

STATE OF IDAHO       )  
                              : ss.               Friday, May 2, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**CLAIMS**

Claims were approved in the amount of \$297,841.69.

**CASH WARRANTS**

One (1) Cash Warrant was approved in the amount of \$4,538.52.

**Decision: Commissioner Jensen moved to approve and sign Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for May 2, 2025. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**DISCUSSION & DECISION REGARDING THE SNAKE RIVER MLS CONTRACT- REQUESTED BY DONAVAN HARRINGTON- COUNTY ASSESSOR**

Present:               Debbie Cunningham- Chief Deputy Assessor  
                              Donavan Harrington- County Assessor

The Board met to hold discussion and make a decision regarding the proposed Snake River MLS Contract.

Mr. Harrington explained that this is a mutual agreement between Bingham County and the MLS which is used to gather information on property sales in order to assist with the values of homes and will be able to share any information that we have as well.

Mr. Harrington stated that Legal Counsel has reviewed the proposed contract and had no issues.

**Decision: Commissioner Jackson moved to approve and sign the Snake River MLS Contract as presented. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**DISCUSSION & DECISION REGARDING ICRMP POLICY AS AMBULANCE DISTRICT BOARD**

Present:               Pamela Eckhardt- County Clerk  
                              Paul Rogers- County Clerk  
Zoom:                 Justin Nyquist- ICRMP

The Board met to hold discussion and make a decision regarding an ICRMP Policy as the Ambulance District Board.

Clerk Eckhardt stated that she has spoken with Laraine Pope and Justin Nyquist several months ago in regards to creating a policy to cover the Board for the Ambulance District.

Mr. Nyquist explained that there was discussion held in regards to coverage opinions pertaining to the QRU as a Fire District in the county and in those conversations, it came to light that the Ambulance District is a

fully separate taxing entity and its own political subdivision and not a department of the county. Mr. Nyquist stated as such there is some risk associated with the day to day operations of running an ambulance district and as the Board serves and the Board of Commissioners for the Ambulance District, the county's ICRMP policy does not cover the Bingham County Ambulance District as a named insured because it is a separate legal entity. Therefore, if a claim were filed and name the Ambulance District, it would potentially not be covered by the county ICRMP policy. In other situations where this occurs, those counties have a stand-alone policy with the minimum premium of \$2,374.00 annually, which is roughly \$198.00 per month.

The Board was in favor of Mr. Nyquist working with Laraine Pope and Clerk Eckhardt to get the needed data in order to create a proposed policy, which will then be sent to the Board for review.

**Decision: Commissioner Jensen moved to approve that an ICRMP stand alone policy be created to protect the fire district and the county, with a minimum premium of \$2,734.00. Commissioner Jensen amended his motion so stated that the proposed policy will protect the Ambulance District, not the fire District. Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY MAY 5, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Monday, May 5, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

#### STAFF MEETING

Present:               Laura Lora- Payroll/Indigent Services  
                              Pamela Eckhardt- County Clerk  
                              Donavan Harrington- County Assessor  
                              Debbie Cunningham- Chief Deputy Assessor  
                              Dusty Whited- Public Works Director  
                              Jimmy Roberts- County Coroner  
                              Scott Reese- Emergency Services/Parks & Recreation  
                              Laraine Pope- Human Resource Director  
                              Tiffany Olsen- Planning & Development Director  
                              Tanna Beal- County Treasurer  
                              Sheri Landon- Court Supervisor  
                              Shawn Hill- Probation Services  
                              Cody Lewis- Treatment Court  
                              Jeff Gardner- Sheriff  
                              Jordyn Nebeker- Chief Deputy Sheriff  
                              Jodi Ricks- Treasurers Office  
                              Matt Galloway- IT Director  
                              Danette Miller- Elections Office

Megan Kearsley- Elections Office  
Ryan Jolley- Prosecuting Attorney  
Carmen Willmore- Extension Office  
Gordon Croft- Blackfoot Chief of Police

Excused: Jason Marlow- Building Maintenance

The Commissioners met with department heads and Elected Officials for the May 2025 Staff Meeting. Commissioner Jackson conducted Staff Meeting.

Pledge of Allegiance: Commissioner Jackson conducted.

Approval of Minutes for Staff Meeting held in April 2025: There were no changes to be made. Therefore, the Staff Meeting Minutes for April were approved as written.

Special Presentation: No special presentation.

Safety Concerns: Jimmy Roberts stated that there is damage to the sidewalks both at the front and back of the Courthouse Annex building, which can be a tripping hazard.

Employee Years of Service Recognition: Chairman Manwaring recognized Tanna Beal for 20 years of service to Bingham County and stated that Tanna takes care of all finances, investments and banking for the county.

Clerk Eckhardt stated it is a team effort between the Assessor, Clerk and Treasurer with money moving, property taxes and managing finances. Clerk Eckhardt stated that she and Tanna came into office at the same time, they have had fun working together and she appreciates her.

Dusty Whited recognized Jesse Sorensen for 5 years of service to Bingham County and stated that Jesse is the Rattlesnake Landfill Lead that manages the facility. Jesse is a great person, a hard worker and is a huge asset to Bingham County.

Dusty Whited recognized Rebecca Fangsrud for 25 years of service to Bingham County and stated that Rebecca is one of the Administrative Assistants. Rebecca takes care of payroll and many other roles within Public Works. Bingham County is fortunate to have her as an employee for this long.

Ryan Jolley recognized Traci Byrne for 5 years of service to Bingham County and stated that Traci handles the Juvenile, Vehicular Manslaughter and Felony DUI caseloads. She is a huge asset to Bingham County.

Chairman Manwaring: Stated that it is budget time, which is extremely important for the county and one of the main responsibilities is to be fiscally responsible when budget planning. Chairman Manwaring stated that he appreciates all of the hard work during budget time.

Commissioner Jackson: Shared an article that he had read.

Commissioner Jensen: Stated that he would like to thank all employees for what they do for Bingham County.

Pamela Eckhardt: Reviewed the deadlines for Fiscal Year 2026 budget.

Laura Lora: Stated that a new program is being used this year, Clear Gov, wherein it will track each employee, title, grade, when the last step increase was received, and when the next step increase should occur. Please review all documentation provided in order to be sure that all information is correct. Laura also asked that any vacant positions be listed as well.

Donavan Harrington: Had no updates at this time.

Dusty Whited: Stated that the mountain roads are now open and there will be road construction for summer projects.

Jimmy Roberts: Briefly discussed Suicide Prevention Month and reviewed a packet provided to those in attendance. Mr. Roberts advised that there is additional information available on the Bingham County website Coroners Page or the Bingham County Coroner Facebook page.

Scott Reese: Stated that the parks are opening, are looking great and there are already a lot of reservations made for the year.

Sheri Landon: Had no updates at this time.

Laraine Pope: Had no updates at this time.

Tiffany Olsen: Had no updates at this time.

Shawn Hill: Had no updates at this time.

Cody Lewis: Stated that at the end of May he will be attending a National Drug Court Training, along with some individuals from Probation.

Ryan Jolley: Had no updates at this time.

Jeff Gardner: Stated that both he and Chief Deputy Nebeker will be gone the rest of the week.

Tanna Beal: Encouraged everyone when receiving a check within their department, to please get them submitted as soon as possible. There was an issue with a check received that was not deposited for several weeks. Ms. Beal stated that she would like to thank Jason Marlow and the Building Maintenance crew for their assistance with the remodel project within their office.

Ms. Beal added that she is grateful to be working for the county and that Bingham County has something that many other counties do not have, which is a positive working relationship and she is very appreciative of that.

Carmen Willmore: Stated that the Ag Safety field trip was held with 280 5<sup>th</sup> graders, which was held at the Eastern Idaho Fair Grounds and was successful.

Matt Galloway: Had no updates at this time.

Danette Miller: Stated that early voting for the May 20<sup>th</sup> Consolidated Election begins today and will continue for two weeks. She would like to advise every one of the new Election Director in Training, Megan Kearsley.

Police Chief Gordon Croft: Stated that he would like to thank the Commissioners, Dusty Whited and Tiffany Olsen for their help on the countywide cleanup day, which will be May 31, 2025 from 8:00 am to 2:00 pm.

Commissioner Jackson stated next Staff Meeting is scheduled for Monday, June 9, 2025 at 8:30 a.m.

Nothing further.

#### PROBATION DEPARTMENT

Present: Shawn Hill- Probation Director

The Board met with Shawn Hill to discuss updates within the Probation Department.

## APPROVAL OF REASON & DECISION FOR SCHOOL VIEW ESTATES SUBDIVISION

The Board met to approve the Reason & Decision for School View Estates Subdivision.

Chairman Manwaring confirmed with Commissioner Jackson and Commissioner Jensen that if they had any changes to be made, they were. Commissioner Jackson and Commissioner Jensen both confirmed they had no changes to be made.

**Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for School View Estates Subdivision. Commissioner Jensen seconded. All voted in favor. The motion carried.**

## BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance

The Board met with Jason Marlow to discuss updates within the Building Maintenance division.

## ASSESSORS OFFICE

Present: Pamela Eckhardt- County Clerk  
Debbie Cunningham- Chief Deputy Assessor  
Donavan Harrington- County Assessor

The Board met with Donovan Harrington to review submitted Tax Exemption Applications.

Donavan Harrington asked the Board to consider exempt properties under Idaho Code 63-602W, which were as follows:

### **Airport Townhomes**

Russell and Michele Robison  
25 parcels

### **VP Estates**

Jack Enterprises, LLC  
64 parcels

### **LNR West**

John and Tami Fairchild  
5 parcels

### **Sharlyn Park Division #3**

John and Tami Fairchild  
33 parcels

### **Waters Estates**

Kenneth and Nicole Waters  
6 parcels

### **Alvino Alba Subdivision**

Alvino Alba et al  
3 parcels

**Alvino Alba Subdivision**  
Jose Juan & Maria Alba  
3 parcels

**Hidden Meadows**  
Scott Briscoe Construction  
27 parcels

**Cedar Estates Division #3**  
Deer Meadows Development - Scott Briscoe  
7 parcels

**Honeybrook Townhomes Division #2**  
HT Ventures - Collin Hunter  
41 parcels

**Townhomes at Cromwell**  
HF Ventures - Brett Falkenrath  
60 parcels

**Tressel Subdivision**  
HF Ventures, Danee Bagley, Garin Bagley  
6 parcels

**Moreland Estates Division #2**  
Complete Family Eye Care - Cody Jones  
4 parcels

**The Parks Subdivision #2**  
Shelco Development - Heath Mitchell  
29 parcels

**The Parks Townhomes #2**  
Shelco Development - Heath Mitchell  
17 parcels

**Great Western Subdivision**  
MHD Developments, LLC - Heath Mitchell  
12 parcels

**Sunset Vista Townhomes**

Brent Christensen / Virgil Jahnke

55 parcels

**Sunset Vista Subdivision 1,2,3**

Brent Christensen / Virgil Jahnke

37 parcels

**Ivie Acres**

Jerry and Marsha Ivie

1 parcel

**H and M Subdivision**

Jerry and Marsha Ivie

1 parcel

**Wind River Estates Division #5**

Platinum Real Estate Investments - Bryan Sargent

14 parcels

**Mangum Subdivision**

John Mangum

2 parcels

**Decision:** Commissioner Jensen moved to approve the submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602W, Business Inventory that is single family dwelling, site improvements that are associated with land or developer factor value. Commissioner Jackson seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MAY 7, 2025



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Wednesday, May 7, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**APPROVAL OF COMMISSIONER MINUTES FOR MARCH 17-28, 2025**

The Board met to approve and sign Commissioner Minutes for March 17-28, 2025.

Chairman Manwaring confirmed with Commissioner Jackson and Commissioner Jensen that if there were changes, those were made. Commissioner Jackson and Commissioner Jensen both confirmed they had no changes to be made.

**Decision: Commissioner Jackson moved to approve and sign Commissioner Minutes for March 17-28, 2025. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**EXECUTIVE SESSION**

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jensen moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson seconded. Both in favor. The Board moved into Executive Session at 9:03 a.m. Commissioner Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 9:23 a.m.

**Decision: Commissioner Jackson moved to hire the individual discussed within Executive Session, for the part-time Mower position. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**Commissioner Jensen moved to approve hiring of the individual discussed within Executive Session as Crusher Operator offering an N17, Step 3 but have the latitude to go up to N17, Step 5 if needed. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**PUBLIC WORKS**

Present:               Dusty Whited- Public Works Director  
                              Troy Lenhart- Road & Bridge Supervisor  
                              Paul Rogers- Prosecuting Attorney

The Board met with Dusty Whited to discuss updates within the Public Works Department, along with other agenda items.

Discussion was held in regards to the submitted Prior Approval for Major Purchase of 12 grader tires. Said purchase is in the amount of \$18,493.44, which is to be paid from Fund: 02-47-473-01 (Road & Bridge-Tires).

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of 12 grader tires. Said purchase is in the amount of \$18,493.44, which is to be paid from Fund: 02-47-**



**473-01 (Road & Bridge- Tires). Commissioner Jensen seconded. All voted in favor. The motion carried.**

Discussion was held in regards to the submitted Prior Approval for Major Purchase of traffic control for detour work to be completed on New Sweden Road. Said purchase is in the amount of \$34,114.40, which is to be paid from Fund: 32-00-705-00 (Special Projects- Bridge Replacement).

**Decision: Commissioner Jensen moved to approve the submitted Prior Approval for Major Purchase of traffic control for detour work to be completed on New Sweden Road. Said purchase is in the amount of \$34,114.40, which is to be paid from Fund: 32-00-705-00 (Special Projects- Bridge Replacement). Commissioner Jackson seconded. All voted in favor. The motion carried.**

**DISCUSSION REGARDING PHASE II BROWNFIELDS SAMPLING AND ANALYSIS PLAN AT THE RIDGESTREET LANDFILL- REQUESTED BY AMANDA COLLINS, WITH DECISION**

Present: Tiffany Olsen- Planning & Development Director  
Addie Jo Jackman- Planning & Development Assistant Director  
Amanda Collins- SICO  
Nate Mortimer- SICO  
Paul Rogers- County Civil Attorney  
Zoom: Julie Burry- DEQ  
Doug Tanner- DEQ  
Christin Hileman- Environmental Consultant  
Karlyn Soriano- Granite Peak  
Eric Traynor- DEQ

The Board met to hold discussion regarding updates on the Phase II Brownfields Sampling and Analysis Plan at the Ridgestreet Landfill. Chairman Manwaring welcomed all to the meeting and introductions were held.

No decision was made.

#### **IT DEPARTMENT**

Present: Matt Galloway-IT Director  
Paul Rogers- County Civil Attorney

The Board met with Matt Galloway to discuss updates within the IT Department.

#### **WEEKLY UPDATE MEETING WITH PAUL ROGERS- COUNTY CIVIL ATTORNEY**

Present: Paul Rogers- County Civil Attorney

The Board met with Paul Rogers to discuss updates to any county matters.

Discussion was held in regards to proceeding with a Public Hearing pertaining to ordinance amendments for camping regulations at parks/recreational areas within Bingham County.

Scott Reese stated this has been a concern of his for several years. Currently there are 7-day camp site in Aberdeen, 12 camp sites in Shelley and managers in each park that live there year around to provide recreation within Bingham County but Rose Ponds is used for camping with a 5-day limit and the county has worked hard to keep the area clean but there is no way to keep up with the 4-wheelers and parties that occur in the area. There have been a couple of cleanup projects held at Rose Ponds that have helped but as soon as it is clean, it is trashed again. Mr. Reese stated that he would propose that there be no camping, other than at the campsite that have managers on site, which are Sportsmans Park and North Bingham Park.

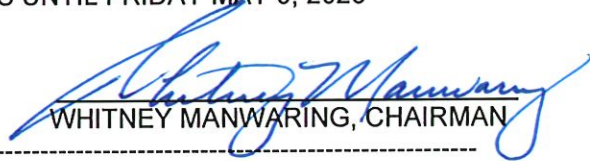
The Board has no concern with directing Legal Counsel to draft verbiage for the proposed ordinance and schedule a future meeting to review prior to publication and public hearing.

**Decision: Commissioner Jensen moved to approve proceeding to Public Hearing for ordinance amendments pertaining to camping regulations for county parks/recreational areas. Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MAY 9, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Friday, May 9, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

#### CLAIMS

Claims were approved in the amount of \$1,506,169.83.

