

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

In regards to: The Planning & Zoning Commission's recommendation to approve the Applicants and Property Owners, Duane & Joy Day, request to amend the Comprehensive Plan Map Area designation from "A" Agricultural to "R/A" Residential/Agricultural for approx. 5.00 acres of land, zoned "R/A" Residential/Agriculture, located at approx. 325 E. Rich Lane, Blackfoot, Idaho 83221, per Bingham County Code Title 10 Chapter 15 *Amendments*, to facilitate a subdivision Application; if the Comprehensive Plan Map Amendment is approved, the same Property Owners and Applicants, request to develop a 2-Lot residential subdivision on approx. 5.00 acres of land, zoned "R/A" Residential/Agriculture, located at approx. 325 E. Rich Lane, Blackfoot, ID 83221, in accordance with Bingham County Code Title 10 Chapter 14 *Subdivision Regulations*, to be known as the Tyler Estates Subdivision.

Parcel Location: Approx. 325 E. Rich Lane, Blackfoot, Idaho 83221

Property Owners: Duane & Joy Day

Board of County Commissioners Public Hearing Date: January 7, 2026

Commissioner Jackson was not present for this Public Hearing.

Prior to the Public Hearing, the Board of County Commissioners reviewed the application and materials submitted by the Applicants, Duane and Joy Day, 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 Board's Public Hearing was provided as follows:
 - a. Sent to Government Agencies on December 5, 2025 (CC-4 List of Government Agencies and Notice)
 - b. Published in the Idaho State Journal and Post Register on December 5, 2025 (CC-3: Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on December 5, 2025. (CC-4 Property Owners Mailing List and Notice)
 - d. Site was posted on December 19, 2025 (CC-6 Affidavit of Posting) and photographs of the site were taken on October 21, 2025 (S-9 Pictures)
2. The Commission Clerk nor the Planning & Development Department received any additional testimony prior to the Board's Public Hearing.

After presentation of the Staff Report by Addie Jo Jackman, Planning & Development Assistant Director, and confirmation that there were no additional questions for county staff, the Public Hearing was opened and testimony was presented at the Public Hearing, which was as follows:

(CC-7) Chris Street, HLE, Applicant's Representative, stated that he has talked to his client regarding the Planning & Zoning Commissions concerns that the water was not found in testing and when he does apply for another septic permit he will be required to dig another test hole and will anticipate that if he does hit water, that may cause complications. Mr. Street stated in his original testimony, it was anticipated to hit

water and when they did not, it was a surprise. Mr. Street stated that the test hole was dug in July and anticipate that the high water is usually when the grain comes off and they are still watering potatoes. Mr. Street stated it was a little earlier but he did inform his client that if and when they do apply for a septic permit, another test hole will be needed and if they hit groundwater, it will need to be monitored. Mr. Street stated he had also talked to the Health Department to inform them that the Planning & Zoning Commission had concerns in regards to the test hole.

Mr. Street stated that in regards to the Comprehensive Plan Map Amendment, the Application is more of a housekeeping item as the current Comprehensive Plan designation does not match the zoning designation.

Chairman Manwaring asked Mr. Street if the Applicant has had their well tested, to which Mr. Street stated that the well had not been tested. Mr. Street stated that he had informed his client of the concerns regarding nitrates and that it would be a good idea to have a test conducted.

Chairman Manwaring confirmed there was no further testimony in favor, in neutral, or in opposition if the Application and the Public Hearing was closed to testimony.

REASON

The Board reviewed the Comprehensive Plan and 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 impacting neighboring property values more than is necessary.
- 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 the land.
- h) To ensure that the development on the 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 stated that the Applicants are aware of the high nitrate area but the county does not restrict a property owner from developing. Commissioner Jensen stated that a filtration system may be needed.

