

**BINGHAM COUNTY PLANNING & ZONING COMMISSION
REASON AND DECISION**

APPLICATION OF: Zoning District Amendment from “A” Agriculture to “R” Residential

PROPERTY OWNERS: Rockwell Homes, Inc.

Requested Action: Property Owner and Applicant, Rockwell Homes, Inc., requested to amend the Zoning District designation from “A” Agriculture to “R” Residential to allow for future subdivision development in accordance with Bingham County Code Title 10 Chapter 15 *Amendments*.

The subject parcels, totaling 45.29 acres, are located to the east of 800 E New Sweden Road, Shelley, ID, bordered by established residential subdivisions on the north and southeast borders, adequately served by 800 E New Sweden Road, and have access to utilities. The land is located within the City of Shelley’s Area of City Impact boundaries and will be developed following the County and City’s Area of Impact Agreement subdivision standards. The Applicant states that the location of the proposed development aligns with Bingham County’s objective of promoting residential growth contiguous to existing residential areas and near urban services.

If recommended for approval, a Subdivision Application will be forthcoming at a future public hearing. The Bingham County Comprehensive Plan Map Area has these parcels designated as Residential/Agricultural; this map area supports the desired Zoning Amendment to the “R” Residential Zoning District.

Property Locations: North of 1429 N 800 E, Shelley, ID 83274. Parcel Nos. RP0459016 & RP0459012 Township 1 North, Range 37 East, Section 21, consisting of approx. 45.29 acres

Applicable Regulations: Bingham County Comprehensive Plan dated November 20, 2018
Bingham County Zoning Ordinance 2012-08, as amended

Public Hearing Date: September 10, 2025

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:
 - a. Application and materials submitted by the Applicant; and
 - b. Staff Report, maps, notice, and other materials.
2. At the Public Hearing, Assistant Director/Lead Planner Addie Jo Jackman presented the Staff Report for the Application. She reviewed the requested action and acknowledged that before the Public Hearing, the Commissioners were provided the record of written testimony received, which included:
 - (T-1) Bingham County Surveyor submitted testimony in a neutral position and has no comments or concerns.
 - (T-2) Bingham County Public Works submitted testimony in a neutral position stating no objections to the proposed zone change.
 - (T-3) The City of Shelley City Planner submitted testimony in a neutral position stating the City of Shelley has received the Zoning Amendment Application for Rockwell Homes Inc. They have reviewed the application and have no concerns.
3. After the Staff Report was presented, Commissioner Bingham verified with Ms. Jackman that the School District received a copy of the Notice of Public Hearing with Application details and that no response had been received for this request.

Commissioner Watson questioned whether there was a comment from Road and Bridge, and wanted to know if they would require the road to be redesignated, or if their comments just said it was adequate. Ms. Jackman read Public Works' testimony again for the Commission. Chairman Adams reminded the Commission that comments received were related to the Zoning Amendment and not to the Subdivision. Ms. Jackman confirmed that a Traffic Impact Study had been completed for this project site, but that it would be presented to the Planning and Zoning Commission with the Subdivision Application to be heard in October.
4. With no further questions from the Commission, testimony from the Applicant's Representative (T-4) Niel Humphreys, with Eagle Rock Engineering, of 1331 Fremont Avenue, Idaho Falls, ID, testified to the specifics of the Zoning Amendment. Mr. Humphrey stated that, being close to the elementary school, an existing subdivision to the north, the proximity to the City of Shelley, and availability to connect to water and sewer services, the proposal is in a prime location for new residential development. Commissioner Winder asked if the land to the south of the proposed property was owned by the Applicant, to which it was confirmed that it was not.
5. Testimony in a position of support was not received.

