

**BOARD OF BINGHAM COUNTY COMMISSIONERS
REASON & DECISION**

In regards to: Receive the Planning & Zoning Commission's recommendation to deny the amendment to the existing Comprehensive Plan Map Designation of Residential/Agricultural to Agricultural for specific parcels following Bingham County Code Title 10 Chapter 15 *Amendments*, Section 2 *Initiation of Amendments*, and Idaho Code Section 67-6509 *Recommendation and Adoption, Amendment, and Repeal of the Plan*, submitted by written petition designating the change desired and the reason therefore from Bingham County Riverton area residents Layne Hamilton, Joel Weaver and Dallen Worthington.

Board of County Commissioners Public Hearing Date: December 3, 2025

Prior to the Public Hearing, the Board of County Commissioners reviewed the application and materials submitted by the Planning & Development Department, along with the Staff Report and all supplemental maps, notices and other materials.

As to procedural items, the Board finds the following:

1. 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 November 3, 2025 (CC-3 List of Government Agency Notice)
 - b. Published in the Idaho State Journal and Post Register on November 5, 2025 (CC-2: Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on November 3, 2025. (CC-4 Property Owners Notice)
 - d. On November 17, 2025, Notice was posted on-site at 82 locations, with a photograph being taken of each posting. Parcels in the same ownership adjacent to one another were posted on the property line. A copy of each posting was not included but could be made available upon request. (CC-5 Posting Affidavit)

**WRITTEN TESTIMONY RECEIVED BEFORE THE BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING**

(CC-6) Marvin Yancey, 691 W. 300 S., Blackfoot, submitted testimony in support of the Planning & Zoning Commission's recommendation to deny the Application.

(CC-7) Joel Weaver, 800 W. Riverton Road, Blackfoot, Idaho, submitted a Petition in favor of the Application or in opposition of the Planning & Zoning Commission's recommendation to deny the application, signed by 66 individuals, an aerial image supporting the Application, and a table showing property owners in support, neutral, and in opposition.

(CC-8) Ashley Taylor, Bingham County Planning & Development Planner, submitted a letter in response to Exhibit CC-7, stating that County Staff had found names listed within the exhibit that were either not homeowners, but have the correct address, or names that are outside of the proposed area.

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After presentation of the Staff Report by Tiffany Olsen, Planning & Development Director, Chairman Manwaring confirmed that there were no additional questions for county staff and the Public Hearing was opened for testimony from the public.

Testimony in favor was received as follows:

(CC-9) Layne Hamilton, residing at 839 W. Riverton Rd., Blackfoot, stated there are many examples of counties making mistakes in allowing residential development in the wrong areas. Mr. Hamilton stated that the Fort Hall Indian Reservation and Agriculture community of Riverton area are jointly part of a large natural resource area southwest of Blackfoot. The combination of agricultural land and riparian areas provide important habitat for a variety of wildlife, birds and fish. The Fort Hall Tribal Fish and Game and Idaho Fish and Game are actively involved in the management of these resources and positive results are occurring. Mr. Hamilton stated the successful introduction of wild turkeys helped the deer population and recent sighting of elk and moose. Increase of bald eagles especially during calving season when they feed on livestock afterbirths, an increase in the diversity of water birds and valuable resources for recreation, hunting, fishing and bird watching.

Mr. Hamilton stated that extensive studies over a long period of time have shown the greatest threat to wildlife is housing density and development. For this reason, conservation groups are promoting the financing for conservation easements to control developments. Two were recently done in the Blackfoot River drainage east of Blackfoot. Mr. Hamilton stated that Jack Connelly worked many years with Idaho Fish and Game and wrote an article in the Bingham News Chronicle specific to the Riverton Area dated April 22, 2022. Mr. Connelly wrote that Riverton is part of an amazing area that sits along the Snake and Blackfoot Rivers from Shelley all through Bingham County. Mr. Connelly wrote that Riverton is truly a community between the rivers and it was important in the early history of Bingham County and currently integrates farms and ranches with wildlife and recreation resources. Mr. Hamilton stated the most important is housing density has a major negative affect on farming, ranching and natural resources.

Mr. Hamilton stated another example of the connection with increased housing, density and the problems involved. Approximately four years ago, Commissioner Manwaring had Bruce Olenik, Department of Environmental Quality, provide information regarding groundwater in the area. Mr. Hamilton stated a few days later he himself contacted Mr. Olenik to gather information about high groundwater and sewage, which included Riverton's high groundwater. Mr. Olenik advised Mr. Hamilton stated if there is a plan to increase housing in high groundwater areas, there should be a plan in place. Mr. Hamilton stated natural resources, wildlife, farming, ranching and groundwater all have a negative affect from high density development.

