

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

APPLICATION OF: Conditional Use Permit for a Breeding Facility for an Elk/Domestic Cervidae (Wildlife Preserve) in an Agriculture/Natural Resource Zoning District

PROPERTY OWNERS: Ruka, LLC

APPLICANT: Broadmouth Canyon Ranch, LLC

Requested Action: Applicant, Broadmouth Canyon Ranch, LLC, requested a Conditional Use Permit to operate a breeding facility for an Elk/Domestic Cervidae (Wildlife Preserve) on approximately 194.67 acres of land, zoned Agriculture/Natural Resource, located in Township 1 South, Range 38 E, Section 30, referred to as the *Goshen Farm Facility*. A Wildlife Preserve is an allowed use in this zone with an approved Conditional Use Permit pursuant to Bingham County Code Section 10-5-3 *Land Use Chart*.

Property Location: Parcel No. RP0558604, consisting of approx. 191.33 acres and Parcel No. RP0558605, consisting of approx. 3.34 acres

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

Public Hearing Date: August 12, 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 beginning of the Public Hearing, Commissioner Jolley declared that at some point before the Broadmouth Canyon Ranch Applications were filed, Mr. Chase Jones, who is part of the Broadmouth Canyon ownership/operation, had called him. Commissioner Jolley explained to Mr. Jones that he was unable to talk about an upcoming Application or land use and referred him to reach out to Director Olsen. Mr. Rogers confirmed with Commissioner Jolley that he did not receive information from Mr. Jones that would affect his ability to remain unbiased. The Commission agreed that this disclosure was not a conflict of interest and allowed Commissioner Jolley to participate in the hearing applications.

3. During the hearing, the Commission discussed the appropriate land use classification for the proposed domestic elk breeding operation. Commissioner Jolley questioned whether a domestic elk ranch fit within the definition of a “Wildlife Preserve,” noting that domestic elk are not considered wildlife in the State of Idaho. Director Olsen explained that her interpretation was made pursuant to Bingham County Code Section 10-5-2(B), which authorizes the Administrator to interpret the appropriate impact for land uses not specifically mentioned in the Code by determining the zoning district in which similar uses are permitted. Based upon that interpretation, Director Olsen determined that the most closely related land use was a Wildlife Preserve and that a Conditional Use Permit was therefore required.
4. Applicant, Rulon Jones, testified that he was also uncertain how a domestic elk breeding operation fit within the Wildlife Preserve land use classification because the elk were domestic rather than wild. He testified that the operation is regulated by the State of Idaho and is in compliance with applicable state regulations. Mr. Jones further testified regarding the history of the property and stated that the owners had been under the impression that the land use was previously allowed.
5. Chase Jones, who manages the property, testified in support of the Application. He stated that his understanding was that the operation had been incorporated into previously approved Conditional Use Permits and that the animals are maintained at the property throughout the year. He further testified that there had been no ingress or egress breaches at the facility.
6. Testimony was also received concerning concerns with fencing and the potential spread of Chronic Wasting Disease (CWD). Rick Thompson testified that his frustrations regarding the operation had been addressed but expressed concern regarding years of non-compliance and the perceived changing of requirements after the fact. Randall Moore expressed concern regarding the breeding facility and the potential spread of CWD and believed a double fence should be required.
7. In rebuttal, Mr. Jones testified that the facility is used for breeding purposes only. The elk are generally raised at the facility until approximately three years of age, at which time they are moved and harvested, unless they are retained longer for genetic or breeding purposes. Mr. Jones confirmed that the facility reports to the Idaho Department of Agriculture and is subject to annual facility and inventory inspections. He further testified that calves are tagged and identified by the end of each year.
8. The Applicant testified that domestic cervidae facilities are subject to a single perimeter fence requirement and that no additional fencing requirements apply to this breeding facility as compared to other domestic cervidae facilities. The Applicant also confirmed that there is no live water at the facility and that water is supplied by a well.

9. Following the closure of the Public Hearing, the Commission discussed the appropriate classification of the proposed use. The Commission considered whether the operation should be classified as a Wildlife Preserve or as a Confined Animal Feeding Operation (CAFO). Commissioner Carter expressed the opinion that the operation could be considered a CAFO. Other Commissioners discussed that CAFOs are defined by animal units and that there is no animal unit established for elk. The Commission also considered the definitions contained in Idaho Code Section 25-3701 and the authority provided under Bingham County Code Section 10-5-2(B) for interpretation of land uses not specifically identified within the Code.

