

## **BOARD OF BINGHAM COUNTY COMMISSIONERS**

### **REASON & DECISION**

In regards to: The Planning & Zoning Commission's recommendation to deny the Zoning Amendment application for two (2) parcels totaling approximately 143.97 acres of land from "R/A" Residential Agriculture to "A" Agriculture located North and East of 574 West 200 North, Blackfoot, as proposed by SLT Properties LLC.

Property Owners: SLT Properties, LLC

Board of County Commissioners Public Hearing Date: April 14, 2025

Pursuant to Idaho Code Section 74-403 and 7404, Chairman Manwaring recused himself due to a conflict.

Commissioner Jensen was acting Chairman.

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

1. Exhibits to the Board Public Hearing Staff Report:
  - CC-1: Staff Report- Board of County Commissioners
  - CC-2: Findings of Fact, Conclusions of Law and Memorandum Decision- Basic American Foods, Inc, Application for Special Use Permit- dated May 8, 1997
  - CC-3: Basic American Foods- Blackfoot Land Treatment System Map
  - CC-4: Proof of Publication- Idaho State Journal and Post Register- Board of County Commissioners
  - CC-5: Blackfoot/Snake River Government Agency Notice List & Notice- Lindsey Dalley, Commission Clerk
  - CC-6: Property Owners Notice List & Notice- Lindsey Dalley, Commission Clerk
  - CC-7: Notice of Posting- Ashley Taylor, Planner
2. Testimony received prior to the Public Hearing included:
  - CC-8: Beverly Salisbury, 556 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application
  - CC-9: Keith & Catherine Salisbury, 226 N. 500 W., Blackfoot ID, submitted testimony in opposition of the Application
  - CC-10: Vestle Wixom, 208 N. 500 W., Blackfoot, ID, submitted testimony in opposition of the Application
  - CC-11: Carmen Hensen, submitted testimony in opposition of the Application
  - CC-12: LeeAnn & Jason Bird, 476 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application
  - CC-13: Martin & Kathleen Hrabik, 574 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application
  - CC-14: Brent Lyon, 546 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application

CC-15: Tara Lyon, 546 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application

CC-16: Bingham County Zoning Map & Comprehensive Plan and Building Construction Map- Submitted by Megan Winter, Representative for SLT Properties, LLC

CC-17: Rodney & Andrea Severin, 528 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application

CC-18: Richard & Penny Severin, 538 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application

CC-19: Ann Marie Campbell, 550 W. 200 N., Blackfoot, ID, submitted a map regarding property loss values and four (4) photographs

CC-20: David T. Kruek, legal counsel for Knife River Construction, 877 W. Main Street, Suite 200, Boise, Idaho, submitted testimony in favor of the Application

CC-21: Bradley Adams, 185 N. 600 W., Blackfoot, ID, submitted testimony in opposition of the Application

CC-22: Ann Marie Campbell, 550 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application

CC-23: Ann Marie Campbell, 550 W. 200 N., Blackfoot, ID, submitted further testimony in opposition of the Application

CC-24: Kami Amrein, 526 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application

CC-25: Neil Murdock, 568 W. 200 N., Blackfoot, ID, submitted testimony in opposition of the Application

CC-26: A letter placed within several mailboxes surrounding the subject property, which was provided to Lindsey Dalley, Commission Clerk, by the Blackfoot Postmaster

S-1: Planning & Zoning Commission Staff Report

As to procedural items, the Board of County Commissioners finds the following:

1. Requested Action: The Public Hearing was held pursuant to Bingham County Code Section 10-3-6(A)(11) where the Board held a Public Hearing, using the same notice and hearing procedures as the Commission, on the Application for an Amendment to the Zoning Designation.
2. In accordance with Bingham County Code 10-3-6, Notice of the Boards Public Hearing was provided as follows:
  - a. Sent to Government Agencies on March 11, 2025 (CC-5 List of Blackfoot/Snake River Government Agencies and Notice)
  - b. Published in the Bingham News Chronicle on March 15, 2025 (CC-4- Affidavit of Publication)
  - c. Sent to 20 property owners within 300' of this property on March 11, 2025. (CC-6 Property Owners Mailing List and Notice)



