

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

In regards to: The meeting to hear Appeals filed by Melanie Ipsen, Ruby K. Balls, Jeffrey J. Balls, Cheryl W. Olsen, Steton Johnson, Taio Johnson, Priscilla Hoskin, Vernon A. Hoskin, Mary Ann Jansen, Earl L. Huff Jr., Karen Reed, Randy Reed and Drue H. Kofed, in regards to the Conditional Use Permit for an expansion of an existing Confined Animal Feeding Operation for Pingree I Trust and Pingree II Trust.

Board of County Commissioners Meeting Date: December 18, 2025

At the onset of the meeting Ms. Olsen explained that the Planning & Zoning Commission heard the Application on August 13, 2025 and one (1) Appeal was timely filed pursuant to Bingham County Code 10-10-2 and the filing fee has been paid.

Ms. Olsen presented staff report for the record.

Chairman Manwaring stated that he was involved with the initial decision on the subject Confined Animal Feeding Operation and has been disappointed with how things turned out with the conditions that were put in place. Chairman Manwaring asked Ms. Olsen if when Planning & Development was contacted in regards to the complaint on the trees when they began to die over a few years, an individual from the county conducted an inspection on the complaint. Ms. Olsen stated the original Conditional Use Permit was granted in 2018 and there have been various complaints or inquiries on the status of the operation. Ms. Olsen stated that Planning & Development did find that the berms of trees were in poor condition and that there may be construction occurring on the property such as grain bins, movement of corals and potentially sheltered structures, wherein there was no building permit for those structures. Therefore, Planning & Development reached out to Mr. Hepton, owner of the feedlot, and advised that the structures did require building permits. Mr. Hepton stated that he was under the assumption that the structures were ag exempt. Since that time, Planning & Development has permitted all of the structures on the property and did disclose to Mr. Hepton, the conditions of the original Conditional Use Permit, specifically the trees and the berm area. Ms. Olsen stated that Planning & Development has been working with Mr. Hepton on how that will be completed under the new Conditional Use Permit.

Commissioner Jackson asked Ms. Olsen if during that time the animal units were the same as the previous owner or if there was an increase, to which Ms. Olsen stated that the animal unit numbers were not investigated nor verified.

Chairman Manwaring stated there was confusion in regards to the animal units because the previous owners' operation was going to be a cow/calf operation in a feedlot, which requires more space. In review of the information and the new owner, there were calves brought in to the feedlot not realizing that is how the Conditional Use Permit was permitted and was not followed.

Commissioner Jensen within the information it states a 4500 cow/calf pair and asked if that was 4500 mother cows plus the calves, wherein Ms. Olsen confirmed that was correct. Ms. Olsen stated

it would be 9,000 head capable, which is the equivalent of 5,400 animal units. Further conversation was held as to how animal units are determined.

Commissioner Jackson asked if the animal units permitted by Planning & Zoning Commission was 8,200, wherein Ms. Olsen stated that was correct and however many head of mother cows or 500-pound calves, whatever the configuration of headcounts, that could not exceed 8,200 animal units. Commissioner Jackson asked Ms. Olsen to explain the increase being requested over the amount that was previously permitted. Ms. Olsen explained in July of 2018 the Howe's, were the prior owners, were permitted 5,400 animal units and the new owner is asking for 11,000 animal units but received a Conditional Use Permit approval for 8,200 animal units.

Commissioner Jackson asked Ms. Olsen what the detriment would be to the surrounding property owners that are in opposition, wherein Ms. Olsen stated in looking at the existing operation, Mr. Hepton reported there were approximately 7,500 head at the time in which the Application was applied for in August. Ms. Olsen stated the surrounding property owners have to live within one (1) mile of the CUP property boundaries and are contending that with the increase in cattle that has been occurring without a Conditional Use Permit, from new ownership in 2022 until a Conditional Use Permit was required for said increase in 2025, that the increase in operations has created the nuisances of odor, flies, dust, allegations of reduced property values, amongst other like nuisances.