II. REASON FOR DECISION

Based upon the Application, Staff Report, written and oral testimony, evidence presented during the Public Hearing, and deliberations of the Planning and Zoning Commission, the Commission finds and concludes as follows:

1. The Application met the requirements of Bingham County Code Section 10-8-2 because the required contents of the Application were complete.
2. The requested use of a domestic elk breeding farm is a land use not specifically identified within the Bingham County *Land Use Chart*. Pursuant to Bingham County Code Section 10-5-2(B), the Administrator is authorized to interpret the appropriate land use classification for uses not specifically mentioned by determining the zoning district in which similar uses are permitted.

Based upon the evidence presented and the nature of the proposed operation, the Commission finds that a domestic elk farm is most closely related to the "Wildlife Preserve" land use classification as defined in Bingham County Code Section 10-2-3. A Wildlife Preserve is an allowed land use in the Agriculture/Natural Resource Zoning District with an approved Conditional Use Permit pursuant to Bingham County Code Section 10-5-3, *Land Use Chart*. Accordingly, the Commission finds that a Conditional Use Permit is the appropriate land use approval for this Application.

3. The Application met the requirements of Bingham County Code Section 10-8-2(F)(1-4). The Applicant provided a site plan depicting the existing breeding and handling facility, pasture areas, holding pens, traffic access to the property from an existing access off 1200 E, which is a private road, and the locations of parking and granary/feed storage areas.
4. The Applicant verified that the operation of a domestic elk farm is overseen and regulated by the Idaho Department of Agriculture. The Applicant testified that the facility is subject to annual facility and inventory inspections by the State and that calves are tagged and identified. The Applicant further testified that the single perimeter fence is subject to applicable IDAPA requirements and that the State does not require an additional fence for this type of domestic cervidae breeding facility.

The Commission considered testimony expressing concerns regarding the absence of a second fence, the proximity of the facility to neighboring cattle operations, and the potential spread of CWD. The Commission finds that no evidence was presented establishing a County requirement for a double perimeter fence for the proposed use or demonstrating that the proposed facility was required by applicable state regulations to install a second fence. The Commission further finds that the domestic cervidae operation is subject to state regulation and annual inspection.

5. The proposed land use is in conformance with the objectives of the Bingham County Comprehensive Plan. The Commission finds that the use is appropriate in appearance and character for the existing general vicinity and is not unduly hazardous or disturbing to existing or future neighboring uses. The lands surrounding the facility are predominantly undeveloped or agriculturally farmed, with some single-family dwellings located within the rural area.
6. The Application met the applicable notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

III. DECISION

Based upon the foregoing findings and reasons, the Planning and Zoning Commission hereby makes the following decisions:

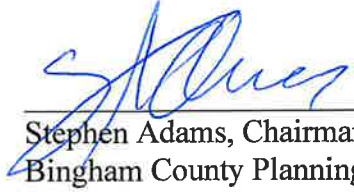
A. Land Use Classification: Commissioner Jolley moved to amend Director Olsen's land use determination and to define the Application as a Wildlife Preserve, to include an "elk farm" within that classification for purposes of consideration of this Application, pursuant to Bingham County Code Section 10-5-2(B). Commissioner Thomson seconded the motion.

Commissioners Jolley, Thomson, Bautista, Bingham, Carter, Johns, Tominaga, and Winder voted in favor of the motion. The motion passed unanimously.

B. Conditional Use Permit: Commissioner Tominaga moved to approve the request by Broadmouth Canyon Ranch, LLC, for a Conditional Use Permit to operate a Breeding Facility for Elk/Domestic Cervidae, classified as a Wildlife Preserve, on approximately 194.67 acres of land located in Township 1 South, Range 38 East, Section 30, Bingham County, Idaho, identified as Parcel Nos. RP0558604 and RP0558605. Commissioner Winder seconded the motion.

Commissioners Tominaga, Winder, Bautista, Bingham, Johns, Jolley, and Thomson voted in favor of the motion. Commissioner Carter voted against the motion, based upon his opinion that the operation should be considered a Confined Animal Feeding Operation (CAFO).

Pursuant to Bingham County Code Section 10-10-2 (A): Any Applicant or any other affected person may file an appeal of the Commission's Decision within fourteen (14) days of the Commission's written Decision once approved in writing.



Stephen Adams, Chairman
Bingham County Planning and Zoning Commission



Date