- d. Site was posted on March 26, 2025 (CC-7 Notice of Posting Affidavit and pictures)

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

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

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

Commissioner Jensen stated within the Staff Report, it stated that Dusty Whited, Bingham County Public Works Director, had no concerns regarding the Application. Commissioner Jensen asked Mr. Whited to confirm that he had no issues regarding the Application, wherein Mr. Whited explained that the subject property has been farm ground, there is farm ground around the subject property and he does not believe that the Zone Change would affect the road system.

Megan Winter, Applicant's Representative (CC-27), 5450 W. Gowen Road, Boise, stated that subject property is currently zoned "R/A" Residential Agriculture and the request is to amend the zoning to "A" Agriculture, which is the current use of the land, along with the surrounding zoning designations. The Bingham County Comprehensive Plan has the subject property designated as "A" Agriculture, which also supports the Zoning Amendment. As Mr. Whited mentioned the current land use is Agriculture and therefore, fits the purpose of an Agriculture zone and is also compatible with surrounding land uses that are zoned Agriculture. Ms. Winter referred to her submitted maps (CC-16) wherein there are two (2) maps from the Bingham County GIS Map. The first map shows the current zoning of the property, which shows that the subject property is right where the Residential Agricultural Zone meets the Agriculture Zone, therefore this Application would not be spot zoning and is compatible with the surrounding land use. Ms. Winter stated that she would like to point out that across the street to the West of the subject property is a parcel owned by Snake River Livestock who operates a feed lot that is approximately 127 acres of Agricultural land and directly to the North is Basic American Foods who has three different parcels, all varying in size between 100 and 200 acres, for a total of 465 acres of Agricultural land. The Residential Agricultural parcel's that are to the South and West of the property all vary in size but for the most part are between 1 1/2 to 10 acres. Ms. Winter stated that she wanted to reiterate this in showing that the size of the subject parcel is more compatible with an Agricultural zone.

Ms. Winter referred to the second map submitted (CC-16), which is the Bingham County Comprehensive Plan and shows an orange shaded area to the east of the subject property, that is Residential and Residential Agricultural land. The reference map shows blue splotches are titled "Building Construction Heat Map", which shows building construction that is permitted with the County and is the where the building construction would be performed surrounding the parcel. Ms. Winter stated the blue splotches are encroaching on the sliver of Agricultural land. During the Planning & Zoning Commission Public Hearing there was discussion of needing a buffer zone between Agriculture and Residential/Agriculture land but with all of the construction that is being built in the area, this map shows that there is a lot of construction in the area and if the subject



parcel is rezoned to Agriculture, it will expand that buffer zone by 144 acres, widening the area and protecting the natural resource that is just to the North of the subject property.

Ms. Winter stated per Ms. Olsen, this rezoning will limit the infiltration of urban development in the Agriculture area. Ms. Winter referred to Bingham County Comprehensive Plan Policy B1, Orderly Growth, the policy mandates orderly and rational growth patterns that provide for preservation of prime agricultural and natural resources lands as well as allowing for residential and commercial growth. Ms. Winter stated that Agricultural land is needed to provide products and materials to help sustain the growth that is shown on the projected map. Ms. Winter stated that the primary land use surrounding the subject property is Agriculture and the County's Comprehensive Plan states that the county should encourage the protection of prime agricultural forestry and mining lands for productions of food, fiber and minerals for the county. The size of this property and the location makes it a prime opportunity to preserve and protect the decreasing supply of agricultural land.

With no further questions for Ms. Winter, Commissioner Jensen called for testimony from the public.

