

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

APPLICATION OF: Zoning District Amendment from Residential/Agriculture to Residential

PROPERTY OWNERS: RR Johnson Real Estate, LLC

Requested Action: Property Owner RR Johnson Real Estate, LLC requested to amend the zoning of approx. 87.59 acres of land zoned “R/A” Residential/Agriculture to “R” Residential in accordance with Bingham County Code Title 10 Chapter 15 *Amendments*. The purpose of the zoning amendment is for future development of residential properties with a minimum lot size of 0.50 acres, with connection to the Eastern Idaho Regional Sewer District’s sewer system, and a new community water system for culinary use. The Bingham County Comprehensive Plan Map has the parcel designated as Residential/Agricultural, which supports the desired zoning amendment.

Property Location: Parcel No. RP0451626, 775 E 1550 N, Shelley, ID, located west of 795 E 1550 N, Shelley, ID, and east of the Woodville Townsite, Township 1 North, Range 37 East, Section 17, approx. 87.59 assessed acres

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

Public Hearing Date: April 8, 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 Tiffany Olsen 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 Public Works submitted testimony in a neutral position stating there are no issues with the zoning change. Woodville Rd (1550 North) is a major collector

and is posted at 45 mph. Any new approaches must meet current Bingham County standards.

(T-2) Bret Herres, Bureau of Land Management, provided testimony in a neutral position stating that the United States, through the Bureau of Land Management (BLM), reserved a 100-foot-wide strip along the ordinary high waterline of the Snake River for public recreational access and federally authorized recreation facilities.

(T-3) Allan Johnson, PE with the Idaho Department of Environmental Quality, submitted testimony in a neutral position stating that the information provided to DEQ indicates that the future land use will be a subdivision with a proposal for a community water system. Community water systems must be designed, constructed, and operated according to the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08). The developer should contact DEQ for information and direction regarding public drinking water systems. General recommendations for land development projects were also provided.

(T-4) Ron and Tammy Stilwell, of 1535 N 750 E, Shelley, ID, provided testimony in opposition. A summary of their concerns consists of incompatibility with the rural character of the area, loss of agricultural land, traffic congestion, traffic safety hazards, inadequate infrastructure, potential capacity of a community water system, school capacity, property taxes, existing nearby developments, prior denials, and general growth concerns.

(T-5) Gary Mecham, of 1539 N 750 E, Shelley, ID, provided testimony in opposition. A summary of his concerns includes that the proposal does not meet the Bingham County Code or preserve Woodville's rural character. The property is not contiguous with other residential zones, and the proposed high-density lots are incompatible with the surrounding one-acre parcels. Roads cannot support the increased traffic, and higher density poses risks to local water resources. HOA-style restrictions would limit property use, further reducing flexibility. The development is inconsistent with surrounding land uses, infrastructure capacity, and the long-standing rural character of the community.

(T-6) Patty Mecham, of 1539 N 750 E, Shelley, ID, provided testimony in opposition. A summary of her concerns includes that the proposed high-density rezoning adjacent to Woodville would negatively impact existing residents by undermining property values, rural character, and community stability. Additionally, the testimony raises concerns about cumulative impacts to public infrastructure, particularly the Shelley School District.

(T-7) Michael Anderson, representing Woodville Sewer & Water District, of 1537 N 800 E, Shelley, ID, provided testimony in opposition. The District's concerns summarize that the Woodville townsite maintains a similar rural pattern, with average parcel sizes exceeding one acre. It further raises concern that the applicant plans to obtain 118 Equivalent Residential Units (ERUs) from the Eastern Idaho Regional Sewer District,

which would necessitate significantly smaller lot sizes—potentially under one-half acre when accounting for infrastructure.