6. Testimony in a neutral position was presented by:

(T-5) Staci Farnan, of 842 E 1425 N, Shelley, ID, testified that her property borders the proposed development on the canal boundary. She expressed concerns with access and whether there will be through access from the proposed development to her property and her neighborhood development. She initially had concerns with water delivery, but was pleased to learn there will be city connections. Ms. Farnan testified she is worried about school capacity. She questioned if there was a way Developers could pay a percentage of the lot price to the County or the City to help with school infrastructure. Ms. Farnan expressed concern about connections of gas lines and shut-off valves. She closed by stating that she and most people in the area are proponents of growth, but not at the expense of hardworking families and farmers or the long-term sustainability of the community, but that Shelley should grow in a positive and thoughtful way.

(T-6) Daniel Baderstadt, of 809 E 1475 N, Shelley, ID, testified he resides in the neighborhood north of the proposed development and is concerned with the City of Shelley's water pressure. Mr. Baderstadt stated he has spoken with the City of Shelley Public Works Department regarding expectations for water pressure if the development is approved. He was told approx. 42 psi and questioned if the Developer would be able to put in a booster station to help with the pressure, or if there were other possible solutions. Chairman Adams asked, with additional building and infrastructure in the area, if that would help or hinder the water pressure for his home? Mr. Baderstadt replied that if nothing was done, it would hinder. However, if improvements were made, it would likely be better.

7. Testimony in opposition was presented by:

(T-7) Tehren Killpack, of 835 E 1425 N, Shelley, ID, testified that he isn't opposed to growth, but he is opposed to this proposal. Mr. Killpack stated that the Application provided that lot sizes would be compatible with what is in the area; he resides on a 1-acre lot. He recognized there are smaller lots north of the Zoning Amendment property, but he was opposed to multi-family dwellings. Mr. Killpack testified that he understood the City of Shelley hadn't annexed the subject property and therefore didn't have water connections to this property, and that the Developers would like to remain in the County jurisdiction. Mr. Killpack also expressed concern about access to the proposed development and whether it is adequate.

(T-8) Alesha Jorgensen, of 832 E 1425 N, Shelley, ID, testified that with an increased number of homes, there will be an increase in pressure on the school systems, septic systems, and well water. Ms. Jorgensen stated she isn't against growth but believes that the number of homes is excessive with multi-family development, and perhaps there are other options for development.

8. With no additional testimony in opposition, the Applicant's Representative provided a rebuttal to the testimony received. Mr. Humphrey stated that he is aware there are concerns

with the future subdivision development and will address what he can at this point. With regard to connectivity to the east, as of now, there are no crossings over the canal. The proposed development will connect to the City of Shelley's water system, just like Copper Meadows Subdivision to the north of the proposed development. Mr. Humphrey's firm and the City of Shelley have been working together on a new booster station to facilitate this development, if approved, and if so, that would need to be completed before the recording of the Final Plat. Sewer treatment will be processed by the Eastern Idaho Regional Sewer District and is already annexed into their service boundaries. The Sewer District has already approved the Subdivision Application for connection, but will need to revisit each phase at the time it is recorded. Mr. Humphrey reviewed that the development is over phases and will take years to fully develop. He also confirmed that the proposed residential development is a single-family development and not multi-family. Lastly, he addressed that the subject property is not contiguous to the City of Shelley and therefore cannot be annexed at this time.

9. With no further questions for the Applicant's Representative, Chairman Adams closed the Public Hearing for this Application and commenced Commission discussion. Commissioner Bingham reiterated that the Zoning Amendment meets the code requirements in that it is close in proximity to town (Shelley), lot sizes are compatible with existing lot sizes in the area (including in the City), connection to municipal services are available, there is compatibility with existing uses, there is protection of incompatible uses, and adequate service by roadways. Commissioner Bingham testified that the location is a good place for growth.

Chairman Adams agreed and emphasized that growth in an Area of City Impact Zone is where that should occur. Commissioner Jolley wished to discuss whether the proposal had adequate service by roadways and confirmed with Director Olsen that a Traffic Impact Study would be required for the dense residential development. Commissioner Jolley acknowledged traffic would be addressed with the subdivision, but with only one additional access to New Sweden and the remainder onto an interior subdivision road of Copper Meadows to the north, he is concerned about safe ingress and egress. With the location of the elementary school and the amount of traffic that currently exists, this development could almost make it un-navigable.