Commissioner Jackson asked if there would be an increase with environmental issues due to the increased number, wherein Ms. Olsen stated that she would defer to the Nutrient Management Plan, which addressed how manure is handled, how the lagoons are lined, how waste is stored and removed, scraping of culmination of manure and waste. Ms. Olsen stated the Nutrient Management Plan is specific and only regulated by the State Department of Agriculture. Therefore, even with the code enforcement team, Bingham County cannot regulate or site Mr. Hepton for not following criteria that is not within its regulations. Ms. Olsen stated in looking at Bingham County Code, there are sections within the Conditional Use Permits to minimize the effect on adjacent properties for noise, odor, pollution and other nuisances that may lead to disruption. Ms. Olsen stated within the testimony provided by Mr. Hepton, there are samples taken from their lagoons and regulated inspections from the State Department of Agriculture and that Mr. Hepton testified that he did not believe there were any issues or was not made aware of any issues by the state. Ms. Olsen stated those inspections occur twice per year.

Commissioner Jensen asked if some of the dust could be from the new groomed corrals that were installed so that they drain correctly, as he noticed in some of the testimony that the applicants had worked vigorously to get the corrals to drain correctly to pond 1 and 2. Commissioner Jensen stated there was also testimony provided that once there are more cattle per corral, it tends to mitigate the dust. Ms. Olsen stated in reviewing the testimony on behalf of Mr. Hepton, he did state that he has been doing a large amount of work in the corals and areas to make corrals of smaller size and the reason being is that the more cattle there are, the less room they have to move around and become restless, which creates lots of dust. Ms. Olsen stated there has been construction that occurred this summer in those areas, which will take the next summer of operation to fully understand the impact of those corrals. Mr. Hepton also offered to put in a water spray cannon in that coral area during the months then the winds or high and the dust is generated

at a higher level than normal, to help mitigate the dust and that was placed as a condition from the Planning & Zoning Commission, that there be dust abatement. If the Planning & Development Division finds that this is not being complied with, through a complaint, it could be required that there be dust suppressant chemical or other application to aid in dust mitigation.

Chairman Manwaring referred to the letter received from the Department of Environmental Quality, which stated that a Confined Animal Feeding Operation (CAFO) are regulated by the Idaho State Department of Agriculture (ISDA) under Governing Beef Cattle Animal Feeding Operations (IDAPA 02.04.45) and Rules Governing Environmental and Nutrient Management (IDAPA 02.04.30). These rules outline the requirements for beef cattle feeding operations regarding environmental protection, nutrient management planning, and permitting which may be required under the Idaho Pollutant Discharge Elimination System (IPDES). DEQ encourages the permittee to contact ISDA for more information regarding the applicable rules for such operation. A beef cattle feedlot of this size would be classified as a large CAFO under IDAPA 02.04.15.010.08. DEQ strongly encourages the county to contact ISDA to request a CAFO site advisory team evaluation of all CAFO's prior to approval. Chairman Manwaring stated within testimony, it was mentioned that the owner does not have a problem with the County conducting an inspection so long as it is when the State Department of Agriculture is present also.

Chairman Manwaring asked Ms. Olsen how often does the State Department of Agriculture conduct an inspection, wherein Ms. Olsen stated those inspections occur twice per year. Chairman Manwaring asked if the Code Enforcement Officer for the county would conduct inspections, wherein Ms. Olsen stated that she would not have an issue with that occurring and that it would be appropriate. Ms. Olsen stated in preparation for this application she completed research with other counties to see how regulated they are and if they do go on site to conduct headcounts or if they require a third party to conduct headcount, wherein she did not find that this occurred in any other county except for Gooding County who has a Code Enforcement Officer that visits each feedlot property for a headcount inspection and making sure conditions are complied with.

Chairman Manwaring asked Commissioner Jackson and Commissioner Jensen if they had an issue with the Code Enforcement Officer conducting a site visit, if the application is approved, to which there was no concern. Commissioner Jackson stated that he would be in favor of that proposal and stated that Ms. Olsen read that the county has the right to call a team from the State Department of Agriculture and asked if that had been done. Ms. Olsen stated that she is unaware, in 2018 when the operation received a Conditional Use Permit, if a sighting team from the Department of Agriculture was dispatched to the property but it would be her understanding that likely did not occur as she believes that it has been a dairy or a feedlot in that location for a number of years. Those sighting teams are for new operating operations and if the county were to receive an application to create a CAFO on ground that is going to be converted from its current agriculturally status or lava rocks, to a CAFO site, that team reviews the site in person and through research to determine if that site is appropriate. Ms. Olsen stated where the subject property is an existing operation, she does not believe that is applicable.

