

BINGHAM COUNTY COMMISSIONERS

Whitney Manwaring, Chairman

Eric Jackson

Drew Jensen



Lindsey Gluch, Commission Clerk

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BOARD OF BINGHAM COUNTY COMMISSIONERS REASON & DECISION

In regard to: The Planning & Zoning Commission's recommendation to approve Applicant and Property Owner, RR Johnson Real Estate, LLC's request to amend the zoning of approximately 87.59 acres of land zoned "R/A" Residential/Agriculture to "R" Residential in accordance with Bingham County Code Title 10 Chapter 15 Amendments.

Approximate Parcel Location: 775 E. 1550 N., Shelley, Idaho, located west of 795 E 1550 N, Shelley, Idaho and east of the Woodville Townsite.

Property Owners/Applicants: RR Johnson Real Estate, LLC

Board of County Commissioners Public Hearing Date: June 10, 2026

Prior to the Public Hearing, the Board of County Commissioners reviewed the application and materials submitted by the Applicant, RR Johnson Real Estate, LLC, 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 Boards Public Hearing was provided as follows:
 - a. Sent to Government Agencies on May 8, 2026 (CC-3 List of Government Agencies and Notice)
 - b. Published in the Idaho State Journal and Post Register on May 12, 2026 (CC-2: Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on May 8, 2026. (CC-4 & Property Owners Mailing List and Notice)
 - d. Notice was posted on-site in two locations on May 21, 2026 (CC-5 Posting Affidavit) and photographs of the site were taken on March 17, 2026 (Exhibits S-8)

2. Testimony received before the Board's Public Hearing included:

(CC-6) Amanda Fair, 1543 N 750 E, Shelley, Idaho, submitted testimony in opposition.

(CC-7) Applicant, Robert Johnson, 5638 S. 55 W, Idaho Falls, ID, submitted 10 photographs of the subject parcel in support of his Application.

(CC-8) John Reffit, Acting Field Manager with the Bureau of Land Management, submitted testimony in a neutral position.

(CC-9) Gary Mecham, 1539 N 750 E, Shelley, ID, submitted testimony in opposition.

(CC-10) Michael Anderson, Woodville Water & Sewer District, submitted testimony in opposition.

Ms. Olsen stated that there was an expert opinion on the impact of proposed subdivision development on the Woodville Water and Sewer District's wells from the Applicant's Representative. However, following Bingham County Code Section 10-3-6(A)(8), because it was greater than two pages and received within eight days of the public hearing, it will not be considered. Rather, the author of the opinion, Mr. Thomas Wood, is present and plans to present testimony reflective of the report.

After presentation of the Staff Report Commissioner Jensen asked Tiffany Olsen, Planning & Development Director, if there were conditions placed by the Planning & Zoning Commission. Ms. Olsen explained there were no conditions placed by the Planning & Zoning Commission but there were proposed conditions put forth in the Zoning Application, by the Applicant. Ms. Olsen stated as the Board is reviewing the decision, the Applicant provided his own development conditions that any future development would be ½ acre or greater, that there would be connection to the municipal sewer district line and that there would be a requirement for a community well. Ms. Olsen reiterated that the Application was recommended to approve as proposed, which included those conditional components.

The Public Hearing was opened, and testimony was presented at the Public Hearing, which was as follows:

(CC-11) Chris Street, Applicants Representative and Professional Land Surveyor with HLE, Inc., stated that the reason there is a lot of information included that would pertain to a subdivision is because extensive work has put into this Application to see if it would fit the area and what impact it would have. Mr. Street explained that since the last time this Application was before the Board, there have been 109 new residential lots, which are averaging 1.2 acres per lot. They are sized at one acre but utilize 1.2 acres of what used to be Agriculture ground. Mr. Street stated that the Comprehensive Plan has the subject property designated as Residential and it is surrounded by Residential use. There are facilities to support Residential use and infrastructure, and the property could be better utilized than just 1.0 acre lots and in order to do so the designation needs to be Residential.

