all new residences an address and ensure the parcel has legal access via an approach pursuant to Bingham County Code Section 7-3-6 "Permit for New Approaches; Requirements" which also references the Bingham County Road Standards Manual. A road approach permit is required for not only new residences, commercial facilities or other structures requiring access from a County roadway but also for roads being constructed as part of a subdivision or other access. Distances between approaches and from intersections vary depending on the classification of each road. It is important to review the Bingham County Road Standards and consult with the Planning & Zoning Department prior to assuming a parcel has legal access.

- **All road and driveway approaches will complete the application and seek approval PRIOR to groundwork commencing.**

For more information on approach/access permits, you may also contact the Public Work, Road and Bridge Department, at (208) 782-3173.

Lastly, we appreciate your patience and understanding as our staff does their very best to serve you, respond to your questions, and enforce State and Bingham County Code. This may be an adjustment to the past practice but know that we intend on making effective and efficient modifications to our Code and daily processes to not only streamline operations, but encourage smart, well-planned, growth in Bingham County.

Thank you,

BOARD OF BINGHAM COUNTY COMMISSIONERS


Whitney Manwaring, Chairman


Mark Bair, Commissioner


Jessica Lewis, Commissioner

Tiffany Olsen

From: Carmen Mattson <mattsono@yahoo.com>
Sent: Sunday, September 17, 2023 11:16 PM
To: Tiffany Olsen
Cc: Luke
Subject: Re: Division Right Request Form
Attachments: Divison Rights Research Request.pdf; image001.wmz

Hi my name is Oscar Mattson. I have been working with Luke Jolley @ HLE, he has reached out to you concerning this issue. Just in case you need it, here is a small recap...I would like to use the building rights that are with our home at 749 E. 450 N. in Firth, to build on the 18.55 acres we purchased with that original parcel (home). I am hoping that we can move those building rights to that acreage. If you have any questions please reach out to me @ 208-680-8851. I have attached the form that was forwarded to me by Luke. Thank you for looking into this for me.

Oscar Mattson

On Tuesday, September 12, 2023 at 03:59:04 PM MDT, Luke <lukej@hleinc.com> wrote:

Thanks,

B. Luke Jolley P.E.

President

HLE

PO BOX 866, 800 W JUDICIAL STREET

BLACKFOOT, ID 83221

Office 208-785-2977

Cell 208-681-8502

lukej@hleinc.com

OSCAR AND CARMEN MATTSON

APPEAL OF
ADMINISTRATIVE DECISION
DATED 2/29/2024

Bingham County

Planning & Development Department

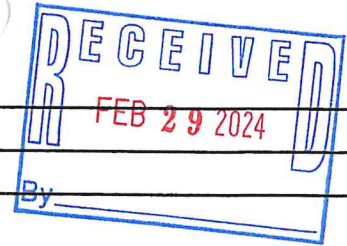
490 North Maple, Suite A, Blackfoot, Idaho 83221

Phone: 208/782-3177

File No.:

P&Z Hearing Date:

Application Date



APPEAL TO THE PLANNING AND ZONING COMMISSION

Appellant

Name Oscar & Carmen Mattson

Phone 208-680-8851

Address 807 E. Presto Rd.

City/Zip Firth, ID 83236

Location: 749 E. 450 N. Firth, ID 83236

Email mattsono@yahoo.com

(Physical location if mailing address different.)

Appeal of: The decision from Bingham County Planning and Development to deny the transfer of our division rights.

Reason for Appeal

In 2018 we were in the process of purchasing my grandpa's farm, the Lower Presto Schoolhouse. The plan was to purchase his house (the Lower Presto Schoolhouse), and the 18 acres attached to it. Midway through the process he decided he wanted to keep the house, so we got Harper and Leavitt involved to survey out the house. Through this process we found out that the schoolhouse parcel was an original parcel with 4 division rights. We proceeded to have 3 division rights transferred to the 18 acres we were purchasing, and it was put on the P&Z agenda for February 2019. (Exhibit S-2, S-2, T-1, T-2, A-3, A-10, A-11, 12/27/18 letter from HLE, payment and receipt copy, notice of public hearing, adjacent property owners letter, CUP application)

In December 2018 grandpa changed his mind again and he decided to sell us the whole place, schoolhouse and 18 acres. On January 23, 2019, P&Z received a typed letter with my grandpa, James Jim Mattson's, signature asking for the division right transfer to be taken off of the agenda. (Exhibit S-17, letter from James Jim Mattson, & receipt)

After the purchase was final, my wife and I went into the P&Z office. We talked with Leigh Ann Davis about the division rights. We have children getting older and we wanted to make sure we had our ducks in a row for when we decided to use said division rights. She assured us that there were 4 rights that we could use at

Reason for Appeal Continued:

any point, and we talked about the placement of 3 different parcels and what would be required to access them. We left P&Z that day in good faith knowing that those division rights were usable when we were ready!

Fast forward to Fall 2023... My wife and I went into P&Z and we were told that we can transfer those division rights from the schoolhouse to the 18 acres, but we cannot use them to build on. We were also told that if we had a piece of paper documenting that earlier visit with Leigh Ann that they would honor it. Of course, we didn't ask Leigh Ann for a paper saying that what she just told us was true, we completely trusted her, and P&Z. We believed what they had told us was true. We had no reason to not believe them. That being said, we do believe that those papers are right here in the packet, and are proof that P&Z was going to allow us to transfer those rights to the 18 acres bordering the schoolhouse. There are multiple maps in the packet that show that the schoolhouse was granting 3 division rights and the land was receiving 3 division rights. (Exhibits A-3, A-5, A-5a, A-6, A-7, A-8, A-8, Bingham County Code 10-14-3: C-5)

Application Fees are as listed below and shall be paid prior to presenting this Appeal to the Commissioners.

Application Fee \$150.00 plus publication, mailing & survey costs if applicable

Appointment of Designated Agent

I, we the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my, our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County:

Designated Agent Name _____

Property Owner(s) Signature

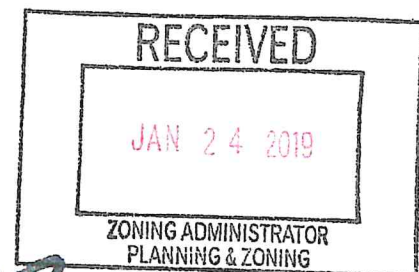
Carmen Mattson

Date 2/29/24

Carmen Mattson

Date 2/29/24

I James Jim Mattson
request that the
division right transfer
permit be taken off
of the agenda for
planning and zoning
meeting for February
2019.



James J. Mattson



**BINGHAM COUNTY
PLANNING & ZONING/BUILDING & SAFETY**



MEETING PROCEDURES

“This is a Legal Public Hearing and these are the meeting procedures as such:”

1. You are required to sign an Oath or Affirmation if you are planning to give testimony.
2. This meeting is tape-recorded; you must come to the podium to speak when given the floor, stating your name and address before you speak. **No one else may speak when someone has the floor.**
3. We will take applications in the order they are printed on the agenda.
4. The P & Z Department will present a “Staff Report” and the Commission may ask Staff questions.
5. The applicant or representative will make the presentation. **10 Minutes**
The Commission may then ask the applicant questions regarding the application
6. All information and testimony should directly address the subject at hand. All written testimony and exhibits must be submitted to the Planning Commission to be included in the official record. **No more than 2 pages of written testimony to be accepted at the hearing. All other documents must be delivered to Bingham County Planning & Zoning a minimum of 8 days before the hearing.**
7. The audience will then give testimony; in Support, Neutral, or Opposition to the application. Testimony should not be repetitious of other testimony already given. Testimony should not be personally malicious. **3 Minutes each**
8. These time limits will be imposed on all who participate.
9. The Commission may ask questions of each witness, if needed.
10. Applicant may rebut facts presented by Audience or Commission. There will be no rebuttal testimony by the audience unless the applicant presents new facts. **5 Minutes**
11. Public testimony will then close.
12. The Commission will discuss the application and they may vote to approve or deny; or the Commission may table the decision to a later date.

We ask everyone to be respectful at all times

**Exhibit
S-2**

Leigh Ann Davis

From: Sheriff Craig Rowland
Sent: Tuesday, January 08, 2019 3:34 PM
To: Leigh Ann Davis
Subject: RE: February P&Z Hearings

Leigh Ann,

I have no issues with any of these.