Commissioner Jensen stated that he would encourage when the headcount does occur, that it takes place while feeding is occurring that way all of the cattle are lined up along the feed bunks. This would be beneficial so that the individual conducting the count does not have to get out of the

vehicle as that may cause irreparable harm not only to the animals but the facility if the cattle were to spook and run. Commissioner Jensen stated the less disruption to the cattle on the feedlot, the better.

Chairman Manwaring reviewed the general requirements of a CAFO and are subject to the following requirements:

1. A Conditional Use Permit is required for all new CAFOs or the expansion of an existing CAFO that constitutes a significant change.
2. Zones allow CAFOs are listed on the land use chart in this title.
3. A CAFO shall comply with and not be in violation of any Federal, State or other local laws, regulations, or guidelines.
4. Odor management and pest control shall meet and utilize the most current Idaho Department of Agriculture Best Management Practices.
5. Other applicable DEQ or EPA regulations.

Next, Chairman Manwaring reviewed the required setbacks for CAFOs or Expansion of Existing CAFO, which were lined out on page 7 of the Planning & Zoning Commission Staff Report.

Chairman Manwaring reviewed the Confined Animal Feeding Operation Maintenance and Management practices, which came from the Application materials and the Nutrient Management Plan, which were lined out on page 8 of the Planning & Zoning Commission Staff Report and were as follows:

Abatement for Insects: In order to control the fly population, the following will be used:

- Use of feed additives to reduce the reproduction of flies in the manure.
- Grooming the corrals to ensure good drainage to reduce any wet spots or stagnant water that would serve as a breeding ground for flies and mosquitoes.
- Scraping feed alleys to remove manure and transport it to the corrals or storage, where it can be dried to reduce feed and breeding habitat.

Chairman Manwaring stated when there are big operations and the manure is being turned several times, it helps with drying.

- Implement a fly control program utilizing biological controls such as parasitic wasps and nematodes to reduce fly populations.
- Control weeds and vegetation that would provide habitat for fly reproduction.

Chairman Manwaring stated there are a lot of things that have been discussed in order to reduce the issue with flies and insects.

Commissioner Jackson asked if there is proof that the Applicant has followed these practices, wherein Chairman Manwaring stated it is unknown but that is why the state conducts inspections

to be sure the practices are being followed. Commissioner Jackson confirmed that this operation was under a Nutrient Management Plan with the previous owner, wherein it was stated that the new owner is not bound by the Nutrient Management Plan of the previous owner.

Ms. Olsen stated that is the purpose of the Application before the Board today is because there has been a change of ownership. Ms. Olsen stated there are two components to a CAFO, there is a county permit and a state plan, wherein both are required. Ms. Olsen stated in 2022 when the change of ownership occurred, there was an application to the state for a new plan based upon how the new owner wanted to operate and there was an increase in animal units. The Howes had 5,400 animal units and when Pingree Trust acquired the property, they obtained a new plan in 2023 through the state and had requested an increase in cattle to 7,425 animal units, which is approximately 10,000 head. The Pingree Trust should have come to the County in 2023 and received a new Conditional Use Permit but that did not occur until 2025, from a cow calf operation to a straight animal unit operation. Commissioner Jackson asked if this occurred due to a complaint or if the Applicant approached on his own, to which Ms. Olsen confirmed it was complaint driven. Ms. Olsen stated in 2025 the Applicant went to the state again and requested for a new plan for an increase in cattle from 7,425 animal units to 11,000 animal units. Ms. Olsen stated it is not uncommon to have a special use permit for a certain number of cows and a Nutrient Management Plan for a higher number of cows and the reason being is that management plan is to show how the operation should be managing cattle, ground, feeding, waste and how many cows can the feeding and waste management operation support. Ms. Olsen stated with the number of acres and the way the operation is detailed in the Nutrient Management Plan, the Applicant is proposing that they can house up to 11,000 animal units. The State reviewed the proposed Nutrient Management Plan and has approved the same. However, the Board can be more restrictive in what is allowed on that property. The Planning & Zoning Commission found that 8,200 animal units would be more appropriate than granting the full request.