Mr. Street referred to Exhibit CC-7 (2) and stated the photograph is of Cedar Estates Subdivision which will give a good representation of what 1.0 acre lots look like in the area. Mr. Street stated there is a lot of unused ground that could potentially be utilized. Commissioner Jackson asked Mr. Street if Cedar Estates Subdivision has pressurized irrigation. Mr. Street stated yes, they do have pressurized irrigation for the ground but one thing that Cedar Estates does not have is full time fire suppression, which was a huge concern from Fire Chief Randy Adams, which is why there is proposed to be a community water system to cure that concern.

Mr. Street referred to Exhibit CC-7 (3) and stated that this photograph shows what ¼ acre lots look like within another county subdivision close by Riverview Elementary. Mr. Street states that within this photograph, it shows the close proximity, and that surrounding farm ground has now been annexed into the City of Shelley and is prime for development, which is owned by Rockwell Homes.

Mr. Street stated referred to Exhibit CC-7 (4) and stated the photograph shows the subject property and all of the surrounding residential development. Mr. Street stated the subject property is a prime spot for Residential development to happen. In the original Planning & Zoning Public Hearing, Chairman Darren Leavitt stated that this is the most prime piece of residential development property that he had seen while serving on the Planning & Zoning Commission.

Commissioner Jensen stated there was a 100 foot easement for BLM and asked of that will hold true to the West of the property also. Mr. Street explained that when the original survey was done, the easiest path around the river bottoms was not farmable, which was quite a bit bigger than what really the river uses. In the late 50's or early 60's, it was re-surveyed and a lot of the ground got put back into public hands. With that, they retained 100 foot wide public access easement along so that individuals who are utilizing the river could use that easement.

Mr. Street referred to Exhibit CC-7 (6) and explained that the photograph shows the Residential zoned River Park Subdivision that is directly adjacent which is zoned Residential and also has lots from ½ acre to ¾ acre lots. Mr. Street stated this photograph also shows the Woodville Water Sewer District fire hydrant and reiterated that the plan is to not utilize that hydrant as he understands that Woodville Water and Sewer have concerns about how the potential use of the subdivision could increase costs for their customers. Commissioner Jensen added that it could be beneficial to all to have another fire pump for use if needed for fire protection

Mr. Street referred to Exhibit CC-7 (9), which shows the Woodville Century II Subdivision. This was an approved subdivision that is currently zoned "R" Residential for ½ acre lots and was going to be served by Woodville Water and Sewer District but was never built.

Mr. Street stated that he understands the concern to preserve prime agriculture ground and that development should happen where development is happening and where the county has designated Residential development to happen. Mr. Street stated that the Comprehensive Plan Map designation for the subject property is Residential.

Mr. Street referred to spot zoning and stated that is defined with two criteria's. The first being is if the proposed zoning does not match the Comprehensive Plan use, which it does. The second is the surrounding areas are not being used for the same reason, and the surrounding area is Residential use. Therefore, this does not fall under the definition of spot zoning.

Mr. Street stated that documentation has been provided to show costs and answers in regard to infrastructure. Mr. Street stated they already have a conditional ERUs from EIRSD, there is a plan in place for the water system and the one thing that came up within the Planning & Zoning Hearing that they did not have an answer for at the time is the affect on a new water system with Woodville Water and Sewer. Mr. Street stated that was a valid concern and Tom Wood is present today, who has conducted a study and can provide that information.

Mr. Street referred to public service and schools and stated that any kind of rezone and future development is going to put a burden on the schools. Unfortunately, with any development that he has ever worked on, there has not been a school that has provided feedback or concerns. Mr. Street stated that he has specifically asked the City of Shelley to provide feedback on subdivisions that are brought into the area and for whatever reason, feedback is not provided and therefore it is hard to address concerns they may have.

Mr. Street stated there was comment that provided that having the proposed rezone would be a risk to the neighboring residents, but he is not sure how that would be true. Mr. Street stated that the Applicant is asking for the same thing that the current residents have.

