

BOARD OF BINGHAM COUNTY COMMISSIONERS

REASON & DECISION

In regards to: The Planning & Zoning Commission's recommendation to approve the request for Zoning Amendment 15.91 acres located at approximately 694 N. Highway 91, Firth, Idaho, west of the intersection of 700 N and Highway 91, from "A" Agriculture to "C2" Heavy Commercial.

Property Owners: Shelley Firth Fire District

Board of County Commissioners Public Hearing Date: May 21, 2025

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: Proof of Publication- Bingham News Chronicle- Board of County Commissioners
 - CC-3: Firth Government Agency Notice List & Notice- Lindsey Dalley, Commission Clerk
 - CC-4: Property Owners Notice List & Notice- Lindsey Dalley, Commission Clerk
 - CC-5: Notice of Posting- Ashley Taylor, Planner
 - CC-6: Oath of Affirmation: Kenneth Johnson
2. Exhibits to the Planning & Zoning Commission Staff Report:
 - S-1: Staff Report- Planning & Zoning Commission
 - A-1: Application for Zone Change
 - A-2: Project plan
 - A-3: Warranty Deed
 - A-4: Zoning Amendment- County Code 10-15-3
 - A-5: Rocky Mountain Environmental- Water Rights Review for new building location
 - A-6: Application & Permit to Use Bingham County Right of Way for Approaches, Mailboxes & Addressing
 - S-2: Aerial Map
 - S-3: Zoning Map
 - S-4: Comprehensive Plan Map
 - S-5: Subdivision Map
 - S-6: Utilities Map
 - S-7: Irrigation Provider Map
 - S-8: ½ Mile Proximity by Size Map
 - S-9: Project Site Map
 - S-10: Notice of Posting- Addie Jo Jackman
 - S-11: Photographs
 - S-12: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission Public Hearing Notice

S-13: Firth Government Agency Notice List & Notice of Mailing- Addie Jo Jackman, Assistant Director/Lead Planner

S-14: Property Owners List and Notice of Mailing- Addie Jo Jackman, Assistant Director/Lead Planner

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 April 16, 2025 (CC-3 List of Government Agencies and Notice)
 - b. Published in the Idaho State Journal and Post Register on April 18, 2025 (CC-2- Affidavit of Publication)
 - c. Sent to 20 property owners within 300' of this property on April 16, 2025. (CC-4 Property Owners Mailing List and Notice)
 - d. Site was posted on April 24, 2025 (CC-5 Notice of Posting Affidavit and pictures)

There was no testimony received prior to the Boards Public Hearing.

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.

Dated this 18 day of June, 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 18 day of June 2025, I served a true and correct copy of the Reason & Decision for the request for Zoning Amendment from "A" to "C2", Shelley Firth Fire District Zone Change, upon the following person(s) in the manner(s) indicated:

- ☐ Mail
- ☒ Email: kcran52@gmail.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Kenneth Johnson

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

Tiffany Olsen
Planning & Development Director



Lindsey Dalley, Commission Clerk