Chairman Manwaring continued to review the Confined Animal Feeding Operation Maintenance & Management Practices, which was as follows:

Abatement for Animal Pests: Keeping feed storage areas contained and cleanup of feed spillage will discourage birds and rodents from frequenting the CAFO. When the numbers of birds increase, contact will be made with the USDA Wildlife Services in Gooding to obtain assistance in controlling the bird population. Animal damage control also serves as a sources of materials that can be used to control rodents. While the number of rodenticides is limited and requires a restricted-use pesticide license, there are still products available to assist in controlling these pests.

Abatement for Plants: The control of weeds requires an ongoing effort and are important for insect control, rodent control, and aesthetics. Annual weeds are best controlled using chemical treatment in the spring or early in the growing season. Chemical

control of perennial weeds has the best results when done in the fall.

Berming:

The facilities will be protected from run-off leaving the property by Berming the south and west side of the animal housing areas. The general slope is to the north and west. The berms on the west will be tall enough to contain any run-off within the corrals. ISDA personnel will be responsible for monitoring construction and provide final approval of the lining in the berms. A copy of the ISDA's personnel will be responsible for monitoring construction and provide the final approval of the lining in the berms. A copy of the ISDA's Livestock Waste Facility Construction Guidelines are included with the Applicant's materials.

Dust Control:

Feed storage at strategic locations around the facility can help control dust. The pens are small and will limit milling by the cattle. The animals are small, which will also be beneficial. If dust from the road becomes an issue, applying water to the corrals with sprinklers will be beneficial. Water with a watering truck around the hutch area will be beneficial as well. Storage of feed and strategic locations around the facility can help in controlling dust by disrupting the flow of air through the facility. Feed storage, such as haystacks on the downwind side of the facility, can help trap dust on the property and reduce the amount that leaves the facility.

Commissioner Jackson stated in reviewing the testimony in opposition, the dust control was prevalent for those that are in opposition of the application and there are multiple photographs and testimony in regards to the dust issue in the area. Commissioner Jackson stated there was mention of new construction occurring and anytime that dirt is moved, it takes time for the dirt to crust over but with cattle constantly milling around in it constantly could cause issues.

Commissioner Jensen stated that the feedlot does not want dust either due to dust pneumonia in the cattle but that is hard to do with mother nature.

Fumes:

Other than some odorous emissions from the manure during times of wet weather, there should be no fumes that come from the facility.

Manure Management:

The manure will be land applied to cropland owned by the neighbor (Wada Farms) and exported to farms as needed. As per the value that has been approved by the ISDA, an estimated 20% of the manure will remain in the corral to be used for mounding. If there comes a time when the mounts must be removed, additional land application sites must be secured for the additional manure. If mounds are removed

for land application, the mounds must be tested since over time the concentration of phosphorus is likely to increase due to the biodegradation of the carbon materials in the manure which would be converted into volatile substances while the phosphorus would remain. The mounds will consist of straw and manure that provides an elevated and dry place for cattle to rest during times of wet weather. The corral manure will be removed primarily in the fall if the situation dictates spring manure removal may also be done.

Commissioner Jackson asked if there was a composting procedure put in place for the operation, wherein Chairman Manwaring stated there are some areas where manure is hauled wet to corners of fields and then bring in aerators to compost, which will be stored in another property. Chairman Manwaring stated that the Appellants talked about manure being transported down the road and spilling but the owner of the feedlot could be cognizant of that and not overfill loads and spilling manure on the roadway.