Mr. Street addressed the risk to water resources and explained that we are in a time where there is major concern in regard to groundwater. Luckily, the Applicant has received guidance from IDWR on what to do and when to do it when it comes to subdivisions and public water systems.

Paul Rogers, County Legal Counsel, addressed the twenty page report submitted and under Bingham County Code 10-3-6 (A)(8), the county is not to accept any testimony that is more than two pages within eight days of the hearing. Therefore, that report will not be considered today.

There were no questions for the Applicants Representative.

Chairman Manwaring opened the Public Hearing for testimony in favor, which was received as follows:

(CC-12) Thomas R. Wood, 1867 N. Bramble Ln, Idaho Falls, ID, stated that he was asked to look at the impact of new wells. Mr. Wood provided two documents which were marked as Exhibit CC-12A and CC-12B. Mr. Wood explained that two supply wells would add up to 250 gallons with one fire well for 1500 gallons that would maybe pump for eight hours whenever there is a fire. The distance between the wells is 2,150 ft and 2,600 ft. The way that interference in when a pump is turned on propagates out a cone of depression that looks like a funnel, which causes the water flow into the well. There are a number of parameters that control the shape of the cone of depression including the aquifer transmissivity, the storage activity, the pumping rate and the duration of the pumping. Mr. Wood stated the Idaho Department of Water Resources developed a basin wide groundwater model that is called ESPAM, wherein the photograph is included to show one mile grids that they have been working on this for twenty years and have taken a lot of data, pumping test data, infiltration rates and they have calibrated this model to come up with transmissivity in these one mile squares.

Mr. Wood stated the ESPAM within the Woodville grids is 1,305,942 ft squared per day, which is a typical number in the Snake River Plain but in other places that would be a huge number. Mr. Wood stated that he tried to find more specific data and the only well tests that he could find were the Woodville wells and only included the pumping rate and the drawdown of the well. Mr. Wood stated that he used a standard empirical equation and calculated the transmissivity based on that. The commercial well had a transmissivity of 450,000 ft squared per day and in the fire well it was 95,000 squared per day but the fire well has construction issues and has a perforated casing with 6-inch screen inside of it and that creates a skin effect around the well. Therefore, more drawdown is required to get the water through the screen.

Mr. Wood stated he created two interference calculations/scenarios and explained the same for the record, which are shown in Exhibit CC-12B. Mr. Wood stated that the conclusion is that there will not be any impact on the water loads in the Woodville wells. Commissioner Jensen asked if this would be for neighboring wells as well, wherein Mr. Wood stated that he did not calculate for closer distances but even in the middle of the funnel, it is not very deep. Mr. Wood stated that he could calculate for closer wells, but it would be meaningless.

(CC-13) Ben Gomm, 1554 N 700 E #1, Shelley, ID, stated that he owns the Woodville Apartments directly across the street from the Woodville LDS Church. Mr. Gomm stated that he has lived in the area since 1971, has 9 children, 31 grandchildren and 3 great grandchildren. His heartbreak is that none of his children live near him, although most of his children want to as it was impossible to find a place to live and to build. In time that is changing but it is too late for his children that have moved on. Mr. Gomm stated there have been other developments proposed that he fought deeply against because of safety. Mr. Gomm stated where he lives, there is a tremendous amount of traffic speeding down the road and accidents causing death that has occurred. With all of the

children in the area, it is a concern because that will put more traffic in the roadway that is not capable of handling it. When Mr. Johnson advised him of the proposed development, he was thrilled because it solves the problem of lack of housing for individuals that want their children close by and the traffic concern.

(CC-14) Kris B. Kelley, 550 E 1500 N, Shelley, ID, stated that he has lived in the area since 1961. Mr. Kelley stated that he has farms in the area for a living. Mr. Kelley stated that he has watched the Applicant work hard and pay for the ground and it is hard for him to see people telling him what he can and cannot do with his ground. Mr. Kelley stated that he has lost over 800 acres of farm ground over the last five years because of homes, but he is not against this application because anyone who owns the subject farm would be doing the same thing that Mr. Johnson is requesting today. Mr. Kelley reiterated that he is in favor of the Application.