Sheriff Craig T. Rowland
Bingham County Sheriff
501 N. Maple #405
Blackfoot, ID 83221
208-782-3047

From: Leigh Ann Davis <ldavis@co.bingham.id.us>
Sent: Tuesday, January 8, 2019 11:47 AM
To: David Romrell <dromrell@co.bingham.id.us>; Audrey Stanfield <astanfield@co.bingham.id.us>; Lori Faler <lfaler@co.bingham.id.us>; Tanna Beal <tbeal@co.bingham.id.us>; Barbara Marlatt <bmarlatt@co.bingham.id.us>; Sheriff Craig Rowland <crowland@co.bingham.id.us>; Dusty Whited <dwhited@co.bingham.id.us>
Subject: February P&Z Hearings

Hello All,
Please review the attached February 13th hearing items and make any comments or concerns you may have and return to me by email, or just walk up to my office.
Thank-you. Have a good day.

Leigh Ann Davis
Assistant Zoning Administrator
Bingham County P&Z
ldavis@co.bingham.id.us
w: (208) 782-3182
c: (208) 317-4362





Bingham County Planning & Zoning
501 N. Maple # 203, Blackfoot, Idaho 83221
Phone: (208) 782-3182
Fax: 782-3868 E-Mail ldavis@co.bingham.id.us

To: Government Agencies

Date: January 8, 2019
Hearing Date: February 13, 2019


Subject: CUP Application to transfer 3 division rights
For: James Mattson

You are requested to review the following documents pertaining to the Conditional Use Permit proposal from James Mattson requesting to transfer 3 division rights from property he owns to another property he owns. The receiving parcel consists of 18.54 acres in an "A" Agriculture zone and the original granting parcel was approx. 1.0 acres and located in the NW corner of receiving parcel also in an Agriculture zone. Please provide comments and/or questions to the Bingham County Planning & Zoning Office as soon as possible. Thank You.

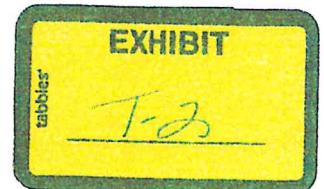
Approx. Address: 749 E 450 N

RP0545716

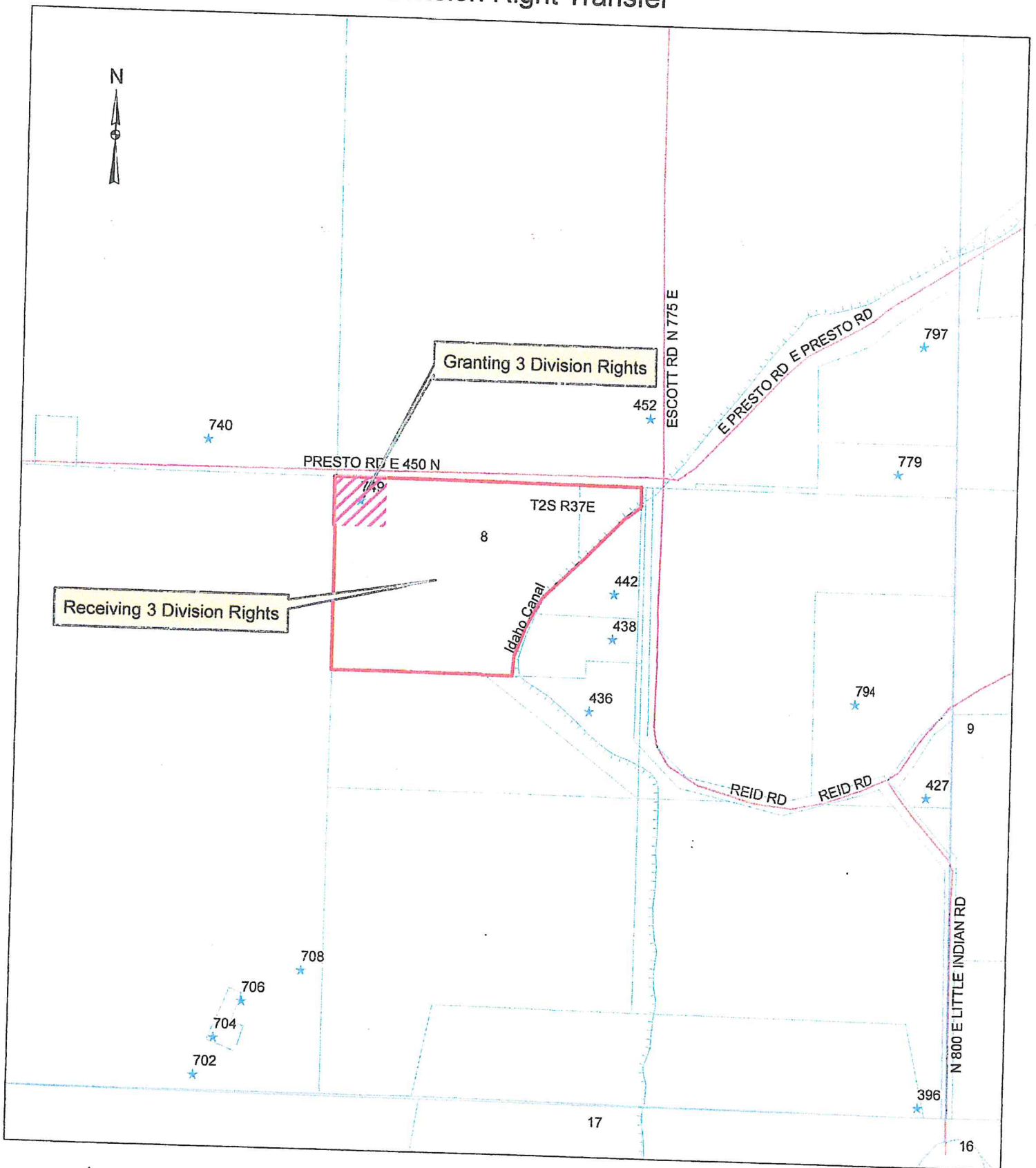
No Comments

Signed 

Date Jan. 8, 2019



James Mattson Division Right Transfer



Receiving 3 Division Rights

Granting 3 Division Rights



Legend

- | Name | | | |
|--|-----------------|---|-----------|
| | James Mattson | | Roads |
| | Bingham Parcels | ★ | Addresses |
| | | | Canals |

**EXHIBIT
A-3**

FIRTH GOVERNMENT AGENCY NOTICE

Company Name	Attention	Address	City	St	Zip
Bingham County Assessor	Audrey Stanfield				
Bingham County Public Works	David Romrell				
Bingham County Sheriff	Craig Rowland				
Bingham County Treasurer	Tanna Beal				
Bingham County Appraisal	Lori Faler				
Bingham County Public Works	Dusty Whited	83 Frontage Road	Blackfoot	ID	83221
Bureau of Land Management		1405 Hollipark Dr	Idaho Falls	ID	83401
Bureau of Land Management	Land & Reality	4350 S. Cliffs Dr.	Pocatello	ID	83204
Bureau of Reclamation	Laura Crandall	470 22nd Street	Heyburn	ID	83336
City of Firth	Mayor/City Council	P.O. Box 37	Firth	ID	83236
Department of Water Resources	Dennis Dunn	900 N. Skyline Dr. #A	Idaho Falls	ID	83402
Division of Environmental Quality	Tom Hepworth	444 Hospital Way #300	Pocatello	ID	83201
Firth School District	Superintendent	319 Lincoln	Firth	ID	83236
Firth/Shelley Fire District	Randy Adams	P.O. Box 234	Shelley	ID	83274
Firth Post Office	Postmaster	3232 N Main	Firth	ID	83236
Fish & Game	Jim Mende	1345 Barton Rd	Pocatello	ID	83204
Health Department	Ken Keller	145 W Idaho Street	Blackfoot	ID	83221
Idaho Department of Lands	Eastern Supervisor	3563 Ririe Highway	Idaho Falls	ID	83401
Idaho Irrigation District		496 E. 14th Street	Idaho Falls	ID	83404
Intermountain Gas Company	Pocatello Marketing	P.O. Box 2168	Pocatello	ID	83206
ITD	Melodie Halstead	5151 S. 5th Ave	Pocatello	ID	83204
Lavaside Canal	Von Cornelison	66 E. River Road	Blackfoot	ID	83221
People's Canal		1050 W. Hwy 39	Blackfoot	ID	83221
Qwest Engineering	Jon Davidson	930 W. Cedar Street	Pocatello	ID	83201
Rocky Mountain Power	Bill Brabec	852 E. 1400 N.	Shelley	ID	83274
Shelley School District	Superintendent	545 Seminary Ave	Shelley	ID	83274
Land Use Policy Commission		PO Box 306	Fort Hall	ID	83203
City of Shelley	Sandy Gaydusek	101 E. Emerson	Shelley	ID	83274
United Canal Co.		762 W Hwy 39	Blackfoot	ID	83221

29 Government Agencies

**Exhibit
A-10**

**MATTSON
MAILING LIST**

Owner1	Mail_Add1	Mail_Add2
CLAWSON REVOC TRST		
CLASWON CONNIE TTEE	740 E 450 N	FIRTH ID 83236-0000
CLAWSON BETH	740 E 450 N	FIRTH ID 83236-0000
LARSEN J BERKELEY FARM INC	2998 N ENGLEWOOD WAY	MERIDIAN ID 83646-0000
MATTSON MARTIN CHARLES	440 N 775 E	FIRTH ID 83236-0000
ANDERSON MICKEY & MALINDA	442 N 775 E	FIRTH ID 83236-0000
MATTSON CHARLES M & JONI MAE	436 N 775 E	FIRTH ID 83236-0000
MATTSON JAMES J & JUNE	749 E 450 N	FIRTH ID 83236-0000
PRESTO LLC	P.O. BOX 295	SHELLEY ID 83274-0000
OLSEN LEROY S III & ELIZABETH A	779 PRESTO	FIRTH ID 83236-0438
MATTSON OSCAR & CARMEN	807 E PRESTO RD	FIRTH ID 83226-0000

10 PROPERTY OWNERS

**Exhibit
A-11**

December 27, 2018

To whom it may concern,

The Mattson's would like to transfer three (3) of the four (4) division rights from parcel T-3742 or Deed Book 108 Page 155 dated 5-3-61. Which is the old Lower Presto School parcel to the remainder of the James Mattson farm parcel T-1418 or Deed Book 111 Page 120 dated 3-20-62.