Testimony in support was received as follows:

Joseph Smith, Representative for Knife River Construction (CC-28), 5450 W. Gowen Rd., Boise, stated during the Planning & Zoning Commission Public Hearing and again during this hearing, all testimony that was read is in relation to a future Application that has not been submitted yet. Mr. Smith stated that in sitting in the Planning & Zoning Commission Public Hearing, he believes that testimony impacted the results of the hearing but in looking at the Zoning Amendment Application itself, it is compatible with the Bingham County Comprehensive Plan, the current land use, the surrounding land uses and therefore he would recommend that the Board approve the Zoning Amendment Application. Mr. Smith stated if a Conditional Use Permit is submitted in the future, Knife River Construction would like to hear the concerns of the neighbors and work through those concerns, which is why there was a neighborhood meeting held but those concerns are not a part of the Application being heard today.

Commissioner Jackson asked Mr. Smith if he knew of the number of people that attended the neighborhood meeting. Mr. Smith stated approximately 25-30 people were in attendance.

David Kruek, Hawley Troxel Attorneys and Counselors & Attorney for Knife River Construction (CC-29), 877 W. Main Street, Suite 200, Boise, stated that he is in favor of the Application and would like to recommend that the Board approve the Application. Mr. Kruek stated he did not attend the neighborhood meeting or the Planning & Zoning Commission Public Hearing but from what he has been told, the testimony provided had mixed comments about a potential gravel pit and the testimony did not focus on the Zoning Amendment. Mr. Kruek referred to Idaho Code 6765 (11), which primarily focuses on the Comprehensive Plan and any strain or negative impact on public services when deciding to approve or deny a Zoning Amendment. Mr. Kruek stated that the Comprehensive Plan anticipates the subject property being zoned Agriculture and in looking at the testimony, he was trying to figure out where the intent of a buffer zone came from which was found within the Findings of Facts and Conclusions of Law from the Basic American



Application from 1997 that is more than one decade prior to the adoption of the current Comprehensive Plan. Therefore, that use was already considered when the county anticipated the property would be zoned Agricultural. Mr. Krueck stated as far as public services within the record, the Public Works Director stated he had no concerns regarding the Zoning Amendment. Therefore, he believes that the Application should be approved for the purpose of the Zone Change as all elements meet statute. If a gravel pit is approved in the future, that is a short-term project and the ground would return to Agriculture land.

Scott Searle (CC-30), Applicant- SLT Properties LLC, 959 E. 1400 N., Shelley, stated that he appreciates input from the neighboring individuals and when there is change in the area it is hard. Mr. Searle stated with the current growth in Bingham County and surrounding areas, that this zone change is the appropriate thing to do with the subject property in order to accommodate growth.

Commissioner Jackson asked Mr. Searle if he has raised potatoes on the subject property and if so, when was that done. Mr. Searle stated that there had been potatoes raised on the property and that was done two (2) years ago.

There was no testimony in neutral.

Testimony in opposition was received as follows:

Neil Murdock (CC-31), 568 W. 200 N., Blackfoot, stated according to what is on the county website, there is not a map that shows the subject property as being Agriculture but that it shows the subject property as Residential/Agriculture and asked county staff to clarify. Tiffany Olsen, Planning & Development Director, explained there are two (2) designations that are looked at, one being the Zoning District which is Residential/Agriculture and the second being the Comprehensive Plan Map, which is designated as Agriculture.