(CC-15) Richard R. Johnson, 3692 E. 157 N, Rigby, ID, stated that he is in favor of the Application. Mr. Johnson stated that he grew up in Woodville and in 1978, he wanted to stay in the area, and he could not because he could not farm, there were no jobs and opportunities for him. Mr. Johnson stated that his brother, who is the Applicant, would never develop ground that he considered to be absolutely not first class and well thought out. Mr. Johnson stated this project will be positive for the area.

(CC-16) Kevin Andrews, 674 E. 1550 N, Shelley, ID, stated that he has lived in the area since 1965 and it would be nice to have this approved to allow children of current residents to come back and reside close to their family. Mr. Andrews stated that the Applicant is a man of integrity and wants the best for the community and not just out for himself. This proposed project will be a benefit to the community.

(CC-17) Kyle L. Jones, HLE, 800 W. Judicial St., Blackfoot, ID, stated that the Applicant has put a lot of effort into the water and sewer system planning in order to be sure that the project would work for the area.

There was no testimony in a neutral position.

Testimony in opposition was received as follows:

(CC-18) Larry Murray, 185 Opal Court, Apt 5A, Shelley, ID, stated that he is in opposition of the Application. Mr. Murray submitted Exhibit CC-18A which is from the Bingham County GIS Map. Mr. Murray stated that he moved to the Woodville area in 1959. Mr. Murray stated that he is not anti-progress but that he definitely is pro property rights. As Bingham County has imposed zoning laws upon its residents, the residents are justified in expecting the county government to enforce those zoning laws for the protection of all property owners and that has to be the toughest job and trying to balance the application of the zoning laws so that all property owners have their rights protected.

Mr. Murray stated with this in mind, when a controversial zoning request is submitted, his opposition is not a hard no but rather a conditional no, which is what he would like to do today is discuss the conditions.

Mr. Murray stated that the following regulations are from Bingham County Code Title 10 and that he will be examining three criteria's within his testimony.

Mr. Murray argued that while the property technically meets the current **Residential/Agriculture (R/A)** zoning designation, it does **not** satisfy the broader intent and requirements necessary for rezoning to **Residential (R)** under Bingham County Code Title 10. He urges the Board of County Commissioners to deny the application.

Key Points

- **Compatibility with surrounding properties**
 - The property is surrounded primarily by agricultural and Residential/Agriculture-zoned land, not residential subdivisions.
 - Most nearby properties are one acre or larger, making the proposed smaller residential lots incompatible with the existing neighborhood character.
 - He argues the Snake River serves as a natural boundary between rural and more urban development.
- **Lot size concerns**
 - He contends that residential lots as small as one-half acre are inconsistent with surrounding development.
 - He requests legally enforceable deed restrictions or conditions to permanently guarantee a minimum one-half-acre lot size, stating he does not trust future enforcement by the county alone.
- **Protection of neighboring property owners**
 - He asks that neighboring landowners be financially protected if future development violates the proposed minimum lot sizes.
 - He also requests indemnification for existing well owners if new community wells or increased groundwater pumping cause surrounding wells to fail.
- **Groundwater impacts**
 - Although acknowledging the hydrologist's modeling, he cites local experience showing declining groundwater levels.
 - He testified that a neighboring well has required the pump to be lowered twice in five years and may require a new \$35,000 well if groundwater continues to decline.
 - He believes higher-density development will increase groundwater pumping while reducing recharge from irrigation, further lowering the water table.
- **Agricultural compatibility**
 - He argues higher-density residential development will inevitably create conflicts with existing agricultural operations.
 - He fears complaints about odors, noise, and livestock could eventually force farmers and ranchers to curtail traditional agricultural activities.
 - He requests assurances that existing agricultural uses will remain protected.
- **Traffic and infrastructure**
 - He believes New Sweden Highway is already becoming congested during peak travel periods.
 - He argues additional development should not proceed until the county develops a comprehensive traffic improvement plan, identifies funding sources, and ensures infrastructure costs are borne by developers rather than existing taxpayers.