Mortality Management:

Mortalities are handled through the local rendering facility. There are occasions when the rendering company is unable to pick up animals within the prescribed 72 hours after death. In those cases where pickup of the animals by the rendering company is not possible within 72 hours, the animal will be buried as follows in accordance with IDAPA 02.04.17-Rules Governing Dead Department of Agriculture Animal Movement & Disposal, as specified in item number 04; which says: Dead animals shall be buried to such a depth that no part of the dead animal shall be nearer than three (3) feet to the natural surface of the ground. Every part of the dead animal shall be covered with at least three feet of earth. The location of the burial site shall be:

- At least three hundred (300) feet from any wells, surface water intake structures, and public or private drinking water supply lakes or springs.
- At least three hundred (300) feet from any existing residences.
- At least fifty (50) feet from property lines.
- At least one hundred (100) feet from public roadways.
- At least two hundred (200) feet from any body of surface water such as a river, stream, lake, pond, intermittent stream, or sinkhole.

- Burial sites shall not be located in low-lying areas subject to flooding, or in areas with a high-water table where the seasonal high-water level may contact the burial pit.

Chairman Manwaring confirmed with Ms. Olsen that there were no issues with flooding and Ms. Olsen stated that the subject property is not located within a designated floodplain.

Noise:

The primary source of noise on adjoining property may include animals, which require the use of feed trucks passing by the feed bunks delivering feed. Daily normal hours of animal feeding are from 7:00 a.m. until 6:00 p.m. There would be some noise when the trucks are being loaded with feed by heavy equipment. In addition, there would be some noise when the feed mill is operating.

Odor:

Odors from livestock production facilities originate from three primary sources, which are animal housing, manure storage facilities, and land application of livestock manure. Factors that influence the dispersion of odors include wind speed, direction of wind, topography, distance to the detector, and water conditions. Additional factors are the number of animals, species, ventilation rates, type of feed, type of manure storage, and manure handling and management. There are four different ways natural windbreaks can be used to reduce odors which are detailed

Chairman Manwaring reviewed the listed techniques that will be used to help reduce odor, which were as follows:

- Manage corral and housing areas by grooming corrals to promote drainage and increase drying. Dry corrals reduce anaerobic conditions.
- Apply solids dry. Reduce anaerobic conditions, which favor odors. Reduce soil compaction. Immediate incorporation reduces odor emission and nutrient loss.
- Increasing the use of digestible feedstuffs.
- Increasing the use of specific amino acids and reducing the protein content of rations.
- Using exogenous enzymes to increase digestion.
- Formulating diets closer to the National Research Council's animal nutritional requirements.
- Using new feed processing technology to increase digestibility.
- Altering animal utilization of nutrients by using growth promoters.

Commissioner Jackson asked who would be in charge of making sure that the Applicant is following these items, wherein Chairman Manwaring stated it would be the State Department of Agriculture will conduct inspections to be sure the Nutrient Management Plan is being followed.

Ms. Olsen reiterated that it is the State Department of Agriculture that sets the best practices and would encourage compliance but anytime there is a complaint or concern about something that is regulated by the state and not the county, there is an online form for submission to the state. That complaint will be provided to the local inspector who will determine if an inspection or site visit is necessary.

Chairman Manwaring reviewed 10-8-3: Review of Application for a Conditional Use Permit.

Commissioner Jackson referred to Page 12 of 18, of the Planning & Zoning Commission Staff Report, number 2, it states the specific purpose of this plan is to promote the health, safety and general welfare of the people of the county, specifically section (a), which states to protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary. Commissioner Jackson stated in reading the testimony in opposition and the Appeal, they feel that their property values have been decreased due to the odors, dust and other items. Therefore, without adversely impacting neighboring property values more than is necessary. Commissioner Jackson stated he feels that there has been an effect of property values and the life of the neighboring properties.

Chairman Manwaring stated that every property owner has their own property rights and to him a lot of the issues were from the previous owner and the conditions, specifically the dust control and the trees were not watered. Chairman Manwaring stated that part of the issue was the Applicant being a good neighbor and reducing the smell, dust and noise. There is a new Applicant currently and it could be a different scenario than what occurred in the past. Commissioner Jackson stated there were individuals who were okay with how things were previously but do not want to see an increase in the amount of cattle due to the fear of increased odor, dust and other nuisances.