#### PERSONNEL ACTION FORMS

The Board approved Personnel Action Forms, which were as follows:

Salary Increase Form:	4-H Coordinator
	Solid Waste Lead/Operator
	Truck Driver
	Road & Bridge Lead
	Deputy Treasurer
	Deputy Court Clerk
	Legal Assistant/Victim Witness Coordinator

**Decision: Commissioner Jensen moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action forms. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### TAX INQUIRY DOCUMENTS

The Board met to approve and sign Tax Inquiry documents submitted by the County Assessor, which were as follows:

MH353S03SM0290      Year 2025      The mobile home was placed in the incorrect name.

**Decision: Commissioner Jackson moved to approve the submitted Tax Inquiry Document submitted by the County Assessor. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**DISCUSSION & DECISION REGARDING COUNTY ALLOCATION TO NORTH BINGHAM CONSERVATION DISTRICT AND CENTRAL BINGHAM CONSERVATION DISTRICT**

The Board met to hold discussion and make a decision in regards to county allocation to North Bingham Conservation District and Central Bingham Conservation District.

Chairman Manwaring stated several years ago the allotment amounts were changed in order for each conservation district to receive the same amount of \$3,000.00.

Commissioner Jackson and Commissioner Jensen were in favor of the submitted request.

**Decision: Commissioner Jensen moved to approve the county allocation to North Bingham Conservation District and Central Bingham Conservation District. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**DISCUSSION REGARDING COMMISSIONER RESPONSIBILITIES**

The Board met to review Commissioner responsibilities.

THE MOTION PASSED TO DISMISS UNTIL MONDAY MAY 12, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Monday, May 12, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**TREASURERS OFFICE**

Present:               Tanna Beal- County Treasurer  
                              Jodie Ricks- Deputy Treasurer

The Board met with Tanna Beal to discuss updates within the Treasurers Office and review of properties to be taken on tax deed.

**DISCUSSION & DECISION REGARDING COUNTY ALLOCATION TO SOUTH BINGHAM CONSERVATION DISTRICT**

The Board met to discuss and make a decision regarding county allocation to the South Bingham Conservation District. Said allocation is in the amount of \$3,000.00 per year.



The Board had no concerns.

**Decision: Commissioner Jensen moved to approve the county allocation in the amount of \$3,000.00, to the South Bingham Conservation District. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**PRIOR APPROVAL FOR MAJOR PURCHASE- BUILDING MAINTENANCE**

Present: Jason Marlow- Building Maintenance

The Board met to discuss the submitted prior approval for major purchase of a 5-year load test for the elevators.

Mr. Marlow reviewed the proposed agreement for the 5-year load test for the elevators within the courthouse, which is required by the state.

**The Board directed Mr. Marlow to have Legal Counsel review the proposed Agreement prior to approval and signing.**

No decision was made.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY MAY 13, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.       Tuesday, May 13, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO DENY THE COMPREHENSIVE PLAN MAP AREA AMENDMENT FROM AGRICULTURE TO INDUSTRIAL/COMMERCIAL AND ZONING AMENDMENT FROM AGRICULTURE AND LIGHT MANUFACTURING TO LIGHT MANUFACTURING FOR APPROXIMATELY 53.86 ACRES OF A 163.86 ACRES OF A 163.18-ACRE PARCEL OF LAND, LOCATED SOUTH OF 1195 N. 900 W., SHELLEY, AS PROPOSED BY SLT PROPERTIES, LLC

Present:               Steve Molsee- Citizen  
                              Jim Cotterell- Citizen  
                              Roger Steele- Citizen  
                              David Petersen- Citizen  
                              Karen Petersen- Citizen  
                              Daniel Hopson- Citizen  
                              Emily Hopson- Citizen  
                              Stacy Pascoe- Mayor- City of Shelley

Faye Goodrich- Citizen  
Gretchen Cotterell- Citizen  
Chris Street- HLE  
Joann Wright- Citizen  
Scott Searle- Applicant  
Al Seefried- Citizen  
Angela Miller- Citizen  
Jade Searle- Applicant's Son  
Lerleine B- Citizen  
Erin Cannon- Citizen  
Jason Cannon- Citizen  
Chris Zweifel- Citizen

At the outset of the meeting, Chairman Manwaring reviewed the rules and procedures to be followed during the Public Hearing, which included the proposal to set a five (5) minute time limit for testimony per individual.

**Decision: Commissioner Jensen moved to set a five (5) minute time limit for testimony per individual. Commissioner Jackson seconded. Both voted in favor. The motion carried.**

At the Public Hearing, the Staff Report was presented by Tiffany Olsen, Planning & Development Director.

Commissioner Jackson asked Tiffany Olsen when it is required that the Area of Impact Agreements with the cities are to be in place. Ms. Olsen stated that they are required to be completed by December 31, 2025, which is within state code that was amended this year requiring all local jurisdictions to renegotiate Area of Impact Agreements.

Commissioner Jensen stated within testimony presented at the Planning & Zoning Commission that the "M1" Light Manufacturing zone is not in effect anymore because of the sugar factory closure. Commissioner Jensen referred to Exhibit-A3, which shows that a portion of the property is zoned M1 Light Manufacturing. Ms. Olsen referred to Exhibit S-3, which does show that a portion is zoned M1 Light Manufacturing which was the former sugar factory.

Chairman Manwaring stated the M1 Light Manufacturing zone put in place for the sugar factory, which is now used for storage, is still in place and remains an M1 zone.

Commissioner Jensen stated there was testimony presented that this would be considered spot zoning, if approved, and asked Ms. Olsen if she believed that to be true. Ms. Olsen explained that in review of the Comprehensive Plan and the definition of spot zoning, she does not believe it would classify as spot zoning where it is contiguous and adjacent to an existing zone. There are questions if the property is zoned appropriately for Light Manufacturing as a storage unit but the county has not received an application for a Zoning Amendment from the property owner of the sugar factory to Agriculture or any other land use. Therefore, it is still zoned Light Manufacturing and being used as storage.

Chris Street, HLE, Applicant's Representative (CC-10), 800 West Judicial, Blackfoot, stated that he would like to clarify that 53.86 acres is what is being requested for the Comprehensive Plan Amendment. A portion of the property is zoned M1 Light Manufacturing but is not in conformance with the Comprehensive Plan as it is designated as Agriculture and not Industrial/Commercial. Mr. Street stated that out of the 53.86 acres, only 30 acres is being farmed and the remaining acreage is waste ground. Mr. Street added that 15 acres is already zoned M1 Light Manufacturing and therefore, the Applicant is asking to expand the zoning and update the Comprehensive Plan. Mr. Street stated that the sugar factory is currently being used as storage, which is an approved use in an M1 Light Manufacturing Zone and again it is being requested to expand the current M1 zone, to include the property west of the transmission line and to Sugar Factory Road.

Mr. Street stated the subject property is adjacent to an existing use and a portion of the property is currently zoned appropriately but needs the remaining to be under the same designation. Mr. Street stated there was

concern in regards to heavy truck traffic, noise and pollution but M1 zoning specifically states that it creates little traffic and most of the acceptable uses within the M1 zoning zone are something that agriculture businesses may use such as storage units, grain storage, fertilizer distribution and things that you would not want in a city environment but close to agriculture and close to a highway. Mr. Street stated the property borders two major collectors, wherein the right of way on the roads are 35 feet from the center line. Any development would need to go through Road and Bridge and if they felt that the road needed to be expanded or widened at that point, that would happen during the development process but should not be considered during the proposed amendment of the Comprehensive Plan.

Mr. Street stated there was conversation held as to whether or not the subject property would be good as Residential and it would not be as for many years it was used as a spray field for Basic American and they are in possession of reports from the nitrate studies and it is equivalent to a high nitrate area. Mr. Street stated that he reached out to the City of Shelley in regards to a potential development and he indicated that as long it was annexed into the City of Shelley and that the closed sewer line is in Park Avenue, which is across the canal and would require a lift station to access it, which is costly.

Commissioner Jensen asked Mr. Street if it were to become a residential development, how much more traffic would that include. Mr. Street stated if it were residential, a traffic study would need to be conducted, especially with the number of houses (200-300) that would be placed.

Chairman Manwaring asked Mr. Street if he had information in regards to the property previously being a spray field, wherein Mr. Street stated that there is a Reclamation Plan in hopes of the development process for the property and that he has all pertinent information. Chairman Manwaring asked Mr. Street if there was documentation stating that the property is not a spray field and how many years it would take to get rid of the nitrate issue. Mr. Street stated he is sure there is an environmental form that would state said information but that he was not sure.

With no further questions for Mr. Street, Chairman Manwaring called for testimony from the public.

Testimony in support was received as follows:

Scott Searle, Applicant- SLT Properties LLC, (CC-11), 959 E. 1400 N, Shelley, stated that he purchased the subject property from Basic American Foods 2 years ago and it has been used as a spray field for more than 40 years. Mr. Searle stated as a farmer his big concern was the nitrate levels and the disease impact from potatoes coming to Basic American from every part of the State of Idaho. Mr. Searle stated that extensive soil tests were conducted on the subject property and the nitrate levels were within reason and wastewater has not been placed on the property for at least 2 years. Mr. Searle stated that another concern was nematodes (PCN) and that the USDA associated the fields with PCN due to Basic American running potatoes that had been associated with PCN and therefore that wastewater going onto the ground made it associated. Mr. Searle stated the only way to get an associated piece of ground out of regulation is to plant potatoes on it and there are regulations that go along with that while it is associated. Mr. Searle stated that he knew the subject property would not be a potato farm and the price that he paid for the property would not justify planting grain and hay. Therefore, potatoes were planted two years ago and the portion that he is trying to sell is infested with scab and wire worm, making the potatoes not marketable for fresh pack standards. That year they were able to secure a contract on most of the potatoes for a dehydrator and now it is next to impossible to get a contract with a dehydrator due to surplus of potatoes and a lack of market.

Mr. Searle stated that it was a concern of his trying to get the property out of the PCN program as soon as possible to make it so that he did not have to fall under regulations that the USDA requires. Mr. Searle stated when he planted potatoes 2 years ago, the property, showed its head on the disease the worse and he is not sure if it is its proximity to Basic American. Therefore, that is one of the reasons that he is proposing to do this with the property. Mr. Searle stated that he believes the proposed use would be more useful over residential and as a farmer he would rather have a business rather than housing. Mr. Searle stated that Shelley has had a lot of residential growth over the last several years and there is not adequate space for businesses to develop, which is another reason for the proposal.

Commissioner Jensen asked Mr. Searle if it would be possible to farm the other portion if the ground that is already zoned M1 was developed, wherein Mr. Searle stated that the property zoned M1 goes through the pivot and the pivot only does a ½ circle currently but would only be able to do a ¼ circle.

Jade Searle, (CC-12), 683 E. 1200 N., Shelley, stated that he is a young farmer and in looking at the subject property, there is no way for him in the next 60-70 years that he would be able to pay for farming the subject property and it is better to sell off a portion of the property so that he can continue to be successful and support his family. Mr. Searle stated that he recognizes that there is a lot of concerns from the neighbors and he hopes that they would recognize the Applicants concern to be able to farm in todays commodity prices.

Mr. Searle stated that he would attest to what has been said and that the subject portion of ground is not a higher producer. There have been references as to why the Applicant does not farm the corners of the property or irrigate the entire property and Mr. Searle stated that does not make sense financially from a farmer's standpoint. Therefore, he is in favor of the Application and believes that it would be a good use of the property.

There was no testimony in neutral.

Testimony in opposition was received as follows:

Brenda Price (Inns) (CC-13), 820 S. Milton Ave., Shelley, stated that she has lived in her home for 30 years and has seen many changes occur but she was not aware that the Applicant had not done a joint planning on the zoning. Ms. Price stated that her daughter sits on the Board of Adjustments for the City of Idaho Falls and one thing that she believes the Board should know is that the City of Shelley annexed her neighborhood several years ago so the neighborhood has water from the City of Shelley but not sewer. Therefore, there would never be sewer to the subject property, which will limit how many homes would be built if it were residential. Ms. Price stated under the circumstances the Board should consider that the subject property is in the middle of nowhere, which at the time made sense to zone how it is zoned because of the operation but at this point it does not make sense and she feels that the Board should look at is it appropriate now to allow the proposed use before the City of Shelley adjusts their Area of Impact. Ms. Price stated the proposed application is premature because the City of Shelley will be making changes and the rural evaluation will be done based on facts not emotions. Therefore, she is asking the Board to not approve the application but to wait until planning for the area has been evaluated.

Roger Steele (CC-14) 895 Kelley Drive, Shelley, stated that he does not believe that the roads in the subject area can handle any more traffic than they are getting. Mr. Steele reiterated that the City of Shelley annexed them into the city because they were running out of water and needed the water rights but there is no sewer. Mr. Steele stated that he lives on the road that dead ends and he has had cars go through his yard, take out his trees and hit his driveway. They do not need more traffic but they do need more patrol.

Steve Molsee (CC-15) 1006 N. 900 E., Shelley, stated that he resides less than 2 miles south of the subject property and if the zone is changed, the nature and the character of the community will change. Mr. Molsee stated that he does not mind the dirt but when you make a change like this, regardless of what is developed, you change the character of the community. Mr. Molsee stated that he has lived in his home for 6 years and the community cherishes living amongst farms. Another concern is the unknown and what will be developed if the zoning is changed.

Jim Cotterell (CC-16) 780 E. 1200 N., Shelley, stated that he resides directly across the street from the cemetery and also owns several lots in the surrounding area. Traffic is already busy but his biggest concern is if this application is approved, Baseline Road will need to be widened or have the traffic pattern come down South Park Road, which has a lot of children with the school and church, making a safety issue. Mr. Cotterell stated that the cemetery cannot be infringed on and the road will need to be widened, which means that his acreage will be minimized, which will put his pickle ball court building and home in violation of how

close his front door can be to the road, along with four other neighbors. Mr. Cotterell stated that the Comprehensive Plan designation does not need to be changed. In the Application submitted and within the narrative from HLE it mentions there are 4 adjacent homes but in looking at the ½ mile circle around the property, there is 360 land parcels, 240 homes within the ½ mile with more than 40 more building lots in Sunset Vista Subdivision. This does not only impact him but a potential of 300 other people within the area. The value of his property will decrease if the Comprehensive Plan is amended to include the subject property as M1. Mr. Cotterell stated that the Planning & Zoning Commission has made the decision that the proposal is not a good fit and denied the application. He is asking that the Board of County Commissioners to listen to the people and deny the application.

Gretchen Cotterell (CC-17) 780 E. 1200 N., Shelley, stated the plan is ambiguous as it is unknown what will be placed on the property if rezoned. It was stated that if the application is approved and if needed, a traffic impact study will be completed, which seems like it would be too late. Her concern is regarding traffic implication and the implications to her property and she would like to know why a traffic impact study is not being done before the rezone rather than after.

Chairman Manwaring stated that in some instances a traffic impact study is requested but county policy has been changed and, on some developments and the type of road, a traffic impact study is required prior to the public hearing. On the application before the Board today, Dusty Whited, Public Works Director, had no concerns as he does not know what will be developed on the property.

Stacy Pascoe (CC-18) 650 N. State St., Shelley, stated his concern is the unknown of what will be developed. If a lowboy cannot cross on Baseline Road railroad tracks, those semi-trucks have to go through the City of Shelley in order to get onto Highway 91 or the freeway. Therefore, there will be an increase in truck traffic through the city depending on what is developed, which will cause problems for pedestrian crossings. Mayor Pascoe explained the issues that have occurred with the current crosswalk close to the property and the constant damage that occurs to the crosswalk by semi-truck traffic.

Chairman Manwaring asked Mayor Pascoe to expand on sewer and water availability in the City of Shelley, wherein Mayor Pascoe explained that it would need to cross the canal to access and that sewer could be available for the area but it would not be cheap. Mayor Pascoe stated that he could not state off of the top of his head how deep the sewer is in the area but knows that a nearby subdivision had to put in a lift station. In regards to water, Basic American had polluted the soil with their spray field and therefore, water had to be run for almost 4 miles to the south to provide water for all of the homes, which came from the City of Shelley's water.

Commissioner Jensen asked if the water is clean since the spray field is no longer used, wherein Mayor Pascoe stated that he is unsure.

Commissioner Jensen referred to the Golden Valley (now known as Smokehouse Meets) Jerky Plant and asked if the roads had to be modified in order to accommodate that development or if has been suitable, wherein Mayor Pascoe stated there were turn lanes placed and Golden Valley had to cover the cost. Mayor Pascoe stated that they are wanting to expand and they have the property to do so but they will need to widen the road, which will also be done at their cost. Mayor Pascoe stated they are currently in the process of putting in a pre-treatment plant in for the sewer because there cannot be meat products sent to the sewer plant without having issues.