- **Previous county decisions**

- He notes the Board of County Commissioners previously denied a similar rezoning request despite Planning & Zoning approval.
- He also points out that the current Planning & Zoning recommendation passed only by a narrow 3–2 vote, unlike previous unanimous recommendations.

Conclusion

Mr. Murray concludes that the proposed rezoning fails to meet the standards required by **Bingham County Code Title 10** because:

- The proposed lot sizes are not compatible with the surrounding area.
- The development could negatively impact groundwater supplies.
- It would increase conflicts between residential and agricultural land uses.
- Existing transportation infrastructure is inadequate.
- Future enforcement of proposed development limitations is uncertain.

For these reasons, he recommends that the Board deny the rezoning application.

(CC-19) Gary Mecham, 1539 N 750 E, Shelley, ID, stated that he lives adjacent to the subject property. Mr. Mecham stated there have been concerns in regard to the impact on the existing property owners that live in Woodville and he believes that this proposal will impact on the value of the surrounding properties. Woodville itself has an intrinsic value, primarily it is isolated, and is private, meaning the people that live there can do what they would like. Mr. Mecham stated by putting a subdivision as been discussed and at the high density would decrease the property values.

Mr. Mecham stated one of his main concerns is the impact on the schools and that it is always a comment that there is no comment received from the schools on applications such as this. Mr. Mecham stated part of the Comprehensive Plan for Bingham County is to coordinate with the school districts in the planning for development within the county and not wait until there is a zoning or subdivision application to see if input is received. Mr. Mecham stated the schools are overcrowded and that they have tried to come up with solutions for the overcrowding, but the last one was on the ballot, which would have doubled the property taxes and was defeated. The number one reason the schools are overcrowded is because of these subdivisions that are being approved and he cannot see how the county themselves can continue to provide large numbers of influx into the school system until there is some kind of resolution or coordination between the county and the school district, to be able to address the problem. Otherwise, this problem will get worse and the cost to the constituents in the county are going to continue to increase.

Mr. Mecham stated another concern is to protect prime agricultural land and some can say the subject property is a prime piece of residential land, but this piece of property is as prime agriculture ground that can be found. Mr. Mecham stated its got access to suppliers, can have access for farming, it is flat and land that has been farmed for decades, which has produced agriculture products. Mr. Murray stated by amending the zoning designation and placing the subdivision, will impact the current agricultural services and business that are currently in the area.

Mr. Mecham stated traffic was mentioned and explained his concerns about congestion if there is an increase. There is no place or warrant to provide that kind of traffic density in the subject area of the county. If this subdivision is approved, that congestion will only increase through Woodville.

Mr. Mecham stated that three properties around the subject property are Agriculture, which was not made evident in the way the application was presented.

Mr. Mecham stated one of the problems is that the subdivisions that have been built are not compliant with all of the state regulations. The state requires two things, one being that a minimum pipe size for the sewer collection pipe and the second is a clean velocity for those pipes so that all materials that come into the septic will be washed out into the sewer system.

Mr. Mecham referred to Cedar Estates Subdivision and stated within the first year, there were clogs in the piping, and it was found that most of the design did not meet the clean velocity requirements for sewer systems. Therefore, the pipes have had to be cleaned out at additional and unexpected costs to keep the pipes clean. When North River Estates Subdivision was developed, they bypassed Woodville Water for awhile and went to Eastern Idaho Regional Sewer District who approved the engineering plan. It was built, installed and then advised that the subdivision would need to go to Woodville Water and Sewer District to maintain those lines. When it came to that point, the developers provided Woodville Water and Sewer District with the design and again their sewer system and collection system does not meet the clean water velocity requirements.