3. With no questions from the Commission for Staff, the Applicant's Representative (T-8) Chris Street, Professional Land Surveyor with HLE, Inc., at 800 Judicial Street, Blackfoot, ID, testified that the property owner presented a Zoning Amendment Application in 2021 from the Agriculture zone to the Residential zone. He explained that the Application was supported by the Planning and Zoning Commission, based on an infill-type scenario with expansion from the Woodville Townsite, protection from other prime agricultural ground, and with access to the Eastern Idaho Regional Water Treatment Plant line (now Eastern Idaho Regional Sewer District). The Application went to the Board of County Commissioners (BOCC) for a second Public Hearing, where the BOCC found that a Zoning Amendment to the "R" Residential Zoning District, without conditions, could allow ¼ acre lot development. The Board found that ¼ acre lot development would not be supported by the area and denied the request. The Applicant then reapplied with a request from the Agriculture zone to the "R/A" Residential/Agriculture zone; that Application was recommended for approval by the Planning and Zoning Commission and was approved by the Board of County Commissioners.

Mr. Street explained that the current Application before the Planning and Zoning Commission was different from the previously submitted Applications and referred to Staff Exhibit S-5, which was a map of the project site, nearby parcels/lots, and utilities. He testified that since the time of the previous Applications, there are a total of 109 new single-family lots developed in the same corridor as the subject Application (see Exhibit T-8A). Mr. Street also referred to the Copper Meadows Subdivision and referenced areas recently annexed into the City of Shelley (See Exhibit T-8C of Staff Exhibit S-6). Mr. Street testified that most of the annexed lands are owned by Rockwell Homes, and although he hasn't seen a plat, he understands that the majority of the lots will be ¼ acre in size. He also added that there are plans for a new LDS meeting house, which supports the anticipated growth in the area, specifically in the corridor north of Shelley to the Interstate, directly around the subject parcel. He testified that in accordance with the Comprehensive Plan, the goal is to encourage development where residential development is happening and to keep it out of rural areas, with easy access, which is why he considers this an infill area.

Mr. Street explained that with this Application, some concessions have been provided by the property owner to be more considerate of the concerns the Board of County Commissioners had in prior Applications. Mr. Johnson (of RR Johnson Real Estate) is proposing nothing smaller than ½ acre lots, with a preliminary concept to include approximately 118 lots. Mr. Street further explained that in reference to the 109 single-family lots previously discussed, those lots are all about 1.00 acres each, absorbing a lot of farm ground. Mr. Street testified that by having a denser development with smaller lots, community water systems, and community sewer connections, 40 fewer acres will be utilized under this proposal.

With respect to concerns of health and safety, two different sets of traffic counts were provided. Mr. Street explained that one timeframe was during Christmas break, and the other was completed two weeks later during the school timeframe. Both counts yielded far less than what the functional classification of a Major Collector (Woodville Road) should provide for, specifically, 2,600 average daily trips per day. With current data, Woodville Road is essentially being utilized at 32% of capacity; with full build-out of the development at 118 lots, Woodville Road would then be utilized at 75% of capacity. Mr. Street further explained the difference between traffic counts and a Traffic Impact Study and advised the Commission that Public Works requires a Traffic Impact Study at the time of a subdivision proposal when there are more than 100 lots.

Next, Mr. Street explained that there is power, fiber optics, and natural gas available to the property. He testified that the intent is to establish a new community water system, specifically to serve the development, and that the project has received a conditional Commitment to Serve letter for 118 estimated residential units (ERUs) from the Eastern Idaho Regional Sewer District (EIRSD). Both systems will be within the boundaries of the subdivision and will be maintained, operated, and assessed by a public utility company, similar to the Falls Water system in Bonneville County. Mr. Street said that in order to establish the Utility Company, it will cost quite a bit of investment in infrastructure by the property owner/developer, but it will provide each homeowner peace of mind that a professional company will be maintaining and servicing their water and sewer utility systems. Mr. Street commented that this is a unicorn project where he has a client who is willing to develop the land, has the funds to develop, the property is located in an area that already has development, and in a corridor where people should live. He further explained that the reason for a conditional approval is to get the lot sizes down to smaller lots to help pay for some of the infrastructure. Mr. Street said the design isn't prepared yet, but that the cost estimate for the private water system, which includes fire suppression to meet Fire Marshal Adams' requirements, is 2.5 million dollars and the estimate for the sewer system is \$1.6 million.

