

## **BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS**

In regards to: The meeting to hear an Appeal filed by Todd & Raelynn Lambert and the concerned citizens of Rose, relating to the Conditional Use Permit approval of Gale Lim Construction, LLC's Application.

Board of County Commissioners Meeting Date: May 20, 2025

At the onset of the meeting Chairman Manwaring declared a conflict as his son, Dustin Manwaring, is Legal Counsel for Gale Lim Construction. Therefore, Chairman Manwaring recused himself from any decision making on the Appeal before the Board today pursuant to Idaho Code Section 74-403 and 74-404.

Commission Jensen also declared conflict due to his previous position of Planning & Zoning Commission Chairman and that he was serving in that capacity when the initial application was heard at the Planning & Zoning Commission Level. Therefore, he too recused himself from any decision making on the Appeal before the Board today pursuant to Idaho Code Section 74-403 and 74-404. Chairman Manwaring asked if Commissioner Jensen felt as though said conflict would affect his decision making on the Appeal. Commissioner Jensen stated that it would as he heard all information previously, attended the site visit for the subject property and he was the Chairman at the time the first decision was made.

Ryan Jolley, Bingham County Legal Counsel, stated after the declaration of conflict and there being no quorum, the Board cannot proceed further with this Appeal Meeting.

Chairman Manwaring stated that due to lack of quorum, pursuant to Bingham County Code Section 10-10-2, in the event more than one board commissioner is required to recuse themselves from the appeal, the Planning & Zoning Commission decision shall be deemed final and the Appellant may proceed to Judicial Review without reconsideration.

**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.

Dated this 22 day of May, 2025.

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

  
Whitney Manwaring, Chairman

  
Eric Jackson, Commissioner

  
Drew Jensen, Commissioner

## CERTIFICATE OF SERVICE

I certify that on the 22 day of May 2025, I served a true and correct copy of the Reason & Decision for Gale Lim CUP Appeal Meeting upon the following person(s) in the manner(s) indicated:

- ☐ Mail
- ☒ Email: dustin@milestonelaw.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Dustin Manwaring  
Legal Counsel for Gale Lim Construction

- ☐ Mail
- ☒ Email: tolsen@binghamid.gov
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

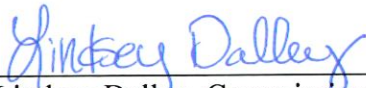
Tiffany Olsen  
Planning & Development Director

- ☐ Mail
- ☒ Email: markcornelison@hopkinsroden.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Mark V. Cornelison  
Legal Counsel for Todd & Raelynn Lambert

- ☐ Mail
- ☒ Email: andrewrawlings@hopkinsroden.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

D. Andrew Rawlings  
Legal Counsel for Todd & Raelynn Lambert

  
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Lindsey Dalley, Commission Clerk