Mr. Murdock stated according to the Comprehensive Plan, there are certain items that need to be addressed prior to any Zone Change occurring. One of those items is the air quality, per Policy F7, E, of the Comprehensive Plan, which reads "for the most part, air quality in the county is very good. However, the Snake River Valley from Rexburg to Fort Hall experiences windblown particulates from agricultural lands". Mr. Murdock stated that he is confused as why a Zone Change is being requested if the Applicant is going to be Agricultural anyway. Mr. Murdock stated at the meeting, the Applicant was who brought up the 120 houses being developed, not the individuals that are in opposition of the Application. Mr. Murdock stated the reason why Basic American did not get the extra eighty (80) acres is because that ground is porous, the wells in the area are only at sixty (60) or eighty (80) feet, and whatever is done on the subject property, they need to be extremely careful to make sure that the wells are not contaminated in the aquifer. Lastly, Mr. Murdock stated that he is not sure what the Zone Change would do or how it would change anything other than opening the property up for other uses besides Agriculture. Mr. Murdock stated there is no purpose for changing the zone from the Residential Agriculture to Agriculture, even though the Comprehensive Plan has it designated as Agriculture.



Chelsea Campbell (CC-32) 550 W. 200 N., Blackfoot, stated that within the Application, it mentioned that property values increased after development was put in. That is a fallacy or misuse of statistics. Ms. Campbell stated during the period of time, the entire housing market went up and is still up and the \$120,000 homes that existed are now \$300,000. This will allow things to come into the area that will affect the values of the surrounding properties. Second, the zone is currently Residential Agriculture and is specifically to allow for low density residential development in areas where agriculture is also present. Usually it is with the intention of preserving rural character. Ms. Campbell stated that rural character is described as a predominant visual landscape of open spaces, mountains, forests, farms and the activities in which preserve such features. Ms. Campbell stated that the community and her neighbors have been established for well over 40 to 50 years and have chose to live in the subject area for various reasons such as the love of farming, wide open spaces and the quiet. Some of these things are vital to functioning in their day to day lives. Some need the land to be able to farm and provide for their families, some need clean air and water for their health, and some need the quiet because noise can trigger PTSD episodes that can make it to where they cannot function as a responsible member of society. Hence, the choice to live in a Residential Agriculture zone. Ms. Campbell stated their homes are supposed to be a place of peace and respite and changing the zone from Residential Agriculture to Agriculture makes it a loop hole for other entities that are not Agricultural to enter. Brian Searle, President of Farm Bureau, stated that once farm land is developed on, it is gone forever. Ms. Campbell asked the Board to please uphold the denial and take into consideration the future liabilities can happen.

Ann Marie Campbell (CC-33) 550 W. 200 N., Blackfoot, stated that her home is located on the boundary of the proposed Zone Change and her well is three (3) feet from the fence line. Ms. Campbell stated that she is very concerned about the proposal and that it would be devastating to her and the residents in the area. The residents have done their due diligence in purchasing land within an R/A zone, 30 plus years ago, which allows them to invest their time, energy and monetary means into a future home of their making. It has allowed them enjoyment of animals, farming and yet it still gave them provisions of protection for quality of life and investment for future securities. Ms. Campbell stated that she is trusting the Board to do its due diligence as Commissioners in protecting or becoming what she would call a watchdog over all property rights, land, water and investments that have been established prior to this request for Zone Change. Ms. Campbell stated that she does not want to be forced to put trust in unknown hands for the next 15-20 years and would prefer to put trust in the hands of the county as the Commissioners follow the Bingham County Comprehensive Plan which protects their land. Ma. Campbell stated the subject property is the last block of the R/A within the area.

Lyle Campbell (CC-34) 550 W. 200 N., Blackfoot, stated that he was one of the first people to buy property in the subject area and had done so because it was peaceful and quiet. Mr. Campbell stated that he has good irrigation rights and his land waters well and in doing so, the aquifer is replenished with the ground watering systems in place. In regards to the buffer zone, the buffer zone at the Applicants location in Idaho Falls is a berm of dirt with no grass or anything on it, only dirt to be carried over and dumped into yards, window wells and window seals anything the wind blows. Mr. Campbell stated at the community meeting held, Mr. Searle did not attend and only