James has sold three (3) parcels off the original farm parcel to date. These parcels were sold to his son and Grand kids who live there now. All of these parcels are East of the Idaho canal.

James would like to sell his Grandson the remainder of the farm keeping the old house (the old Lower Presto School house) and transfer the division rights form the old School parcel to the remainder of the farm. He sold a parcel in 2011 to his Grandson, which has no division right to bulid on at this time.

His Grandson would like to buy the remainder of the farm with the three (3) division rights and James has agreed to this.

Therefor he is requesting the transfer of the division rights from the old school parcel to the remainder of the farm parcel.

Thank you for your consideration

Bryce Jolley
HLE Engineering and Surveying
PO Box 866
Blackfoot, Idaho 83221
208-785-2977

EXHIBIT

tabbler

HARPER LEAVITT ENGINEERING, INC.
800 W JUDICIAL ST
BLACKFOOT, ID 83221

291

92-155/1241
57103

12/27/12 Date

Pay to the Order of Bingham County \$ 225⁰⁰
Two Hundred Twenty Five + ⁰⁰/₁₀₀ Dollars

 KeyBank National Association
1-888-KEY4BIZ® Key.com®

 Photo Safe Deposit®
Details on back

For Oslar m. H. app Bryan Galley 

⑆ 124 101555⑆ 121031008315⑆ 0291

Harold Clarke

RECEIPT DATE 12/27/12 No. 002860

RECEIVED FROM Harper Leavitt Engineering, Inc. \$ 225⁰⁰

Two Hundred Twenty Five DOLLARS

FOR RENT
 FOR

ACCOUNT		<input type="radio"/> CASH
PAYMENT		<input type="radio"/> CHECK
BAL. DUE		<input type="radio"/> MONEY ORDER
		<input type="radio"/> CREDIT CARD

FROM _____ TO _____
BY _____



**BINGHAM COUNTY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Bingham County Planning & Zoning Commission will hold a public hearing on **February 13, 2019** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. The meeting will start at 7:00 pm or as soon as it may be heard.

The purpose is to obtain testimony pursuant to granting a Conditional Use Permit to James Mattson requesting to transfer 3 division rights from property he owns to another property he owns. The receiving parcel consists of 18.54 acres in an "A" Agriculture zone and the original granting parcel was approx. 1.0 acre located in the NW corner of receiving parcel also in an Agriculture zone.

The receiving parcel is described as follows:

The North Half of the Southeast Quarter of Section 8, in Township 2 South, of Range 37 East, of the Boise Meridian, in Bingham County, Idaho, **Excepting therefrom:** that portion east of the canal, also **Excepting therefrom:** Beginning at the southwest corner of the Northwest Quarter of the Southeast Quarter of the Section Eight; and running thence North 29 rods, 12 feet; thence due East 40 rods; thence Southeasterly to the Southeast corner of said forty acre tract; thence due West 80 rods to the place of beginning.

Receiving Parcel Address: 749 E 450 N

All persons interested or who are affected are invited to attend said hearing to show cause, if any, why said Application should or should not be granted. No more than 2 pages of written testimony will be accepted at the hearing. All other documents must be delivered to Bingham County Planning & Zoning a minimum of 8 days before the hearing.

Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 8th day of January 2019

V. Allen Jensen

V. Allen Jensen, Zoning Administrator
Bingham County, Idaho



**BINGHAM COUNTY
PLANNING & ZONING/BUILDING & SAFETY**



Dear Adjacent Property Owners:

**Date: January 18, 2019
Hearing Date: February 13, 2019**

You are receiving this notice pursuant to obtaining testimony on a Conditional Use Permit from James Mattson requesting to transfer 3 division rights from property he owns to another property he owns. The receiving parcel consists of 18.54 acres in an "A" Agriculture zone and the original granting parcel was approx. 1.0 acres and located in the NW corner of receiving parcel also in an Agriculture zone.

The Bingham County Planning & Zoning Commission will hold a public hearing on **February 13, 2019** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho. The meeting will start at 7:00 p.m. and the approximate location shown on the attached map is for convenience not exactness.

The receiving parcel is described as follows:

The North Half of the Southeast Quarter of Section 8, in Township 2 South, of Range 37 East, of the Boise Meridian, in Bingham County, Idaho, **Excepting therefrom:** that portion east of the canal, also **Excepting therefrom:** Beginning at the southwest corner of the Northwest Quarter of the Southeast Quarter of the Section Eight; and running thence North 29 rods, 12 feet; thence due East 40 rods; thence Southeasterly to the Southeast corner of said forty acre tract; thence due West 80 rods to the place o beginning.

Receiving Parcel Address: 749 E 450 N

All persons interested or who are affected are invited to attend said hearing to show cause, if any, why said Conditional Use application should or should not be granted. No more than 2 pages of written testimony will be accepted at the hearing. All other documents must be delivered to Bingham County Planning & Zoning a minimum of 8 days before the hearing. You may also mail comments or you can email them to ldavis@co.bingham.id.us.

Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

If you have any questions or need additional information, please contact the P&Z Office at 782-3182

SEE ATTACHED MAP

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant: OSCAR MATTHESON JR
HLE ENGINEERING & SURVEYING Phone 208-690-8851

Address: 807E PRESTO RD, FIRTH City/Zip Firth, Id 83236

Location: NW 1/4 Sec 8, T.2S, R.37E (Physical location if mailing address different.)
749E 450N
FIRTH, Idaho 83236

Property Owner: James MATTHESON

Location and Legal Description *NOTE:* Attach "Recorded" Deed.

<div style="border: 1px solid black; padding: 5px; width: 40px; display: inline-block;">2S</div>	<div style="border: 1px solid black; padding: 5px; width: 40px; display: inline-block;">37E</div>	<div style="border: 1px solid black; padding: 5px; width: 40px; display: inline-block;">8</div>	Existing Zone	<div style="border: 1px solid black; padding: 5px; width: 40px; display: inline-block;">A</div>
Township	Range	Section	Acreage	<div style="border: 1px solid black; padding: 5px; width: 40px; display: inline-block;">19</div>

Submit:

Completed Application

Detailed Site Plan

Narrative: on a separate sheet of paper

- Identifying existing use,
- Reason for special use request
- Evaluating effects of proposed Conditional Use on adjoining property,
- General compatibility with other properties and uses. ei. Noise, odor, fumes, vibration, etc.
- Evaluating effects of proposed Conditional Use on public facilities

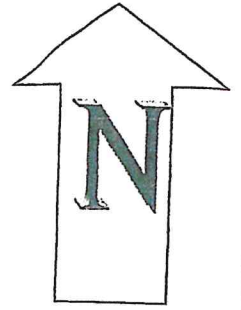
Fees

Application Fees:

Application Fee	75
Deposit for Mailing & Publication	<u>150</u>
	225

Site Plan -- Show drawing of location (including roads, all buildings, parking areas, service areas, yards, signs, utilities, traffic pattern, etc.). Please show all distances between buildings & property lines.

See Attached
4 sheets



Appointment of Designated Agent

I/We the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my/our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County.

Property Owner(s): [Signature] 12/21/10

Property Owner(s): _____ Date _____

Property Owner(s): _____ Date _____

Designated Agent: OSCAR MATHEWS OF HLE

In granting a Conditional Use Permit the Planning & Zoning Commission may prescribe appropriate conditions and safeguards in conformity with the current Bingham County Zoning Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the Conditional Use Permit is granted shall be deemed a violation of the Ordinance. The approval of a Conditional Use Permit does not permit the violation of any section of the Building Code, or any other County Ordinance. All Conditional Use Permits, whether approved or denied have a ten(10) day appeal period and must be appealed in writing at the Bingham County Planning & Zoning Office.