Chairman Manwaring further reviewed Section 10-8-3: Review of Application and discussion was held in regards to there not being septic system indicated on the site plan, catch basins and lagoons have been implemented, which would help manage stormwater runoff and ensure proper drainage. Chairman Manwaring stated that information states that there are two wells on the feedlot; one is located near the parking area, and one near corral B-6. The existing water rights for the property include water right number 35-7212-B which authorizes 33-acre feet of water for stock water use, an additional water right 34-14598 authorizes an additional 79.4-acre feet of stock water for a total of 112.4-acre feet of stock water, which is less than the requirements to meet the needs of the cattle.

In addition to this water right, another water right 35-13283 authorizes an additional 401-acre feet for irrigation use. Since 55-acres of cropland have been removed from production when the corrals have been built, the water used for irrigation will be transferred from irrigation use to stock water use. Water rights for 55 acres would be 220-acre feet of water (IDWR water rights authorize 4-acre feet per acre).

When preparing the application, it was discovered that the water rights for the property had never been transferred to the new owner. Upon approval of the CAFO CUP, the Applicant will proceed with making the change of use from irrigation to stock water and will transfer the ownership information to Pingree I and Pingree II Trust. Chairman Manwaring stated that was one of the conditions put in place by the Planning & Zoning Commission.

Commissioner Jackson stated that he would like a 2-3-year time period in which the applicant will need to prove that they can follow the Nutrient Management Plan and conditions. Chairman Manwaring reiterated that there will be an inspection conducted 2 times per year to be certain that the conditions are being met.

Discussion was held in regards to the number of animal units, wherein Chairman Manwaring stated that Planning & Zoning Commission decreased the number from what was requested to 8,200 and if things run properly, the Applicant could request an additional increase in animal units. Commissioner Jackson asked if with the 8,200, that was an increase to what has been on the property from the previous owner or is it a decrease. Ms. Olsen stated that Mr. Hepton testified at the hearing in August that there were approximately 7,000 animals presently. Commissioner Jackson asked if those were cows, calves or animal units, to which Ms. Olsen read from the Reason & Decision of the Planning & Zoning Commission, which states that Commissioner Adams asked what percentage of growth there is from the approved CUP to the requested 11,000 animal units. Mr. Hepton stated that 4,500 cow/calf pairs were approved and that there are currently at 7,000 animals and based on a true rate, they are roughly in the middle. Mr. Hepton explained that the plan is to have a combination of grower cattle and finished cattle, that they do not want to grow beyond the 11,000 animal units, and are not looking to expand in the future.

Further conversation was held in regards to the conditions that were put in place by the Planning & Zoning Commission, which were as follows:

- 1) Total Animal Units shall not exceed eight thousand two hundred (8,200)

Chairman Manwaring stated that he was in favor of the condition placed by Planning & Zoning Commission, to not exceed 8,200 animal units. Commissioner Jensen concurred with Chairman Manwaring. Commissioner Jackson stated that he would like to see the animal units remain as is until there is proof of functional operation and that the Applicant will comply with their Nutrient Management Plan.

- 2) Abide by the current Nutrient Management Plan (NMP) approved by the State of Idaho Department of Agriculture. The Applicant shall provide a copy of any updated or modified NMP when received from the Department.

Discussion was held in regards the potential of placing a condition that the Applicant should provide, to the county, proof of its compliance or bi-annual progress report which would state what precautions are being taken in order to comply with the Nutrient Management Plan. Also, that notice of said inspection by the State of Idaho Department of Agriculture should be provided to the Planning & Development Services, within a reasonable time, in order for them to attend.

- 3) Install a tree windbreak to act as a visual barrier, reduce dust, and disperse and absorb odor gases. Tree windbreaks shall be placed on the north, east, and south boundaries of the feedlot.

Chairman Manwaring stated there was discussion in regards to installing a fence but trees would help with the dust and would help absorb odors and gases. Chairman Manwaring stated it should be part of the decision, the size of the berm, height and width, along with choosing a fast-growing tree and that there will be water to take care of all requirements. Commissioner Jensen stated that he would suggest that the water used should be fresh water that are used to water the trees and that if runoff water is used, it will kill the trees. Commissioner Jensen added that there should be verbiage that if the trees die, those would be removed and new trees would be planted. Chairman Manwaring and Commissioner Jackson concurred.

