

# BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Dalley, Commission Clerk

501 N. Maple Room 204

Blackfoot, ID 83221

Phone (208) 782-3013

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July 2, 2025

Joshua & Lori Blau

937 N. 900 E.

Shelley, Idaho 83274

Re: Reason & Decision- Zone Change from "M2" to "A"

Please see the enclosed Reason & Decision for the Zone Change from "M2" to "A".

If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

LINDSEY DALLEY

Lindsey Dalley

Commission Clerk

Enclosure

"Potato Capital"

## **BOARD OF BINGHAM COUNTY COMMISSIONERS**

### **REASON & DECISION**

In regards to: The Planning & Zoning Commission's recommendation to approve the request for zoning amendment from "M2" Heavy Manufacturing to "A" Agriculture of approximately 4.37 acres located at approximately 2034 Taber Road, Blackfoot, Idaho 83221, submitted by Joshua & Lori Blau.

Property Owners: Joshua & Lori Blau

Board of County Commissioners Public Hearing Date: May 30, 2025

Chairman Manwaring was absent and therefore excused. Commissioner Jackson was appointed as 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: Proof of Publication- Idaho State Journal and Post Register- Board of County Commissioners
  - CC-3: Blackfoot//Snake River 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: Lori A. Blau
2. Exhibits to the Planning & Zoning Commission Staff Report:
  - S-1: Staff Report- Planning & Zoning Commission
  - A-1: Application for Zone Change
  - A-2: Application Letter
  - A-3: Preliminary Site Plan
  - A-4: Warranty Deed
  - A-5: Bingham County Code 10-15-3
  - A-6: Email correspondence regarding water rights
  - S-2: Aerial Map
  - S-3: Zoning Map
  - S-4: ½ Mile Proximity by Size Map Irrigation Provider Map
  - S-5: Photo of neighboring parcels
  - S-6: Notice of Posting- Addie Jo Jackman
  - S-7: Photographs
  - S-8: Proof of Publication- Idaho State Journal and Post Register- Planning & Zoning Commission Public Hearing Notice
  - S-9: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing- Ashley Taylor- Planner

Notice of Posting- Addie Jo Jackman

S-10: Property Owners List and Notice of Mailing- Ashley Taylor- 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 May 6, 2025 (CC-3 List of Government Agencies and Notice)
  - b. Published in the Idaho State Journal and Post Register on May 7, 2025 (CC-2- Affidavit of Publication)
  - c. Sent to property owners within 300' of this property on May 6, 2025. (CC-4 Property Owners Mailing List and Notice)
  - d. Site was posted on May 14, 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 Addie Jo Jackman, Planning & Development Assistant Director.

Commissioner Jensen asked for confirmation and that where the parcel is an original parcel, it can be divided three more times or have three building rights. Ms. Jackman stated it is a total of four when it is an original parcel and the Applicant has adequate acreage to create four parcels if they chose to do so.

Commissioner Jackson stated there was conversation held but it is still unknown as to why the parcel is zoned as it is. Ms. Jackman stated that Planning & Development conducted research but could not find any information as to why the zoning designated as it is but Mrs. Blau testified that she was informed that in the 1980's a company owned that land and had intent to do something there that never occurred.

Testimony was presented by Lori A. Blau (CC-6), Applicant, explained the subject property was purchased last October (2024) and do not plan on splitting the property. Ms. Blau stated that her and her husband love having a little bit of land for personal use and over the next decade will build a residence, shop, chicken coop and a standard hobby farm structure for animals.

Commissioner Jackson asked Ms. Blau if she has had any luck in procuring water rights, to which Ms. Blau stated that she has not yet and when she spoke with the gentleman at the Department of

Water Resources, she was informed to wait until she would be ready to use the water rights, which could be approximately 2-3 years.

Commissioner Jensen asked Ms. Blau when the well is drilled, if it would be drilled with a big enough casing to put a larger pump in the well. Ms. Blau stated that they would drill a residential well specifically for the house and shop. Ms. Blau stated that she will work with the drilling company and based on their recommendations and permitting, they will drill what is anticipated to be needed within the next 10 years. Ms. Blau stated potentially a second well will be drilled to irrigate pasture area if needed but in the beginning they will probably only drill one well.

Commissioner Jensen asked Ms. Blau if it would change her mind to proceed with the zone change if she were not able to obtain water rights. Ms. Blau stated that it would not and that they may leave the section of the property as dirt and not need to water. The usage will most likely have enough water with the residential well, to not need a second well or more rights.

With no further questions for Ms. Blau, 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 found the following:

1. The Application met the requirements in Bingham County Code Section 10-15-3 as the Application was submitted by the property owners and included all required contents of a complete Application; and
2. The request is to modify the zoning of a parcel from "M2" Heavy Manufacturing to "A" Agriculture. The Board reviewed the purpose of the "A" Agriculture Zone in accordance with Bingham County Code Section 10-4-2(B) and found it 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; and
3. That by following the Zoning Amendment, it will allow productive agricultural areas to be protected as the Applicant testified she and her husband are planning to build a residence, have a hobby farm on the property, and preserve the parcel for the enjoyment; and
4. The subject parcel met this standard as the bulk of the land surrounding the parcel is irrigated farm ground and protects agricultural land uses from unreasonable adverse impacts; and

5. The Application is in conformance with the Bingham County Comprehensive Plan Map Area designation of Agriculture which supports the Agriculture Zoning District; and
6. The Application met the requirements of Idaho Code Title 67, Chapter 65 and Bingham County Code Section 10-3-6.

Commissioner Jensen agreed with the proposed Agriculture zoning, surrounding properties are zoned Agriculture and his only concern is that the Applicant may not be able to obtain water rights.

Commissioner Jackson stated that would be a concern of his as well is the Applicant not being able to obtain water rights.

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

### **DECISION**

**Decision:** Commissioner Jensen moved to uphold the decision of the Planning & Zoning Commission to approve the application to amend the zoning designation from “M2” Heavy Manufacturing to “A” Agriculture, on approximately 4.37 acres of land, located approximately 1-mile Northwest of the intersection of Taber Road and 2000 W. Section Road, Blackfoot, Idaho, as submitted by Joshua and Lori Blau.

Commissioner Jensen amended the motion to include that the application does meet the requirements of Bingham County Code Section 10-4-2(B). 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 2 day of <sup>July</sup>~~June~~, 2025.

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

*Absent*

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Whitney Manwaring, Chairman

*Eric Jackson*

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

*Drew Jensen*

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Drew Jensen, Commissioner

## CERTIFICATE OF SERVICE

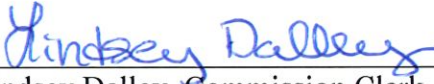
I certify that on the 2 day of <sup>July</sup> ~~June~~ 2025, I served a true and correct copy of the Reason & Decision for the request for Zoning Amendment from "M2" Heavy Manufacturing to "A" Agriculture, submitted by Joshua and Lori Blau, upon the following person(s) in the manner(s) indicated:

- ☒ Mail
- ☒ Email: [Lori.Blau2010@yahoo.com](mailto:Lori.Blau2010@yahoo.com)
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Joshua & Lori Blau  
937 N 900 E.  
Shelley, Idaho 83274

- ☐ Mail
- ☒ Email: [tolsen@binghamid.gov](mailto:tolsen@binghamid.gov)
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Tiffany Olsen  
Planning & Development Director

  
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Lindsey Dalley, Commission Clerk