Commissioner Jackson asked Mr. Hamilton if he had considered the Agriculture Protection Act, wherein Mr. Hamilton stated that he was not familiar with said act. Ms. Olsen stated that if a property owner has more than five (5) acres of land that is actively devoted to agriculture or forestry, the property owner could apply to be placed into the protection area that the Board of County Commissioners approve to be placed in, which prevents development from occurring on your land, any imminent domain from occurring from the county or any encroachment onto the property. Ms. Olsen stated it is a method that the State Legislature is providing farmers and ranchers to preserve the agricultural nature of their property and in some cases, perhaps in the Riverton Area where there are a number of farmers that own hundreds of acres, that could

all be placed within this program for preservation. Paul Rogers, County Civil Attorney, stated that the Agriculture Protection Act can be found in Idaho Code Section 67-9701 through Section 67-9712.

Chairman Manwaring stated that he has not seen any housing development in the Riverton Area over the last fifteen (15) years that he has been in office.

(CC-10) Joel Weaver, residing at 800 W. Riverton, Rd., Blackfoot, stated this designation is in the best interest of the community and Riverton is such a special place that should be preserved. Mr. Weaver stated that the proposed designation is what the citizens in the area would like to occur. Mr. Weaver added that after surveying properties in the Riverton Area, it comes to an 80/20 split, wherein 20% of the people feel that individual rights should trump area rights of how people should live, what is valuable and what is value placed on.

Mr. Weaver stated that in putting the Comprehensive Plan Map Designation in place, it will not take any rights away from anyone but emphasizes that the citizens would like the area to remain farm land and recreation.

Mr. Weaver stated that the reservation is also in favor of the proposed Comprehensive Plan Map Designation and Exhibit CC-10A was introduced into the record. Mr. Weaver read said exhibit into the record, which read as follows:

“Dear Bingham County Commissioners: We are a community of Native Americans who belong to the Shoshone Bannock Tribal Nation. We share the Riverton area with Bingham County. We are neighbors. Our small tribal community of Nagisty/Sage is rooted in traditions of rural nature and riparian river lands. We have shared these values with the people of Riverton for 100 years.

We are connected through roads that access Riverton in Bingham County. A large portion of the people in Riverton drive through tribal lands in order to get to town or elsewhere. There are two specific roads of concern that are used heavily by the Riverton community, Nagisty and South Riverton. Our tribal community of Nagisty and Sage is centered on these roads that access the Riverton community. Over the past few years we have been negatively impacted by an increase of traffic passing through our community. In an attempt to mitigate the impact, the tribe reduced the Riverton Road's speed limit to 35 miles per hour. The Riverton Red Barn Events Center has contributed to late-night traffic, noise, light disturbance, and the use of our roadsides in order to post signage.

We ask that Bingham County respectfully reverse the traffic impact that has been added to our tribal community. Further, we ask that Bingham County would respectfully protect our community from the impact that future growth would have on this area”. Mr. Weaver stated that this petition is signed by approximately thirteen (13) individuals.

Chairman Manwaring asked Mr. Weaver if there were individuals from the Reservation present at the Planning & Zoning Public Hearing, to which Mr. Weaver stated that there was not.

A brief discussion was held in regards to property rights and values.

Layne Hamilton re-approached and stated that the reservation members that are part of the area have concerns in regards to traffic that have come from the red barn event center. Mr. Hamilton stated when this application was proposed, there were several who were in favor but unable to attend today.

(CC-11) Rhitt Hamilton, 872 W. Riverton Rd, Blackfoot, stated that he has a parcel of land that will be affected by the proposed application. Mr. Hamilton stated that there was an error at the Planning & Zoning Public Hearing in not identifying the percentage of Riverton that is in support of the Comprehensive Plan Map Designation. Mr. Hamilton stated that the Comprehensive Plan Map failed them as citizens and what has been learned over the last five (5) years is that it is easy for some to ignore all reasonable argument and simply say that the map allows zone changes. Mr. Hamilton stated that if something is failing, it should not continue and change is needed. Through this process, the Riverton community, knows that the only way to fix the problem is through the proposed change of the Comprehensive Plan Map. Mr. Hamilton stated that he is the next generation and his children will be the fifth generation. It is his generation that has to decide to step up and make change or look back in forty years and regret not stepping up. Mr. Hamilton stated that if the Comprehensive Plan Map is not changed, housing developments have the opportunity to move into the area.

Commissioner Jackson stated that he is in favor of seeing growth happen from the City out into the County, through the Area of Impact.

(CC-12) Tricia Phelps, 639 W. 275 S., Blackfoot, stated that the proposed area is a large amount of the community and there are more things that are being protected. There are approximately 20 million acres of farmland lost in the United States every five (5) years. Ms. Phelps explained the importance of knowing how the beef was raised, what it ate and that everyone should take pride in knowing what they are eating. If developers continue to come into Bingham County and purchasing plots of land, they are making it impossible for the current farmers to make a living. Ms. Phelps stated that the citizens would like a protective barrier so that money will not talk and each family can be fed with locally grown beef and other items. Ms. Phelps stated that she is strongly in favor of good Commissioners listening to the citizens and making the right decision for the entire community.

Chairman Manwaring confirmed there was no testimony in neutral or in opposition of the Application.

With no further testimony, Chairman Manwaring closed the Public Hearing.