DECLARATION: By signing this application, it is understood and agreed that permission is hereby given to the duly authorized representative of Bingham County to, place & remove signs on the subject property and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Zoning Administrator and staff may inspect the subject property, take photographs and obtain any verifications and data necessary for preparation of its report to the Planning & Zoning Commission. I hereby acknowledge that I have read this application and understand the contents. I also state that the above information is correct.

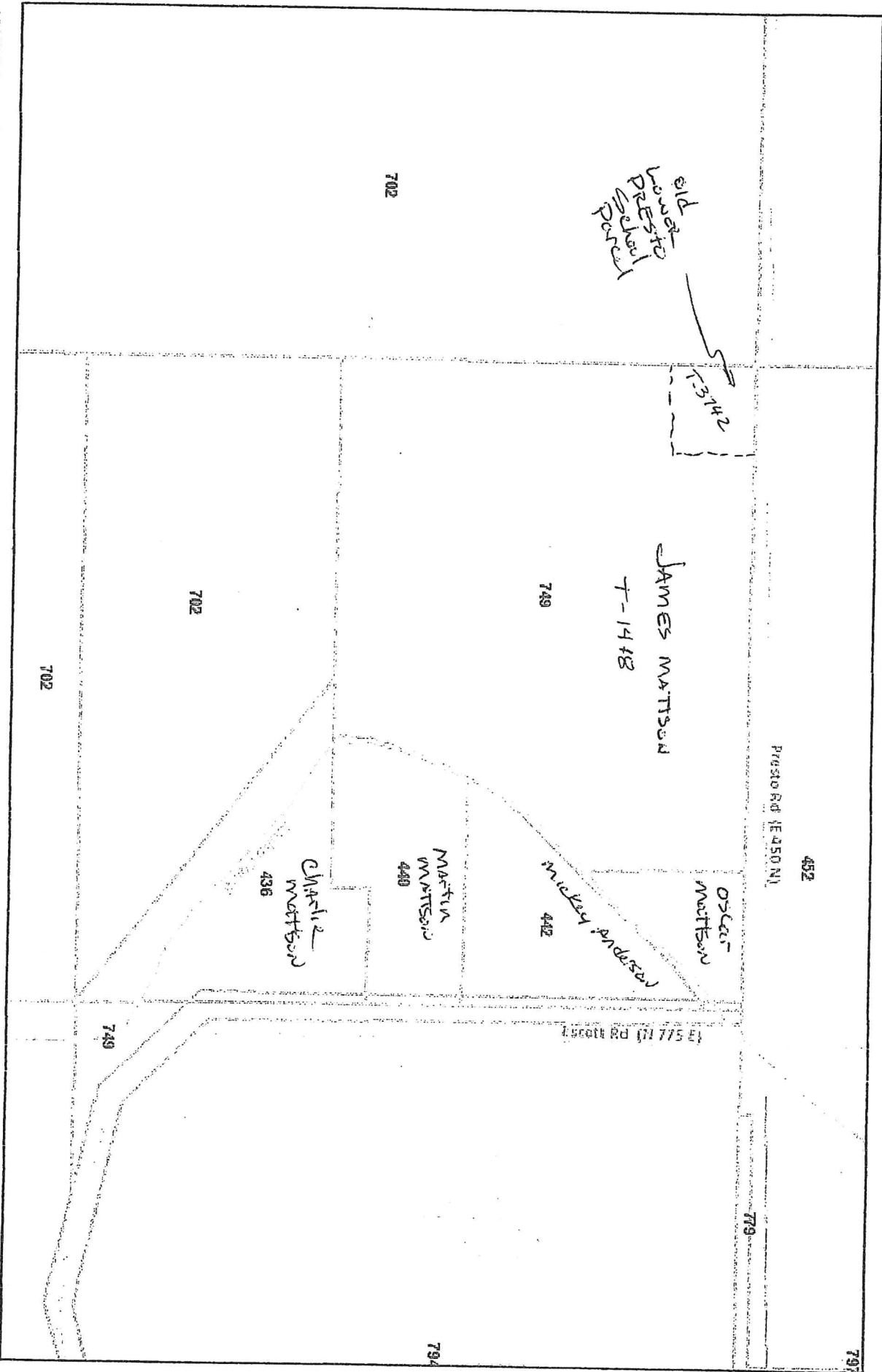
Applicant(s):

Signature: [Signature] Date: 12-23-10

Signature: [Signature] Date: 12/23/10

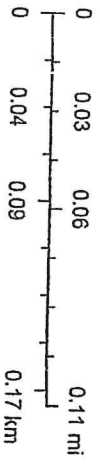
SECTION 8, T.25. , 1237E.DM

MATTSON



12/17/2018, 12:12:41 PM

- City Boundaries
- Townships
- Parcels
- Snake River
- Section Lines
- County Boundary
- Subdivisions



162740

PART OF NW 1/4 SE 1/4
SECTION 8, T.25., R.37E.B.M.

COUNTY ROAD

ESCROW ROAD

Idaho

T-5736

T-4966

T-1418

T-12424

T-1417

838.7
T-9536
30% 2

Easement 1/33

Easement 1/54

J Bernaley Larsson Farm, Inc
WD 3-1-18 188669

Lot 2 32.14

CHARLES C. JUST
CORR CD 3-19-04
Lot 1 30.01
587686

East
BLACKFOOT RIVER

RESERVATION

6.00
N. 100° E.

6.14
S. 11° E.

6.14
N. 11° E.

80.00

32.25

Sec 17

Bingham County P & Z Deposit / Reimbursement

Trust Act # 0086-0000

Application File Name: HLE / Oscar Mattson File #2919
P.O. Box 866
Blackfoot, ID 83221

Application Fee \$75 Date Received 12/27/2018

Deposit: \$150 P & Z Receipt # 1840
Check # 291

P & Z Legal
Publication \$ 99.24

Mailing \$ 16.66

CC Mailing _____

Ordinance _____

Total \$ 115.19

Refund \$34.10
if more than \$5

Invoice _____

**Exhibit
S-17**

The Board of Commissioners must not hear or consider any claim in favor of an individual against the County unless an account properly made out giving all items of the claim duly verified as to its correctness, and that the amount claimed is justly due, is presented to the Board within a year after the last item of the account is accrued.

!! URGENT NOTICE !!
 Department heads are to turn claims into the clerks office daily/weekly.
FILING DEADLINE - 1st Monday and the 3rd Monday of each month to department heads.
CLAIMS CUTOFF- CLERK'S OFFICE - 1st and the 3rd Wednesday by 12:00 noon each month or such claims **WILL NOT** be paid until the following month.

BINGHAM COUNTY, IDAHO

DEBTOR TO

New	Check if a <input type="checkbox"/> Yes
Vendor No. 268	1099 vendor
Tax ID No. or Soc. Sec. No.	Phone

Date: February 19, 2019

Vendor Name HLE

Street or Box No. P.O. Box 866

Blackfoot ID 83221

P&Z Public Hearing 2/13/2019	
Refund from P&Z File # 2919 Oscar Mattson	
NOTE: This application was withdrawn, but publication and mailing costs incurred.	
This is the balance of the deposit	\$34.10
File #2826-1 Wildflower Meadows #3	-\$12.44
File # 2917 - Ivie Acres	-\$8.86
Please Pay →	\$12.80

The undersigned hereby certifies that the service has been performed, or the material delivered, and the amount claimed hereon is justly due.