Commissioner Jensen asked Mayor Pascoe if he has noticed that the property value has decreased around the jerky plant, wherein Mayor Pascoe explained that he resides closest to the jerky plant and personally has not seen values change other than increasing but it could depend on what is developed on the subject property and there is a lot unknown.

Commissioner Jensen asked if one of the reasons why there was not an impact study on the south side of Shelley is due to it being Basic Americans water treatment plant and it was thought that it would not develop



into housing. Mayor Pascoe stated when Basic American closed there was a company that wanted to buy a portion of the property and build a manufacturing facility. The City of Shelley had to contact the company attorneys who were based in San Francisco to receive any response and they would not sell a portion of what the company wanted because all of it was hooked to either the same power grid, water system or other utilities and they did not want to split up the property. Therefore, the company went somewhere else. Mayor Pascoe added that they did not evaluate more south because Basic American owned all of the property and where there was spray fields, it was assumed to not be developed further.

Lorleine Browning (CC-19) 752 E. 1200 N., Shelley, stated the subject property was farmed by the Browning Family for over 3 generations, her husband ran the farm for Basic American Foods. He took soil samples and water samples of all of the test wells around the property and every test was within the standards of the State of Idaho, which can be found within records from the state. Ms. Browning referred to discussions regarding the pivots, the ground cannot be farmed because there is a lot of trash, metal and concrete in the land. The pivot does not go up on the property and it is not watered at all. Ms. Browning stated that all testing was done with independent tests from IS in Pocatello and there was another company out of Twin Falls but not once did they have any testing that would not be within standards of the State of Idaho. Ms. Browning stated that the wells were not contaminated as testified previously. Ms. Browning stated that she would build a home on the subject property and that she is not afraid of the subject property because she is familiar with the results of testing completed.

Jeff Kelly (CC-20) 740 Aspen Drive, Shelley, stated that he is against the application because in the Application it was vague as to what will be developed. Normally if there is an Industrial Development, a plat is provided to show what will be developed. Mr. Kelly stated there are 70 different uses under the M1 zoning use that this property can be used for and all uses have impacts that will impact value of the adjacent properties. Mr. Kelly stated that one of the property owners adjacent to the subject property spoke with him about annexing her property into the city, wherein he advised her that it could be classified as a Residential Agriculture with multiple acres of land providing them with water but not sewer. The sewer on the other side of the canal underneath Park but it is a 6-inch line, which runs down and Sunset Vista pours into it, therefore that line is probably at max capacity now and would need to be redone which would be costly.

Mr. Kelly stated if this area were to become Industrial or Commercial, that is giving the opportunity for many other uses and opening up pandoras box because all of the surrounding property is going to end up being zoned as such or it will undermine the value. The unknown is the problem, specifically with traffic and the worst has to be assumed. Mr. Kelly stated when the jerky plant was developed, it was zoned Agriculture because that would allow the bakery to go in, allowing low impact lighting put in and a berm put in to keep lights from the parking lot shining into the homes adjacent to the business. Mr. Kelly stated if this is approved, it will impact the City of Shelley negatively. Mr. Kelly stated where Baseline Road is from Melton to Park Road, which is in the city, if the roads were to be improved, it would be the City of Shelley's requirement to improve that road and to widen the road the transmission lines would need to be moved, costing approximately \$21,000 per power pole.

Commissioner Jensen asked Mr. Kelly if when the jerky plant was developed there was the same amount of opposition with the homes surrounding the property. Mr. Kelly stated yes there was a lot of opposition and lot of people on the west side who get upset with trucks coming in during the early hours but overall the concerns have been mitigated.

Daniel Hodson (CC-21 and CC-21A) 884 E. 1100 N., Shelley, stated that he owns 13 acres west of the subject property. Mr. Hodson referred to Exhibit CC-21A and stated that this property was Industrial zoned to a pre-existing non-conforming use and that Planning & Zoning stated that this pre-existing non-conforming area was likely zoned to existing land use pre-1966 before the Local Land Use Planning Act was enacted. According to the Comprehensive Plan there was no M1 designation for this area. Mr. Hodson stated in the 2018 plan, it does not highlight the area in question therefore, the current M1 area that is in question pre-existing non-conforming use that was not part of the Comprehensive Plan to be able to discuss

in 2018. Therefore, the application would be in violation of the Comprehensive Plan. Mr. Hodson discussed the historical land use of the subject area, wherein some of his family has owned their parcel for decades and is familiar with Basic American owning and operating the parcel for hay and grass. It is also interesting to note that SLT Properties Leased the property in 2023 growing potatoes that season and after that growing season, SLT Properties purchased the land at the end of 2023. The deed transferred the sugar factory parcel and 5 other parcels to SLT Properties in December of 2023. The deed included 50 acres near Firth, 143 acres south of Blackfoot, 128 acres north of Blackfoot, 143 acres South of Shelley, 138 acres south of Shelley and 163 acres, which is being discussed as the sugar factory property. This is in excess of 775 acres.

Lauren Yearsley (CC-22 and CC-22A) 1171 N. 1000 E., Shelley, stated in working with the Comprehensive Plan and in the rezoning, there are 12 things in the Comprehensive Plan. Ms. Yearsley stated that she would like to address the items specifically not meeting the requirements for this application, wherein there are 8 that do not meet requirements. One is to protect property rights and the use of property while not adversely impacting neighboring property values. Ms. Yearsley stated that this area is surrounded by residential units and farm land. The proposal negatively affects dozens of rural homes and single-family dwellings on all sides. There are new homes being built to the east who are expecting a quiet, country, agricultural area. Injecting an industrial island in the middle will undoubtedly harm their property values and their right to enjoy the lifestyle that chose. Bingham County Code supports M1 zoning along highways and freeways where expansion is possible. Islands or spot zoning is not good planning because M1 areas need to be free from residential and agricultural development. This standard of the plan would be violated. Ms. Yearsley added that the Sugar Factory is currently being used as storage and that falls under M1 but it also falls under Agriculture and could remain as is.

Another is to encourage the protection of prime agricultural, forestry and mining lands for production of food fiber, and minerals. Ms. Yearsley stated that the key phrase is "production of food," This isn't just a local issue, it is a national concern. According to the "American Farmland Trust", the United States lost more than 11 million acres of farmland to development between 2001 and 2016. That's about 2,000 acres per day, Let's not contribute to the trend by replacing productive farmland with a concrete jungle.

Ms. Yearsley stated another is to ensure that the development on land is commensurate with the physical characteristics of the land. Policy E7 of the Comprehensive Plan titled "Industrial Separation" aims to provide good isolation or separation of industrial operations from residential areas. The rationale being to encourage industry in areas that will not adversely impact residential or agricultural areas. Separation will also offer buffering areas between conflicting uses. Ms. Yearsley referred to Exhibit CC-22A, which shows how much agriculture and homes are within the area and it would be in direct violation.

Ms. Yearsley stated to avoid undue water and air pollution. This point cannot be emphasized enough as it is unknown what is going to be developed. Lastly, to allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis. Ms. Yearsley stated that Industrial Zoning is not a natural supporter of school districts and school districts depend on strong communities and safe neighborhoods and there is a school within a couple miles of the subject property.

Ms. Yearsley stated in conclusion there are 4 main points to consider. 1) The Planning & Zoning Commission voted 4 to 1 against this rezone, 2) The proposal violates many points in the "Comprehensive Plan", 3) The proposal is opposed by a great number of households within one mile of the area and many wanted to be here today but had to work and 4) this area should also fall under the City of Shelley's Area of Impact. The City of Shelley's Council has been actively working on updating the recommendations to improve the Area of Impact issues of concern. Ms. Yearsley stated that she would encourage the Board to please uphold the Comprehensive Plan. Believe the process and listen to the people.

Chairman Manwaring stated that all school districts within Bingham County receive notices in regards to any development and the schools do not ever send in a response, which does not help at all. Secondly,

any business that comes into the county or more housing the tax base increases, which supports the schools and other taxing districts.

Erin Cannon (CC-23) 1148 N. 900 E., Shelley, stated that she resides south of the subject property and her day job is a residential/commercial developer. It has been stated that residential developers would not look at the subject property but she would like to clarify that she would other than the sewer. The high nitrates, the PCN and those issues would not be as much of a concern to her as the sewer would be. Ms. Cannon stated that the developers have been great farming neighbors and what they do is appreciated by the community but it is unfortunate that this business decision is affecting her personally.

Commissioner Jensen asked Ms. Cannon if homes were developed, how many homes could be placed on this property. Ms. Cannon stated that she currently has a subdivision on 28 acres, with .18 acres and has 100 including a clubhouse and common space. If that puts it into perspective as to how many homes could be developed on the subject property. Commissioner Jensen stated a lot of testimony provided has been in regards to traffic and asked Ms. Cannon how much traffic would be added if it were development of residential. Ms. Cannon stated that traffic was less of a concern for her as there is already a lot of traffic on the road but the unknown is what is concerning for her.

Emily Hodson (CC-24) 884 E. 1100 N., Shelley, stated that she believes in rules and they are there for a purpose. There is a reason why there is planning and reason as to why those plans are followed. Ms. Hodson wanted to point out that code requires intent to declare the purpose for the rezone property, which was not done. As Mr. Searle mentioned he does not have a buyer any longer. If this property designation is changed, it is unknown what will happen or what will be developed, which is serious. There are areas specifically designated for businesses and the Comprehensive Plan does not designate this property as M1. Ms. Hodson stated there are several points within the Comprehensive Plan where requirements are not met and are in violation. There is no buffer zone and it is so close to the surrounding neighborhoods. This is an area that they would like to grow residentially. Ms. Hodson referred to testimony presented by Jeff Kelly wherein he spoke of a landowner whose property could be annexed into the city, which is her and her land is adjacent to the City of Shelley and it would make sense that the City of Shelley could grow into residential properties. Ms. Hodson stated that she sees a lot of good potential for the City of Shelley to move south with development and does not have to be condensed housing. Ms. Hodson stated that the Board would take into consideration that the Comprehensive Plan has purpose and the City of Shelley already has multiple areas that are intended to be Industrial/Commercial and it is hard for her to see this area of Shelley that is not intended to go to M1.

Commissioner Jensen asked Ms. Hodson if she believes that the old sugar factory is a buffer zone and how would she describe the sugar factory where he is not sure that it will ever be torn down. Ms. Hodson stated it is interesting because there are individuals selling 5 acre lots and people are looking to purchase and buy homes. The development is coming this way and she does not think that because there is one sugar factory that no one wants to build homes going south. Ms. Hodson stated that she has spoken with a developer that was looking at the cost to tear down the sugar factory and cleaning it up to develop homes. Ms. Hodson does not believe that just because the sugar factory is there that the entire area cannot have homes built that direction.

Brad Higley (CC-25) 761 S. Park Rd. Shelley, stated that he moved to the area 7 years ago and would like to state that he came here with a zero-impact footprint. He bought an existing home and was sensitive when he moved here to keep the integrity of the community. Subsequent to him moving here, it started to develop and as a builder that was formerly in a place where there was a lot of development for a significant amount of years, saw how it changed the environment. Mr. Higley reviewed 9 items that are generally held as standards that allow competent staff to support the Boards decision and the decision of the Planning & Zoning Commission. 1) start with a neighborhood meeting based on specific use of a property, 2) Know that the Planning & Zoning Commission will review the information from said meeting. The Planning Commission will hold public meetings where the staff comments are addressed, the Applicant has

opportunity to present their project and the public can make comments. It is difficult for the public to do that in the two official meetings. Staff level review is significant for the Board to be successful; meetings with City Council is important to get a better idea about the rezoning process and to consult with the staff about the potential impacts of the proposed zoning change.

Mr. Higley stated that we now live in 2025 and there is not a new zoning and/or commercial product even housing that does not have an impact footprint. There is nothing that you will do that will not have an impact and he does not understand how there is not a specific use and a specific impact report, then the speculation of increased commercial truck traffic could be cured. Mr. Higley stated that the county uses Park avenue for truck traffic whenever they need to access Baseline Road and the farms use it as well because no one wants to go to the intersection. The road cannot handle any more traffic than it already gets.

Jason Cannon (CC-26) 1148 N. 900 E., Shelley, stated that he is not annoyed by the dust or bothered by the farm. When he and his wife purchased the property, the most invasive and intrusive thing was the smell from the dairy south of town and that he would like to preserve impact and quality of life. At the Planning and Zoning Commission Public Hearing he testified and since then he has woken up every morning with a sign stating "Coming Soon- Hog Farm", which has had an impact on him and his quality of life. Mr. Cannon stated that he loves the rural farm area, riding his bike in the summertime, smelling the grain, the potatoes, there is a street that has lilac bushes and he would like to preserve the character currently. Mr. Cannon stated that he is not opposed to growth and development but that is why he likes the area that he lives in, he likes the country and the rural feeling.

Ms. Olsen stated that Mr. Jim Cotterell submitted a 1-page summary that touched on his testimony, which was submitted into the record as Exhibit CC-16A. Ms. Olsen read the document into the record at this time.

Rebuttal Statement was provided by Chris Street, Applicant's Representative, stated the Application meets the criteria. Road and Bridge has no concerns because there is no fully designed project yet. Mr. Street stated that his clients are not developers, they are farmers and have been a staple to the farming community in Bingham County for many years. When they say that the subject property is not suitable for farming, that should be taken into consideration. Mr. Street stated that the Searle's have property rights and have the right to expand the existing zone if it meets the criteria, which it does.

## REASON

Public Testimony was closed and the Commissioners deliberated as follows:

The Board reviewed the Bingham County Comprehensive Plan, pages 3 and 4, as referred to in Bingham County Code Title 10, Chapter 1 Section 10-1-3, wherein the Board found the following:

- a) To protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary;

Chairman Manwaring stated there was testimony presented that referred to property values but that depends on which part of the county that you are located in and the cost that individuals will pay to purchase ground.

Commissioner Jackson stated that there are property rights on both sides, for the property owner and the neighbor, so it is a hard decision to make. Chairman Manwaring stated that property rights is people have been there for one year, two years or fifty years, and that individual decides to change the use of the property, which on this particular application it is unknown, and it can affect the property values.

Commissioner Jensen stated on an upswing market, it does not affect the property value is because people will purchase property no matter the cost but on a downturn market it is hard to say what the values may be.

- b) To ensure that adequate public facilities and services are provided to the people at a reasonable cost.

No deliberation was held.

- c) To ensure that the economy of the county is protected and enhanced.

Chairman Manwaring stated that a lot of this weighs on the economy throughout the state and the US, including mother nature especially when it comes to farming. Chairman Manwaring added that the county tries to review budget in order to try and keep taxes down so as to not affect taxpayers and taxing districts.

Commissioner Jensen stated in looking at the economy of the county, improved property is taxes higher than agriculture and therefore, a way to bring in revenue for the county is to enhance the property. Commissioner Jensen stated on the other side he also understands that the economy in general is affected also.

Commissioner Jackson stated it is a balance and seems like one thing necessitates another but at times it is like a snowball rolling down the hill, picks up speed and gathers momentum and could go either way.

- d) To ensure that the important environmental features of the county are protected and enhanced.

No deliberation was held.

- e) To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals.

Chairman Manwaring stated it has been a concern for years and protecting agriculture land because people need to feed their families. Testimony has been provided in regards to this item from both in favor and in opposition, specifically regarding the type of soil that is located on the subject property and that it is not prime agriculture ground.

Commissioner Jensen stated farm ground needs to be protected but there was testimony provided in regards to how many acres of agriculture goes out each year and the only way he believes that could be stopped is if there is no development at all but that would be encroaching on people's property rights to have property and use as they deem necessary.

Commissioner Jackson had no comment.

- f) To encourage urban and urban-type development within or near incorporated cities.

Commissioner Jensen stated it is hard to know as it is unknown what will be developed. If by chance it is storage, it seems there are a lot of those within the urban part of our state and sometimes are in the city or on the outside. Commissioner Jensen stated it seems like as people have come to the Planning & Zoning Commission or the Board of Commissioners, its been allowed for individuals to build subdivisions well throughout the county if code it met.

Commissioner Jackson stated it is well centered and the county encourages growth from within the city towards the country and where there is infrastructure. It seems like the subject parcel is close to infrastructure that could accommodate growth.

g) To avoid undue concentration of population and overcrowding of land.  
No deliberation was held.

h) To ensure that the development on land is commensurate with the physical characteristics of the land.

Chairman Manwaring stated to him the proposed application would change the physical characteristics of the land.

Commissioner Jackson stated that he is not sure what would be developed so he is not sure that he could say either way.