REASON

After considering the Comprehensive Plan and the testimony provided, the Board held deliberation and based on the entire record, found the following:

1. The lands subject to the amendment request are comprised of large farm parcels; and
2. Testimony was provided that of the forty-three (43) homes in that area, only two (2) have been constructed in the last ten (10) years. The Board found that there has been minimal residential development in the requested area; and
3. The lands subject to the amendment request have a Comprehensive Plan Map Area designation of Residential/Agriculture; and future zoning amendment or subdivision land

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use application would require a public hearing. By recommending to approve the amendment request, it would necessitate an additional application process by applying for a Comprehensive Plan Map Amendment. The Board determined that adding another application process is not necessary to protect agriculture farmland; and

4. Property Owners who are eligible to apply to place their farmland in the Agricultural Protection Area may request to do so, or consider other measures for protection, such as a Conservation Easement or Deed restriction; and
5. Property owners who wish to utilize their land as they see fit are in the best interest of the public; and

Chairman Manwaring stated that the Comprehensive Plan Map is used as a guide and not something that is set in stone. Chairman Manwaring stated that it was interesting to review the testimony presented at the Planning & Zoning Commission Public Hearing and generally when there are issues with the tribe, they approach the Board to come up with a solution.

Commissioner Jackson stated that he would like to be sure the individuals can protect their property and keep their property in agriculture. Commissioner Jackson stated that he would like to protect the way that traffic flows and if there is an increase in traffic, it would be a detriment to the safety of the citizens. In regards to the flood plain issue, Commissioner Jackson stated that is not the best area and there would be a high expense to develop to standards. Therefore, he is in favor of the Application.

Commissioner Jensen stated that it is the Boards job to protect all property rights not just the majority. Commissioner Jensen stated he believes that there can be an agreement by the fact that if the property owners would like to develop, they have the ability to apply for a zoning amendment to go back to Residential/Agriculture, which he believes provides protection of property rights. Commissioner Jensen stated that he would be in favor of approving the proposed Comprehensive Plan Map Amendment.

Chairman Manwaring stated the Comprehensive Plan was adopted on November 20, 2018, wherein the specific purpose of the plan is to promote the orderly development of the County, to conserve and stabilize the value of property and otherwise promote the health, safety and general welfare of the people of the county as follows:

- a. To protect property rights and the use of property while not adversely to the people at a reasonable cost.
- b. To ensure that adequate public facilities and services are provided to the people at a reasonable cost.
- c. To ensure that the economy of the county is protected and enhanced.
- d. To ensure that the important environmental features of the county are protected and enhanced.
- e. To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fiber and minerals.
- f. To encourage urban and urban-type development within or near incorporated cities.
- g. To avoid undue concentration of population and overcrowding of land.

- h. To ensure that the development on land is commensurate with the physical characteristics of the land.
- i. To protect life and property in areas subject to natural hazards and disasters.
- j. To protect fish, wildlife and recreation resources.
- k. To avoid undue water and air pollution.
- 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 reviewed the testimony received from John Reffit, Bureau of Land Management (BLM), who stated that BLM has concerns regarding the inclusion of certain BLM parcels within the identified areas for amendment and listed said specific parcels that should not be included. Chairman Manwaring stated that Mr. Reffit wrote the including of BLM parcels in the proposed amendment may lead to confusion regarding their status and misuse of land designation. Chairman Manwaring asked Ms. Olsen if there were any other concerns from BLM in regards to wanting the specific parcels to be removed. Ms. Olsen stated that she had not heard there was confusion but that the letter was in response to the proposed change and reiterating that the county does not have the jurisdiction to amend the zoning of their property.

There was no further discussion.

DECISION

Commissioner Jensen moved to approve the Comprehensive Plan Map Designation Amendments from Residential/Agriculture to Agriculture, as submitted, on lands consisting of a total approx. assessed acreage of 1,262.38 and extending from approx. the eastern border of T3S R34W Sec. 13 to the western border of T3S R34E Sec. 23, with the following exception:

- 1. Lands owned by BLM, United States of America, and/or the State of Idaho, which are recommended not to have a Comprehensive Plan Map Area designation or a Zoning District designation.**

Commissioner Jensen amended the motion to state that the Board will overturn the Planning & Zoning Commission decision and approve the Comprehensive Plan Map Amendments. The Board hereby approves this amendment to be done via Resolution and will be followed by the proper Ordinance. 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.

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Dated this 2nd day of January, 2026.

**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 2nd day of January, 2026, I served a true and correct copy of the Reason & Decision for the Bingham County's Amendment to the Existing Comprehensive Plan Map Designation of Residential/Agriculture to Agriculture for parcels within the Riverton Area, upon the following person(s) in the manner(s) indicated:

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

Tiffany Olsen
Planning & Development Director

- ☒ Mail
- ☐ Email:
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Layne Hamilton
839 W. Riverton Road
Blackfoot, Idaho 83221

- ☒ Mail
- ☐ Email:
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Joel Weaver
800 W. Riverton Road
Blackfoot, Idaho 83221

- ☒ Mail
- ☐ Email:
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Dallen Worthington
685 W. 300 S.
Blackfoot, Idaho 83221



Lindsey Gluch, Commission Clerk