APPROVED FOR PAYMENT:

Ralph Ann... Clair
 Signature of Department Head

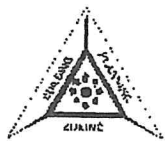
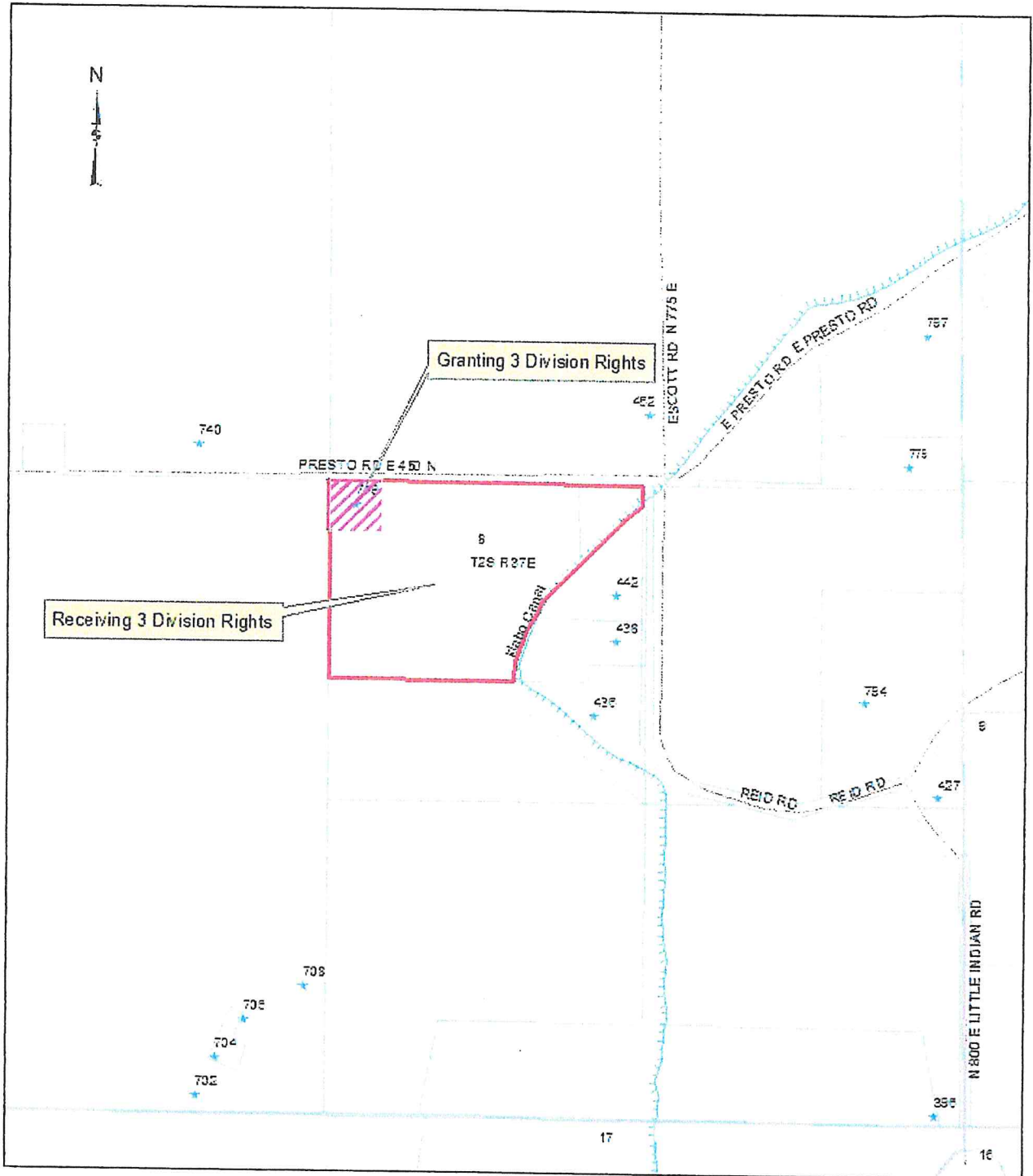
Filed _____ 20__	Disallowed	Claim No.	Warrant No.	Office or Department	9134
Clerk _____	\$				

This Claim, duly certified by original claimant, was presented at regular meeting of the Board of County Commissioners on the _____ day of _____, 20____; and allowed the sum of \$_____.

P&Z	00-86-00

_____. Chairman

James Mattson Division Right Transfer

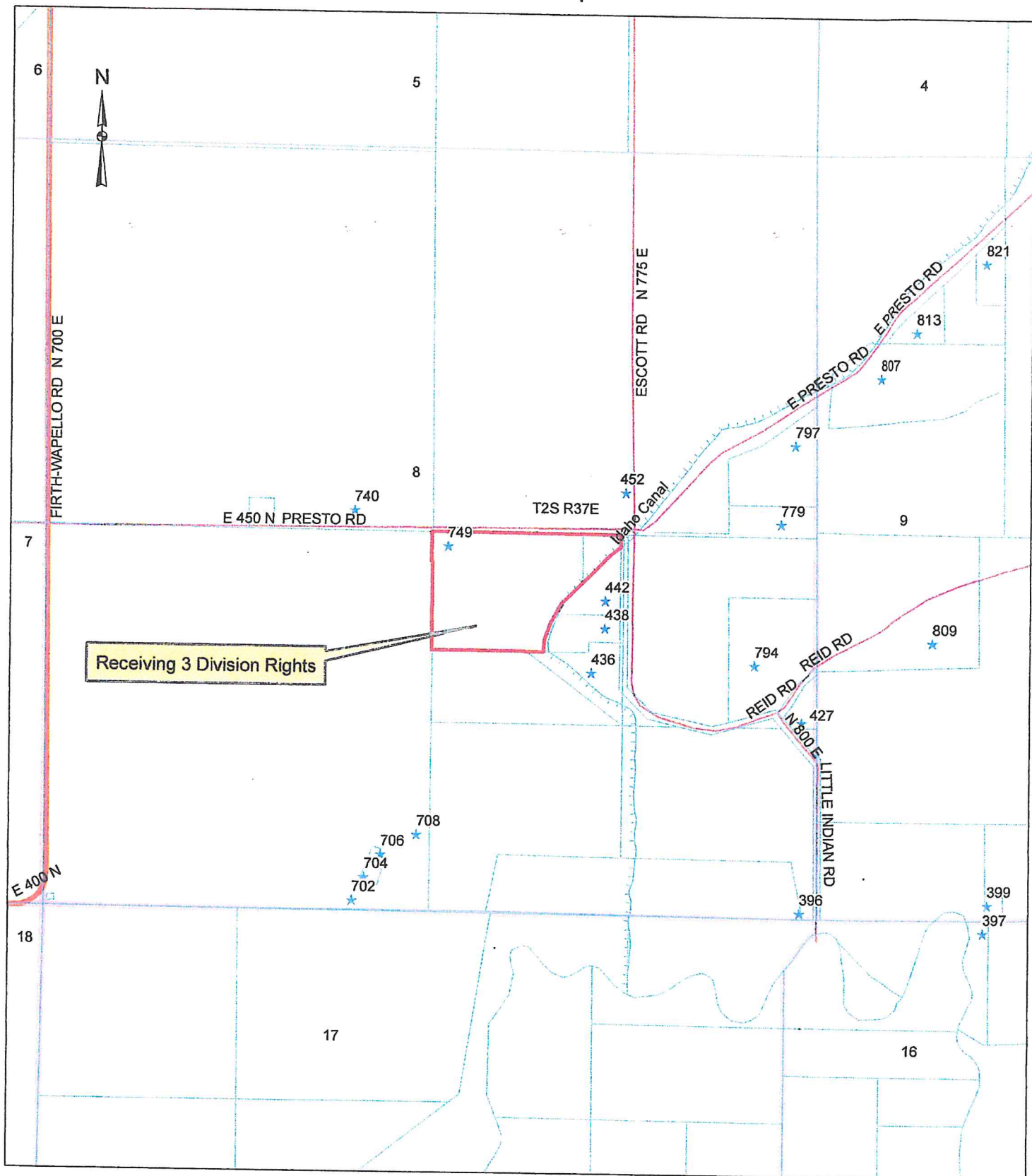


Legend

<p>Name</p> <p> James Mattson</p> <p> Bingham Parcels</p>	<p> Roads</p> <p>★ Addresses</p> <p> Canals</p>
--	--