Commissioner Jensen stated with the sugar factory close and is used as storage and at times looks like a junk collector, he is not sure that it would change the characteristics of the land but agreed with Commissioner Jackson as it is unknown what would be developed.

Chairman Manwaring referred to testimony from the Applicant's Representative and that there are 70 different things that could go on the parcel if this application is approved, which will change the characteristics.

i) To protect life and property in areas subject to natural hazards and disasters.

Chairman Manwaring stated the goal is to protect lives and property of county residents including the city but unfortunately natural disasters do occur and that is out of the county's hands.

Commissioner Jensen stated that he does not believe this will change whether the application is approved or denied.

Commissioner Jackson concurred.

j) To protect fish, wildlife and recreation resources.

Chairman Manwaring stated there was no testimony provided regarding fish, wildlife or recreation resources in the subject area. Therefore, it does not seem to be an issue.

k) To avoid undue water and air pollution.

Chairman Manwaring stated there was testimony from both individuals in favor and in opposition, in regards to dust and smells, wherein there are individuals that do not mind them but others that do. There has also been testimony in regards to water and where the subject property was a spray field and there was testing completed but all results met criteria of the state.

Commissioner Jensen stated that there was no testimony in regards to the smell from the wastewater went away when it was farmed versus a spray field.

L) To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis.

Chairman Manwaring stated that notice is provided to all schools and other governmental agencies but there is not input received from the schools as to how any proposed development would affect the school.

Commissioner Jackson and Commissioner Jensen concurred.

Next, the Board reviewed requirements of Bingham County Code 10-4-2(G), wherein the purpose of an M1 zone is to encourage the development of manufacturing establishments which are relatively clean and free of hazardous or objectionable elements and which are generally operated within enclosed structures and generate little industrial traffic. This zone would be kept substantially free of residential and retail commercial activities that are:

- 1) Serviceable by major roadways.

Chairman Manwaring stated this is one of the bigger issues that he has is that in 2018, the Board created a multi-use corridor down Highway 91, Highway 26 and Highway 39, which is designed to help with commercial M1 and M2 development in order to be more accessible to state highways. There was testimony presented in regards to the roads and that they will need to be widened but where it is unknown what will be developed it is hard to know how it will affect the roads.

Commissioner Jensen stated it is hard to know without knowing what will be developed.

Commissioner Jackson stated that testimony was provided that roads would need improved, which would be costly.

- 2) Located to minimize potential traffic problems.

Chairman Manwaring stated that usually Commercial zones are located along a highway and not on county residential roads.

Commissioner Jensen stated that he agrees with Chairman Manwaring and that is why the highways were designated as a multi-use corridor for the M1 or commercial business but asked how this should be addressed as part is already zoned M1 and the other is not.

Tiffany Olsen, Planning & Development Director, stated that a portion of the property is zoned M1 based on historical land use prior to zoning was enacted and therefore, her assumption is that Planning & Zoning and the Board of County Commissioners in 1966 zoned it for its current land use at that time. Ms. Olsen stated typically M1 and M2 zones are seen along highways but there are other areas in the county, such as 100 North Pioneer Road which is a large manufacturing area that is located along a major collector road and is the highest functional classification to move traffic. Ms. Olsen stated that property is also inconsistent with the Comprehensive Plan Map and has a designation of Agriculture but she would like to put emphasis on the future land use. Ms. Olsen stated County Code 10-5-3, Contents of an Application, does not specifically require what the proposed land use is but states that the proposed text amendment or proposed zone change and that has been done and the present land use and present zone. Ms. Olsen stated the Board should consider is it appropriate for a Comprehensive Plan Map Amendment following the criteria and guidance in Comprehensive Plan. If so, does this land also meet the purpose and objectives of the M1 zone and that it is compatible with the 7 items in code. The future land use, although has been disclosed as an option, the county will not pursue what those proposed options are unless the application is approved, then it will be determined if a Conditional Use Permit is needed.

Commissioner Jensen asked Mr. Whited if they had to widen Pioneer Road when the manufacturing area was developed to help supplement the traffic, wherein Mr. Whited explained that Pioneer Road is

still a two-lane road but does have a turn lane off of Treggo intersection. Mr. Whited states that as it was mentioned previously Baseline Road is a major collector which in the transportation system is the second highest functional classification that the county has. Therefore, it is meant to facilitate traffic moving and more development and growth.

3) Compatible with existing uses.

Chairman Manwaring stated that he feels changing the area to an M1 is compatible with existing uses.

Commissioner Jackson stated to him it is compatible.

Commissioner Jensen stated that he does not know if they would be looking at amending to M1 zone if it was not already partially an M1 zone.

4) Protected from residential uses.

Chairman Manwaring stated it is unsure if it will be protected from residential uses as it is unknown what is being placed but the subject property is surrounded by residential and farm land

5) Accessible to adequate utilities.

Chairman Manwaring stated there is adequate utilities in the area.

6) Accessible to rail or air transportation when necessary.

Chairman Manwaring stated that this does not pertain to the Application.

7) Protected from incompatible uses.

Chairman Manwaring stated that falls in line with 3 and 4, due to the unknown of what will be developed but still have the latitude

Commissioner Jensen stated they could not run their pivot if they sorted out 10 acres and he is not sure how many acres is in the one corner, approximately 6 acres, so that maybe there is 6 acres that could be sold for storage units and continue to use irrigation equipment like it is. If they used all 14 acres, it would make the other portion hard to farm unless handlines are placed which is a thing of the past it seems.

Chairman Manwaring stated down Highway 91 with the railroad track it is hard to get over the road both ways and he found the comment provided by Mayor Pascoe stating that the traffic goes into the city.

Chairman Manwaring stated there are quite a few development or items that are allowed within both Agriculture and Light Commercial designations and reviewed a list of the different uses.

Commissioner Jackson stated in his opinion the application would be better suited for another location than in a rural agriculture area.

Commissioner Jensen stated that he agrees if a portion of the property was not already zoned M1, he would agree that it should be located on the highway but until the Comprehensive Plan Map is cleaned up and the M1 designation is not in place, he does not believe the Applicant should be penalized for looking at amending the designation. Commissioner Jensen stated that he has hesitation to approve the Application due to not knowing what will be developed but as Legal Counsel stated, the Application before the Board



today is specifically for the Comprehensive Plan Amendment not to approve what will be developed because it is unknown and the plans could change.

Chairman Manwaring stated with the city expanding the impact area, it could be that the city thought the subject property would continue being a spray field for many years and therefore did not change the use. Chairman Manwaring stated there is still a footprint of M1 that may be at a smaller scale could develop and believes that with the multi-use corridor put in place, designations of M1 and M2 should be out along major highways and have proper accessibility.

Commissioner Jackson stated that his concern is the close proximity to city limits and there may be change in the Area of Impact and it may be better to have the Application heard in the future. There was no further discussion and Chairman Manwaring requested a motion at this time.

### DECISION

Commissioner Jackson moved to deny the Application for the Comprehensive Plan Map amendment submitted by SLT Properties LLC from Agriculture to Industrial/Commercial on approximately 53.86 acres of a 163.18-acre parcel of land, located South of 1195 N 900 E, for the reason being the inaccessible service by major roadways and potential traffic issues.

Commissioner Jackson amended the motion to state that the Board will uphold the denial of the Planning & Zoning Commission. Commissioner Jensen seconded.

Commissioner Jackson amended the motion to review the Comprehensive Plan requirements and the M1 requirements within the Application based on Bingham County Code 10-4-2(G), wherein the Application did not meet the requirements. Commissioner Jensen seconded. All voted in favor of the denial. 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.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MAY 14, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Wednesday, May 14, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

#### JAIL INSPECTION

The Board attended the Jail Inspection with Chief Deputy Nebeker.

#### CASH WARRANTS

One (1) Cash Warrant was approved in the amount of \$19,868.41.

**Decision: Commissioner Jensen moved to approve Cash Warrants, Claims and Administrative Documents for May 14, 2025. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### ALCOHOL CATERING PERMITS

The Board approved Alcohol Catering Permits for the Shoshone Bannock Casino Hotel for the following dates/events:

Friday, June 6, 2025	Andy Grammer Concert
Friday, June 20, 2025	Tyler Hubbard and Brandon Wisham
Saturday, June 26, 2025	Car Show and Concern
Friday, August 22, 2025	Jake Owen & Wynn Williams

**Decision: Commissioner Jackson moved to approve four (4) Alcohol Catering Permits for the Shoshone Bannock Casino Hotel. Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### PUBLIC WORKS

Present:               Dusty Whited- Public Works Director  
                              Troy Lenhart- Road & Bridge Supervisor  
                              Paul Rogers- County Legal Counsel

The Board met with Dusty Whited to discuss updates within the Public Works Department, along with other agenda items.

Discussion was held in regards to the submitted Prior Approval for Major Purchase of Tires. Said purchase is in the amount of \$9,801.76 from Purcell Tire and Service Centers, which is to be paid from Fund: 23-70-473-01 (Solid Waste- Tires).

**Decision: Commissioner Jensen moved to approve the Prior Approval for Major Purchase of Tires. Said purchase is in the amount of \$9,801.76 from Purcell Tire and Service Centers, which is to be paid from Fund: 23-70-473-01 (Solid Waste- Tires). Commissioner Jackson seconded. All voted in favor. The motion carried.**

Discussion was held in regards to the proposed widening of Brush Creek Road, wherein Commissioner Jensen recused himself from any decision due to his involvement and financial connection with the Eastern Idaho Grazing Association per the advisement of Legal Counsel and pursuant to Idaho Code Section 74-403 and 74-404.

Mr. Whited further explained that he would be in favor of the widening of Brush Creek Road. Mr. Whited stated they would be taking the material from side of the road to the other for the widening. Both sides of the road are owned by the Eastern Idaho Grazing Association, who is in favor of the project and willing to provide a letter for confirmation.

Mr. Whited stated this would assist in seeing if the material could be used for a future gravel source.

**Decision: Commissioner Jackson moved to approve the widening of Brush Creek Road as discussed, which will occur when there is sufficient time to work into the rotation schedule. The county should also receive a letter from the Eastern Idaho Grazing Association stating they are in agreeance of the project. Chairman Manwaring seconded. Commissioner Jensen was recused from the decision. Both voted in favor. The motion carried.**

Discussion was held in regards to the proposed speed limit change for Prouse Lane, requested by Tracee Cole. Mr. Whited explained it is approximately ½ mile long, gravel, dead ends, and is narrow with fence on one side and a pivot on the other side. Mr. Whited stated Prouse Lane dead ends into the Prouse property and there is no turnaround. At the beginning of the road, there are four (4) homes that use the lane and one of those residents claims that there is constantly speeding occurring. Most subdivisions and dead-end roads are posted at 25 mph and he has no concerns in regards to the proposal and is in favor of 25 mph.

**Decision: Commissioner Jensen moved to approve the speed limit posting of 25 mph on Prouse Lane as requested by Tracee Cole. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### DISCUSSION & DECISION REGARDING SEAL COAT FOR PATRIOT FIELD

Present: Scott Reese- Parks & Recreation  
Dusty Whited- Public Works Director  
Troy Lenhart- Road & Bridge Supervisor  
Paul Rogers- County Legal Counsel

Discussion was held in regards to the seal coat of Patriot Field parking lot, wherein Mr. Reese received a proposal from Bingham Memorial that they will have the seal coat completed through Klinger Asphalt and proposed the county purchase the materials to complete the project. Said purchase would be in the approximate amount of \$3,505.00 and is proposed to be paid from Fund: 18-00-673-00 (Parks & Recreation- Contracts & Equipment Hire).

The Board was in favor of the proposed purchase.

**Decision: Commissioner Jackson moved to approve the purchase of materials from Klinger Asphalt in order to seal coat the Patriot Field parking lot. Said purchase is in the amount of \$3,505.00 and is proposed to be paid from Fund: 18-00-673-00 (Parks & Recreation- Contracts & Equipment Hire). Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Jensen moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Jackson seconded. Both in favor. The Board moved into Executive Session at 10:10 a.m. Commissioner

Jackson moved to go out of Executive Session. Commissioner Jensen seconded. The Board moved out of Executive Session at 10:25 a.m.

**Decision: Commissioner Jensen moved to approve Indigent Cremation Application for Case Number 2025-06, in the amount of \$2,000.00 to Hawker Funeral Home. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jensen seconded. Both in favor. The Board moved into Executive Session at 10:42 a.m. Commissioner Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 11:27 a.m.

**Decision: Commissioner Jackson moved to approve the hiring of the individual interviewed for the IT Department at an N22, Step 8. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**Commissioner Jensen moved to approve the request for increase in salary for the individual discussed within Executive Session for the Clerks Office, due to additional responsibilities being required, to an N12, Step 5 and the anniversary date will remain the same. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**Commissioner Jackson moved to approve a pay increase within the Maintenance Department to an N21, Step 10, with the anniversary date remaining the same. Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### HUMAN RESOURCES

Present: Laraine Pope- Human Resources Director

The Board met with Laraine Pope to discuss updates within the Human Resources Department.

#### WEEKLY UPDATE WITH PAUL ROGERS- COUNTY LEGAL COUNSEL

Present: Paul Rogers- County Legal Counsel  
Dusty Whited- Public Works Director  
Chad Kent- Sheriff's Office  
Ryan Jolley- Prosecuting Attorney  
Laraine Pope- Human Resources Director  
Jordyn Nebeker- Chief Deputy Sheriff  
Tiffany Olsen- Planning & Development Director  
Pamela Eckhardt- County Clerk  
Dakota Davis- Deputy Clerk  
Zoom: Holly Stats- Unified Fleet Services  
Bronson Water- Unified Fleet Services  
Chelsi Smythe- Unified Fleet Services

The Board met with Paul Rogers to discuss updates within the county and other agenda items.

Discussion was held in regards to Unified Fleet Services and the process to occur with lease agreements and payments.

No decision was made.

Next, discussion was held in regards to the Hillman Property Lease wherein Mr. Rogers explained that he has reviewed the current lease with Mr. Hillman and the only thing that is missing is that the county has authority to lease property for 5 years and should be stated, which will be corrected.

Discussion was held in regards to Legal Counsel drafting a new lease for 4 years on the 6.06 acres, previously removed from the Lease to lease to another entity, and after said 4 years lapses, the two leases will be combined into one lease. The cost would be \$999.90 per year for the 6.06 acres with a 2% increase after the second year and the lease will run through April 1, 2029.

Mr. Rogers stated that he would draft said lease and provide to the Board for signatures.

**Decision: Commissioner Jackson moved to lease 6.06 to the Hillmans at \$999.90 per year (\$165.00 per acre) with a 2% increase after the second year and the lease expiring April 1, 2029. Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### PLANNING & DEVELOPMENT

Present:           Tiffany Olsen- Planning & Development Director  
                  Paul Rogers- County Legal Counsel  
                  Dusty Whited- Public Works Director  
                  Gwen Inskeep- County Surveyor  
                  Colin Hunter- Developer

The Board met with Tiffany Olsen to discuss updates within the Planning & Development Department.

Discussion was held in regards to the request for approval of Partial Satisfaction of Development Agreement for Tressel Subdivision, wherein Ms. Olsen explained that the infrastructure has been approved and will wait for final satisfaction once the one (1) year warranty expires, which begins from today's date.

**Decision: Commissioner Jensen moved to approve the Partial Satisfaction of Development Agreement for Tressel Subdivision. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Discussion was held in regards to Bingham County Resolution 2025-19, a resolution authorizing acceptance of Danee Lane (N 370 W), in Bingham County, Idaho. Ms. Olsen confirmed with Mr. Whited that all requirements have been met and the road is ready for county acceptance.

**Decision: Commissioner Jackson moved to approve Bingham County Resolution 2025-19, a resolution authorizing acceptance of Danee Lane (N 370 W), in Bingham County, Idaho. Commissioner Jensen seconded. All voted in favor. The motion carried and said resolution was approved and signed as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2025-19**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF DANEE LANE (N 370 W), IN  
BINGHAM COUNTY, IDAHO**

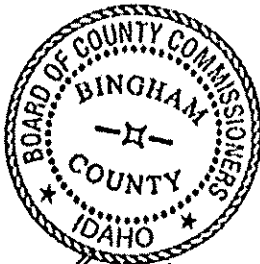
WHEREAS, The Bingham County Commissioners have the authority to accept and confirm the dedication of a road right-of-way to be open for public travel, (Idaho Code § 50-1313);

WHEREAS, The Record of Survey for the Tressel Subdivision, was recorded in the Bingham County Clerk's Office as Instrument Number 760114 and is attached as Exhibit "A", along with a site plan map created by HLE Engineering; and

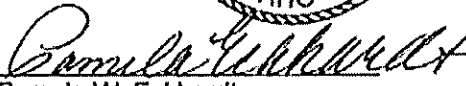
WHEREAS, The Bingham County Public Works Director has acknowledged that Bingham County Road Standards have been met and recommends that Danee Lane (N 370 W), be accepted; and

THEREFORE, BE IT HEREBY RESOLVED, at a Public Meeting held on May 14, 2025, the Board of County Commissioners of Bingham County, Idaho, in the interest of the public, accepted Danee Lane (N 370 W).