With regard to the irrigation system, Mr. Street testified that there are sufficient water rights to provide irrigation water to each lot, in a design to be determined. The irrigation system will also be administered by the Utility Company. Mr. Street stated that his client has spent quite a bit of time meeting with various agencies. These meetings typically wouldn't be held until the subdivision process has commenced, which demonstrates that he has given considerable thought, effort, and money to proposing an Application that could be approved.

Lastly, Mr. Street reviewed drone photographs provided by the Applicant on the Courtroom screen, which were Exhibits A-7 and A-7A. Mr. Street highlighted the subdivisions in the area, the nearby subdivision lot sizes, lot sizes across the river towards the City of Shelley, a natural buffer to the east of the subject parcel of conifer trees, present commercially developed properties, an existing fire hydrant at the corner of the subject parcel, and the proximity to the Woodville Townsite. Mr. Street also commented that there is a large parcel north of the Woodville Townsite, zoned "R" Residential, which has yet to be developed, noting that it could be at some point in the future. Mr. Street, again, drew

attention to the Cedar Estates subdivision, consisting of 1-acre lots, featuring underutilized space, supporting the need for smaller lots that may be more manageable by the property owner.

4. Testimony in favor of the Application was received by:

(T-9) Kyle Jones, with HLE, Inc., at 800 Judicial Street, Blackfoot, ID, testified that his professional experience is with public and private water and sewer systems. He has been working with Chris Street and has had multiple discussions with the Department of Environmental Quality (DEQ) supporting municipal connections to EIRSD. Mr. Jones noted that there have been conversations with the Idaho Department of Water Resources as well regarding how to utilize the recent change in legislation allowing the use of residential domestic water and design standards.

(T-10) Kevin Andrews, of 674 E 1550 N, Shelley, ID, testified that he has lived in the Woodville area since 1965. Mr. Andrews stated he likes Mr. Johnson's plan, and it should either be approved as proposed or risk having the property sold to a big corporation that will put in a high-occupancy development. He also wanted the Commission to consider that once the property is developed, it will cut down on the amount of dust coming off the field; with potatoes or grains being grown, when the wind blows, all of the dust drifts to his property.

There was no testimony offered in a neutral position. Testimony in opposition was received from the following:

(T-11) Gary D. Mecham, of 1539 N 750 E, Shelley, ID, testified that he is a member of the Woodville Water and Sewer District Board. He stated that he provided written testimony, which was already in the record, but wanted to address a few more items. Mr. Mecham started by addressing the Woodville Water and Sewer Well Protection Plan, which he explained was developed by DEQ, and in that Plan, three things were identified as dangerous for their drinking water: (1) possible sources of chemicals; (2) control of septic and hazardous waste; and (3) agricultural fertilizers contaminating the system. In that plan, Mr. Mecham testified that it shows the drawdown for the Woodville Water and Sewer District's well, and expressed concerns with residential development impacting them. Mr. Mecham drew on the Courtroom screen showing the location of the water well and the drawdown area; the image was introduced as Exhibit T-11A. Based on his concerns, he recommended a Groundwater Impact Study or further assessment. Mr. Mecham lastly testified that he was worried about wider streets, stormwater disposal, methods of irrigation, homeowner's associations, increased costs of development with the proposal, the number of proposed lots, and the size of lots when developed.

(T-12) Clint Hanson, of 1529 N 750 E, Shelley, ID, testified that Woodville Water and Sewer District rejected connection to its system because it lacks capacity for the number of residential lots proposed to be developed. Mr. Hanson questioned the need for ½ acre lots in the area when nearby development is occurring with a minimum of one-acre lots and expressed his desire to see larger lot size development compatible with the rural area.