Knife River attended, who is not part of this community but are from Boise and have no actual interest except to make millions of dollars. Mr. Campbell stated that mining is not agriculture and rocks are not on the commodities market. Mr. Campbell stated that he submitted an estimate from Keller Williams stating that the property values will be reduced by 20-50%, which would be similar to taking \$200,000 out of his wallet. Mr. Campbell stated the noise, chemicals, concrete dust and the smell is not a way to promote better health for anyone. Mr. Campbell stated the definition of Agriculture is the science or practice of farming, including cultivation of the soil for the growing areas of crops and the rearing of animals to provide food, wool and other products. Mr. Campbell reiterated that mining is not listed in the definition and is he asking the Board to deny the Zone Change. Mr. Campbell showed the Board a photograph (CC-34A, which was requested by County Civil Attorney and Planning & Development Director by email, however were not received) of a sunset taken a few days prior and if a dirt berm is built, he will not be able to enjoy those sunsets.

Bradley Adams (CC-35) 185 N. 600 W., Blackfoot, stated that his property borders Highway 26, 600 West and 200 North Porterville. Mr. Adams stated that his parents bought said property in 1957 and he has lived there since he was three (3) years old. One of his concerns is that 600 West is already congested with trucks and farm equipment, it is a terrible mess and any time after 2:00 a.m., the semis traveling the road hit their jake brake which brings him out of bed and cannot go back to sleep. Mr. Adams stated that he has watched the subject property be farmed his whole life. Mr. Adams reiterated that it was stated that the ground could only be harvested down to 30-35 feet and Mr. Adams raised the concern as to what would happen with the nitrogen, fertilizer and chemical if clay or hard pan were hit. Mr. Adams asked if the applicant is going to be digging that up if this is approved and contaminating the air. Mr. Adams stated if a berm is placed around the corner of Porterville and 600, which is already congested, you will not be able to see if there is oncoming traffic, which is dangerous. Mr. Adams stated that he has grandkids at his house all of the time and he is very concerned for their health and welfare and he would disapprove of this Zone Change.

Commissioner Jensen asked Mr. Adams if Mr. Searle were to develop a subdivision would it be a bigger strain on the intersections and roads, to which Mr. Adams stated that he does not believe so because there would not be more semi-trucks. Mr. Adams stated that the semi-trucks are already a mess plus there is large farm equipment.

William Bricker (CC-36) 625 W. 350 N., Blackfoot, stated this all comes down to a couple of items within the Comprehensive Plan, environmental quality, quality of living and the largest thing that is not mentioned is reclamation. This would disturb the water quality and air quality. Mr. Bricker stated that he is against the Zone Change and stated that the Applicant has stated that he would like to be a good member of the community and communicate but he was not present at the first meeting but Knife River was and now he has an attorney involved. Mr. Bricker was concerned as to whether the citizens were going to be left to cleanup the area after the project was completed in 20 years. Mr. Bricker stated he is aware of similar projects that are complete and still not cleaned up. Individuals throw all kinds of money into the project and say they will be a good neighbor but



nothing ever happens. Mr. Bricker stated that he is concerned the same thing will occur with this future project.

Mr. Bricker asked what would occur if there is a tie vote and only 2/3 of the Commissioners present to hear the Application, wherein Ms. Olsen stated Bingham County Code states that the decision of the Planning & Zoning Commission would stand.

Martin Hrabik (CC-37) 574 W. 200 N., Blackfoot, stated his home is right on the corner of the subject property and has lost water to his ditch and a portion of his access road without consent and a pivot was placed. Mr. Hrabik stated that he has Multiple Sclerosis and his wife has Lupus, and this entire situation has been extremely hard on them and their health. Mr. Bricker stated he has lived in his home for twenty-five (25) years and he has six and one half (6 ½) years until he can retire and if this project occurs, he cannot take a hit in property value. Mr. Hrabik stated that if the Zone Change is granted, it will open up the area for other entities to come in. Mr. Hrabik stated that he feels that he is already being infringed upon by individuals coming onto his property and if this approved, it will be worse. Mr. Hrabik stated his waterline goes right down the boundary line of the subject property, there is a road that is supposed to be maintained and guarantees that he can properly receive his water but that is not the case currently. If the Zone Change is approved, it will be worse.