SIGNED this 14<sup>th</sup> day of May 2025.



ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk

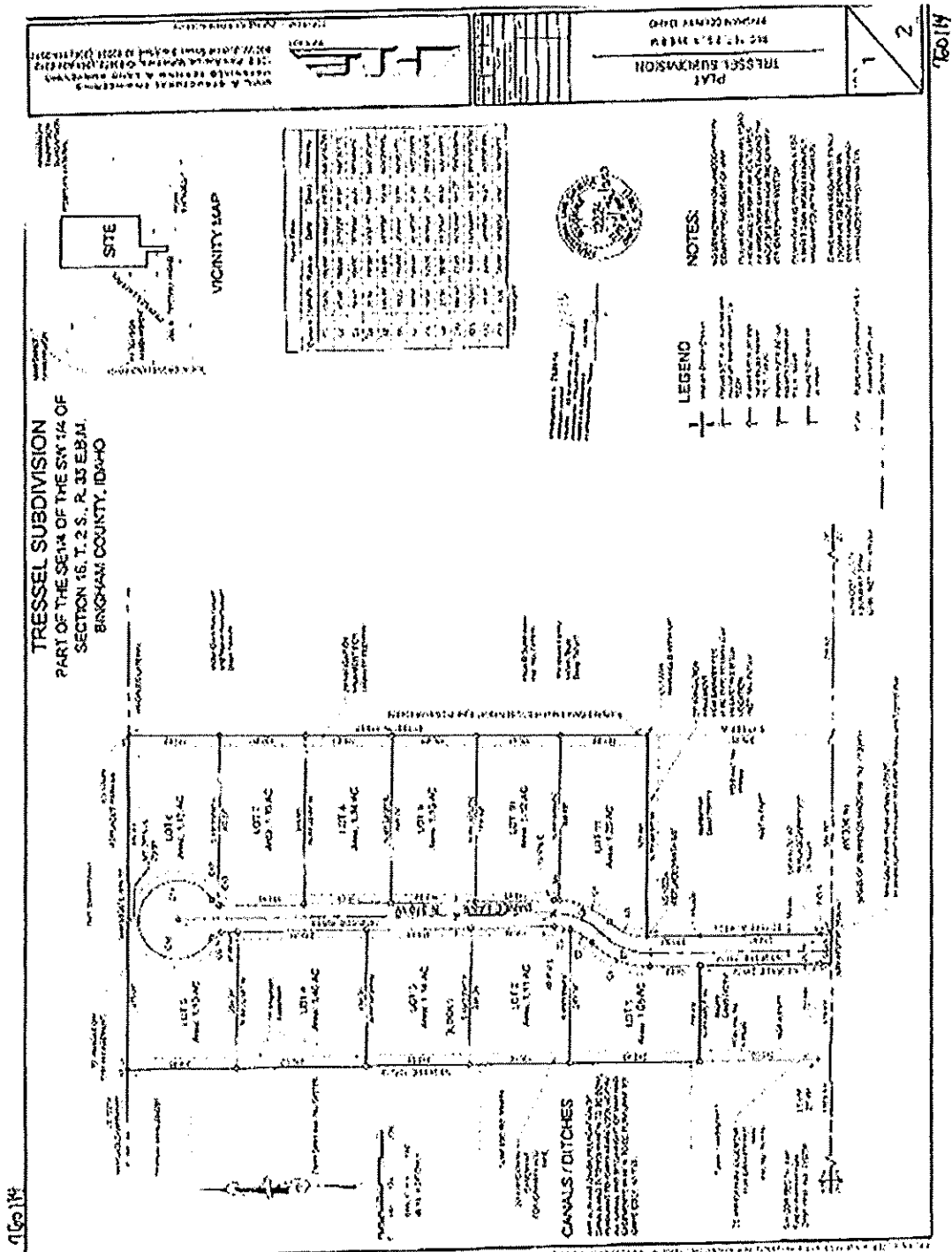
BINGHAM COUNTY COMMISSION

  
Whitney Manwaring, Chairman

  
Eric Jackson, Commissioner

  
Drew Jensen, Commissioner

"EXHIBIT A"







PRIOR APPROVAL- BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance

The Board met with Jason Marlow to discuss the approval to proceed with the 5-year lift inspection which is state required.

Mr. Marlow stated the county currently has a service agreement with Schindler, which justifies using them to complete the lift inspection but Mr. Rogers stated that the county is not bound by them to do so and if the county so chooses it can go with the lower bid to complete the inspection. Mr. Marlow stated that the cost for Schindler is approximately 25% higher than the cost of the second company.

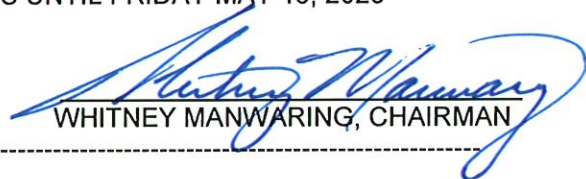
Mr. Marlow stated his recommendation is to move forward with Schindler even though it is the more expensive bid because they know the equipment and the inspection has to be done in order to be in compliance.

The Board was in favor of Jason contacting both companies to see who is available sooner to complete the inspection.

**Decision: Commissioner Jackson moved to allow Jason to contact both companies to see who can get here first to complete the weight inspection test. Commissioner Jensen seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MAY 16, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Friday, May 16, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

CLAIMS

Claims were approved in the amount of \$202,933.15.

PERSONNEL ACTION FORMS

The Board approved Personnel Action Forms, which were as follows:

Salary Increase Form:	Surveyor/GIS Technician
	Deputy Clerk Jury Recorder
Employee Status Sheet:	Maintenance Supervisor
New Employee Status Sheet:	Seasonal Roadside Mower

## COLLEGE OF EASTERN IDAHO

The Board approved one (1) Certificate of Residency, which was sent to the College of Eastern Idaho for the following Bingham County student: Cheyanne D. Truman.

### APPROVAL OF SUNDAY EXEMPT PERMIT FOR RUMORS- KRIS MINER

The Board met to approve and sign the Sunday Exempt Permit for Rumors- Kris Miner, to be used on May 18, 2025.

**Decision: Commissioner Jensen moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms. Commissioner Jackson seconded. All voted in favor. The motion carried.**

### DISCUSSION & POTENTIAL DECISION REGARDING THE RECORDING OF THE ESTELLA ROSE 1<sup>ST</sup> AMENDED PLAT-REQUESTED BY TERRY FOWLER

Present:           Tiffany Olsen- Planning & Development Director  
                  Terry Fowler- Developer  
                  Paul Rogers- County Civil Attorney  
                  Gwen Inskeep- County Surveyor

The Board met to hold discussion and make potential decision regarding the recording of the Estella Rose 1<sup>st</sup> Amended Plat.

Mr. Fowler explained that requirements had been met and he submitted the mylar prints for signing the second week in January to obtain signatures but had not heard anything since. Mr. Fowler stated that he went to HLE on the 1<sup>st</sup> of May to get a copy for his records and in order to obtain a septic permit for his brother in laws property. When he went to start the process of separating the land from the mortgage, he found out that the Final Plat had not been recorded. Mr. Fowler stated that he spoke with Planning & Development and was advised by Ms. Olsen that the Final Plat had not been approved or recorded as the road and irrigation were not complete, which he had not heard about before and was unaware those items needed to be done before the plat was filed. Mr. Fowler stated that he has expended several thousand dollars trying to complete the project and he is now stuck. Mr. Fowler stated that he has hauled in approximately 14 truckloads of gravel for the road and will start spreading and compacting on Monday, along with Double M Irrigation having the irrigation system ready to provide to him.

Mr. Fowler stated that he is asking the Board to file and record the plat so that the bank can proceed, as he cannot get a septic or building permit until this is complete. Mr. Fowler stated that this could have been avoided had Planning & Development contacted him and advised him that there were outstanding items that need to be completed prior to the Final Plat being recorded. Mr. Fowler stated that in conversation with Ms. Olsen she stated that she had emailed Chris Street with HLE but had not received a response but Mr. Street informed him he had not received an email from Ms. Olsen. Mr. Fowler also noted that HLE was no longer working for him or representing him and once the plats were given to him, that was the end of the contract. Mr. Fowler stated this has occurred too much and it is an issue. Mr. Fowler stated that he would ask the Board to approve the Plat with the condition that he cannot get a building permit until all requirements of the road and irrigation are completed and approved.

Ms. Olsen stated that Mr. Fowler applied for a subdivision in June, wherein he signed the section of the Application stating that his designated representative on all transactions was HLE, which was dated June 4. Ms. Olsen stated that until May 5<sup>th</sup>, she was not aware that the HLE contract had been terminated by Mr. Fowler. Therefore, from the period of time when the Application was brought to the Board on September 11<sup>th</sup> and the Board approved Preliminary Plat, the county has been working with HLE. After review of the Final Plat, Ms. Olsen and the County Surveyor communicated with Mr. Street asking if Mr. Fowler had planned to place a bond with financial security and record the Development Agreement, wherein they were informed that Mr. Fowler was working to figure that out.

Ms. Olsen explained from Preliminary Plat in September, the Development Agreement is entered and Mr. Fowler has two options allowed by County Code which were reviewed with Mr. Fowler on May 5th and was the first time that she had heard from Mr. Fowler since the plat was delivered in January. Ms. Olsen stated the two options are under County Code Section 10-14-5, under Final Plat, which states the Final Plat may not be recorded until all fees are paid, a surety bond or other financial provisions posted or recorded, along with a signed recorded Development Agreement. In looking at County Code Section 10-14-11, Financial, it states the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the county or filed with the County Clerk, a surety bond or other acceptable guarantee of performance to insure the actual construction of improvements as submitted and approved.

Ms. Olsen stated this is the stage where the application is today, wherein Mr. Fowler has two options, one being the option to provide a surety bond of 120% of an engineer estimate on the outstanding improvements and the Final Plat can be recorded. The Final Plat can be recorded but there is no action by the Board today to do so and that is an available option for Mr. Fowler. Ms. Olsen stated that the county is not able to issue building permits on a subdivision under a financial guarantee according to Section 10-14-8, that states Building Permits will not be approved for any development on lots until all improvements are installed and final approval is received from all agencies and departments.

Ms. Olsen stated when Planning & Development prepares a Staff Report, which is presented to the Planning & Zoning Commission and the Board, it is indicated what infrastructure is required to be placed in that subdivision based upon the application that is prepared by Mr. Fowler's Representative. Ms. Olsen stated if the expectation was for her to have a personal phone call with every applicant outside of the communication held with their representative, that would be time consuming, which is why the applicant hires a representative to help facilitate the process.

Ms. Olsen stated by recording a final plat and having a Development Agreement with bond, Mr. Fowler is able to work with his bank and sell lots. In regards to mail, Mr. Fowler's dress of 134B was assigned long before she was employed with Bingham County and has been the same as long as she has worked with Mr. Fowler. Because of the grid system and a new private road, the address will need to be changed but that cannot be done until Final Plat is approved/recorded. This process is something that the Developer works through with Road and Bridge who will inspect the sign and location to be sure it meets standards; the fire marshal is responsible to inspect private access to be sure it meets fire code and the irrigation is verified and that it is on the appropriate lots within the easements. Ms. Olsen stated that Mr. Fowler or HLE will provide a document stating that the water capacity is designed to provide water to all lots.

Mr. Fowler stated his concern is funding and this is holding up the project. Mr. Fowler stated that he does not have access to the codes cited by Ms. Olsen and he has tried to find them in the past but they are not easily accessible. Mr. Fowler stated he was not aware there were any issues and if he had received a telephone call, he could have fixed the issue earlier, which would have saved a lot of time. Ms. Olsen added that she had sent Mr. Street at HLE several emails and received no response as to how Mr. Fowler would proceed.

Chairman Manwaring asked Ms. Olsen if the Application states each step to be completed, to which Ms. Olsen explained that the expectation of the Applicant's Representative. Ms. Olsen stated that HLE is a local engineering firm and knows the code that is to be followed and all requirements and by the Applicant hiring a professional, that professional is expected to know how to develop in Bingham County. Ms. Olsen stated that had she known that HLE was no longer the representative for Mr. Fowler or there were questions or was curious as to why the Final Plat had not been recorded, she would have contacted him. Mr. Fowler stated that when he brought the mylars into Planning & Development, he advised staff that HLE was no longer involved, to which Ms. Olsen stated that was not relayed to her.

Chairman Manwaring asked Legal Counsel if Mr. Fowler could record the Final Plat, to which Ms. Olsen stated the Final Plat could only be recorded if there was a signed Development Agreement that provides a financial security. Chairman Manwaring stated that the request from Mr. Fowler is to proceed without placing a bond for the two-week duration that it will take to complete the road and install irrigation. Ms.



Olsen stated if this were granted, the county would not be following its own code. Paul Rogers stated that the bond covers the county liability and that is why a bond is required.

Mr. Fowler stated that the county has liability in this circumstance as well due to the lack of communication and it is unacceptable to go 4-5 months with no communication and then have this issue sprung on him. Mr. Fowler stated that Planning & Development had the mylars and knew they were for his subdivision. Ms. Olsen stated that she would respectfully disagree as she had communications per a contract that was signed appointing HLE as the Representative. Throughout that 4-month timeframe, Ms. Olsen stated that an email was sent to Mr. Street as to the status on the Development and was not notified until May 5<sup>th</sup> that HLE was no longer representing Mr. Fowler on this matter. Ms. Olsen stated since May 5<sup>th</sup>, she has provided Mr. Fowler with the options to move forward.

Discussion was held in regards to the potential of adding more of an explanation to the Application in order for the Application to better understand.

Chairman Manwaring stated that the improvements need to be completed or a bond should be provided.

Commissioner Jensen stated that the code is in place for a reason and should be followed.

Commissioner Jackson stated that he realizes some codes are hard to follow and he was hoping that a solution so as to not hold up the progress. Mr. Fowler stated that he would complete the road and install the irrigation system without providing a bond,

Paul Rogers stated the decision being requested would over correct the code but the ordinance is in place to be followed and there is no exception to bypass the bond process.

Chairman Manwaring reiterated that the county needs to follow its ordinance due to liability.

No Decision was made.

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with legal counsel regarding pending/imminently likely litigation. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with legal counsel regarding pending/imminently likely litigation. Commissioner Jensen seconded. Both in favor. The Board moved into Executive Session at 9:30 a.m. Commissioner Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 10:30 a.m.


**Decision: No decision was made.**


#### APPROVAL OF SUNDAY EXEMPT PERMIT FOR RUMORS, KRIS MINER

The Board met to approve and sign the Sunday Exempt Permit for Rumors, Kris Miner.

**Decision: Commissioner Jensen moved to approve the Sunday Exempt Permit for Rumors, Kris Miner. Chairman Manwaring seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY MAY 20, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Wednesday, May 21, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

**PRESENT:**               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

#### **PERSONNEL ACTION FORMS**

The Board met to approve and sign Personnel Action Forms, which were as follows:

Salary Increase Form:       Emergency Communications Officer  
                                  Detective  
                                  Patrol Deputy  
                                  Detention Deputy

**Decision: Commissioner Jackson moved to approve and sign Personnel Action Forms. Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### **ALCOHOL LICENSE TRANSFER FOR TETON HOUSE**

The Board met to approve and sign the Alcohol License Transfer for Teton House to Taste of Teton Inc., DBA Teton House.

**Decision: Commissioner Jensen moved to approve and sign the Alcohol License Transfer for Taste of Teton Inc., DBA Teton House. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### **TAX INQUIRY DOCUMENTS**

The Board met to approve and sign Tax Inquiry documents submitted by the County Assessor, which were as follows:

RP2087202               Year 2024       Homeowners exemption was not applied to this parcel.

**Decision: Commissioner Jackson moved to approve and sign the Tax Inquiry document submitted by the County Assessor. Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### **REASON & DECISION FOR THE REQUEST FOR RECONSIDERATION ON THE BISHOP ESTATES SUBDIVISION**

The Board met to approve and sign the Reason & Decision for the Request for Reconsideration on the Bishop Estates Subdivision.

