

BEFORE THE BOARD OF BINGHAM COUNTY COMMISSIONERS

In regards to: The SLT Properties, LLC's, request for a Reconsideration of the Board of County Commissioners written decision on the Zone Change from "R/A" Residential/Agriculture to "A" Agriculture dated April 14, 2025.

Board of County Commissioners Reconsideration Meeting Date: June 18, 2025

Property Owners: SLT Properties, LLC

REQUESTED ACTION: The request for reconsideration was submitted on May 29, 2025, by David Krueck of Hawley Troxell Ennis & Hawley LLP, representing the Landowners.

At onset of the meeting, Chairman Manwaring stated in conjunction with the Public Hearing held on April 14, 2025, he has a conflict and should recuse himself pursuant to Idaho Code Section 74-403 and 74-404.

Chairman Manwaring moved to appoint Commissioner Jensen as Acting Chairman. Commissioner Jackson seconded. All voted in favor. The motion carried.

With Commissioner Jensen, as Acting Chairman, and Commissioner Jackson present, the time was turned over to Paul Rogers, County Civil Attorney, who stated that today's meeting is listed as a reconsideration, which is set out in Bingham County Code 10-10-3, which was reviewed for the record as follows:

10-10-3 (B): The Reconsideration hearing shall not be a public hearing but shall be a meeting open to the public. The hearing shall be an "on the record review," The Board shall only consider the underlying record, the written request for reconsideration, and the written specific deficiencies in the decision submitted by affected persons if any. The hearing shall be limited to consideration of the issue(s) included in the request for reconsideration. No oral testimony will be allowed from the audience or by the appellant. The Board may request legal advice from county legal counsel.

10-10-3(C): The Board may affirm, reverse, or modify the underlying decision. The Board may reverse or modify the underlying decision only if: (1) the Board finds that the substantial rights of the appellant or affected party has/have been prejudiced; and (2) the underlying decision is in violation or excess of constitutional or statutory authority; made upon unlawful procedure; not supported by substantial evidence; or arbitrary, capricious, or an abuse of discretion. The Board shall not have the authority to waive any requirements of this title or to take any action that is contrary to the specific provisions of this title.

Mr. Rogers referred to the submitted Petition for Reconsideration and explained that the request is that the Board reverse the previous denial and approve the Zoning Amendment from "R/A" Residential/Agriculture to "A" Agriculture.

REASON

Commissioner Jensen stated that he spoke with Ms. Olsen in regards to if the Application met all code requirements, to which Ms. Olsen confirmed they had and per Exhibit A-1 of the Staff Report, it states "There are also several agriculture related businesses near the proposed site, including a honey farm, a cattle farm and a wheat farm. Policy B1, Orderly growth in Bingham County Comprehensive Plan states "this policy mandates orderly and rational growth patterns". Commissioner Jensen stated the subject property sits in Agriculture instead of Residential/Agriculture with the surrounding areas.

Per Bingham County Code 10-10-3(C)(1), Commissioner Jensen asked Commissioner Jackson if he felt that the substantial rights of the appellant or affected party have been prejudiced in anyway. Commissioner Jackson stated that he does feel as though the rights of the appellant or affected party had been prejudiced as most of the testimony received during the Public Hearing held on April 14th was pertaining to a gravel pit and not specific to the zone change. Commissioner Jensen concurred and stated that he also feels that the rights of the appellant or affected party have been prejudiced as there was no testimony specific to the zone change.

Next, Mr. Rogers asked the Board when hearing testimony previously, could the Board remove any testimony regarding a gravel pit from its decision making and if so, would the Boards decision be different than the decision made on April 14, 2025. Commissioner Jensen again stated that he felt as though the Board was prejudiced and that in review of the minutes from the Planning & Zoning Commission Public Hearing, there was no testimony or codes presented as to why the Application should be denied.

Commissioner Jackson stated that the subject area is already an Agricultural area and he is not sure why mining is listed under Agricultural uses because you cannot eat the things that are mined. Commissioner Jackson stated that Agricultural are things that can be eaten or drank and asked Legal Counsel if mining is defined in all counties throughout the stated as allowed in Agriculture designations, to which Mr. Rogers referred to Exhibit S-1, which states that the Comprehensive Plan defines Agriculture as some development of agriculture histories can include livestock, agriculture service businesses, recreational facilities, natural resources and public surface facilities. Mr. Rogers stated that all of those uses read can be permitted with a Conditional Use Permit but none of those list mining. Mr. Rogers stated that natural resources is defined as mining within other portions of code.

Commissioner Jackson stated within the hearing held on April 14, 2025, he did not separate the gravel pit from the zone change and therefore, reiterated that the Applicant was prejudiced. There was testimony that most individuals were okay with the Agriculture zoning as the farming has been there for 50+ years including the spray zones but as far as the gravel pit, that will need to be heard as a separate application, if the Applicant chooses to apply.

Both Commissioner Jensen and Commissioners Jackson agreed that the substantial rights of the Appellant or affected party have been prejudiced by the gravel pit testimony and mining.

Mr. Rogers stated the next item to be taken into consideration by the Board is if there is a lack of substantial evidence to make its decision and if there was not to withhold or deny the change in the Comprehensive Plan, that would be the second requirement. Commissioner Jensen asked Commissioner Jackson if he felt there was any evidence read or heard that should deny the Agricultural Comprehensive Plan Amendment. Commissioner Jackson stated that the property already aligns with the agriculture as it has been farmed for the last 50 + years and therefore fits the requirement. Commissioner Jensen stated that he agreed with Commissioner Jackson and that he did not feel there was any evidence to prevent the Board from approving the Comprehensive Plan Amendment to Agriculture.

Mr. Rogers stated if both requirements have been met, the Board has the authority to reverse or modify its previous decision. Commissioner Jensen and Commissioner Jackson both agreed that the previous decision should be reversed and approve the Application.

Commissioner Jackson and Commissioner Jensen both confirmed that they had reviewed the Motion for Reconsideration and the information provided assisted the Board in separating the two items.

DECISION

Commissioner Jackson stated that the Board found that the substantial rights of the appellant or affected party has been prejudiced and the underlying decision is in violation and is not supported by substantial evidence. Therefore, Commissioner Jackson moved to reverse the underlined decision and approve the Application for Zoning Amendment from "R/A" Residential/Agriculture to "A" Agriculture, submitted by SLT Properties LLC. Commissioner Jensen seconded. All voted in favor. The motion carried.

A written decision shall be provided to the Applicant and/or affected person within sixty (60) days of receipt of the Request for Reconsideration or the Request is deemed denied. A decision shall not be deemed final for purposes of Judicial Review unless the process required Idaho Code Section 67-6535(2)(b) has been followed. The twenty-eight (28) day time-frame for seeking Judicial Review is tolled until the date of the written decision regarding reconsideration, or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

Dated this 7th day of July 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 7th day of July 2025, I served a true and correct copy of the Reason & Decision for the Request for Reconsideration of the Board of County Commissioners Reason & Decision for Application for Zone Change submitted by SLT Properties, LLC, with conditions, upon the following person(s) in the manner(s) indicated:

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



Lindsey Dalley, Commission Clerk