**EXHIBIT
A-3**

James Mattson Parcel Map



Receiving 3 Division Rights

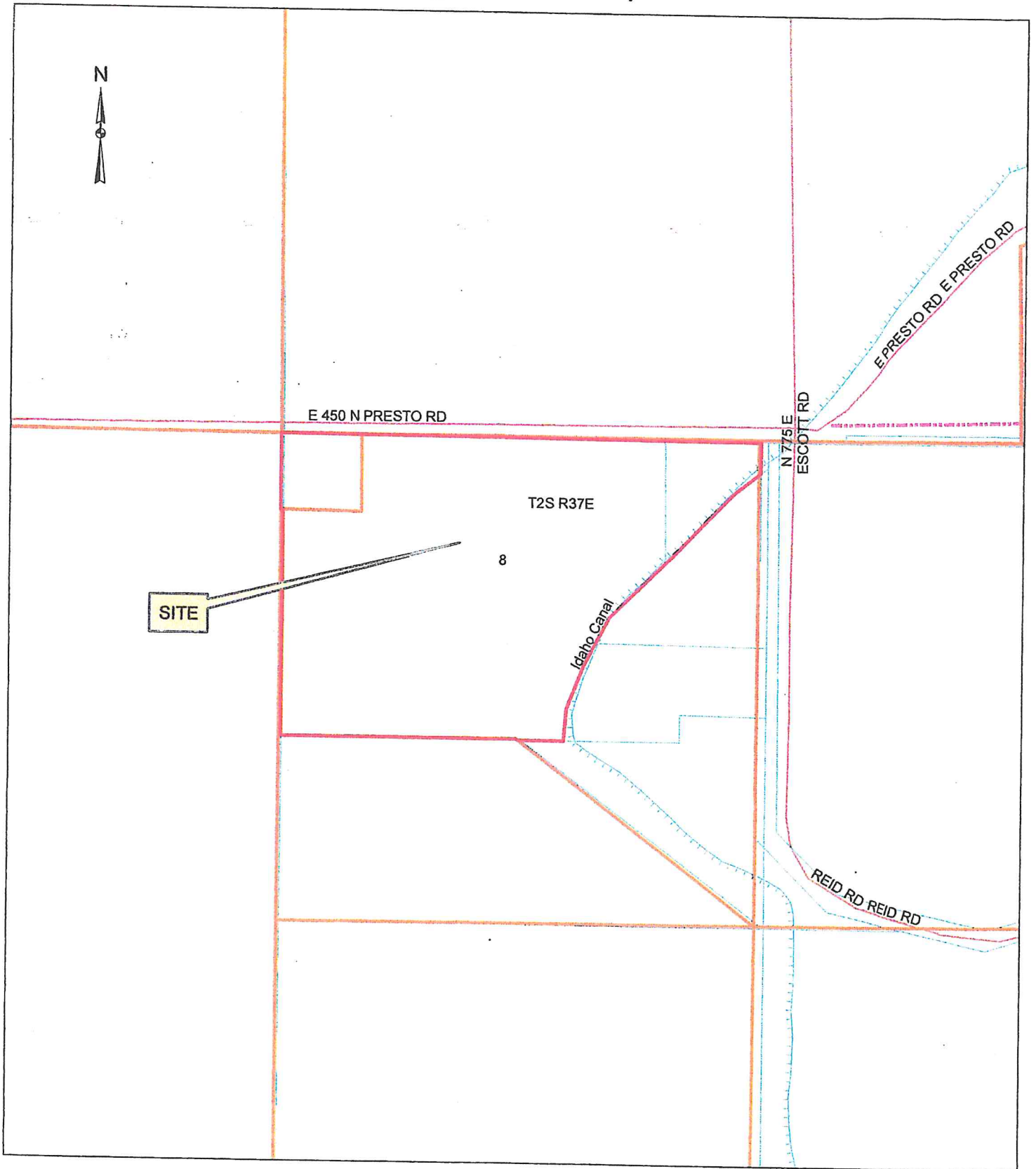
Legend

- | Name | | Addresses |
|---|-----------------|---|
|  | James Mattson |  Addresses |
|  | Bingham Parcels |  Canals |
|  | Roads | |

**EXHIBIT
A-5**



James Mattson Original Parcel Map



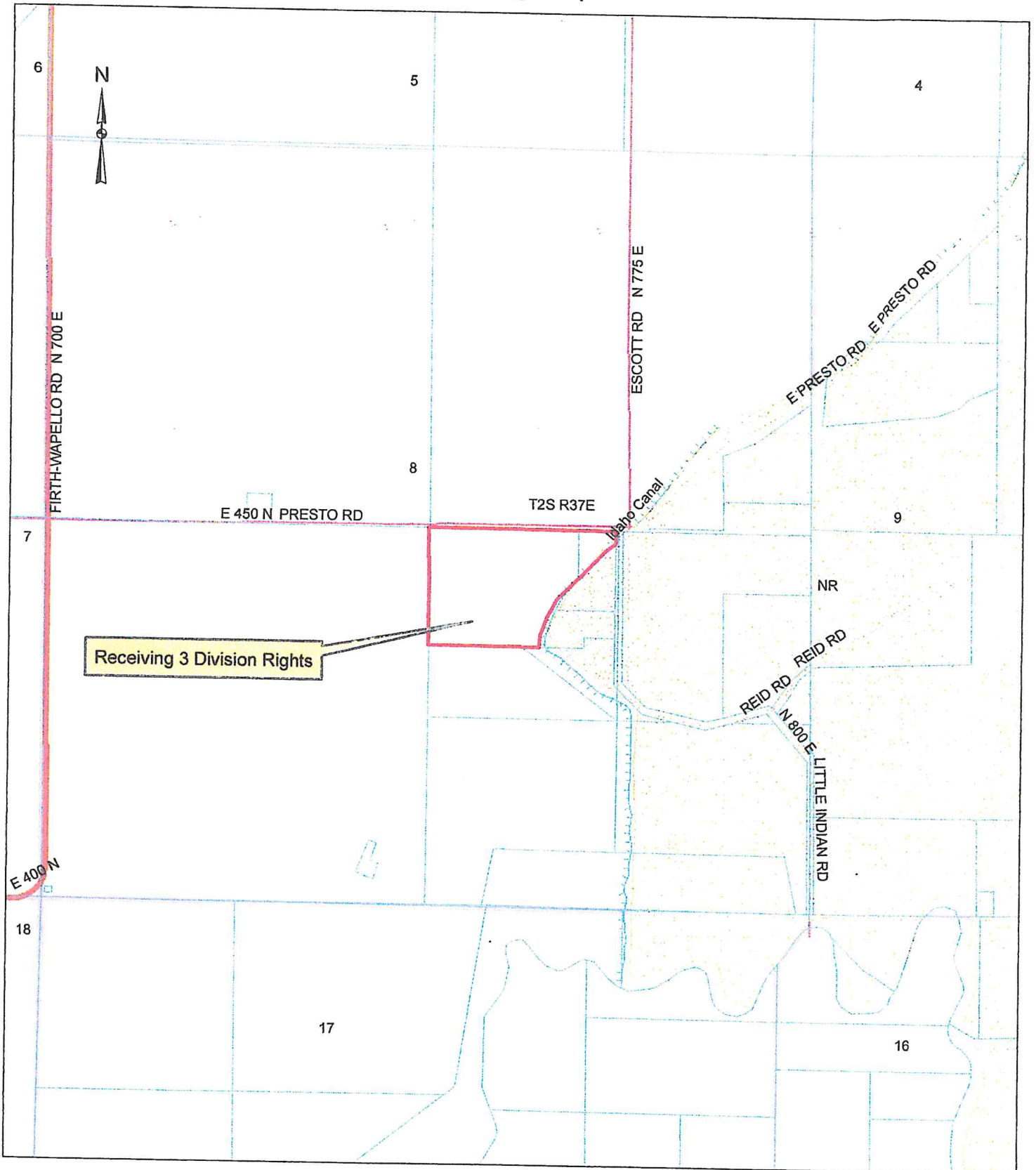
Legend

- | Name | Symbol |
|-----------------|------------------|
| James Mattson | Red outline |
| Original Parcel | Orange outline |
| Bingham Parcels | Cyan outline |
| Roads | Red line |
| Canals | Cyan dashed line |