Chairman Manwaring confirmed that Commissioner Jackson and Commissioner Jensen has reviewed the proposed documents and if there were changes, those has been made. Commissioner Jackson and Commissioner Jensen both confirmed there were no changes.

**Decision: Commissioner Jensen moved to approve and sign the Reason & Decision for the Request for Reconsideration on the Bishop Estates Subdivision, as written. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### SHERIFFS OFFICE

Present: Jeff Gardner- Sheriff  
Jordyn Nebeker- Chief Deputy Sheriff

The Board met with Sheriff Gardner to discuss updates within the Sheriffs Office.

#### PUBLIC WORKS

Present: Troy Lenhart- Road & Bridge Supervisor

The Board met with Troy Lenhart to discuss updates within Public Works and other agenda items.

Discussion was held in regards to the submitted Prior Approval for Major Purchase of a cone and liner. Said purchase is in the amount of \$6,250.23 from Kimball Equipment Company and is to be paid from Fund: 02-46-491-00 (Road & Bridge- Crusher- Equipment Maintenance).

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of a cone and liner. Said purchase is in the amount of \$6,250.23 from Kimball Equipment Company and is to be paid from Fund: 02-46-491-00 (Road & Bridge- Crusher- Equipment Maintenance). Commissioner Jensen seconded. All voted in favor. The motion carried.**

Discussion was held in regards to the submitted Prior Approval for Major Purchase of a culvert and bands. Said purchase is in the amount of \$3,035.00 from TV Pipe Supply and is to be paid from Fund: 02-40-645-00 (Road & Bridge- Culverts).

**Decision: Commissioner Jensen moved to approve the Prior Approval for Major Purchase of a culvert and bands. Said purchase is in the amount of \$3,035.00 from TV Pipe Supply and is to be paid from Fund: 02-40-645-00 (Road & Bridge- Culverts). Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### MEETING TO REVIEW BUILDING INSPECTOR POSITION WITH POTENTIAL DECISION

Present: Tiffany Olsen- Planning & Development Director  
Jacob Martin- Building Inspector  
Laraine Pope- Human Resources  
Paul Rogers- County Civil Attorney

The Board met to review the Building Inspector position, with potential decision.

Ms. Olsen explained that the Building Inspector position within Planning & Development will be vacant soon and that she has met with Human Resources and has pulled data from surrounding counties for this specific position and their pay range. In looking at the data, the current salary of \$20.62 is low compared to those counties that did respond.

Ms. Olsen stated that she has provided the Board with a copy of the job description as advertised, which indicates the pay range from \$20.62 through \$22.51 per hour but she would propose to amend the job advertisement to reflect the full range of pay. The purpose in doing this is to have a job range that is attractive to someone who might be looking for a position that has growth and where they will be able to extend.

Ms. Pope stated that she would agree and that advertising the full range lets individuals know that the county is open to negotiations.

Chairman Manwaring stated that an applicant may not have the experience but can see there is a possibility to move up within a certain amount of time after certification if completed.

Mr. Martin stated that advertising the range will give an applicant something to look forward to.

The first certification is Building 1 and the second certification would be a Mechanical.

**Decision: Commission Jackson moved to allow Human Resources to advertise the Building Inspector position with a pay range from N19, \$20.62 to \$30.26 or N20, \$21.22 to \$31.14, depending on qualifications. Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jensen moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson seconded. Both in favor. The Board moved into Executive Session at 9:30 a.m. Commissioner Jackson moved to go out of Executive Session. Commissioner Jensen seconded. The Board moved out of Executive Session at 9:56 a.m.

**Decision: Commissioner Jensen moved that due to reaching the milestone on Mechanical inspection in March, approve salary increase to N20, Step 12, effective March 1, 2025, the second item is the Residential Building Inspector certification on May 16, 2025, raising to N21, Step 13, effective May 1, 2025, the individual will receive a merit bonus of \$1,000, after taxes, along with conversion of comp time to paid overtime and to pay overtime out moving forward, which will be paid out of the Planning & Development Budget. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### REQUEST SUBMITTED BY LYLE BARNEY- SHELLEY FIRTH AMBULANCE, TO DISCUSS REQUEST FOR FUNDING, WITH POTENTIAL DECISION

Present: Lyle Barney- Shelley Firth Ambulance  
Chief Adams- Shelley Firth Fire  
Pamela Eckhardt- County Clerk

The Board met to discuss the request submitted by Lyle Barney to discuss request for funding for the Shelley Firth Ambulance.

No decision was made at this time and Chief Adams will put together additional information as to the amount that would be requested, which would be in the approximate amount of \$40,000.00.

#### DISCUSSION & DECISION TO MICRO-SEAL NORTH BINGHAM PARK, WHICH WILL INCLUDE ALL AREAS OF CURRENT BLACKTOP- REQUESTED BY SCOTT REESE

Present: Scott Reese- Parks & Recreation

The Board met with Scott Reese to discuss and make a decision to micro-seal North Bingham Park, which will include all areas of current blacktop and the boat ramp area.

Said cost would be in the amount of \$42,000.00 and is proposed to be paid from Fund: 18-00-689-00.

**Decision: Commissioner Jackson moved to approve to micro-seal North Bingham Park, which will include the boat ramp area and everything north of the trees that is county owned, in the**

approximate amount of \$42,000.00 to be paid from Fund: 18-00-689-00. Commissioner Jensen seconded. All voted in favor. The motion carried.

#### REVIEW OF COMMISSIONER BUDGET

The Board met to review several line items within the budget.

#### WEEKLY MEETING WITH PAUL ROGERS- COUNTY CIVIL ATTORNEY

Present: Paul Rogers- County Civil Attorney

The Board met with Paul Rogers to discuss county updates.

#### MEETING TO APPROVE AND SIGN MURKWOOD SUBDIVISION FINAL PLAT

Present: Tiffany Olsen- Planning & Development Director

The Board met to approve and sign the Murkwood Subdivision Final Plat.

**Decision: Commissioner Jensen moved to approve and sign the Murkwood Subdivision Final Plat. Commissioner Jackson seconded. All voted in favor. The motion carried.**

PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE ZONING AMENDMENT OF THE APPROX. 15.91 ACRE PARCEL FROM "A" AGRICULTURE TO "C2" HEAVY COMMERCIAL, LOCATED ON THE CORNER OF 700 NORTH AND HIGHWAY 91, FIRTH, IDAHO, AS PROPOSED BY THE SHELLEY FIRTH FIRE DISTRICT

Present: Tiffany Olsen- Planning & Development Director  
Kenneth Johnson- Shelley Firth Fire Commissioner  
Paul Rogers- County Civil Attorney

The Board held a Public Hearing to receive the Planning & Zoning Commission's recommendation to approve the Zoning Amendment of the Approx. 15.91-acre parcel from "A" Agriculture to "C2" Heavy Commercial, located on the corner of 700 North and Highway 91, Firth, Idaho, as proposed by the Shelley Firth Fire District. Chairman Manwaring welcomed all to the meeting and introductions were held.

At the Public Hearing, the Staff Report was presented by Tiffany Olsen, Planning & Development Director. At the onset of Staff Report presentation, Ms. Olsen recognized an error within the Staff Report wherein it stated that the Zone Change is from "A" Agriculture & "M1" Light Manufacturing but that it should state the Zone Change is from "A" Agriculture to "C2" Heavy Commercial.

Per Paul Rogers, County Legal Counsel, the Board could amend the Staff Report to list the proper Zone Change request.

**Decision: Commissioner Jackson moved to amend the Staff Report to read the Zone Change Application from "A" Agriculture to "C2" Heavy Commercial. Commissioner Jensen seconded. All voted in favor. The motion carried.**

For confirmation, Mr. Rogers stated that notice in the newspaper and notice sent to surrounding property owners was correct but that it was a clerical error made within the Staff Report. Therefore, code requirements had been met.

Ms. Olsen completed presentation of the Staff Report for the record at this time.

Chairman Manwaring asked if Chief Randy Adams or Kenneth Johnson, Shelley Firth Fire District Commissioner, had received approval from the state pertaining to access from Highway 91, wherein Ms.



Olsen stated that Mr. Johnson has been working with Idaho Transportation Department and the provided site plan shows the proposed access location onto Highway 91. Ms. Olsen stated that she also has been in contact with the Idaho Transportation Department and they anticipate approval of the access, would be required at the time of Building Permit Application. Ms. Olsen referred to Exhibit A-2, which does reflect the two proposed access locations, one onto Highway 91 and one onto 700 N.

Testimony was presented by Kenneth Johnson (CC-6), Shelley Firth Fire District Commission Chairman, who stated that Chief Adams has been in contact with Idaho Transportation Department in regards to access and how far said access should be from 700 N., wherein they are still waiting on a response.

Chairman Manwaring stated the subject parcel is almost 16 acres but only 5 acres will be utilized for the fire department and asked Mr. Johnson if the remaining acreage will be sold. Mr. Johnson stated that is correct and there have been a few individuals who may be interested in purchasing the remaining acreage.

Chairman Manwaring asked how far the Highway 91 access is from 700 N., wherein Commissioner Jensen referred to the Application, which states it is approximately 425 feet.

Chairman Manwaring asked Mr. Johnson if the state mentioned a potential turn lane, wherein Mr. Johnson stated that there was no mention of a turn lane but they did state that access needs to be applied for which is simply a matter of paperwork but they would need to know exact location from 700 N., to where the other access will be.

With no further questions for Mr. Johnson, the Chairman called for testimony from the public.

There was no testimony in favor, neutral, nor in opposition.

### 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 (F), which states that the purpose of the "C2" Heavy Commercial Zone in that parcel meets the following criteria:

1. Adequate service by major roadways;
  - a. The Board had no concerns.
2. Location that minimizes potential traffic problems;
  - a. The Board had no concerns.
  - b. Chairman Manwaring stated that this development is located next to Highway 91.
3. Compatibility with existing uses;
  - a. The Board had no concerns. Chairman Manwaring stated that the subject property is being removed from Agriculture to provide fire services.
4. Protection from encroachment of residential uses;
  - a. The Board had no concerns.
5. Accessibility to adequate utilities;
  - a. The Board had no concerns.

Chairman Manwaring asked if the entire field is on irrigation, wherein Mr. Johnson confirmed that it is but there is not a lot water that will be needed as there will be very little grass and a few bushes.

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

## DECISION

**Decision:** Commissioner Jensen moved to uphold the decision of the Planning & Zoning Commission to approve the Zoning Amendment from "A" Agriculture to "C2" Heavy Commercial, located on the corner of 700 N and Hwy 91, Firth, Idaho, as proposed by the Shelley Firth Fire District, as all requirements have been met.

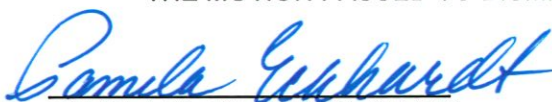
Commissioner Jensen amended his motion to state that approval of this application is based on requirements being met and the Reason & Decision of the Planning & Zoning Commission.

Commissioner Jackson seconded. All voted in favor. The motion carried.

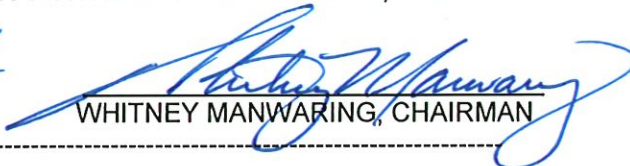
**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration 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.

THE MOTION PASSED TO DISMISS UNTIL THURSDAY MAY 22, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Thursday, May 22, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**APPROVAL OF REASON & DECISION FOR THE GALE LIM CUP APPEAL MEETING HELD ON MAY 20, 2025**

The Board met to approve and sign the Reason & Decision for the Gale Lim CUP Appeal meeting held on May 20, 2025.

Chairman Manwaring confirmed that Commissioner Jackson and Commissioner Jensen has reviewed the proposed Reason & Decision and if there were changes, those were made.

Commissioner Jackson and Commissioner Jensen both confirmed there were no changes to be made.

Lindsey Dalley, Commission Clerk, confirmed that Ryan Jolley- Prosecuting Attorney, has also reviewed the proposed document and had no concerns.

**Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for the Gale Lim CUP Appeal Meeting held on May 20, 2025. Commissioner Jensen seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MAY 23, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Friday, May 23, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Lindsey Dalley- Commission Clerk  
EXCUSED:               Commissioner Jensen

#### CLAIMS

Claims were approved in the amount of \$250,354.79.

#### PERSONNEL ACTION FORMS

The Board met to approve and signed Personnel Action Forms, which were as follows:

Employee Status Sheet:       Building Inspector

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms. Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### SIGNING OF LETTER OF SUPPORT PERTAINING TO NEW STUDIES AND PLANNING FOR ADDITIONAL WATER STORAGE SOLUTION IN IDAHO INCLUDING POTENTIAL REBUILDING OF THE TETON DAM

The Board met to approve and sign the letter of support pertaining to new studies and planning for additional water storage solution in Idaho including potential rebuilding of the Teton Dam.

**Decision: Commissioner Jackson moved to approve and sign the letter of support pertaining to new studies and planning for additional water storage solution in Idaho including potential rebuilding of the Teton Dam. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**DECISION REGARDING TAX EXEMPTION APPLICATIONS PURSUANT TO IDAHO CODE SECTION 63-602**

**Present:** Pamela Eckhardt- County Clerk  
Donavan Harrington- County Assessor  
Debbie Cunningham- Chief Deputy Assessor  
Paul Rogers- County Civil Attorney

The Board met to make a decision regarding Tax Exemption Applications pursuant to Idaho Code Section 63-602, which were as follows:

**Exempted Properties under IC 63-602 W**

Business inventory that is a single family dwelling.  
Site improvements that are associated with land.  
Developer factor exemption value.

**River Edge Estates**

Bryan and Rhona Huntsman  
5 parcels

**Park City Estates Division #3**

Kendall & Katheryn Murdock  
18 parcels

**Polson Estates**

David Polson  
1 parcel

**Coopers Cove Division #2**

Jeffery and Julie Steadman  
20 parcels

**The Ridges / The Ridges Addition 2**

Todd, Liz, & Garry Killpack  
7 parcels

**Martin Meadows**

3 Martin Farm, LLC  
4 parcels

**Valley View Addition**

Brian & Dawn Leatham



3 parcels

**Decision: Commissioner Jackson moved to approve Tax Exemption Applications pursuant to Idaho Code Section 63-602W. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**DISCUSSION & POTENTIAL DECISION REGARDING VEHICLE NEED FOR THE EXTENSION OFFICE**

Present: Carmen Willmore- Extension Office  
Pamela Eckhardt- County Clerk  
Paul Rogers- County Civil Attorney

The Board met to hold discussion and potential decision regarding vehicle need for the Extension Office.

No decision was made and Carmen Willmore will work with Chad Kent to see what vehicle will work best for their department.

**REQUEST TO DISCUSS OPTION OF DECLARING A STRIP OF COUNTY OWNED LAND AS ODD-LOT PROPERTY VIA A RESOLUTION. ALSO, REQUEST TO DISCUSS THE GRANTING OF POTENTIAL EASEMENTS TO OTHERS WHO ARE CURRENTLY UTILIZING THE COUNTY OWNED STRIP AS CURRENT ACCESS**

Present: Gwen Inskeep- County Surveyor  
Paul Rogers- County Civil Attorney  
Matt Thomson- Citizen

The Board met to hold discussion regarding the submitted request to discuss option of declaring a strip of county owned land as odd-lot property via a resolution. Also, request to discuss the granting of potential easements to others who are currently utilizing the county owned strip as current access.

Mr. Thomson, who resides at 2020 Riverton Road, Blackfoot, stated there has been a strip of county owned ground that has been used as road access to two parcels that sit behind to the southwest of his property. In the process of trying to buy the property directly to the south, it has come up that there is not legal access to the property. Mr. Thomson stated that he received a telephone call from the appraiser and the bank stating that there is no legal access to the property therefore, that needs to be obtained to proceed with purchase of the property. Otherwise, the property will be landlocked.

Ms. Inskeep stated that Dusty Whited, Public Works Director, does not have interest in maintaining for use by the public. Therefore, Chairman Manwaring stated this portion is of no use to the county.

Paul Rogers referred to Idaho Code Section 31-808, which states that an odd lot may be sold to an adjacent property owner for fair market value that is estimated by a land appraiser license to appraise property in the State of Idaho. Mr. Rogers stated that approximate amount would be \$750.00.

The Board was in favor to proceed.

