

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

APPLICATION OF: Conditional Use Permit to Transfer Division Rights

PROPERTY OWNERS: Platinum Real Estate Investments, LLC

Requested Action: Property Owners and Applicants, Platinum Real Estate Investments, LLC, requested to transfer 2 division rights from the remnant of an original parcel identified as the “Sending Parcel” located northeast of the intersection of 700 E Longhurst Lane and 1200 N Baseline at an unassigned address of approx. 710 E 1200 N, Shelley, ID consisting of approx. 24.81 acres, to the remnant of an original parcel, identified as the “Receiving Parcel” located north of 1400 N Country Club Road and southeast of Highway 91 at an unassigned address of approx. 894 E 1400 N, Shelley, ID.

Property Location: Sending Parcel: Parcel No. RP0478019, located northeast of the intersection of 700 E Longhurst Lane and 1200 N Baseline Road at an unassigned address of approx. 710 E 1200 N, Shelley, ID, Township 1 North, Range 37 East, Section 32, consisting of approx. 24.81 acres.

Receiving Parcel: Parcel No. RP0458700, located north of 1400 N Country Club Road and southeast of Highway 91 at an unassigned address of approx. 894 E 1400 N, Shelley, ID, Township 1 North, Range 37 East, Section 21, consisting of approx. 56.73 acres.

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

Public Hearing Date: May 13, 2026

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:
 - a. Application and materials provided by Bingham County; and
 - b. Staff Report and supplemental maps, notice, testimony, and other materials.

2. At the Public Hearing, Planning and Development Services Director 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) Idaho Department of Environmental Quality submitted testimony in the neutral position and provided general recommendations for land development projects.

(T-2) Bingham County Public Works submitted testimony in a neutral position, stating they have no objection to this CUP, however, its approach to Highway 91 already has considerable congestion and long wait times for left turns.

(T-3) Ryan Bybee, Manager of GPOD, 869 E 1400 N, Shelley, ID, submitted testimony in support, stating that he is the General Manager of GPOD of Idaho and that the company owns property directly across the street from the Receiving Parcel. They would support this transfer with the understanding that the zoning on the receiving property and the transferred rights are zoned commercial/industrial of some type and not residential.

Mrs. Jackman clarified that the Applicant provided deeds that were not related to the Application parcels, and therefore, new exhibits were identified in the record. Exhibit A-5 are deeds unrelated to the Application, and Exhibit A-5A are deeds related to the Application.

Commissioner Carter clarified with Mrs. Jackman that there are no restrictions on the use of division rights for either commercial or residential purposes. Mrs. Jackman confirmed that it is correct unless the Commissioners placed a restrictive condition on the future use of the property.

Commissioner Jolley confirmed that the division rights being requested to be moved cannot be used on the receiving parcel, following the Bingham County Code.

3. Testimony was presented by the Applicant, (T-4) Bryan Sargent, a member of Platinum Real Estate Investments, LLC, of 1426 N 750 E, Shelley, ID. Commissioner Bingham questioned what the future use of the receiving parcel would be, and Mr. Sargent replied that there is no planned future use on the receiving property, but anticipated the future use to be compatible with the Light Manufacturing, M1, zone.

There was no testimony presented from the public; therefore, Chairman Adams closed the Public Hearing on this Application.

4. The Commissioners did not express any concerns with the Application, as proposed. Commissioner Winder questioned when division rights were established in Bingham County, to which Director Olsen responded.

II. REASON

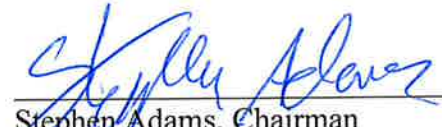
The Planning and Zoning Commission found:

1. the Application met the requirements of Bingham County Code Section 10-14-3(C)(5) as both the Sending and Receiving Parcels are held in the same ownership and are remnants of an Original Parcel; and

2. the purpose of the division right transfer is because the Sending Parcel is proposed to be annexed into the City of Shelley's municipal boundaries; and
3. the Applicant acknowledged that the transfer is to retain the Division Rights on the Receiving Parcel which is better suited for future beneficial use, as an Original Parcel cannot be divided more than four (4) times utilizing Division Rights without applying for a Subdivision, under the current regulations of Bingham County Code Section 10-14-3; and
4. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete. Further, the Commission did not identify concerns regarding the transfer creating a negative effect on neighboring uses on Receiving Parcel; and
5. and 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 Jolley moved to approve the Conditional Use Permit Application requested by Platinum Real Estate Investments, LLC, to transfer 2 division rights from the "Sending Parcel" located at an unassigned address of approx. 710 E 1200 N, Shelley, ID, consisting of approx. 24.81 acres, to the "Receiving Parcel" at an unassigned address of approx. 894 E 1400 N, Shelley, ID, from an "A" Agricultural Zoning District to an "M1" Light Manufacturing District as proposed. Commissioner Bingham seconded. Commissioners Jolley, Bingham, Carter, Thomson, and Winder voted in favor. The motion passed.



Stephen Adams, Chairman
Bingham County Planning and Zoning Commission



Date