He also stated his concern with the existing School District's limited student capacity in Shelley.

(T-13) Larry Murray, of 185 Opal Court, Apt. A, Shelley, ID, testified he was concerned that with a zoning district designation of Residential, there might still be a possibility for the property owner to develop a 0.25-acre lot subdivision. Mr. Murray testified that he is also concerned with an increase in density, correlating that a slum of high-density apartments could lead to blight, which he believed has occurred in the City limits of Shelley. He also explained a traffic situation that occurred near New Sweden Road, correlating density to traffic issues. He expressed worry that if a ½ acre minimum lot size is approved on the property, conditional approval may not be enforced.

(T-14) Mike Anderson, of 704 E 1550 N, Shelley, ID, testified that the discussion of high-density buildings on this property had previously been reviewed by the County and the Woodville Water and Sewer District. Mr. Anderson believed in approx. 90 acres of land, there would be 45, ½ acre lots, which led him to believe there would be a higher density than portrayed in the Application because the Applicant has received approval from EIRSD of 118 ERUs. He testified that there are 61 dwellings/connections in the Woodville Water and Sewer District, and with the anticipated 118 ERUs, a development this size would double the size of Woodville. Mr. Anderson also addressed his concerns about an increase in traffic due to an increase in density.

5. The Applicant's Representative, Chris Street, returned to provide a rebuttal statement and began by stating that the ERUs do equate and that the 90 acres should be multiplied by two, not divided by two, which would provide 180 ½ acre lots, but again, the number of ERUs approved by EIRSD is 118. Mr. Street addressed the testimony that Woodville Water and Sewer District's water system is at or near capacity, which supports the Applicant's position as to why a connection to that system is not being sought. He reviewed current traffic counts and traffic counts with an estimated increase of 118 lots, which yielded that the road would still be functioning at less than capacity, 72% to be exact. Mr. Street asked Director Olsen if her Department would uphold a conditional zoning approval, as requested in the Application. She responded that she would and explained that if a minimum lot size was approved, any future subdivision plat would need to meet the conditional requirements, or it would not be accepted. She also provided an example of a conditional zoning amendment in the Firth area that was similar in that it was approved with an average of 2.00-acre lot development. Commissioner Thomson clarified with Mr. Street that each lot would be a ½ acre or greater (and not an average of a ½ acre in size).

Mr. Street reviewed the specific purpose of a Residential Zoning District found in Bingham County Code Section 10-4-2, and described how the Application meets the requirements as follows:

- It is in close proximity to the Woodville Townsite; and
- It is contiguous to an "R" zone; and
- Lot sizes are compatible with nearby lot sizes (44% lots within a 1-mile radius fall within the "R" zone regulations); and
- The parcel is accessible to utilities (see EIRSD's Commitment to Serve letter); and

- New independent community water system; and
- Compatibility to existing uses, as this is a residential lot development; and
- The parcel is protected from incompatible uses because the Application is for similar development in the area, with Residential zoning compatibility; and
- Adequate service by roadways with access from a major collector (which is the 2nd largest classification of roadways in Bingham County), and that a full Traffic Impact Study would be forthcoming with a Subdivision Application as required by the County Public Works for a development of 100+ lots; and
- That the Applicant has addressed the concerns previously expressed by the Board, and that the project is more of an infill project surrounded by residential development.

Commissioner Winder questioned the lot sizes of the subdivision identified as River Park Estates, to which Mr. Street said were between ½ acre and 1 acre lots, with mixed acreage totals. Mr. Street referred to Exhibit S-5 and showed that the River Park Estates Subdivision was originally one-acre lots, and later was replatted for smaller lots. The image Mr. Street drew on was entered into the record as Exhibit T-8D.

Commissioner Winder testified that he wished the Shelley School District would provide comments on Applications, but questioned the timeframe for build-out. Mr. Street responded that it would be about a year before a Subdivision Application would be presented because it will take time to get through the rezone approval, a Traffic Impact Study, and development design of the water system, etc. If the development is determined to be phased, a Master Plan would be presented as part of the Application submission.