**Decision: Commissioner Jackson moved to proceed with Declaration of odd lot property via resolution and grant easements. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY MAY 27, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Tuesday, May 27, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**SIGNING OF LETTER OF ACKNOWLEDGEMENT RECEIVING FINAL PAYMENT FROM BLACKFOOT URBAN RENEWAL AGENCY**

Present:               Pamela Eckhardt- County Clerk

The Board met to approve and sign the letter of acknowledgement receiving final payment from Blackfoot Urban Renewal Agency in accordance with the Second Amendment to Development Agreement dated March 22, 2012. The final payment is in the amount of \$69,605.62.

The Board had no concerns.

**Decision: Commissioner Jensen moved to approve and sign the letter of acknowledgement receiving final payment from Blackfoot Urban Renewal Agency, final payment in the amount of \$69,605.62. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**PERSONNEL BOARD BUDGET MEETING**

Present:               Jeff Gardner- Sheriff  
                              Paul Rogers- County Civil Attorney  
                              Tanna Beal- Treasurer  
                              Ryan Jolley- Prosecuting Attorney  
                              Pamela Eckhardt- Clerk  
                              Jimmy Roberts- Coroner  
                              Donavan Harrington- Assessor

The Board met to hold the Personnel Board Budget Meeting.


No decision was made.

**EXECUTIVE SESSION**

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jensen moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson seconded. Both in favor. The Board moved into Executive Session at 2:44 p.m. Commissioner Jackson moved to go out of Executive Session. Commissioner Jensen seconded. The Board moved out of Executive Session at 3:36 p.m.

**Decision: No decision was made.**

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY MAY 28, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Wednesday, May 28, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**PRIOR APPROVAL FOR MAJOR PURCHASE- BUILDING MAINTENANCE**

Present:               Jason Marlow- Building Maintenance

The Board met to discuss the submitted prior approval for major purchase of two water valve controllers for AHU 4 (1<sup>st</sup> floor south end) and one for AHU 5 (1<sup>st</sup> floor Sheriff's side). All three went bad and need to be replaced as they control the HVAC cooling and heat.

Said purchase is in the amount of \$2,493.00 from Harris Company and is to be paid from Fund: 01-10-494-00 (Building & Grounds- Repairs- Maintenance).

**Decision: Commissioner Jensen moved to approve the prior approval for major purchase of two water valve controllers for AHU 4 (1<sup>st</sup> floor south end) and one for AHU 5 (1<sup>st</sup> floor Sheriff's side). Said purchase is in the amount of \$2,493.00 from Harris Company and is to be paid from Fund: 01-10-494-00 (Building & Grounds- Repairs- Maintenance). Commissioner Jackson seconded. All voted in favor. The motion carried.**

**SHERIFFS OFFICE**

Present:               Jeff Gardner- Sheriff  
                              Jordyn Nebeker- Chief Deputy Sheriff  
                              Paul Rogers- County Civil Attorney

The Board met with Sheriff Gardner to discuss updates within the Sheriffs Office.

**PUBLIC WORKS**

Present:               Dusty Whited- Public Works  
                              Derrick Going- Solid Waste Supervisor  
                              Paul Rogers- County Civil Attorney

The Board met with Dusty Whited to discuss updates within the Public Works department, along with other agenda items.

Discussion was held in regards to the submitted Solid Waste Credit Application for Idaho Elite Roofing LLC.



After discussion Mr. Whited proposed approval of the Solid Waste Credit Application in the amount of \$1,200.00 per month for Idaho Elite Roofing LLC.

**Decision: Commissioner Jackson moved to approve the Solid Waste Credit Application in the amount of \$1,200.00 per month for Idaho Elite Roofing LLC. Commissioner Jensen seconded. All voted in favor. The motion carried.**

#### TAX DEED HEARING

Present: Tanna Beal- Treasurer  
Jodi Ricks- Deputy Treasurer  
Paul Rogers- County Civil Attorney

The Board held a Tax Deed Public Hearing pursuant to Idaho Code Section 63-1005, which allows the County Treasurer to issue and record a tax deed in favor of the county on the properties, which were as follows:

RP7031500  
RP3064400  
RP0341502  
RP0247809  
RP0101419

Chairman Manwaring called for testimony in favor, wherein there was none.

Chairman Manwaring called for testimony in neutral, wherein there was none.

Chairman Manwaring called for testimony in opposition, wherein there was none.

**Chairman Manwaring stated for the record that the Board is satisfied that the County Tax Collector has fulfilled the requirements of Section 63-1005 of Idaho Code, and shall immediately direct the County Tax Collector to issue and record tax deeds on the above-mentioned properties.**

Nothing Further.

#### PRIOR APPROVAL FOR MAJOR PURCHASE- IT DEPARTMENT

Present: Matt Galloway- IT Director

The Board met with Matt Galloway to discuss the submitted Prior Approval for Major Purchase of 2 security cameras, which will replace 2 on the west side of the building that are failing. Said purchase is in the amount of \$2,131.62 from B&H Photo Video and Audio, which will be paid from Fund: 01-18-443-00 (General- Key Fobs/County Cameras).

**Decision: Commissioner Jensen moved to approve the Prior Approval for Major Purchase of 2 security cameras. Said purchase is in the amount of \$2,131.62 from B&H Photo Video and Audio, which will be paid from Fund: 01-18-443-00 (General- Key Fobs/County Cameras). Commissioner Jackson seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL FOR MAJOR PURCHASE TO ATTEND 2025 NOWAC CONFERENCE-  
REQUESTED BY SHAWN HILL

Present: Shawn Hill- Probation  
Mark Gough- Probation  
Paul Rogers- County Civil Attorney

The Board met to discuss the submitted prior approval for major purchase to attend 2025 NoWac Conference.

Mr. Hill stated that the registration for 9 individuals to attend said conference, which includes attendance, hotel and travel fees for a total of \$8,217.00, to be paid from the Juvenile Probation Fund 06-55 and Adult Probation Fund 06-54, several line items.

The Board had no concerns.

**Decision: Commissioner Jackson moved to approve the prior approval for major purchase to attend 2025 NoWac Conference, which includes attendance, hotel and travel fees for a total of \$8,217.00, to be paid from the Juvenile Probation Fund 06-55 and Adult Probation Fund 06-54, several line items. Commissioner Jensen seconded. All voted in favor. The motion carried.**

DISCUSSION & POTENTIAL DECISION REGARDING COUNTY CODE ENFORCEMENT

Present: Tiffany Olsen- Planning & Development Director  
Dusty Whited- Public Works Director  
Laraine Pope- Human Resources Director  
Paul Rogers- County Civil Attorney  
Ryan Jolley- Prosecuting Attorney  
Jordyn Nebeker- Chief Deputy Sheriff

The Board met to discuss county code enforcement and which department code enforcement should fall under.

After discussion was held, a proposed job description would be drafted to further discuss the duties of a potential additional position.

PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE COMPREHENSIVE PLAN MAP AMENDMENT FROM AGRICULTURE TO RESIDENTIAL/AGRICULTURAL AND A ZONING AMENDMENT FROM AGRICULTURE TO RESIDENTIAL/AGRICULTURE ON APPROXIMATELY 6.15 ACRES OF LAND, LOCATED AT APPROXIMATELY 420 N 1100 W., BLACKFOOT, IDAHO, AS PROPOSED BY ROSENDO VERA MIRALES

Present: Addie Jo Jackman- Planning & Development Assistant Director  
Paul Rogers- County Civil Attorney  
Rosendo Vera Mirales- Applicant  
Marisol Madrigal- Applicant's daughter

At the Public Hearing, the Staff Report was presented by Addie Jo Jackman, Planning & Development Assistant Director.

There were no questions for county staff at this time.

Testimony was presented by Marisol Madrigal (CC-6), Applicant's daughter and representative, stated that she is a single mom, rent costs are increasing and a way that her parents could help her is to proceed with this application. Currently the property is covered in weeds and her parents have tried to place cattle on the

property but it is a lot of work. Ms. Madrigal stated that in the future she is planning on having a home on the property for her and her children, which is close to her children's school.

Chairman Manwaring stated within the application, it states the plan is to build two homes on the property, to which Ms. Madrigal stated that was correct.

Commissioner Jensen stated there is currently a home on the property and asked if there would be a road installed down the middle in order to serve the two lots. Ms. Madrigal confirmed that was correct.

Commissioner Jackson asked how long her father had owned the subject property, to which Ms. Madrigal stated for 5-6 years.

With no further questions for Ms. Madrigal, the Chairman called for testimony from the public.

There was no testimony in favor, neutral, nor in opposition.

### **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 (C), which states that the purpose of the "R/A" Residential/Agriculture Zone in that parcel meets the following criteria:

1. Suitability of parcel for agricultural purposes;
  - a. The Board had no concerns.
  - b. Commissioner Jensen stated with a home the area could be irrigated and if not, it would be a dry lot.
  - c. Commissioner Jackson stated the future owner could have a small garden as well.
2. Proximity to existing areas of similar population density;
  - a. The Board had no concerns.
3. Lot size compatible with existing lot sizes in the immediate area;
  - a. The Board had no concerns.
  - b. Chairman Manwaring stated the subject parcel, if divided in half, is compatible with existing lot sizes to the North and the South.
4. Compatible with the existing uses in the immediate area;
  - a. The Board had no concerns.
5. Protection from incompatible uses;
  - a. The Board had no concerns.
6. Accessibility to adequate utilities;
  - a. The Board had no concerns.
7. Adequate service by roadways;
  - a. The Board had no concerns.

The Board reviewed the guidelines for spot zoning within the Comprehensive Plan Policy O2, wherein deliberation was held as follows:

Guidelines for spot zoning may include the following factors when determining land use.

- 1) Does the proposed zoning correct a mistake?
  - a. Chairman Manwaring stated the Comprehensive Plan is only a guide and in 2018 when it was amended there are probably many areas that stayed the same designation and the application could be correcting a mistake.
- 2) What is the size of the parcel or lot?
  - a. Chairman Manwaring stated the size of the parcel is 6.15 acres.
- 3) What is the zoning prior to and after the requested rezone?
  - a. Chairman Manwaring stated current zoning is Agriculture and requested rezone is for Residential/Agriculture.
- 4) What is the existing zoning of the adjacent properties?
  - a. Chairman Manwaring stated the adjacent properties are zoned Agriculture.
- 5) What are the benefits and detriments to the subject property's landowner resulting from the rezone?
  - a. Chairman Manwaring stated the benefit is to assist the Applicants daughter in having a home for her children that is close to their school.
- 6) What are the benefits and detriments to the neighboring property owners resulting from the rezone?
  - a. Chairman Manwaring stated there was testimony received from David Keller in regards to his concerns and stated that he could see more impact in the future if there were six homes but it is only planned to be two homes.
- 7) What are the benefits and detriments to the community resulting from the rezone?
  - a. The Board concurred there was none.
- 8) What is the relationship between the zoning change and other comprehensive plan policies?
  - a. Chairman Manwaring stated the policies are tied together and it is unknown how this parcel was placed within the Comprehensive Plan as it is.
- 9) Are there changed circumstances since the comprehensive plan was adopted?
  - a. Chairman Manwaring stated the county is constantly amending the Comprehensive Plan depending on the Application and that is why the corridors along the highways it was designated as multi use to eliminate issues on Comprehensive Plan.
  - b. Commissioner Jensen stated with no irrigation water, it makes it hard to utilize the full 6.15 acres.
- 10) Is there compatibility with surrounding land uses?
  - a. Chairman Manwaring stated if approved, it would be more compatible.
- 11) Do the public benefits outweigh detriments to other landowners?
  - a. The Board had no issues.
- 12) What is the effect on adjacent communities?
  - a. Chairman Manwaring stated that any communities are away from the subject property, therefore it any, it would be minimal.

Chairman Manwaring stated that he has never been in favor of approving a zone change that was not contiguous to the next zone on the sides of the subject property but in review of the application and the close proximity to other lots on that particular parcel. Chairman Manwaring referred to Exhibit T-3, which is testimony received from David Keller, wherein he stated that his worry is impact on his water supply due to more draws on the aquifer and he fears that if the zoning changes, other might follow suit, leading to a city-like environment, which they purposely chose to avoid. Chairman Manwaring stated that he asked Ms. Madrigal if they still planned to only place two homes on the property, which an application for a subdivision

would be required. With that, Chairman Manwaring stated that he does not have an issue with the submitted application.

Commissioner Jackson stated that he feels the subject property is more suitable for housing rather than agriculture due to the issue with irrigation.

Commissioner Jensen stated that it is commendable for the father to help his children with housing and he is an advocate for personal property rights. Commissioner Jensen stated he is in favor of the application.

Chairman Manwaring stated within the Staff Report it states there are no irrigation rights associated with the parcel but with a home on one acre, if water rights are not obtained working with the Idaho Department of Water Resources at some point in the future, the Applicant and future land owners must be aware that an individual culinary well is only permitted to irrigate up to half an acres of land if the total use is not in excess of 13,000 gallons per day pursuant to Idaho Code Section 42-111.

Chairman Manwaring stated in mirroring the Planning & Zoning Commission Reason & Decision, page 3 of 4, the following was met;

1. The Application met the requirements in Bingham County Code Section 10-15-3 as the Application was submitted by the property owner and included all required contents of a Complete Application; and
  - a. The Board had no concerns.
2. The Residential/Agricultural Comprehensive Plan Map Area corresponds with R and R/A Zones in the Zoning Ordinance and is established to direct the orderly and timely conversion of land as the need arises into residential areas that are still rural in character, and the Application met the specific purpose of the Comprehensive Plan; and
  - a. The Board had no concerns.
3. The 6.15-acre parcel is one of the largest residential parcels in the area and is located approximately 0.40 miles south of an existing R/A zone, is surrounded by similarly sized parcels with a residence and agricultural land, would not be harmful to adjacent or neighboring uses, and will not create urban density; and
  - a. The Board had no concerns.
4. The purpose of the R/A Residential/Agriculture Zone is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities and that have lot sizes compatible with existing lot sizes in the immediate area pursuant to Bingham County Code Section 10-4-2(C); and
  - a. The Board had no concerns.
5. The Application met the R/A purpose as parcels exist in the immediate area that are as small as one-acre in size with existing residential uses; and
  - a. The Board had no concerns.
6. The Application would comply with Bingham County Code Section 10-6-6(B)(1) as the property is large enough in size to accommodate the Applicant's home with an individual well and septic system, as well as future residential development of two (2) parcels with individuals wells and septic systems if a Subdivision Application is approved; and
  - a. The Board had no concerns.
7. The Application met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.
  - a. The Board had no concerns.

Commissioner Jackson stated that he had no further questions.

Commissioner Jensen stated he has no concerns.

Chairman Manwaring stated that he is in favor due to the proximity and where it sits within the particular area and that there will only be two homes, which would not change the surrounding area.

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

### **DECISION**

**Decision:** Commissioner Jensen moved to uphold the Planning & Zoning Commissions decision to approve the Comprehensive Plan Map Amendment from Agriculture to Residential/Agricultural and the Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture of approximately 6.15 acres located at 420 N. 1100 W., Blackfoot, Idaho 83221. Commissioner Jackson seconded.

Commissioner Jensen amended the motion to state that this decision is based on the discussion held, review of the Comprehensive Plan on spot zoning and Bingham County Code Section 10-4-2(B) and 10-4-2(C) and the Reason & Decision of the Planning & Zoning Commission. Commissioner Jackson 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.