Chairman Manwaring stated that Ms. Oleson felt that the property should remain Agriculture and referred to Exhibit S-2, it shows that almost half of the property is the existing home and lawn but the remaining

does not look like it has ever been farmed. Chairman Manwaring stated if the property changes to Residential/Agriculture, that still allows the property owner to have a garden or a few livestock.

Commissioner Jensen stated not too far to the West, there are quite a few housing developments. Therefore, it would be consistent.

Chairman Manwaring stated there was concern in regards to the property being in the floodplain but it is still possible to develop with specific requirements to be met.

Commissioner Jensen stated that he had no concerns regarding the Application.

DECISION REGARDING COMPREHENSIVE PLAN MAP AMENDMENT

Commissioner Jensen moved to approve the Comprehensive Plan Map Amendment from Agricultural to Residential/Agricultural located at approx. 325 E Rich Lane, Blackfoot, ID 83221, on approx. 5.00 acres, as proposed by Duane and Joy Day, based on the record and the review of the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both voted in favor.

Upon approval of the Comprehensive Plan Map Amendment from Agriculture to Residential/Agriculture, the Board of County Commissioners heard the request to develop a 2-Lot Residential subdivision to be known as Tyler Estates Subdivision.

The Board reviewed the Application and record in the context of Bingham County Code Title 10 Chapter 14 Subdivision Regulations and found the following:

- a) The Subdivision Application met the zoning district purposes of Bingham County Code Section 10-4-2(C) as 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, with compatibility to existing uses in the immediate area and similar population density. The Board found that the creation of a two-lot subdivision with large lot sizes for immediate use and future residential growth is aligned with the purpose of this zone. Additionally, the Board found that the proposed development has access to utilities and has adequate service by roadways; and
- b) The Application met the requirements of Bingham County Code Section 10-6-6(B)(1) as the proposed lots meet the 1-acre minimum allowed for in a Residential/Agriculture Zoning District; and
- c) The area consists primarily of residential parcels, agriculturally farmed fields, and the subject property is surrounded by Residential/Agriculture zoning to the east, west, and south; and
- d) Adequate access will be provided from E Rich Lane, and that any new approaches are subject to permitting from Bingham County Public Works; and

- e) That there are no irrigation water rights associated with the parcel, therefore, there will be no irrigation water provided to the proposed lots. Additionally, due to parcel size and lack of irrigation, the Board did not view the property as prime agricultural ground; and
- f) The parcel is located in an A-zone designated floodplain area. The Board found that the Applicant provided a floodplain study that had been reviewed and approved by the Idaho Department of Water Resources. Additionally, development in a floodplain designated area will be required to meet certain construction standards; and
- g) The parcel is located in a high-nitrate priority area. The Board heard from the Applicant's Representative that the Idaho Department of Public Health has completed a test hold for water monitoring and that Lot 2 is eligible for a standard subsurface septic system. The Board considered requiring a complex system due to the nitrate designation, but ultimately agreed that the State will require the appropriate type of septic system based on test hold analysis.
- h) The Public Hearing met the notice requirements of Idaho Code Title 67, Chapter 65 and Bingham County Code Section 10-3-6.

Chairman Manwaring nor Commissioner Jensen had any concerns in regards to the subdivision application.

DECISION REGARDING WILLOWBROOK MEADOWS SUBDIVISION


Commissioner Jensen moved to approve the Tyler Estates Subdivision, consisting of 2-Lots, located at approx. 325 E. Rich Lane, Blackfoot, Idaho, on approx. 5.00 acres, as proposed by Duane and Joy Day, which is based upon the record and review of the Reason & Decision of the Planning & Zoning Commission. Chairman Manwaring seconded. Both 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 16 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 16 day of January, 2026, I served a true and correct copy of the Reason & Decision for the request for Comp. Plan Designation and Tyler Estates Subdivision, 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: duanekday@gmail.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Duane & Joy Day
325 E. Rich Lane
Blackfoot, Idaho 83221


Lindsey Gluch, Commission Clerk