Mr. Mecham referred to Idaho Code which states if a sewer system does not meet the clean velocity requirement, whoever takes the system over can accept as long as they sign a letter of acknowledgement, stating they understand that the requirements are not being met and the new owner will provide annual cleaning of all pipes, which can be a huge cost. Mr. Mecham stated with North River Estates, Woodville Water and Sewer has to accept that system and are currently working with Rockwell Homes to figure out who is going to be responsible for cost. Mr. Mecham stated when the sewer system is designed, he would request that all minimum requirements are met.

Mr. Mecham stated another concern is contamination when approximately 200 homes are putting things into the ground such as fertilizer, with no control and providing contamination of the well. Putting a high density amount of homes in the area, there is going to be issues.

Chairman Manwaring asked Mr. Mecham how deep the Woodville Sewer and Water well is, wherein Mr. Mecham stated it is approximately 300 feet. Chairman Manwaring asked what the static level was, wherein Mr. Mecham stated it is approximately 150 to 160 feet.

Commissioner Jackson asked if conditions could be placed on a subdivision that has not come before the Board, wherein Chairman Manwaring stated that cannot be done as there are a lot of unknowns when it comes to the subdivision and that it will be a separate application.

Commissioner Jensen stated there has been testimony provided that the subject property should remain as farm ground and asked if the Applicant was to farm this property, he would not be able to make a living on farming 87 acres. Mr. Mecham stated that he is not an economic expert on farming so he has no idea but there are people that are willing to farm the subject property.

(CC-20) Leeann Wells, 705 E 1550 N, Shelley, ID, stated that she has been thinking a lot about the proposed subdivisions and the comments that have been made in regard to an HOA, wherein she is unsure who would control that. Chairman Manwaring stated that an HOA has a president that resides within the subdivision, along with a vice president and secretary. The HOA will have rules and regulations that are to be followed by the residents within the subdivision.

Ms. Wells stated another concern for her is the traffic and farm equipment, as the area is surrounded by farm ground. Chairman Manwaring stated that the county does conduct traffic counts and speed studies which come before the Board for potential speed limit changes if needed or requested by the public. Chairman Manwaring added that a traffic impact study would be completed in the future, which will help determine if a turn lane is needed into the subdivision.

(CC-21) Michael Miller, 751 E 1525 N, Shelley, ID, stated that he is opposed to the zoning change and development. Mr. Miller stated his concern is that he has seen housing developments down river from his home and heavy equipment is brought in, cut down to the riverbank, and plant grass. Mr. Miller stated that grass needs chemicals or fertilizer. Mr. Miller stated that he has taken photographs and contacted the Army Corp of Engineers and a lot of resources, wherein he was told that what the property owners are doing is not legal, but it was unknown who would take care of the issue. Mr. Miller stated that he has photographs of trash along the river, boat ramps cut down causing runoff into the river. Mr. Miller stated the river is very important and it should be for everyone that lives in Woodville. Mr. Miller stated that the river is being ruined and if there are chemicals or fertilizers going into the river, that will affect fishing, promoting algae and other things that are not good for the water.

There was no further testimony, and the Public Hearing was closed.

Chris Street, HLE, Applicants Representative, provided a rebuttal statement and stated most of the opposition is in regard to the subdivision but the application before the Board today is in regard to the zoning amendment. Mr. Street reviewed the purpose of an "R" designation, close proximity to existing townsites that are contiguous to another "R" or "R/A" zone, which the subject property is; lot size compatible with existing lot sizes in the immediate vicinity, wherein this requirement is met. Mr. Street stated that Mr. Murray was hung up on the zoning of the lots that are against the river wherein the zoning is agriculture but the division right lots are smaller than ag lots and are residential in use. Next, accessibility to municipal services, wherein Mr. Street stated that the Applicant has the conditional approval of ERUs from EIRSD. Mr. Street stated that the numbers discussed within the application are not the final plans for any future subdivision but were used to run calculations. Mr. Street stated that the road is adequate, which is why the traffic counts were conducted. Although there has not been a full traffic study completed, that will be done in the future within the subdivision application.