- 4) Store cull/waste potatoes in a manner that reduces odor.

Chairman Manwaring stated in the previous Application, the issue was in the summertime the culled potatoes would start to break down and running into the gutter of the road. Chairman Manwaring stated to alleviate that, they started mixing culled potatoes with hay silage, in order to stop the runoff mess and odor. Commissioner Jensen stated that he would encourage to surround the potatoes with straw the best that could be done or on top of the potatoes to provide a barrier.

- 5) Administer fly abatement methods or insect treatments as needed.

Chairman Manwaring stated the Applicant should follow their Nutrient Management Plan, wherein use of insecticide was mentioned and that it should be reiterated to follow the abatement for insects within the plan.

- 6) Dust Mitigation shall be administered by applying water, via a water spray truck or sprinkler, on all gravel or dirt roads and corral areas as needed to mitigate dust. If water application is insufficient, the Applicant shall apply a dust suppressant chemical. Verification of the chemical application may be requested by Planning and Development Services.

The Board had no concerns. Chairman Manwaring stated that end guns in the corrals would assist in decreasing the dust as well.

- 7) The Applicant shall proceed with making the change of use from irrigation to stock water and will transfer the ownership information to Pingree I and Pingree II Trust. Verification of the change of use and ownership will be provided to Planning & Development Services.

Chairman Manwaring stated it is important to be sure that water ownership is transferred through Idaho Department of Water Resources.

Chairman Manwaring asked Commissioner Jackson and Commissioner Jensen if there were any other conditions that they would like to place, if approved/modified.

Commissioner Jensen stated that along with applying fly control chemical, he would suggest using digestors to assist. Commissioner Jackson stated that it would be hard to regulate the use of digestors. Commissioner Jensen stated that proof of purchase could be sufficient.

Chairman Manwaring stated it should be added within conditions that the county see the progress report in conjunction with the site visit by the state to see how the operation is functioning and suggested August to show compliance of conditions.

Mr. Rogers stated in previous conversation it was discussed setting timelines in which conditions should occur, such as a timeline for planting trees.

Chairman Manwaring referred to the condition regarding trees and referred to requirements for a berm to be placed, which would also assist with protecting the trees. Commissioner Jackson stated that he agreed and it should be specified with a minimum of 6-foot-wide and 4 foot high. Chairman Manwaring suggested by July or August, to have trees planted and is to be shown on progress report. Chairman Manwaring suggested that a potential condition could be that the Applicant visit with an expert/arborist on trees to see which type of tree and spacing would be more effective and fast growing to make a good barrier.

A final review was held in regards to the proposed conditions and Chairman Manwaring entertained a motion for the record.

**Decision: Commissioner Jensen moved to uphold the Planning & Zoning Commission decision to approve with modifications of the conditions put in place, which are to be as follows:**

- 1) Total Animal Unit shall not exceed eight thousand two hundred (8,200)
- 2) Abide by the current Nutrient Management Plan (NMP) approved by the State of Idaho Department of Agriculture and the Applicant shall provide a copy of any updated or modified plans, along with providing proof of compliance of NMP with receipts.
- 3) Install a tree windbreak to act as a visual barrier, reduce dust, and disperse and absorb odor gases. Tree windbreaks shall be placed on the north, east, and south boundaries of the feedlot, with a four-foot-tall and six-foot-wide, with trees planted on top with weed barrier to mitigate weeds. Commissioner Jensen added that fresh water is to be used to water the trees and the Applicant is to contact an arborist to see the best type of tree to use and spacing to have. If the trees die, they are to be removed and replanted.
- 4) Store cull/waste potatoes in a manner that reduces odor by stacking straw or hay bales around the pile, if possible to have straw placed over the pile to cover and reduce smells.
- 5) Administer fly abatement methods or insect treatments as needed and as stated in Nutrient Management Plan, to use additives to reduce production of flies in manure. Grooming the corrals to ensure good drainage to reduce wet spots, stagnant water, scraping the feed alleys to remove manure and transport it to the corrals or storage, where it can dry, implement a fly control program utilizing biological controls such as parasitic wasps and nematodes to reduce fly populations and control weeds and vegetation that would provide habitat for fly reproduction. Also, that the Applicant will provide, to the county, provide proof of purchase of the products as stated.

