

## BANNOCK COUNTY PLANNING AND DEVELOPMENT COUNCIL FINDINGS, CONCLUSIONS AND DECISION

### TRANSFER OF DEVELOPMENT RIGHTS PUBLIC HEARING: November 20, 2024

**FILE #:** TDR-24-1  
**LOCATION:** RPR4263014100 and RPR4225003515; both unaddressed

**APPLICANT/OWNER:**

Justin Tobias  
1020 North 3650 West  
Ogden, UT 84404

**REQUEST & BACKGROUND:**

The applicant requests a transfer of development right to move a development right from RPR4263014100 to RPR4225003515.

### FINDINGS:

#### JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

**SITE CHARACTERISTICS AND ZONING:**

SENDING PARCEL: RPR4263014100  
ZONING: Agricultural  
PROPERTY SIZE: ~ 80 acres  
EXISTING STRUCTURES: None

RECEIVING PARCEL: RPR4225003515  
ZONING: Agricultural  
PROPERTY SIZE: ~ 4.32 acres  
EXISTING STRUCTURES: None

**NOTICE AND TESTIMONY REQUIREMENTS:**

Notice of the public hearing was completed according to statutory requirements. Public comment was taken according to statutory requirements.

REQUIRED FINDINGS FOR GRANTING A TRANSFER OF DEVELOPMENT RIGHTS:

1. The transfer of development rights **is** wholly voluntary.  
As stated by the owner, this is a voluntary transfer and he owns both parcels.
2. The 'sending' and 'receiving' properties **are** within the Agricultural zone.  
Both parcels are within the Agricultural zone, as stated by the applicant and confirmed through Bannock County zoning maps.
3. The 'receiving' property **does** meet all of the requirements for development as outlined in Bannock County Ordinance.  
This request meets the density requirements of the zoning ordinance because 40 acres will be preserved through this transfer. Since this parcel is 4.3 acres, it also meets the minimum lot size requirement.
4. The 'sending' property **does** qualify for a building permit.  
The parcel is 80 acres and qualifies for a building permit according to the parcel determination submitted on the sending property.
5. The transfer of the right from the 'sending' property **would** preserve prime farm ground, eliminate residential structures in undesirable locations including floodplains and steep slopes, would preserve open space, or preserve land that is critical to wildlife habitat.  
The sending property is located in a wildlife habitat area, is currently being farmed, and contains steep slopes, as shown on Bannock County zoning maps. The receiving property has access to a county road, allowing for building in a more desirable location.

## ORDER: CONCLUSION AND DECISION

Based upon these Findings of Fact and Conclusions of Law contained in this document, the Council **recommends approval to the Board of County Commissioners** the request by Justin Tobias, to transfer development rights.

Motion by Krystal Madsen seconded by Chad Selleneit to adopt the foregoing Findings and Order.

### ROLL CALL:

Councilperson Dimick	Voted <b>Yes</b>
Councilperson Madsen	Voted <b>Yes</b>
Councilperson Selleneit	Voted <b>Yes</b>
Councilperson Ulrich	Voted <b>Absent</b>
Councilperson Ward	Voted <b>Recused</b>

Motion carried by a 3 to 0 vote.

Dated this 20<sup>th</sup> day of November, 2024.

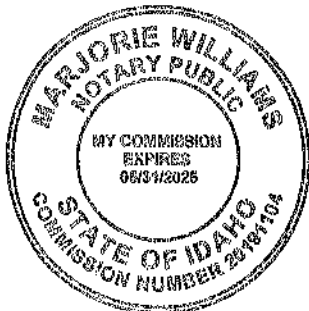
C/S  
Signed by (Chairperson) (Vice chair)

## ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)  
S.S.  
County of Bannock)

On this 20th day of November, in the year of 2024, before me Marjorie Williams, a notary public, personally appeared Chad Selleneit, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

S  
E  
A  
L



Marjorie Williams  
Notary Public  
My Commission Expires on 5/31 2025