Keith Salisbury (CC-38) 226 N. 500 W., Blackfoot, stated that he would like to add to the testimony that he has provided and that he had conducted more research on the topic of a gravel pit in this location and his question is should this be classified as a natural resource or natural resource agriculture zoning change. The 2018 Bingham County Comprehensive Plan definition of an R/A mentions mineral resources. The definition is area for soil, gravel, sanders and other material aggregate. Mr. Salisbury stated that Idaho Code, Title 47, Chapter 15 defines minerals as clay, coal, stone and gravel and State Code 47-1503 (7) the definition of mining operation is activities performed on surface and surface underground mine extraction. Mr. Salisbury stated the Bingham County Comprehensive Plan Policy 8, page 10, question 2, is does this property dedicate a portion of the property or grant easement? Mr. Salisbury stated there are a couple of private ditches across this property, wherein Megan Winter with Knife River contacted him in regards to said ditches and Mr. Salisbury advised her who the proper contact is for said ditches. Per Ms. Winters testimony at the Bingham County Planning and Zoning Commission Public Hearing, she stated that the only concern he had was gophers digging in the ditches. Mr. Salisbury stated that he is the President of the Riverside Canal, the main canal that feeds the Augustine that feeds the Zollinger ditch, utilized by Bruce Lake. Mr. Salisbury stated that he does not have the authority to tell anyone what to do on the Zollinger ditch as President of the Riverside ditch. Mr. Salisbury stated that he advised Ms. Winter that the person to contact is Pete Mickelson who is the President of the Zollinger ditch, who she never notified. On page 56 of the Bingham County Comprehensive Plan, Spot Zoning, states A reclassification that does not bear a substantial relationship to public health, safety or general welfare, and in conflict of Comprehensive Plan, including the singling out of small parcels of land for use classification that are inconsistent with those of the surrounding area to be determined by the other permitted existing uses.



Carla Murdock (CC-39) 568 W. 200 N., Blackfoot, stated that she is strongly opposed to the Application. She has lived at her current residence for fifty (50) years and enjoys the area. Ms. Murdock stated that she completed research and within a one-mile circumference of the subject property, there is approximately 1,300 men, women and children that live within the area and that is the lives that are being talked about. The reason it is Residential/Agriculture is that those people that live there chose to live there because of the protection that zoning is going to give. Many years ago, she remembers the buffer zone being discussed and the Commissioners at the time, had the foresight to look at the potential development of the area in the future, wherein it was designated Residential/Agriculture, which has worked really well. Ms. Murdock stated that people look at what the zoning is and how it is going to impact their values of their property and gives them security. Ms. Murdock asked the Board to deny the proposal, protect Bingham County residents and their lives, and uphold the foresight and the wisdom that was put in place to protect Bingham County and keep it such a beautiful vibrant area.

Tara Lyon (CC-40) 546 W. 200 N., Blackfoot, stated that she is not sure the purpose of changing the zone as they are able to farm the ground. Ms. Lyon stated that 600 West is a natural border, as it goes west of that is the feed lot and that is zoned Agriculture. The road is a natural boundary and when the area is all zoned R/A, why is it necessary to rezone on just that portion when the rest of the blocks are all zoned R/A? Ms. Lyon stated her concern is 20 years down the road, the citizens will be right where they are today because that land will no longer be valuable as farm ground and they will want to return the land to R/A. Ms. Lyon stated if there is no consideration to a potential Conditional Use Permit, there is no reason to change the zone and she is strongly opposed to the Application.