### **CANVASS**

Present: Megan Kearsley- Elections Director in training  
Danette Miller- Elections Director  
Kelli Robbins- Elections  
Pamela Eckhardt- County Clerk  
Paul Rogers- County Civil Attorney  
Patty Hoffman- Citizen

The Board met to approve the CANVASS from the May 20, 2025 Consolidated Election, wherein voting statistics were as follows:

**Bingham County  
Voting Statistics  
May 20, 2025 Consolidated Election**

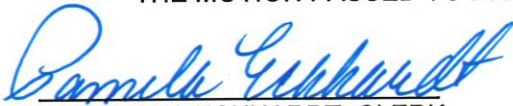
Precincts	Total Number of Registered Voters at the cutoff	Number of Election Day Registrants	Total Number of Registered Voters (automatically)	Number of Ballots Cast	% of Registered Voters who Voted (automatically)
BLACKFOOT 1	859	3	862	108	13%
BLACKFOOT 2	943	5	948	123	13%
BLACKFOOT 3	941	2	943	105	11%
BLACKFOOT 4	1095	8	1103	123	11%
BLACKFOOT 5	1186	2	1188	119	10%
BLACKFOOT 6	1033	4	1037	164	16%
FIRTH 7	1266	1	1267	122	10%
FIRTH 8	1066	1	1067	76	7%
GROVELAND 9	1155	3	1158	104	9%
JAMESTON 10	944	12	956	327	34%
MORELAND 11	563	0	563	59	10%
ROCKFORD 12	843	2	845	78	9%
SHELLEY 13	1284	27	1311	442	34%
SHELLEY 14	1369	17	1386	517	37%
ABERDEEN 15	896	1	897	53	6%
SPRINGFIELD/STERLING 16	352	2	354	27	8%
RIVERSIDE 17	1049	0	1049	71	7%
PINGREE 18	611	0	611	34	6%
WAPELLO 19	540	1	541	70	13%
FORT HALL 20	753	0	753	11	1%
SHELLEY WEST 21	1511	34	1545	611	40%
GROVELAND 22	1010	2	1012	109	11%
BLACKFOOT 23	589	0	589	69	12%
RIVERSIDE 24	701	0	701	56	8%
MORELAND 25	774	2	776	73	9%
ATOMIC CITY 26	11	0	11	1	9%
BONNEVILLE 27	0	0	0	0	0%
MORGAN'S PASTURE 28	4	0	4	0	0%
Total:	23348	129	23477	3652	16%

	REQUESTED	RECEIVED	PERCENTAGE
EARLY VOTING	153	153	N/A
ABSENTEE / MAIL BALLOT	263	223	84%



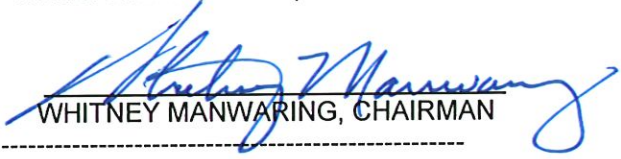
**Decision: Commissioner Jackson moved to approve the CANVASS from the May 20, 2025 Consolidated Election. Commissioner Jensen seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY MAY 30, 2025



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Friday, May 30, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Commissioner Jackson  
                              Commissioner Jensen  
                              Pamela Eckhardt- County Clerk  
EXCUSED:               Chairman Manwaring

**Commissioner Jensen moved to appoint Commissioner Jackson as Temporary Chairman. Commissioner Jackson seconded. Both voted in favor. The motion carried.**

#### CLAIMS

Claims were approved in the amount of \$370,267.08.

#### PERSONNEL ACTION FORMS

The Board approve Personnel Action Forms, which were as follows:

New Employee Status Sheet:                       Seasonal Roadside Mower

**Decision: Commissioner Jensen moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms. Commissioner Jackson seconded. Both voted in favor. The motion carried.**

#### DISCUSSION & DECISION TO LET EASTERN IDAHO STATE FAIR PLACE TWO DRY WELLS ON COUNTY OWNED PROPERTY

Present:               Brandon Bird- Eastern Idaho State Fair  
                              Dusty Whited- Public Works Director  
                              Gwen Inskeep- County Surveyor

The Board met to hold discussion and make a decision to let the Eastern Idaho State Fair place two dry wells on county owned property.

Mr. Bird explained that the Eastern Idaho State Fair leases part of the carnival area for the fair. The ground is settling where the ownership is but water seems to pool up and will start to degrade the blacktop. Mr. Bird has received a bid from Mickelsen for two french drains in the two areas, in the approximate amount of \$52,600.00. Mr. Bird stated this would be a project to be completed after the fair but would be done this year and would be paid for by the fair as it is looked at as a long-term improvement for use.

Mr. Whited explained the construction of the drains and the requirements/permits that will be followed by Mickelsen. Mr. Whited stated there will be no issue driving over the spot.

**Decision: Commissioner Jensen moved to approve that the Eastern Idaho State Fair be allowed to place two dry wells on the county owned property to assist with water damage. Commissioner Jackson seconded. All voted in favor. The motion carried.**

PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE ZONING AMENDMENT FROM HEAVY MANUFACTURING TO AGRICULTURE ON APPROXIMATELY 4.37 ACRES OF LAND, LOCATED APPROXIMATELY 1-MILE NORTHWEST OF THE INTERSECTION OF TABER ROAD AND 2000 WEST SECTION ROAD, BLACKFOOT, IDAHO AS PROPOSED BY JOSHUA AND LORI BLAU

Present: Addie Jo Jackman- Planning & Development Assistant Director  
Lori Blau- Applicant

The Board held a Public Hearing to receive the Planning & Zoning Commission's recommendation to approve the zoning amendment from Heavy Manufacturing to Agriculture on approximately 4.37 acres of land, located approximately 1-mile Northwest of the intersection of Taber Road and 2000 West Section Road, Blackfoot, Idaho as proposed by Joshua and Lori Blau. Commissioner Jackson welcomed all to the meeting and introductions were held for the record.

At the Public Hearing, the Staff Report was presented by Addie Jo Jackman, Planning & Development Assistant Director.

Commissioner Jensen asked for confirmation and that where the parcel is an original parcel, it can be divided three more times or have three building rights. Ms. Jackman stated it is a total of four when it is an original parcel and the Applicant has adequate acreage to create four parcels if they chose to do so.

Commissioner Jackson stated there was conversation held but it is still unknown as to why the parcel is zoned as it is. Ms. Jackman stated that Planning & Development conducted research but could not find any information as to why the zoning designated as it is but Mrs. Blau testified that she was informed that in the 1980's a company owned that land and had intent to do something there that never occurred.

Testimony was presented by Lori A. Blau (CC-6), Applicant, explained the subject property was purchased last October (2024) and do not plan on splitting the property. Ms. Blau stated that her and her husband love having a little bit of land for personal use and over the next decade will build a residence, shop, chicken coop and a standard hobby farm structure for animals.

Commissioner Jackson asked Ms. Blau if she has had any luck in procuring water rights, to which Ms. Blau stated that she has not yet and when she spoke with the gentleman at the Department of Water Resources, she was informed to wait until she would be ready to use the water rights, which could be approximately 2-3 years.

Commissioner Jensen asked Ms. Blau when the well is drilled, if it would be drilled with a big enough casing to put a larger pump in the well. Ms. Blau stated that they would drill a residential well specifically for the house and shop. Ms. Blau stated that she will work with the drilling company and based on their recommendations and permitting, they will drill what is anticipated to be needed within the next 10 years. Ms. Blau stated potentially a second well will be drilled to irrigate pasture area if needed but in the beginning they will probably only drill one well.

Commissioner Jensen asked Ms. Blau if it would change her mind to proceed with the zone change if she were not able to obtain water rights. Ms. Blau stated that it would not and that they may leave the section of the property as dirt and not need to water. The usage will most likely have enough water with the residential well, to not need a second well or more rights.

With no further questions for Ms. Blau, the Chairman called for testimony from the public.

There was no testimony in favor, neutral, nor in opposition.

### **REASON**

Public testimony was closed and the Board moved into discussion and deliberation which was held and the Board found the following:

1. The Application met the requirements in Bingham County Code Section 10-15-3 as the Application was submitted by the property owners and included all required contents of a complete Application; and
2. The request is to modify the zoning of a parcel from "M2" Heavy Manufacturing to "A" Agriculture. The Board reviewed the purpose of the "A" Agriculture Zone in accordance with Bingham County Code Section 10-4-2(B) and found it is to preserve and protect the decreasing supply of agricultural land. This zone also is established to control the infiltration of urban development into agricultural areas which will adversely affect agricultural operations; and
3. That by following the Zoning Amendment, it will allow productive agricultural areas to be protected as the Applicant testified she and her husband are planning to build a residence, have a hobby farm on the property, and preserve the parcel for the enjoyment; and
4. The subject parcel met this standard as the bulk of the land surrounding the parcel is irrigated farm ground and protects agricultural land uses from unreasonable adverse impacts; and
5. The Application is in conformance with the Bingham County Comprehensive Plan Map Area designation of Agriculture which supports the Agriculture Zoning District; and
6. The Application met the requirements of Idaho Code Title 67, Chapter 65 and Bingham County Code Section 10-3-6.

Commissioner Jensen agreed with the proposed Agriculture zoning, surrounding properties are zoned Agriculture and his only concern is that the Applicant may not be able to obtain water rights.

Commissioner Jackson stated that would be a concern of his as well is the Applicant not being able to obtain water rights.

There was no further discussion and Commissioner Jackson requested a motion at this time.

### **DECISION**

**Decision:** Commissioner Jensen moved to uphold the decision of the Planning & Zoning Commission to approve the application to amend the zoning designation from "M2" Heavy Manufacturing to "A" Agriculture, on approximately 4.37 acres of land, located approximately 1-mile Northwest of the intersection of Taber Road and 2000 W. Section Road, Blackfoot, Idaho, as submitted by Joshua and Lori Blau.

Commissioner Jensen amended the motion to include that the application does meet the requirements of Bingham County Code Section 10-4-2(B). Commissioner Jackson 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.

**PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATIONS ON PROPOSED MODIFICATIONS TO BINGHAM COUNTY CODE TITLE 10 ZONING REGULATIONS, CHAPTER 3, CHAPTER 7 AND CHAPTER 14, WITH DECISION**

Present:           Tiffany Olsen- Planning & Development Director  
                  Addie Jo Jackman- Planning & Development Assistant Director  
                  Gwen Inskeep- County Surveyor  
                  Travis Allen- Planning Administrator- City of Blackfoot

The Board held a Public Hearing to receive the Planning & Zoning Commission's recommendations on proposed modifications to Bingham County Code Title 10 Zoning Regulations, Chapter 3, Chapter 7 and Chapter 14, with decision.

Ms. Olsen reviewed the process of amending county code and presented Staff Report for the record.

**AMENDMENTS WERE MADE TO THE FOLLOWING SECTIONS OF TITLE 10 ZONING REGULATIONS IN BINGHAM COUNTY CODE:**

- (1) CHAPTER 3 *ADMINISTRATION; HEARING REGULATIONS*, SPECIFICALLY SECTION 10-3-6 *PUBLIC HEARINGS*  
AMENDMENTS INCLUDE DEFINING HOW PUBLIC HEARING NOTIFICATIONS ARE MAILED AND POSTED ON-SITE; and
- (2) CHAPTER 14 *SUBDIVISION REGULATIONS*, SPECIFICALLY:
  - (a) SECTION 10-14-3 *ORIGINAL PARCEL*  
AMENDMENTS INCLUDE PARCELS USING LEGALLY RECORDED ACCESS AND VACATING A SUBDIVISION WILL NOT REINSTATE DIVISION RIGHTS; and
  - (b) 10-14-4 *PRELIMINARY PLAT*  
AMENDMENTS INCLUDE REQUIREMENTS FOR SUBMISSION OF A PRELIMINARY PLAT APPLICATION; and
  - (c) 10-14-5 *FINAL PLAT*  
AMENDMENTS INCLUDE REQUIREMENTS FOR SUBMISSION OF A FINAL PLAT; and
  - (d) 10-14-7 *COMBINING PRELIMINARY AND FINAL PLATS (SHORT PLATS)*  
AMENDMENTS INCLUDE REQUIREMENTS FOR SHORT PLAT CONSIDERATION AND WHEN A FINAL PLAT MAY BE RECORDED; and
  - (e) 10-14-8 *DESIGN STANDARDS*  
AMENDMENTS INCLUDE CLARIFICATION TO PRIVATE INGRESS/EGRESS ACCESS AND RIGHT-OF-WAY DEDICATION; and

(f) 10-14-9 *SPECIAL DEVELOPMENTS*

AMENDMENTS INCLUDE REMOVING SCENIC AREAS, CLARIFYING HISTORICAL AREAS TO BE HISTORICALLY REGISTERED BUILDINGS, AND ADDING RIPARIAN AREA; and

(g) 10-14-11 *FINANCIAL AGREEMENT*

AMENDMENTS INCLUDE THE ADDITION OF PUBLIC AND PRIVATE IMPROVEMENTS TO INFRASTRUCTURE IMPROVEMENTS AND ALLOWING FOR A FINANCIAL GUARANTEE TO BE PLACED FOR THE OUTSTANDING PORTION OF INFRASTRUCTURE IMPROVEMENTS; and

(3) CHAPTER 7 *SPECIFIC USE PERFORMANCE STANDARDS* SECTION 35 *TOWER; BROADCAST, CELL, TELECOMMUNICATION*

AMENDMENTS INCLUDE REGULATIONS FOR FEDERALLY LICENSED AMATEUR RADIO STATION

The Board held specific deliberation in regards to the following:

Section 10-14-4(c)(1)(a), Ms. Olsen stated currently when there is a subdivision that is  $\frac{1}{4}$  mile from the Highway 39 connection to Groveland Water and Sewer District system, the county asks for a feasibility study to show how expensive the cost may be and how feasible it is for the subdivision to connect. Ms. Olsen stated there has been a lot of cooperation from developers in providing that documentation but it is not required within code and she would like to be sure if there are any issues, it is shown as required within code. Ms. Olsen stated it is requested that if it is within 1,000 feet of a connection, that a feasibility study be provided and that the study be from a licensed engineer, attesting to the anticipated cost to connect to that service for feasibility consideration and is the requirement is the same if there is a water connection.

Commissioner Jensen referred to Section 10-14-4(c)(1)(a), and how the 1,000 feet was determined, wherein Ms. Olsen stated this was discussed for the last several years and in the past there has not been a distance and have used "reasonably close". Ms. Olsen asked County Surveyor, Gwen Inskeep, if she has any preference between 1,000 feet or any other distance. Ms. Inskeep stated she has no preference but  $\frac{1}{4}$  mile makes more sense to her in surveying terms but these properties are going to be all over the section and she would be in favor of the 1,000 feet. Commissioner Jensen stated he always thinks to the nearest intersection, which is normally  $\frac{1}{2}$  mile. Ms. Inskeep stated properties are not just near intersections but are split up now. Ms. Olsen stated if the Board is more familiar with using miles rather than feet, the 1,000 feet could be modified to state  $\frac{1}{4}$  mile. Commissioner Jensen stated if an individual bought  $\frac{1}{4}$  section and decided to build a home 1,200 feet than he would not be required to do the study. Ms. Olsen stated that she would modify the verbiage to state 1,320 feet, to be consistent.

Ms. Olsen referred to page 9 of the proposed revisions, specifically Section 10-14-5 (A), wherein it will state that three (3) digital and/or paper copies of the final plat are to be provided. T

Ms. Olsen referred to the change to be made to page 7, Section 4, regarding irrigation systems, that in residential zones all irrigation ditches along the front of the subdivision and the front of each lot will be enclosed.

Ms. Olsen referred to an additional change to be made to 10-14-4(a), Preliminary Plat, currently reads three (3) copies of the preliminary plat, wherein Ms. Inskeep suggested that it should state two (2) copies of the preliminary plat and one digital copy. The Board was in favor of the suggested change.



Commissioner Jackson called for testimony in favor, which was received as follows:

Travis Allen, Planning & Zoning Administrator, City of Blackfoot, stated that he is in support of the proposed amendments and that he is making similar changes within City Code that will be adopted on June 3, 2025.

Commissioner Jackson called for testimony in neutral, there was none.

Commissioner Jackson called for testimony in opposition, there was none.

Commissioner Jackson closed the Public Hearing and the Board held deliberation, which was as follows:

Commissioner Jensen stated that he was in favor of the proposed changes and there was good deliberation held at the Planning & Zoning Commission level as well, which support the proposed changes.

Commissioner Jackson stated that he was also in favor of the proposed changes.

**Decision: Commissioner Jensen moved to approve the modifications to the County Code Title 10, Chapter 3, 7 and 14. There are a few changes to be made on page 4, page 6 verbiage, page 7 irrigation, page 9 digital and paper. Ms. Olsen asked to add the residential zone subdivision. Commissioner Jackson seconded. Both voted in favor. The motion carried.**


Ms. Olsen reviewed the Request for Reconsideration process.

Nothing further.

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses .....	\$434,262.19	Veterans Memorial.....	\$158.95
Road & Bridge .....	\$242,882.08	Weeds .....	\$6,162.75
Justice Fund .....	\$566,318.45	Emergency Communication.....	\$46,104.21
District Court.....	\$82,100.70	Road & Bridge Special Proj.....	\$10,086.68
Preventative Health.....	\$147,977.50	Waterways.....	\$55.92
Historical Society & Museum..	\$ 11,250.00	Opioid Abatement.....	\$5,935.01
Parks & Recreation .....	\$10,450.05	PILT.....	\$84,046.64
Revaluation.....	\$25,554.70	Treatment Court Fund.....	\$7,388.64
Solid Waste .....	\$212,141.91	Consolidated Elections.....	\$6,958.71
Tort.....	\$1,500.00		

THE MOTION PASSED TO DISMISS UNTIL MONDAY, JUNE 9, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN