

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Gluch, Commission Clerk

501 N. Maple Room 204

Blackfoot, ID 83221

Phone (208) 782-3013

Fax (208) 785-4131

BINGHAM COUNTY BOARD OF COMMISSIONERS REASON & DECISION

In regard to: The Request for Reconsideration filed by Alan Stander in regard to the written decision made by the Board of County Commissioners dated July 10, 2026, approving the Applicant's Subdivision Application for Long Lane Subdivision. The Request for Reconsideration was timely filed, and the filing fee has been paid.

Request for Reconsideration Meeting Date: August 18, 2026

Chairman Manwaring stated this Application was originally heard on June 24, 2026, wherein both he and Commissioner Jensen voted in favor of the Application and Commissioner Jackson voted in opposition as he did not feel that the Application is consistent with the surrounding areas and 5 acre lots versus 2 acre lots.

Tiffany Olsen, Planning & Development Director, reviewed the Reason & Decision approved by the Board in regard to its June 24, 2026, decision granting preliminary plat entitlement. Ms. Olsen stated the Board found that the subdivision by majority vote was appropriate for the area, commensurate with the surroundings, fit within the zoning designation for subdivision lot sizes because it is in a Residential/Agriculture zone. Ms. Olsen stated there were conditions added to the approval, which were specific to the irrigation system and that the Applicant, at his expense, hires a professional engineer to design the water system so that the pump and piping will be adequate to provide for all affected properties, which would include adequate water pressure.

Chairman Manwaring stated the main concern was the water system and Commissioner Jackson asked if on the average size house lot, that will take up approximately ½ an acre for the parking and the house that sits on the property. Commissioner Jackson stated the property owner will be able to irrigate ½ an acre from the individual well and asked for clarification. Ms. Olsen explained that the proposal is for individual culinary wells and septic systems. The Department of Water Resources issued a clarification memorandum earlier this year and indicated that all new subdivisions are not able to irrigate using their culinary well underneath the current order regardless of the size of home or the size of property. Therefore, the culinary well will only be used for domestic purposes and any irrigation would be from an irrigation well or surface water source, inside of a subdivision. Chairman Manwaring clarified that outside of a subdivision, half of an acre could be watered using culinary well.

Chairman Manwaring stated that he would agree with Mr. Stander to an extent, in regard to his concern as to not knowing if the water system will be sufficient. Chairman Manwaring stated that within Mr. Stander's Motion for Reconsideration, he noted that he has experience in working with several pumps, but every area is probably different. Chairman Manwaring stated there are areas within the county where the wells have gone dry and they had to drill down to the next level, which results in additions being required for the system. Chairman Manwaring stated with the subject property may need the same. Chairman Manwaring reiterated that he understands the concern in regard to water pressure to cover all affected properties and therefore, he believes when there are covenants, the county does not have control over those covenants but it would be in fact a civil matter and the property owners could work out a schedule so that each lot has the pressure that they need to water.

Chairman Manwaring stated that it was a condition for the Applicant to hire a professional engineer but that two could be hired in order to receive two different opinions in order to be sure that the pump and piping will be adequate. Chairman Manwaring stated if there are five homes that are using the system at the same time, it is common knowledge that there will not be as much pressure as if two homes are using the system at the same time.

Commissioner Jensen stated that he would concur with Chairman Manwaring and that as he studied through the documentation, as long as the main line is big enough to force the water to the end and the system is designed properly, the footage should not matter and there should be no pressure lost until it is tapped out. Commissioner Jensen stated that he agrees with Commissioner Jackson and that ground will be taken away that will not need to be irrigated versus the entire property being irrigated. Commissioner Jensen agreed and that an agreement should be made as to how the water should be used so that all properties can benefit. Commissioner Jensen stated that he believes that the Board protected the landowners when it conditioned that the water system should be designed by a professional engineer and at the Applicants cost.

The Board reiterated that the subdivision uses a private road and is subject to private covenants. Any prior representations, such as "no other houses would be built", and enforcement of covenants are civil issues among private parties. The county does not control or enforce private subdivision covenants and does not base its land use decisions on private covenant disputes.

Paul Rogers, County Legal Counsel, stated under Bingham County Code 10-10-3(c), the Board may affirm, reverse or modify the underlying decision if the following requirements are met:

- 1) The Board finds that the substantial rights of the Appellant or affected party has/have been prejudiced;
- 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.

Further, Mr. Rogers stated if those requirements have been met, the Board may modify its decision. If both requirements are not met, the Board lacks authority under Bingham County Code 10-10-3 (c) to modify its previous decision.

Chairman Manwaring stated that he does not feel that the substantial rights of the Appellant were prejudiced as the Board made the decision based on information received.

Commissioner Jackson stated that he does not feel that the substantial rights of the Appellant were prejudiced.

Commissioner Jensen stated that he does not feel that the substantial rights of the Appellant were prejudiced and that the Board discussed the application thoroughly and in looking at all sides, which was the reason that the condition was placed requiring the Applicant to hire and pay for a professional engineer to design the system to be sure that it could serve all parties.

Legal Counsel confirmed that the Board finds the substantial rights of the affected party were not prejudiced and the underlying decision is supported by substantial evidence. The Board cannot check either of the required boxes in favor of the moving party under Bingham County Code 10-10-3(c). Therefore, the Board lacks authority under the code to amend, reverse, or otherwise modify its prior decision.

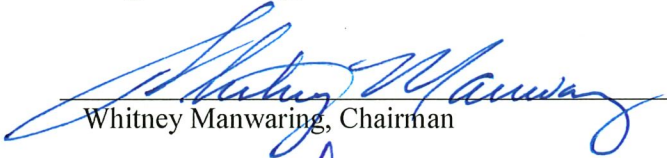
DECISION

Commissioner Jensen moved to affirm the Boards decision previously made on June 24, 2026, based on the conversation held in regard to the Motion for Reconsideration according to Bingham County Code 10-10-3, the substantial rights of the Appellant were not prejudiced. Commissioner Jackson seconded. All voted in favor. The motion carried.

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 4 day of September 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 4 day of September 2026, I served a true and correct copy of the Reason & Decision for the Motion for Reconsideration filed by Alan Stander, upon the following person(s) in the manner(s) indicated:

- ☐ Mail
- ☒ Email: cstreet@hleinc.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Chris Street, HLE
Applicant's Representative

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

Tiffany Olsen
Planning & Development Director

- ☐ Mail
- ☒ Email: SLong1721@gmail.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

David & Sylvia Long
911 West 45 South
Blackfoot, Idaho 83221

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

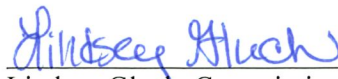
Alan Stander
50 South 900 West
Blackfoot, Idaho 83221

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

Cameron & Lori Cronquist
908 West 45 South
Blackfoot, Idaho 83221

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

Haizer & Jensen Simper
918 West 45 South
Blackfoot, Idaho 83221


Lindsey Gluch, Commission Clerk