Kathleen Hrabik (CC-41) 574 W. 200 N., Blackfoot, stated her property is probably closest to the subject property and stated she has already seen what has happened in the area over the last 6 months during the 25 years she has lived there. Ms. Hrabik stated that Gale Lim trucks are already going down their road from Gale Lim building to the Moreland Rose Pit and it is already a lot with the noise, traffic and mud but she has not complained as she moved in knowing it was an agriculture area. Ms. Hrabik stated if the application is approved, it will be way more than dust. Silica is put into the air and down into the aquifer. The Snake River Feed Lot is right across the street and those cows drink the water, people eat those cows and the cycle goes on and on. Ms. Hrabik stated that she received a text message from Jay Miller with 2J Honey, which is also across the street from the subject property, and she would like to read said text message for the record. Ms. Olsen stated that said text would be entered into the record as Exhibit CC-41, (was requested by County Civil Attorney and Director, to be provided to the Director but have not been received). Ms. Hrabik stated that the text reads as follows: "I do not support a gravel pit that close to any homes. I recognize the need for a gravel resource, but the property value damage it does and the residents seem too significant and long lasting. Thank you".

Brent Lyon (CC-42) 546 W. 200 N., Blackfoot, stated that he is opposed to the application. The previous Commissioners had a plan and from the Snake River on Porterville, 200 North, to Groveland, all the way to Moreland is all Residential Agriculture and highly concentrated area of



residences. Mr. Lyon stated currently there is Basic American, Gail Lim Construction, Snake River Feed Lot, the Bingham County Transfer Station and gravel pits all around the area. So, there has been Commercial development but that corridor has worked and he would like it not to change. Mr. Lyon stated that the only people who are in attendance and in favor of the application are from out of the area. The SLT Property Manager said that they want the zone change to protect agricultural area and then the land owner came up stated that he wants it to promote urban development, so it shows the end game. Mr. Lyon asked that the current zoning remain and to protect the residents in the area.

Rebuttal Statement was provided by Megan Winter, Applicant's Representative, stated that most of the testimony presented today is in conjunction with a Conditional Use Permit that will be submitted if the rezone is approved. The Application being discussed today is specific to the rezone and changing the subject parcel to Agricultural instead of Residential/Agriculture. Originally when the Application was submitted, it was solely for the rezone first and then the Conditional Use Permit to try to avoid confusion but they work hand in hand and therefore, they were submitted together so that all parties have the big picture of what will occur. Ms. Winter stated the neighborhood meeting was hosted on November 7, 2024 and all neighbors within a 500-foot radius of the parcel were invited to attend. A lot of information that has been mentioned today was also discussed at that neighborhood meeting and all of the concerns were addressed in the Conditional Use Permit, which included a traffic impact study that was reviewed by Dusty Whited, Bingham County Public Works, who recommended that turn lanes be widened to avoid congestion in certain areas. Ms. Winter stated a ground water impact study by a third party was also submitted in order to identify areas of concern with impact to ground water. Ms. Winter stated that there is an approved reclamation plan that was approved by the Idaho Department of Lands as part of the Conditional Use Permit and therefore she would like to reiterate that all concerns had been addressed.

Ms. Winter stated that 600 West was mentioned and being the border of where Residential and Agricultural lands are. There are several 100 acres of Agricultural land just north, so on the east side of 600 west, but just North of the subject site. Therefore, there is Agriculture on both sides of the road.

Ms. Winter again reiterated that the application being discussed today is whether or not to change the zone from Residential/Agriculture to Agriculture. The Comprehensive Plan has this property designated as Agricultural, it fits the purpose of agriculture and because it is currently being used as farmland, it is compatible with surrounding lands zoned as agricultural.

Commissioner Jackson asked Ms. Winter where the headquarters for Knife River is, wherein Ms. Winter stated it is located in Boise. Commissioner Jackson asked Ms. Winter if SLT Properties is run out of Boise as well, to which Ms. Winter stated that SLT Properties is local out of Shelley.