REASON

The Board held deliberation and based on the entire record; the Board finds the following:

1. The Application met the requirements in Bingham County Code Section 10-15-3, as the Application was submitted by the Property Owner and included all required contents of a complete Application; and

2. The Application met the purpose of the “R” Residential Zone, which is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of areas that are best suited for residential purposes, that have:
 - a. Close proximity to existing Townsites that are contiguous to another “R” Residential or “R/A” Residential/Agriculture Zone. The Board found the subject parcel is contiguous to residentially developed parcels zoned “R” Residential. Additionally, the subject parcel is in close proximity to the Woodville Townsite. Commissioner Jensen stated most properties, if they are Residential/Agriculture, are still used more for Residential Lot.
 - b. Lot size compatible with existing lot sizes in the immediate vicinity. The Board found that the minimum lot size allowed in an “R” Residential zone is ¼ acres; however, the Applicant is requesting a condition zoning amendment with future lot development at no less than ½ acre to be more compatible with the immediate vicinity. The Board found there are several one-acre single-family residential developments in the area but agreed that one-acre parcels can sometimes be difficult to properly maintain.
 - c. Accessibility of municipal services or the possibility of extension of services in the foreseeable future. The Board found the Applicant is committed to providing a new community water system to serve future residential development, which will also provide adequate fire suppression methods approved by the Shelley/Firth Fire Marshal. Additionally, the Applicant has secured a Conditional Commitment to Serve letter from the Eastern Idaho Regional Sewer District to accommodate connection to their sanitary sewer system.
 - d. Compatibility with existing uses in the immediate vicinity. The Board found the Applicant’s desired future land use is single-family development, which is compatible with the vicinity. The area features existing single-family development.
 - e. Adequate service by roadways. The Board found that the Bingham County Public Works Director did not have concerns with the Application. Additionally, Woodville Road (1550 N) has a functional classification of a major collector, and with the initial traffic count data procured by the Applicant, it appears that Woodville Road will be able to facilitate an increase in traffic. 750 E also borders the subject parcel on the west side and appears to be able to facilitate ingress/egress access. Chairman Manwaring added that this matter will be addressed with a future subdivision application.
3. The Bingham County Comprehensive Plan Map identifies the subject parcel as Residential/Agricultural, which supports the Zoning Amendment request; and
4. The Application met the notice requirements of Idaho Code title 67, Chapter 65, and Bingham County Code Section 10-3-6.

Chairman Manwaring stated there was a lot of information provided today but today’s decision is specifically for the zoning amendment.

Commissioner Jackson stated that he was interested in hearing all of the testimony provided in favor and in opposition. Commissioner Jackson stated it is hard to make a decision and protect the property rights of all parties, but he has no questions or concerns regarding the application. When a subdivision application is formally submitted, conditions could be placed to address concerns and meet code.

Commissioner Jensen stated as he listened to testimony today, he thought of Commissioner Carters testimony when he stated that he would be in favor of supporting the application if there was a water study completed to see if there would be an impact, but testimony was provided by a professional stated there would be no impact.

DECISION

Commissioner Jensen moved to uphold the Planning & Zoning Commission's recommendation and approve the Zoning Amendment to "R" Residential for future single-family residential development, with a lot size minimum of 0.50 acres, with a community water system and connection to the Eastern Idaho Regional Sewer District sewer system, as proposed by RR Johnson Real Estates, LLC, located at approx. 775 E 1550 N, Shelley, Idaho. 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 8 day of July 2026.

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


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner

AMENDED CERTIFICATE OF SERVICE TO CORRECT CLERICAL DATE ERROR

I certify that on the 8 day of July 2026, I served a true and correct copy of the Reason & Decision for the request for Zoning Amendment to "R" Residential for RR Johnson Real Estate, LLC, 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: cstreet@hleinc.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Chris Street
HLE



Lindsey Gluch, Commission Clerk