- 6) Dust Mitigation shall be administered by applying water, via a water spray truck, or sprinkler, on all gravel or dirt roads and corral areas as needed to mitigate dust. Also, that end guns will be placed within the corrals to mitigate dust. If water application is insufficient, the Applicant shall apply a dust suppressant chemical. Verification of the chemical application may be requested by Planning and Development Services.
- 7) The Applicant shall proceed with making the change of use from irrigation to stock water and will transfer the ownership information to Pingree I and Pingree II Trust, through the Idaho Department of Water Resources. Verification of the change of use and ownership will be provided to Planning and Development Services.

Chairman Manwaring asked Commissioner Jensen to amend the motion in order to add that the progress reports shall be provided to the county by the second week in August to show that conditions are being met.

Commissioner Jensen amended his motion to add condition 8) that the Applicant will provide a progress report by late July or early August to show that conditions are being met.

Mr. Rogers stated there was discussion held in regards to notifying Planning & Development of any dates for State Inspections, with reasonable notice.

Commissioner Jensen amended his motion to add to condition 8, that the Applicant will give Planning & Development reasonable notice of any State Inspections to be held.

Chairman Manwaring seconded. The motion and amendments made by Commissioner Jensen.

All in favor if approval. Chairman Manwaring and Commissioner Jensen.

All opposed. Commissioner Jackson, who stated that he was in opposition by reason of the hazardous or disturbance to existing or future neighboring uses that will be detrimental to persons, property or to general welfare of the public by reason of excessive production of fumes, odors or other pollutants, and that he does not believe that there should be an expansion to an operation that has not proved itself to be reliable or proving that it can meet conditions.

**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 9<sup>th</sup> 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 9<sup>th</sup> day of January 2026, I served a true and correct copy of the Reason & Decision for the Pingree I Trust and Pingree II Trust CUP Appeal Meeting upon the following person(s) in the manner(s) indicated:

Mail Jeffrey & Ruby K. Balls  
 Email: 383 S. 1500 W.  
 Hand Delivered Pingree, ID 83262  
 Designated Courthouse Box

Mail Cheryl W. Olsen  
 Email: 351 S. 1500 W.  
 Hand Delivered Pingree, ID 83262  
 Designated Courthouse Box

|  |                      |
|--|----------------------|
| <input checked="" type="checkbox"/> Mail           | Mary Ann Hansen      |
| <input type="checkbox"/> Email:                    | 1456 W. 200 S.       |
| <input type="checkbox"/> Hand Delivered            | Pingree, ID 83262    |
| <input type="checkbox"/> Designated Courthouse Box |                      |
| <br>   |                      |
| <input checked="" type="checkbox"/> Mail           | Earl L. Huff Jr.     |
| <input type="checkbox"/> Email:                    | 387 S. 1500 W.       |
| <input type="checkbox"/> Hand Delivered            | Pingree, ID 83262    |
| <input type="checkbox"/> Designated Courthouse Box |                      |
| <br>   |                      |
| <input checked="" type="checkbox"/> Mail           | Randy & Karen Reed   |
| <input type="checkbox"/> Email:                    | 1462 W. 200 S.       |
| <input type="checkbox"/> Hand Delivered            | Pingree, ID 83262    |
| <input type="checkbox"/> Designated Courthouse Box |                      |
| <br>   |                      |
| <input checked="" type="checkbox"/> Mail           | Drue H. Kofoed       |
| <input type="checkbox"/> Email:                    | 1485 W. 300 S.       |
| <input type="checkbox"/> Hand Delivered            | Pingree, ID 83262    |
| <input type="checkbox"/> Designated Courthouse Box |                      |
| <br>   |                      |
| <input checked="" type="checkbox"/> Mail           | Pingree I & II Trust |
| <input type="checkbox"/> Email:                    | PO Box 220           |
| <input type="checkbox"/> Hand Delivered            | Start, ID 83669      |
| <input type="checkbox"/> Designated Courthouse Box |                      |

Lindsey Gluch  
Lindsey Gluch, Commission Clerk