Public Testimony was closed and the Commissioners deliberated as follows:

Commissioner Jackson stated that the rezone and Conditional Use Permit are inseparable and it is a loophole. Commissioner Jackson stated that he is not sure why they are not intertwined. To him, things are working well the way they are going now. Commissioner Jackson stated that Mr. Searle can farm and raise potatoes, which is his livelihood and people are living there and they are happy. Commissioner Jackson stated that he has been taught if something is working, don't mess with it.

Commissioner Jensen stated there is more building out in the county and outside of the city limits and with that it causes a problem in that one day, if it is necessary for the county public works department to grow, or a gravel pit in the area, because some of the gravel pits are about mined out due to the population growth, that if we do not constrict some of the urbanization, then there will not be any place to go because of that.

Paul Rogers, County Civil Attorney, stated that the Board should mention within its decision, the code that is used in making the decision and review the purposes of the zoning for the record.

### **REASON**

The Board hereby finds:

Commissioner Jensen reviewed Bingham County Code Section 10-4-2 (B), which states the purpose of the "A" Zone 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 in order to:

1. Allow productive agricultural land areas to be protected.
2. To promote public health, safety, and welfare by encouraging the protection of viable farm land, in accordance with the Comprehensive Plan, to encourage urban density development inside cities and in areas of City impact; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the Local Land Use Planning Act, Idaho Code Section 67-6501 et seq., as amended.
3. Protect agricultural and range land uses and wildlife management areas from unreasonable adverse impacts from adjacent development.

Paul Rogers, County Civil Attorney, advised when the Board is making its decision, be sure to state the basis of the decision for the record.

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



## DECISION

Commissioner Jackson moved to uphold the recommendation of the Planning & Zoning Commission to deny the Zone Change from “R/A” to “A”, submitted by SLT Properties LLC, for the reason of promoting public health and safety of those living in the area.

The motion failed for lack of a second and the denial rendered by the Planning & Zoning Commission stands.

**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

**Regulatory Takings:** Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

Dates this 30 day of April 2025.

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

*Recused*

\_\_\_\_\_  
Whitney Manwaring, Chairman

*Eric Jackson*  
\_\_\_\_\_  
Eric Jackson, Commissioner

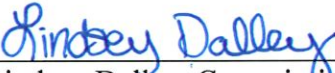
*Drew Jensen*  
\_\_\_\_\_  
Drew Jensen, Commissioner



## CERTIFICATE OF SERVICE

I certify that on the 30 day of April 2025, I served a true and correct copy of the Reason & Decision for the request for Zoning Amendment from "R/A" to "A", submitted by SLT Properties, LLC, upon the following person(s) in the manner(s) indicated:

- |   |                                 |
|---|---------------------------------|
| <input type="checkbox"/> Mail   | SLT Properties, LLC             |
| <input checked="" type="checkbox"/> Email: <a href="mailto:JLS21601@gmail.com">JLS21601@gmail.com</a>         |                                 |
| <input type="checkbox"/> Hand Delivered   |                                 |
| <input type="checkbox"/> Designated Courthouse Box  |                                 |
|   |                                 |
| <input type="checkbox"/> Mail   | Megan Winter                    |
| <input checked="" type="checkbox"/> Email: <a href="mailto:meganwinterc@gmail.com">meganwinterc@gmail.com</a> | Representative for Knife River  |
| <input type="checkbox"/> Hand Delivered   |                                 |
| <input type="checkbox"/> Designated Courthouse Box  |                                 |
| <input type="checkbox"/> Mail   | Tiffany Olsen                   |
| <input checked="" type="checkbox"/> Email: <a href="mailto:tolsen@binghamid.gov">tolsen@binghamid.gov</a>     | Planning & Development Director |
| <input type="checkbox"/> Hand Delivered   |                                 |
| <input type="checkbox"/> Designated Courthouse Box  |                                 |

  
\_\_\_\_\_  
Lindsey Dalley, Commission Clerk