Commissioner Winder testified he was having a hard time separating the Zoning Amendment Application from the Subdivision Application because a proposed Preliminary Plat was submitted with the Zoning Amendment materials. Commissioner Winder reiterated the concern shared by Commissioner Jolley with the proposed dense development and access, and separating those concerns from the Zoning Amendment. Director Olsen responded by stating there is value and weight in the Public Works Director's written testimony. Mr. Whited stated that there is adequate service by roadways for a Zoning Amendment of 45.29 acres, subject to the Application. Mr. Whited is the subject matter expert for the County on road systems. Chairman Adams agreed. In regard

to the comments about density, Director Olsen reminded the Commission that there is a subdivision zoned Residential to the north of the proposed 45.29-acre site, in an Area of City Impact Zone, that contains ¼ acre lots. Commissioner Winder agreed but testified that if the Zoning Application didn't contain a proposed plat, he wouldn't have the concerns that he does at this stage. Director Olsen stated that the submission of the Preliminary Plat is not required with a Zoning Amendment Application, but that if a document is submitted with the Application by the Applicant, she cannot remove it from the record. She also said that the Zoning Amendment and the Subdivision Application would be presented to the Board of County Commissioners at the same Public Hearing at a future date.

Director Olsen advised that the Applicant had intended to hear both the Zoning Amendment and the Subdivision at the same Public Hearing, but due to the Traffic Impact Study taking longer than expected, the Applicant chose to hear the Zoning Amendment first since it was not contingent upon the Study. Chairman Adams agreed and reiterated to the Commission members that a Traffic Impact Study and more information about the subdivision and utilities would be heard next month. Commissioners Watson and Winder testified that knowing both Applications had been intended to be heard at the same Public Hearing helped them understand more about the process leading to the Public Hearing tonight.

II. REASON

The Planning and Zoning Commission found:

1. the Application met the requirements in Bingham County Code Section 10-15-3 as the Application was submitted by the property owners and included all required contents of a complete Application; and
2. the request is to modify the zoning of parcels from "A" Agriculture to "R" Residential for future residential subdivision development;
3. the purpose of the "R" Residential zone is defined in Bingham County Code Section 10-4-2(D). The Commission determined that the request complies with the purpose of this zoning district. The development will:
 - a. preserve desirable residential neighborhood characteristics and prevent overcrowding of the land while encouraging the development of areas that are best suited for residential purposes;
 - b. be approximately 0.25 miles from the City of Shelley;
 - c. be contiguous to land zoned "R" Residential;
 - d. contain proposed lots sizes at less than 1.00 acre which is compatible with the "R" Residential zone. If approved, the proposed residential subdivision development will have each lot served by the Eastern Idaho Regional Sewer District for wastewater treatment and the City of Shelly's culinary water


system. Connections to both municipal/district systems meet the *Area Regulations* of Bingham County Code Section 10-6-6(B)(3) for the desired zone and lot size;

- e. be compatible with existing uses as the Copper Meadows Subdivision is located north of the subject property and is also zoned "R" Residential;
 - f. be located within the Shelley Area of City Impact. The Commission found that the Comprehensive Plan supports subdivision development within this Area where public infrastructure, services, and facilities are available;
 - g. have adequate service to the parcels from existing County roads. In addition, the Application was supported by the County Public Works Director.
4. the Bingham County Comprehensive Plan Map identifies the subject parcels as Residential/Agriculture which supports the Zoning Amendment request; and
5. the Application met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

III. DECISION

Based on the record, Commissioner Winder moved to recommend approval of the Zoning Amendment from "A" Agriculture to "R" Residential on approx. 45.29 assessed acres of land, located north of 1429 N 800 E, Shelley, ID, as proposed by Rockwell Homes, Inc., as presented.

Commissioner Johns seconded the motion. Commissioners Winder, Johns, Bingham, Jolley, and Watson voted in favor. The motion passed.



Stephen Adams, Chairman
Bingham County Planning and Zoning Commission

10-4-25
Date