

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

APPLICATION OF: Conditional Use Permit to Transfer 4 Division Rights
PROPERTY OWNERS & APPLICANTS: Neil Kelley & Sons, LLC

Requested Action: Property Owners and Applicants, Neil Kelley & Sons, LLC, requested to transfer 4 division rights from the remnant of an original parcel identified as the "Sending Parcel" located north of 592 E 1500 N, Shelley, ID, Parcel No. RP0370906, to the remnant of an original parcel, identified as the "Receiving Parcel", Parcel No. RP0371106, located at 564 E 1500 N, Shelley, ID.

Sending Parcel Information: Parcel No. RP0370906, located north of 592 E 1500 N, Shelley, ID. Township 1 North, Range 36 East, Section 13, consisting of approx. 62.62 acres.

Receiving Parcel Information: Parcel No. RP0371106, located at 564 E 1500 N, Shelley, ID. Township 1 North, Range 36 East, Section 13, consisting of approx. 77.45 acres.

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

Public Hearing Date: July 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. 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 the neutral position, stating they have no objections or concerns.

3. With no questions from the Commission, testimony was presented by the Applicant's Representative (T-2) Luke Jolley, Professional Engineer with HLE, Inc., of 800 West Judicial, Blackfoot, ID 83221, who reviewed the Application request.
4. With no questions from the Commission, Chairman Johns called for testimony from the public. There was no testimony presented from the public; therefore, Chairman Johns closed the Public Hearing for this Application.
5. Commission discussion included Commissioner Jolley commenting that the Application seemed very straightforward and the Commission agreed.

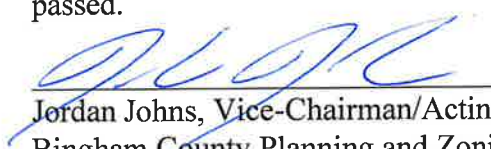
II. REASON

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 eligible for division right transfer; and
2. the purpose of the division right transfer is to create parcels on the receiving parcel for future residential development; and
3. the Applicant acknowledged that 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 the 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 Neil Kelley & Sons, LLC, to transfer 4 division rights from Parcel No. RP0370906 to Parcel No. RP0371106, as proposed. Commissioner Bingham seconded. Commissioners Jolley, Bingham, Bautista, Tominaga, and Winder voted in favor. The motion passed.



Jordan Johns, Vice-Chairman/Acting Chairman
Bingham County Planning and Zoning Commission

7/30/26
Date