**EXHIBIT
A-5a**

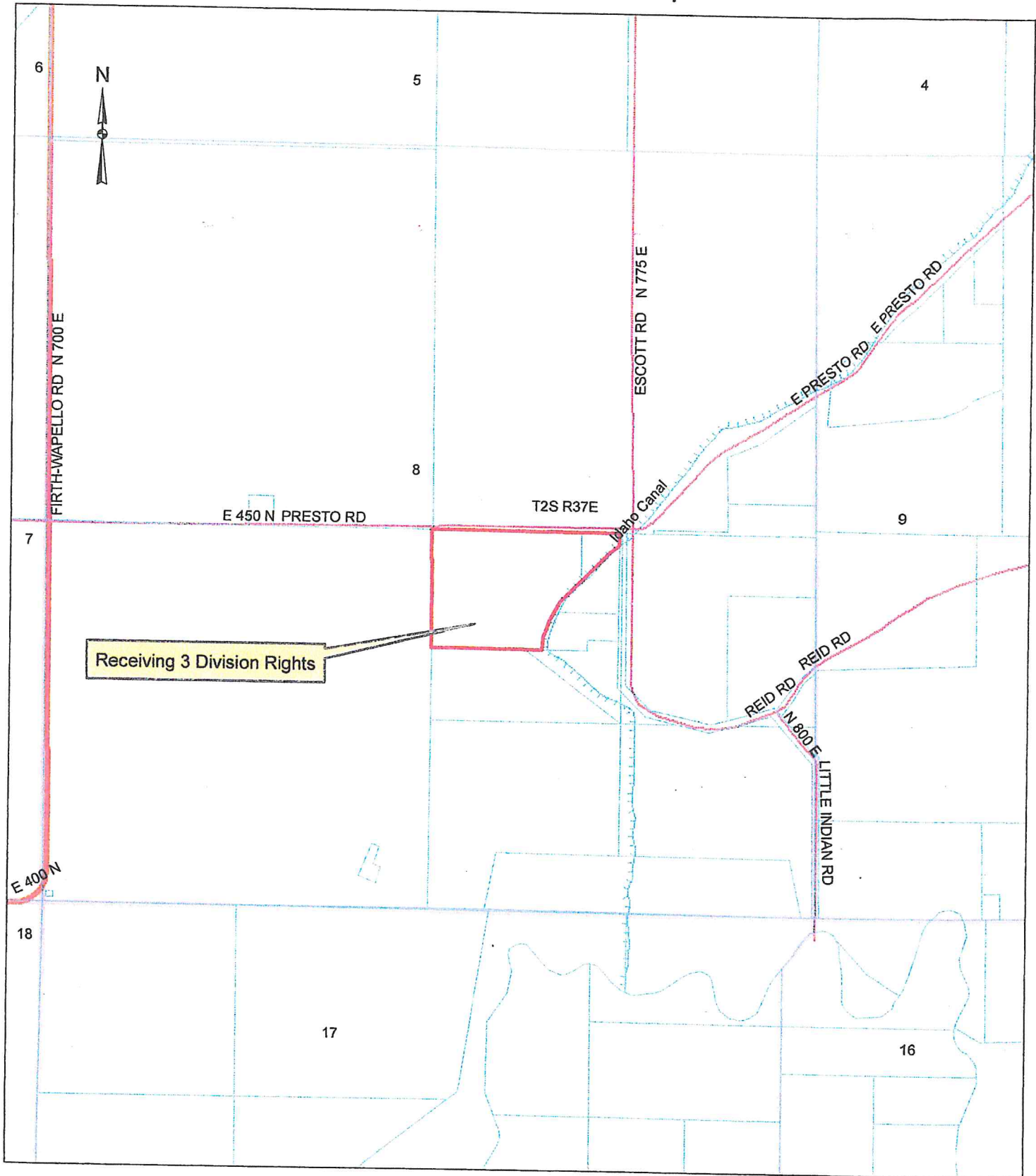
James Mattson Zoning Map



Name		Zoning		Canals	
	James Mattson	Zone_Code			Canals
	Bingham Parcels	A - Agriculture			R - Residential
	Roads		C1 - Light Commercial		RA - Residential/Agriculture
			C2 - Heavy Commercial		NR - Natural Resources
					M1 - Light Manufacturing
					M2 - Heavy Manufacturing

**EXHIBIT
A-6**

James Mattson Comprehensive Plan Map



Name		Comprehensive Plan		Canals
		DESCRIPTN		
	James Mattson		Industrial/Commercial	
	Bingham Parcels		Multi_Use	
	Roads		Natural Resource Area/Agriculture	
			Residential/Residential Agriculture	

**EXHIBIT
A-7**

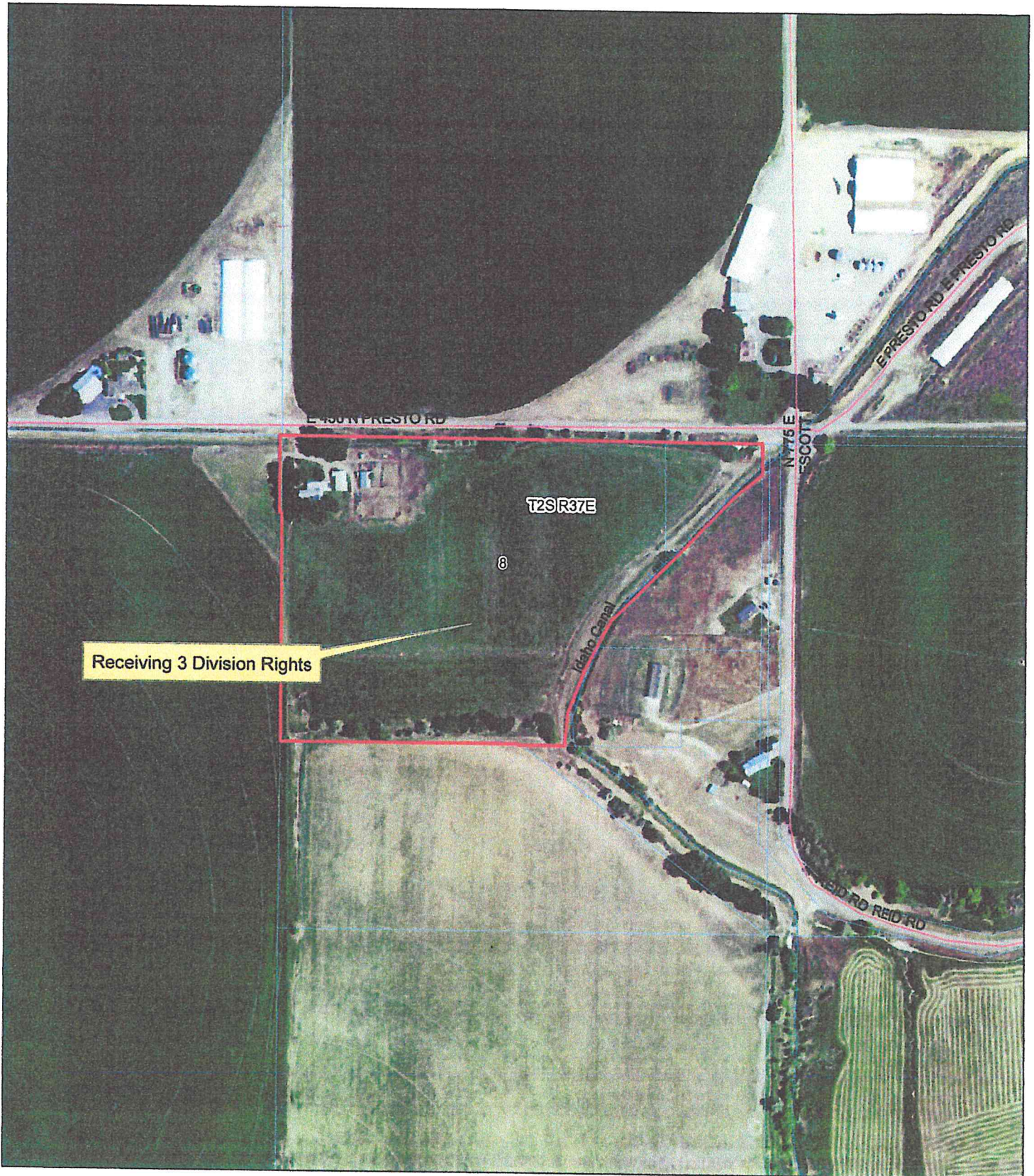
James Mattson
749 E 450 N



Legend

- Name
- Canals
- James Mattson
- Bingham Parcels
- Roads

EXHIBIT
A-8



Receiving 3 Division Rights



Legend

- | Name | |
|-----------------|--|
| James Mattson | |
| Bingham Parcels | |
| Roads | |
| Canals | |

EXHIBIT
A-8

10-14-3: ORIGINAL PARCEL DIVISION:

A. An original parcel in any zone may be divided into no more than four (4) lots including the original parcel. The original parcel shall constitute the first division/building right. Any division of land beyond four (4) of an original parcel shall require a subdivision plat to be filed in accordance with provisions set forth in this chapter. Exceptions to the foregoing are as follows:

1. An allocation of land in a legal condemnation.
2. The exchange of land that does not result in an increase of the number of lots or decrease a lot in area to less than the required minimum size for the zone.
- B. Lots in a platted subdivision are not considered to be an original parcel and shall not be further reduced without the filing of a new subdivision plat with commission and Board review and approval.
- C. Any original parcel that is divided, regardless of the size of the newly created parcel, retains any remaining rights for further divisions assuming all other conditions of this title are met.
 1. The act of conveying any portion of land will be counted as a division if it is large enough to count as a buildable lot.
 2. The original parcel shall retain any remaining division rights when any split occurs, unless they are transferred by deed to another parcel.
 3. Nonbuildable lots due to size or setback shall not count as a division.
 4. Any unused division rights within an original parcel may be transferred by deed to another lot within the same original parcel except for the one associated with the original parcel. All division right transfers shall be recorded in the Bingham County Clerk's Office giving the full legal descriptions of those properties involved.
 5. Division rights shall not be transferred from one original parcel to another original parcel unless they are assessed under one ownership and are approved by a conditional use permit.
 6. When two (2) or more original parcels are combined into one description, each shall still retain their original available division rights.
- D. An agriculture exemption shall be allowed in an A, A/NR or R/A Zone, outside an impact area, for parcels consisting of 5.01 acres or more. These parcels must be retained specifically for agriculture purposes, and shall not be used as a residential building lot. If those parcels consisting of five (5) acres or larger are for residential purposes, or have not been clearly designated as an agriculture division only on the deed, they will be counted as one of the four (4) rights of division.
- E. Agriculture exemptions, lot splits and/or division rights in a City impact area are controlled by the current adopted ordinance governing said impact area.
- F. Division rights cannot be located within the interior boundaries of any subdivision.
- G. Those parcel(s) that are in excess of four (4) divisions from an original parcel will be recognized as buildable, that meet all of the following:

1. Legally recorded before July 1, 1999.
2. Minimum of five (5) acres.
3. Have a minimum of fifty foot (50') road frontage, on either a public County road or a fifty foot (50') easement with no more than four (4) dwellings on one easement.
4. If the parcel(s) lot lines are adjusted after the date of implementation of this title, the parcel will no longer be considered buildable, unless the number of lots is reduced by the adjustment back to pre-1999 status. (Ord. 2012-08, 10-9-2012, eff. 10-26-2012)

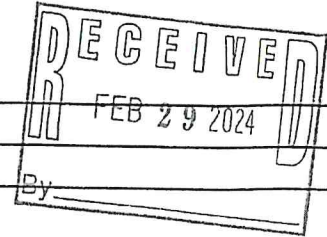
OSCAR AND CARMEN MATTSON

APPEAL OF
ADMINISTRATIVE DECISION
DATED 2/29/2024

Bingham County

Planning & Development Department
490 North Maple, Suite A, Blackfoot, Idaho 83221
Phone: 208/782-3177

File No.: _____
P&Z Hearing Date: _____
Application Date _____



APPEAL TO THE PLANNING AND ZONING COMMISSION

Appellant

Name Oscar & Carmen Mattson Phone 208-680-8851

Address 807 E. Presto Rd. City/Zip Firth, ID 83236

Location: 749 E. 450 N. Firth, ID 83236 Email mattsono@yahoo.com
(Physical location if mailing address different.)

Appeal of: The decision from Bingham County Planning and Development to deny the transfer of our division rights.

Reason for Appeal

In 2018 we were in the process of purchasing my grandpa's farm, the Lower Presto Schoolhouse. The plan was to purchase his house (the Lower Presto Schoolhouse), and the 18 acres attached to it. Midway through the process he decided he wanted to keep the house, so we got Harper and Leavitt involved to survey out the house. Through this process we found out that the schoolhouse parcel was an original parcel with 4 division rights. We proceeded to have 3 division rights transferred to the 18 acres we were purchasing, and it was put on the P&Z agenda for February 2019. (Exhibit S-2, S-2, T-1, T-2, A-3, A-10, A-11, 12/27/18 letter from HLE, payment and receipt copy, notice of public hearing, adjacent property owners letter, CUP application)

In December 2018 grandpa changed his mind again and he decided to sell us the whole place, schoolhouse and 18 acres. On January 23, 2019, P&Z received a typed letter with my grandpa, James Jim Mattson's, signature asking for the division right transfer to be taken off of the agenda. (Exhibit S-17, letter from James Jim Mattson, & receipt)

After the purchase was final, my wife and I went into the P&Z office. We talked with Leigh Ann Davis about the division rights. We have children getting older and we wanted to make sure we had our ducks in a row for when we decided to use said division rights. She assured us that there were 4 rights that we could use at

Reason for Appeal Continued:

any point, and we talked about the placement of 3 different parcels and what would be required to access them. We left P&Z that day in good faith knowing that those division rights were usable when we were ready!

Fast forward to Fall 2023... My wife and I went into P&Z and we were told that we can transfer those division rights from the schoolhouse to the 18 acres, but we cannot use them to build on. We were also told that if we had a piece of paper documenting that earlier visit with Leigh Ann that they would honor it. Of course, we didn't ask Leigh Ann for a paper saying that what she just told us was true, we completely trusted her, and P&Z. We believed what they had told us was true. We had no reason to not believe them. That being said, we do believe that those papers are right here in the packet, and are proof that P&Z was going to allow us to transfer those rights to the 18 acres bordering the schoolhouse. There are multiple maps in the packet that show that the schoolhouse was granting 3 division rights and the land was receiving 3 division rights. (Exhibits A-3, A-5, A-5a, A-6, A-7, A-8, A-8, Bingham County Code 10-14-3: C-5)

Application Fees are as listed below and shall be paid prior to presenting this Appeal to the Commissioners.

Application Fee \$150.00 plus publication, mailing & survey costs if applicable

Appointment of Designated Agent

I, we the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my, our representative for all transactions regarding this Application between myself/ourselves, as owner(s), and Bingham County:

Designated Agent Name _____

Property Owner(s) Signature _____

Date _____

Carmen Mattson

Date 2/29/24

NOTICE OF
ADMINISTRATIVE APPEAL
AND
NOTICE OF MAILING



BINGHAM COUNTY

PLANNING & DEVELOPMENT SERVICES

BINGHAM COUNTY NOTICE OF ADMINISTRATIVE APPEAL HEARING

NOTICE IS HEREBY GIVEN that the Bingham County Planning & Zoning Commission will hold a hearing on the following Administrative Appeal on **JUNE 12, 2024** in Courtroom #1, Bingham County Courthouse, 501 N. Maple, Blackfoot, Idaho, at the same date/time as the Bingham County Planning and Zoning Commissions Regular Land Use Public Hearing items. The meeting will start at 6:00 pm or as soon as it may be heard. Please refer to our website <https://www.binghamid.gov/planning-zoning-commission> to see the order of the meeting and for more information on the Agenda.

ADMINISTRATIVE APPEAL FILED BY OSCAR AND CARMEN MATTSON (ACTION ITEM: DECISION) Oscar and Carmen Mattson filed an Administrative Appeal on February 29, 2024 for the administrative decision issued by the Bingham County Planning and Development Director on February 22, 2024. The Mattson's requested to transfer three (3) division rights from one Original Parcel (identified as the "Old Presto School Parcel") to another Original Parcel (identified as the "Farm Parcel") for the purpose of future land division on the Farm Parcel. The Director's written decision states that the number of divisions within the Farm Parcel exceeds the number of parcels allowed in an Original Parcel and any future parcel development within the Farm Parcel boundary would require a subdivision plat pursuant to Bingham County Code Section 10-14-3, Idaho Code Section 50-1301(17), and the Board of County Commissioners Memorandum of Enforcement dated April 21, 2020. The Mattson's filed an Appeal stating in 2018, Mr. James Mattson (Oscar Mattson's grandfather and then property owner), submitted a Conditional Use Permit Application to transfer the same three (3) division rights with the Bingham County Planning and Zoning Department. However, he then chose to withdraw the Application prior to the Public Hearing. The Mattson's contend that had the Public Hearing been held and the Conditional Use Permit Application approved, the division rights would have been transferred and the parcels could have been developed. The Mattson's claim they acted on the verbal communication of prior Planning and Zoning Department Staff that the division right transfer could occur at a later date for future land division. Approx. Location: 749 East 450 North, Firth, ID. Parcel No. RP0545716, Township 2S Range 37E, Section 08, consisting of approx. 17.54 acres

The Planning and Zoning Commission shall allow all "affected persons" to be heard at the Administrative Appeal Hearing; those "affected persons" are defined as the Appellants and property owners within 300 feet of the subject parcel. The only written materials allowed to supplement the record must be submitted by the Appellants no later than seven (7) days prior to the Appeal date to the Planning and Development Department at planningtestimony@binghamid.gov, or at the office address below. All testimony presented at the Administrative Appeal Hearing will be done orally. Individuals who need accessible communications or other accommodations in order to participate are invited to make their needs known to the Bingham County Clerk, 3 to 5 days in advance. ADA/504 Compliance.

Dated this 21st day of May, 2024
Tiffany G. Olsen
Planning & Development Director

**PROPERTY OWNERS LIST
MATTSON ADMINISTRATIVE APPEAL HEARING**

OWNER	ADDRESS	CITY STATE ZIP
MICKEY & MALINDA ANDERSON	442 N 775 E	FIRTH ID 83236-0000
MICHAEL CLAWSON	740 E 450 N	FIRTH ID 83236-0000
CONNIE CLAWSON REVOC TRST	740 E 450 N	FIRTH ID 83236-0000
BERKELEY LARSEN FARM INC	702 E 400 N	FIRTH ID 83236-0000
CHARLES JONI MAE MATTSON	436 N 775 E	FIRTH ID 83236-0000
CHARLES MATTSON	440 N 775 E	FIRTH ID 83236-0000
OSCAR & CARMEN MATTSON	807 E PRESTO RD	FIRTH ID 83236-0000
RILEY & ADISYN THACKER	807 E PRESTO RD	FIRTH ID 83236-0000

8 PROPERTY OWNERS

NOTICE OF MAILING

I hereby certify on May 21, 2024 I, Ashley Taylor, personally mailed notice of the proposed request to the above named property owners who are within 300 feet of the property in question and the Appellants.

Ashley Taylor

Ashley Taylor
Planner