Commissioner Jolley testified that with his experience in building homes in the Cedar Estates Subdivision, one-acre lots are a bit large, with some of the land not being taken care of. Mr. Street agreed and responded that there was careful consideration given to the number of lots and that the intent of the Applicant was not to pound a bunch of ¼ acre lots in the area, but rather, to have more ½ acre lots and some larger lots throughout the development. He provided an example of two-acre lots along the Snake River, similar to Stone River Subdivision, with larger homes and larger lot sizes.

6. With no further questions for Mr. Street, the Public Hearing for this Application was closed. Commission discussion began with Commissioner Carter, who agreed with Commissioner Jolley that one-acre development is a little too big and can be hard to maintain. Commissioner Carter testified that he liked the idea of ½ acre lots in that size could keep the rural nature of the area and may fit better with the ag use, but he did express concern that it may be considered spot zoning, specifically the larger parcel previously approved to be rezoned to Residential north of Woodville. Commissioner Carter concluded by stating the area may not be quite ready for this zoning amendment. Commissioner Jolley testified that he spends a lot of time in the area, noting there is quite a bit of residential development.

Chairman Adams found that the Applicant brought concessions by making utility connections and that the use of the land with a minimum lot size of a ½ acre fits within the area. Commissioner Winder commented that he heard testimony about the number of times an Application for this property has come forward, and the best way to stop that from happening again is to approve it with conditions to fit the area, which would be without ¼ acre lot development. He expressed he has reservations with the amount of building in Shelley with the current capacity of the School District, but if the School District isn't going to be involved in providing testimony, construction will continue to occur. He concluded his comments by finding a balance for both sides of property owners, which is to keep a rural feel without high-density apartments or townhomes.

Commissioner Thomson clarified that nearby subdivisions have not been annexed into the city, with Director Olsen reviewing the immediate area, stating that it would be years before annexation would occur and would require crossing the Snake River. Commissioner Jolley added that the current City of Shelley boundary is near the Copper Meadows Subdivision. Director Olsen illustrated on the Courtroom screen where the locations of the Copper Meadows Subdivision Divisions 1 and 2, the LDS Church parcel, and a recent annexation area that is pending approval by the State Tax Commission were; the image was introduced as Exhibit S-14. With no further discussion from the Commission, Chairman Adams reviewed the elements of Bingham County Code Section 10-4-2, detailing the purpose of zones for the Residential zone.

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 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 Commission 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.
 - b. *Lot size compatible with existing lot sizes in the immediate vicinity.* The Commission found that the minimum lot size allowed in an “R” Residential zone is ¼ acre; however, the Applicant is requesting a conditional zoning

amendment with future lot development at no less than ½ acre to be more compatible with the immediate vicinity. The Commission 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 Commission 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 Commission 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 Commission 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.
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.


III. DECISION

Commissioner Winder moved to recommend approval of the Zoning Amendment of the parcel located at approx. 775 E 1550 N, Shelley, ID, totaling 87.59 acres from "R/A" Residential/Agriculture 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 Estate, LLC based on the fact they meet the code with municipal services and a new water service. Commissioner Tominaga seconded. Commissioners Winder, Tominaga, and Jolley voted in favor.

Commissioner Carter voted in opposition, citing that the parcel is far enough from the City of Shelley and that the proposed development doesn't fit the density for the area, although he likes that the proposal includes sewer and water utilities. He also included that if a Water Flow Study was included in the motion to determine what level of density may impact the neighboring Woodville water system, he could have supported the motion to approve.

Commissioner Thomson voted in opposition, citing that the proposal for the Residential zone included too much density and was concerned with it being too much of a load on existing infrastructure without a mitigation proposal.

The Chairman called the vote with three in favor and two opposed; the motion passed.



Stephen Adams, Chairman
Bingham County Planning and Zoning Commission

4-30-73
Date