

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

**APPLICATION OF:** Comprehensive Plan Map Amendment from Agriculture to Industrial/Commercial and if Recommended for Approval, a Zoning Amendment from “A” Agriculture & “M1” Light Manufacturing to “M1” Light Manufacturing

**PROPERTY OWNERS:** SLT Properties, LLC

---

**Requested Action:** Property Owner and Applicant SLT Properties, LLC requested to amend the Comprehensive Plan Map designation from Agriculture to Industrial/Commercial and amend the zoning from “A” Agriculture and “M1” Light Manufacturing to all “M1” Light Manufacturing for 53.86 acres of an approx. 163.18-acre parcel located South of 1195 N 900 E, Shelley, Idaho pursuant to Bingham County Code Section 10-15-4(c) and in accordance with Bingham County Code Title 10 Chapter 15 *Amendments*. The remainder of the parcel will continue to be farmed, remain zoned “A” Agriculture, and have a Comprehensive Plan Map designation of Agriculture.

The Applicant desired to potentially develop the 53.86 acres into a light manufacturing type development in the future, although the Applicant was not certain what the land uses would be. The Applicant’s Narrative provides examples of uses allowed in the Light Manufacturing “M1” Zoning District such as commercial storage, grain elevator and storage (commercial and non-commercial), fertilizer storage, equipment rental, grain mill, greenhouse, heavy equipment sales, or a lumber yard. It appears the Applicant provided several land uses that are allowed in an M1 Zone from the Bingham County *Land Use Chart*, Section 10-5-3. A copy of Chapter 10-5 is included herein as Exhibit S-16.

The Applicant acknowledged dependent upon the selected land use, there may be additional requirements prior to development such as compliance with Specific Use Performance Standards (Bingham County Code Chapter 10-7), a Traffic Impact Study (Bingham County Road Standards Manual, excerpt included as Exhibit S-17), or potentially a Conditional Use Permit Application.

Property Location: South of 1195 N 900 E, Shelley, ID. Parcel No. RP0492800, T1S, R37E, Sec 3, approx. 53.86 acres of an approx. 163.18-acre parcel.

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

Public Hearing Date: February 12, 2025

## **I. NOTICE OF PUBLIC HEARING**

In compliance with applicable sections of Idaho Code Title 67 Chapter 65 and Bingham County Code Section 10-3-6, Notice of the Public Hearing was provided as follows:

1. Notice was provided by postmarked U.S. Mail or by email to Government Agencies as denoted on Exhibit S-14 and to property owners within 300 feet of the proposed parcels subject to the Application as shown on Exhibit S-15 on January 16, 2025.
2. Notice was also published in the Idaho State Journal and Post Register newspapers on January 16, 2025 (Exhibit S-13).
3. Notice was posted on-site in two (2) locations, one on 1200 N Baseline Road and the other on 900 E Sugar Factory Road and photographs of the project site were taken on January 24, 2025 (Exhibit S-11 and S-12).

## **II. PUBLIC HEARING RECORD AND INFORMATION**

1. The following was reviewed by the Commission:
  - a. Application and materials provided by the Applicant; and
  - b. Staff Report with exhibits; and
  - c. Testimony received prior to the Public Hearing included:

(T-1) Bingham County Surveyor submitted testimony in a neutral position stating she had no comments or concerns with this Application.

(T-2) Bingham County Public Works submitted testimony in a neutral position stating he had reviewed the request and had no concerns at that time.

(T-2A) Bingham County Public Works updated his testimony with supplemental information stating that Public Works reviewed the requested zone change and without knowing the proposed land use their Department had no objections or concerns. However, at the time of platting or when a Building Permit is requested and the proposed land use is known, Public Works will evaluate the impact on the transportation system and determine if a Traffic Impact Study is needed.

(T-3) The City of Shelley, specifically Mayor Pascoe and Council President Westergard, submitted testimony in opposition to the Application. A summary of their testimony includes concerns with the Applicant's failure to show the intended future land use, potential spot zoning, traffic, road maintenance, the safety of kids, and potential nitrate contamination from the previous land use.

(T-4) Erin Cannon, 1148 N 900 E, Shelley, ID, submitted testimony in opposition to the Application. A summary of the testimony includes:

- Amending the Comprehensive Plan from Agriculture to Light Commercial does not align with the long-term goals previously set by the community for growth and land usage;
- The proposed rezoning will have a negative effect on the quality of life and safety of residents living nearby;
- A Light Manufacturing Zone will increase traffic and infrastructure strain; and
- Using the historical M1 zone of the old Sugar Factory as justification to rezone the subject property overemphasizes the past use and diminishes the future possibilities.

2. At the Public Hearing, the Staff Report was presented by Addie Jo Jackman, Assistant Director/Lead Planner. Within the Staff Report, she added that notice was posted on-site in two (2) locations, one on 1200 N Baseline Road and the other on 900 E Sugar Factory Road, and photographs of the project site were taken on January 24, 2025 (Exhibit S-11 and S-12). She was advised by a citizen that the Public Hearing Notice sign on 1200 N had fallen down; she reposted it on February 10, 2025. At the same time, she added a second sign on 1200 N as well, for a total of 3 Notice of Public Hearing signs posted on the subject property.

Chairman Aullman clarified that because the Applicant didn't disclose a specific land use in the Application but rather indicated a land use would likely be one allowed in a Light Manufacturing Zoning District in accordance with the Bingham County Land Use Chart, there may be additional requirements such as Specific Use Performance Standards or possibly a Traffic Impact Study (TIS) required from Public Works.

Chairman Aullman reviewed the City of Shelley's testimony which expressed concern with the potential of increased traffic to Baseline Road. Based on this testimony, he asked for further explanation on when a Traffic Impact Study (TIS) would be required with possible road improvements. Director Olsen referred to a section in the Public Works Road Standards Manual outlining when a TIS would be required as well as one may be requested by the Public Works Director or the Board of County Commissioners. Relative to the subject Application include commercial or industrial development or redevelopment in which the average daily traffic count is anticipated to be 100 or greater trips per day.



Director Olsen referred to Exhibit S-16 within the Staff Report titled *Use Zone Regulations*, which showed the allowed uses in an “M1” Light Manufacturing Zoning District. She further explained that when a land use is allowed, Planning & Development reviews the Specific Use Performance Standards found in Bingham County Code Title 10 Chapter 7 to see if any are pertinent to the desired land use that would need to be followed. Next, Public Works is then notified of the desired approach location(s), anticipated trips/traffic counts for the land use, and reviews nearby intersections and road routes provided by the Developer. The County Public Works Director then determines if a TIS is required. Where this property is so close to the City of Shelley’s municipal boundary, if a TIS is required, the County’s Public Works Director would likely work in collaboration with the City of Shelley’s Public Works Director and potentially ITD with the proximity to Highway 91.

3. With no further questions for Staff, testimony was received from:

(T-5) Applicant’s Representative, Spence Ward, with HLE Inc., 70 W 215 N, Blackfoot, ID, appeared in place of Chris Street with HLE, Inc. who was unable to attend the Public Hearing. Mr. Ward reviewed the Application and Exhibit S-2 which is an aerial map of the subject parcel and surrounding area created by Planning and Development Services. He testified there is a high voltage line that runs diagonally through the property, which is the proposed boundary line of the rezone.

Mr. Ward testified the intent is to rezone the approximate fifty-six (56) acres of land zoned “A” Agriculture to “M1” Light Manufacturing to align with the adjacent parcel of land known as the “Sugar Factory” which is zoned Light Manufacturing. Mr. Ward testified if the zoning amendment was approved, the desired land use would be a storage facility with the potential development of other light manufacturing businesses. He referred to Exhibit S-3, a Zoning Map prepared by Planning and Development Services, which depicted the current zoning designations for the subject parcel and parcels in the surrounding area.

Mr. Ward testified the zoning amendment is compatible with the purpose of a Light Manufacturing zone found in Bingham County Code Section 10-4-2 because the parcel has a ½ mile of frontage on Sugar Factory Road and 250 feet of frontage along Baseline Road, both of which have a Major Collector Road classification. Mr. Ward testified the parcel is compatible with existing land uses in the area adding that desired land use will consist of low population density, have low noise impacts to neighbors as there is not a residential component with storage and a small business park, and has nearby access to Highway 91. Mr. Ward explained utilities are available with a high voltage 2-phase transmission line at the proposed location as well as natural gas, a water line adjacent to Baseline Road and sewer connections within the City of Shelley’s municipal boundaries located adjacent to Park Road.



Mr. Ward testified the parcel has a Comprehensive Plan Area designation of "A" Agriculture recognizing that designation is inconsistent with the requested zoning amendment to Light Manufacturing. If the zoning amendment were approved, a Comprehensive Plan Map Amendment from Agriculture to Commercial/Industrial would be required.

Mr. Ward next addressed mention on social media that there was potential for the land to be turned into a gravel pit, which he confirmed was inaccurate.

Commissioner Bingham asked for a history of the Sugar Factory building. Mr. Ward it was mentioned in the Staff Report that it was established in the early 1900s but he was unaware how long it was in operation before it was closed. Mr. Ward explained the building is currently being used as storage which would be similar to the proposed land use of commercial storage with the present Application. Commissioner Bingham asked Mr. Ward what determined this area to be a great place for an industrial park. Mr. Ward stated that it would not be favorable to add homes under the transmission line that bisects the Applicant's parcel. He also added it could provide an area for businesses and generate revenue for the local economy in the County and the City of Shelley.

With no further questions for the Applicant's Representative, testimony from the public in support of the Application proceeded.

Oral testimony in support of the Application was received from:

(T-6) Kendall Murdock, 1049 W 100 N, Blackfoot, ID, testified he is a local home builder in the area ranging from Pocatello to Rexburg and is the owner of climate-controlled storage facilities, which is unique to the area. He testified that when he evaluated the highest and best use of the property, he first looked at residential development. However, he determined with the high voltage power line near the parcel and the potential of high nitrates on the land from prior land application by Basic American Foods, residential development was not ideal. Mr. Murdock explained although the Sugar Factory building has not been in production as a manufacturing facility for roughly fifty (50) to sixty (60) years, it's current use is a storage facility. Mr. Murdock testified his intention would be to build storage units to the south of the Sugar Factory building. If the demand for storage units wasn't high enough to develop all fifty (50) acres for storage, he would sell portions of the property for the next highest and best use. He recognized that a heavy industrial park would be scary to the neighbors as well as potentially impact his business negatively, and that is not his intent.

Commissioner Winder asked what the impacts to adjacent landowners and possible reductions of property values would be. Mr. Murdock testified there is already the Sugar Factory building which Commissioner Winder stated was non-operational. Mr. Murdock continued by stating that he didn't think a number or percentage could be derived as he hasn't seen an appraisal that factors the distance from storage units to residences which yields a detrimental decrease in home values. Commissioner Winder asked Mr. Murdock what the approximate property acreage of his existing storage facilities were to which Mr. Murdock replied was ten (10) acres.

Chairman Aullman referred to a letter from the City of Shelley which included concerns about water and sewer service. Mr. Murdock responded that storage units do not require water or sewer service. Mr. Murdock added that if there was development of two (2) to three (3) acre parcels for business use, those parcels may be eligible for individual wells and septic systems.

(T-7) Scott Searle, 959 E 1400 N, Shelley, ID, testified he is the landowner of the subject property and explained the Shelley area has experienced a lot of residential growth. Mr. Searle testified that he is a farmer and has found it difficult to farm the area subject to the Application and that he has received complaints about dust. Mr. Searle testified that with the adjacent ten (10) acres already zoned Light Manufacturing, allowing the fifty-three (53) acres to be rezoned would provide a higher value and balance to the City of Shelley.

(T-8) Tyler Harker, 897 E 1200 N, Shelley, ID, testified he was in support of the Application and acknowledged that farming isn't easy with a lot of farm ground being diminished and an increase in housing. Mr. Harker testified there are storage units to the North and West of Shelley and with the high-power transmission line's location, it creates some of the property to be non-farmable. He reiterated he was in support and did not see a negative impact with the proposal.

(T-9) Justin Searle, 944 N 570 E, Firth, ID, testified that he is a business partner with his dad, Scott Searle. Mr. Searle testified that the ground is very difficult to farm and the irrigation pivots can't do a full circle, which makes it costly and ineffective. Mr. Searle wanted the Commission to look at this Application as a local business owner and consider what potential a zoning amendment could bring to the area.

(T-10) Dallas Critchlow, 2806 Hunters Loop, Blackfoot, ID, testified that he tried to move to Shelley about a year ago and wasn't able to find storage opportunities like this Application presents. Mr. Critchlow testified the requested zoning amendment and potential land uses were needed more so than residential development.



(T-11) Scott Chappell, 96 N 100 W, Blackfoot, ID, testified that he had spent a lot of time working in the Shelley area in previous occupations and that he served on the Planning and Zoning Commission. In his service on the Planning and Zoning Commission, he voted against an Application that met all the code requirements, was faced with difficult discussions, and was personally liable for doing so. Mr. Chappell asked the Commission to consider the landowner's rights. He believed light manufacturing and storage units are more neighbor-friendly and easier to tolerate than other land uses such as a pork production facility or a spray field. Mr. Chappell concluded his testimony by stating he supported industry coming to the area and the opportunity for good-paying jobs.

Oral testimony in a neutral position to the Application was received from:

(T-12) Randy Adams, 924 E 1400 N, Shelley, ID, testified he is the Fire Chief in Shelley. Mr. Adams testified more small businesses in the area of the City of Shelley are needed as the land within the city limits has been used for apartments and residential living. Mr. Adams runs a volunteer Fire Department in Firth and Shelley and would appreciate the addition of small businesses in the area to help keep employees local. He added that most residents work out of town, which limits the volunteers who can provide emergency medical services and protect homes in the event of an emergency.

Chairman Aullman asked where the next closest light manufacturing area was located and Mr. Adams said there were a few businesses on State Street with the majority being located to the North of City limits.

(T-13) Dallin Worthington, 685 W 300 S, Blackfoot, ID, testified there aren't light manufacturing zones around the City of Shelley and perhaps this could be the right location. Mr. Worthington verified with the Planning Staff that storage units can exist on lands zoned Agricultural with a Conditional Use Permit.

Oral testimony in opposition to the Application was received from:

(T-14) Jeff Kelley, 740 Aspen Ave., Shelley, ID, testified he is a member of the Shelley City Council and is speaking on behalf of the City. Mr. Kelley testified typically there is at least a one-half mile of impact zone dedicated area around the City of Shelley, however, that was not the case along the City's southern border. He explained that the property under consideration was located 435 feet South of the City limits of Shelley and was not within an Area of City Impact. Mr. Kelley believed the Light Manufacturing zoning designation of the Sugar Factory property and part of the subject property was very curious as the triangular piece of land follows the old railroad tracks on the southern side.

He testified that the Zoning Ordinance predates 1966 and believed it to be no longer valid under the current Comprehensive Plan. Mr. Kelley provided a brief history of the Sugar Factory building and that it is currently a supply storage unit for the Army Surplus Warehouse.

Mr. Kelley believed that expanding the Light Manufacturing zone across 53.86 acres would violate the current Comprehensive Plan and be considered spot zoning.

Mr. Kelley testified he was concerned the Application did not have an intended use for the property and that raised more questions, such as potential use as a gravel pit. Furthermore, he testified it has come to the City's attention that the property may be turned into an industrial park and added that the City intends to develop an Innovation Park in the City of Shelly with CEI and the University of Idaho, which seemed like a more compatible use in the City. Mr. Kelly testified that approving the Application would open Pandora's box and undermine the value of residential homes within the area and the City of Shelley.

When asked why the land wasn't included in the City of Shelley Area of Impact, Mr. Kelley responded the City has been working with the County Commissioners for years on trying to negotiate the Area of Impact and this was an area the City Council intended to include in the Impact Area. Mr. Kelley added because there isn't any sewer or water availability from the City to the South, he understood that was the reason why this area wasn't included in the Area of Impact.

Commissioner Winder asked Mr. Kelley what the difference was between this Application and the location of the Golden Valley Jerky Plant located towards the northern end of the City of Shelley. Mr. Kelley responded the Jerky Plant had accessibility to the highway and interstate, which supported the truck traffic and the roughly 230 employees, and was located in a desirable area. Mr. Kelley added that one of the problems with the subject location is that the roads are only twenty-four (24) feet wide instead of seventy (70) feet wide.

Chairman Aullman asked Mr. Kelley if the testimony heard expressing the intended land use of storage units and other light manufacturing uses was helpful in addressing some concerns raised by the Mayor and City Council. Mr. Kelley testified he felt it further complicated his position. He reiterated that a zoning amendment would violate the Comprehensive Plan as well as change the density.

Mr. Kelley submitted two (2) pages of his Narrative which was entered into the record as Exhibit T-14A.



(T-15) Blayze Harker, 680 E 1100 N, Shelley, ID, testified in opposition to the rezone and provided two maps, one of the current zoning designations and one of the 2018 Comprehensive Plan which were entered into the record as Exhibit T-15A & T-15B.

(T-16) Dr. Daniel Hodson, 884 E 1100 N, Shelley, ID, testified that he owns approximately thirteen (13) acres of land West of the proposed zoning amendment. Dr. Hodson referred to the Exhibits provided by Mr. Blayze Harker and explained that Exhibit B (T-15B) depicted the absence of an "M1" Light Manufacturing zone in the 2018 Comprehensive Plan in the area as the nearest industrial zoning area is located North of the City of Shelley. Furthermore, Exhibit A (T-15A) shows the zoning in which the location of the small triangular area is the only parcel zoned "M1" Light Manufacturing. He stated it is believed that the triangle shape of "M1" zoning is due to an old railroad line that existed before 1966 which is when the County's Ordinances were enacted. Dr. Hodson testified that further expansion of the area is not anticipated by the current Comprehensive Plan and questioned if the manufacturing land use of the Sugar Factory property had been abandoned, why the County was preserving the "M1" zoning status.

Dr. Hodson testified the Comprehensive Plan showed the intent for this area was agricultural, which he believed was being violated by the pre-existing non-conforming use of the Sugar Factory property, and he questioned why manufacturing would be inserted into an agriculture area. Dr. Hodson by allowing the zoning amendment would be opening the door to everything that's allowed under the Zoning Ordinances in an "M1" zone which will have an impact on roadways. Dr. Hodson testified that the area consists of a cemetery, churches, residences, agricultural, and rural development, and expanding this parcel into a big commercial hub would not be consistent with what was intended in the area. Dr. Hodson believed that residential development seems to fit better with the Comprehensive Plan and the purpose of the area.

(T-17) Isabelle Harker, 680 E 1100 N, Shelley, ID, testified in opposition to the rezone and provided Policy D3 from the Comprehensive Plan as well as a map of the area which were entered into the record as Exhibits T-17A & T-17B.

(T-18) Emily Hodson, 884 E 1100 N, Shelley, ID, testified that she agreed with testimony provided by Mr. Kelley and her husband, Dr. Hodson. Mrs. Hodson testified she recently met with a local land use attorney who assisted her in pointing out some facts that were included in Dr. Hodson's testimony. Mrs. Hodson testified the current Comprehensive Plan governs what is supposed to be done by the Planning and Zoning Commission. Mrs. Hodson was concerned that SLT Properties did not declare their future intent on the property and although the intent was provided in previous testimony, she believed it was vague and could potentially allow seventy-five (75) different land uses and fifty-six (56)

different land uses which are conditionally allowed in a “M1” Light Manufacturing Zoning District. Mrs. Hodson did not believe the benefits or risks could be calculated without knowing the intended land use. She testified although the Applicant listed some of the most innocuous land uses in their Application, some of the most dangerous land uses such as a chemical distribution center and storage or geothermal oil and gas development may exist if the zoning amendment were to be approved.

Mrs. Hodson referred back to Mr. Murdock’s testimony where he stated the largest acreage for his existing storage units was ten (10) acres and questioned what would happen to the other forty-three (43) acres included in this Application which could bring multiple buyers and land uses. Mrs. Hodson brought up several potential impacts to the area, such as the need for a DEQ study, traffic of 18-wheelers coming in and out of the property, and whether the land uses would require a Traffic Impact Study. Mrs. Hodson also stated the Application ignores Policy D3 of the Comprehensive Plan as it states to “*encourage industrial and commercial growth in the county, but ensure it is not at the expense of the quality of life of its residents. The “use and enjoyment of property” should be protected.*” Mrs. Hodson gave emphasis to bullet point number three which states “*is this compatible with surrounding land use?*” Mrs. Hodson stated the expansion of a pre-existing, non-conforming use zoning is certainly not compatible with surrounding uses. She testified that the Comprehensive Plan shows the County never planned or anticipated this area to be manufacturing. She ended with this Application violating Policy D3 of the Comprehensive Plan, specifically bullet points 3, 4, 5, 7, and 8.

Commissioner Butler asked Mrs. Hodson what she would consider compatible. Mrs. Hodson responded Agricultural or Residential/Agricultural Zoning Districts as land can be farmed with a home on the parcel. Mrs. Hodson testified she has had multiple people reach out to her inquiring about purchasing her property to build homes and those individuals have not seemed to be bothered by the nearby Sugar Factory building. She also stated this area is a beautiful part of Shelley with people who have built homes and who want to feel safe with their children and was concerned this zoning amendment would bring in more traffic on the already narrow roads.

In regards to the existing agricultural land uses across the street, Commissioner Winder asked Mrs. Hodson if she would have the same feelings if the land use were to be a pig farm. Mrs. Hodson testified she is a rule follower and if a pig farm was an allowed land use, she wouldn’t have an objection.

(T-19) Roger Steele, 895 Kelly Dr., Shelley, ID, testified that he lives on the end of Sugar Factory Road and believed the roads were not fit for heavy traffic as he had witnessed car



accidents in his yard. Mr. Steele testified the County and City boundary line is right down the middle of the road and because of this, the area is not well monitored by the police. Mr. Steele raised concerns that if the zone change is approved, his property would be devalued. Mr. Steele concluded his testimony by stating he agreed with Mr. Kelly's testimony.

(T-20) Karen Peterson, 874 E 1100 N, Shelley, ID, testified that she was supportive of previous testimony provided in opposition and stated that she was in opposition to the rezoning from Agricultural to Industrial. Ms. Peterson testified the area surrounding this proposed rezone currently consists of residential, agricultural, and rural development with a cemetery, churches, and homes in close proximity. She testified that introducing an industrial park or commercial zone in the area would lead to increased noise, air pollution, and higher traffic volumes, which the road system is not designed for. Ms. Petersen reiterated that if the zone change was approved, it would force industrial and commercial activities into areas consisting of residential development. She testified the industrial zoning for the Sugar Factory property was a result of a small portion of railroad spur which had since been removed and was never intended to expand and questioned how much further the requested zoning designation may expand into an area that is clearly incompatible.

She stated there is a potential for property values to decrease and expressed there is a need for more residential space and this is a prime location. She reiterated that this change would bring heavy traffic, especially large commercial vehicles, onto roads that are not built to the standards for commercial use. Ms. Peterson testified that double lines are not in place to prevent vehicles from passing nor are there designated passing zones on many of the roads surrounding this area. She stated that families and schools rely on the safety of these roads and that the Bingham County Road Standards Manual states that standard County Roads have twenty-four (24) feet of asphalt with a two-foot shoulder on each side. She recalled there was previously a proposed ethanol plant that was close to being put in this area near the railroad tracks and that this land was still for sale.

Ms. Peterson provided two (2) pages of the testimony she read which was entered into the record as Exhibit T-20A.

(T-21) Jim Cotterell, 780 E 1200 N, Shelley, ID, provided a one-page Petition in opposition to the Application which was entered into the record as Exhibit T-21A.

Mr. Cotterell testified that he owns three lots in the area and has a vested interest in the value of his property. He believed a change to an industry zoning district in the proposed area was never planned and the roads were not developed to handle that type of activity. Mr. Cotterell testified the property was purchased less than two (2) years ago as agricultural

property and the intent to change the zoning was to make a profit, which would be at the expense of the neighbors.

(T-22) Gretchen Cotterell, 780 E 1200 N, Shelley, ID, testified that she and her husband purchased the land to build their dream house with the confidence that the County and the City would take care of their property rights. She agreed with concerns previously expressed by the Hudsons, Mr. Kelley, and her husband, Jim Cotterell. She testified that if Baseline Road were expanded, it would reduce the size of her property, the cemetery, and the many yards that are along Baseline Road. She explained that when there is a funeral, many people park along the fence and the road in front of the cemetery, adding that when it's snowy, there is no place for people to park.

Commissioner Bingham asked if the existing cemetery was in the City limits or in the County and where it was located in relation to an Area of Impact. It was determined that the City of Shelley's Area of Impact did not extend South across Baseline Road and that the cemetery was located in the County.

(T-23) Tiffany Jones, 894 E 1100 N, Shelley, ID, testified that she was presenting testimony to the Planning and Zoning Commission on behalf of Albert Seefried, a concerned local resident who opposed the Application. Ms. Jones read that the Sugar Factory building was built in 1917 by U and I Sugar Company to receive sugar beets grown in the immediate area, which were stored there before the beets were processed or shipped. She said the property had been serviced by the railroad, which was the cause for the current boundary of the "M1" zoning designation. Furthermore, the property is currently being used as a storage facility by Army Surplus for the retail outlet located in Bonneville County. Although this area is currently zoned M1, it is suitable for farming and has been used in that capacity by the current and prior owners for the past four years. The irrigation pivots were installed by the previous owners, and before that, the farm ground was flood irrigated, which is the portion of ground being labeled as waste ground. Other farms with irrigation pivots have elected to use hand lines or solid sets to irrigate their waste ground and believed that this full parcel is farmable and has no terrain or rock outcroppings not suitable for farming. The historic use of this property and the vast surrounding areas are agricultural and any further development would create a non-compatible zone. The testimony referred to Bingham County Code Section 10-4-2(B) which states; *Promote the public health, safety, and welfare by encouraging the protection of viable farm land, in accordance with the Comprehensive Plan, to encourage urban density development inside cities and in areas of City impact; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the Local Land Use Planning Act, Idaho Code section 67-6501 et seq., as amended.*



Ms. Jones read that Mr. Seefried was concerned the Applicant did not specify the intended use but rather ten (10) types of uses were provided that are allowed in an “M1” zone; that Bingham County Code Section 10-5-3, *Land Use Chart*, specifies seventy (70) types of land uses allowed in an “M1” zone, many of which are not friendly with nearby residential areas such as a bar, lounge, nightclub, meat packing, auto auction, livestock auction, and distillery. Bingham County Code Section 10-6-6(B)(5) states the minimum lot size in an “M1” zoning district is 1-acre. Because of this, Mr. Seefried was concerned there was a possibility of fifty-three (53) different land uses or property owners. Bingham County Code Section 10-4-2(G) provides additional factors regarding the “M1” zone which include the parcel being serviceable by major roads and in a location that minimizes potential traffic problems; these factors could be estimated because of the unknown projected land use, the resulting traffic, the number of potential lots within the fifty-three (53) acres, and how many lots would have direct access to County Roads. Mr. Seefried questioned if an additional traffic lane and/or stoplight would be required. The traffic resulting from the Army Surplus inventory storage is ten (10) vehicles or less per week. Mr. Seefried referenced Bingham County Code Section 10-4-2(G) which states an “M1” zone should be compatible with existing uses and protected from residential uses.; the land to the East, South, and West is zoned Agricultural with the North being highly residentially concentrated or zoned Agricultural. Mr. Seefried’s testimony provided that the proposed parcel contains fourteen (14) acres of land zoned “M1” and adding thirty-nine (39) acres to this would be substantial, creating a non-compatible zone for the adjacent residential and agriculture parcels.

Ms. Jones provided two pages of signatures on a Petition in opposition to the Application which was entered into the record as Exhibit T-23A.

(T-24) Jason Cannon, 1148 N 900 E, Shelley, ID, testified that he lives adjacent to the parcel described in the Application, which would directly impact him, and he was opposed to the request. Mr. Cannon believed this Application conflicts with the Comprehensive Plan, which was set by the community for controlled and responsible growth and to ensure thoughtful land use that aligns with the needs of residents. Mr. Cannon referred to Comprehensive Plan Policy D3, which states “use and enjoyment of property should be protected.” Mr. Cannon testified that one of the purposes of the Comprehensive Plan is to control negative impacts such as, but not limited to, noise, odor, dust, vibrations, etc. He believed that rezoning this land to an industrial use directly conflicts with these guiding principles. Mr. Cannon referred to the Application materials which stated the need for an amendment to the Comprehensive Plan to Industrial/Commercial for a portion of the parcel. He stated that rezoning this parcel wouldn’t just impact the proposed 53.86 acres but rather the entire Comprehensive Plan.

Mr. Cannon stated that this parcel is directly adjacent to the City of Shelley limits, an area where residential growth would be the most logical and compatible. He believed allowing industrial encroachment into this area would be shortsighted and not in line with the community's vision for the future. The introduction of an industrial operation would make this area less desirable, leading to property devaluation and financial losses for current residents. Additionally, it would eliminate future residential growth, and have a negative environmental impact. Mr. Cannon understood the Idaho Department of Environmental Quality had already outlined necessary permits and controls, however, he was concerned that even with regulations, industrial operations are known to generate excessive dust and air pollution. Such exposures pose serious respiratory risks, particularly for children, the elderly, and individuals with asthma or other lung conditions. Mr. Cannon was concerned that industrial activities could potentially contaminate groundwater, which would put local wells and drinking water sources at risk. He referred to residential wells running dry roughly three years ago, resulting in deeper wells needing to be dug.

Mr. Cannon raised concerns about the proposed rezone bringing a significant increase in heavy truck traffic to local roads, a higher risk of accidents, increased wear and tear on infrastructure, and the potential for costly road maintenance, which would fall on taxpayers. He testified the roads are not currently designed for this level of industrial traffic and believed the strain could create dangerous conditions for school buses, cyclists, and everyday commuters. Mr. Cannon referred to Idaho Code Title 40 which states highways, bridges, and county roads must be maintained to ensure public safety and convenience. Mr. Cannon expressed that the increased industrial traffic threatens to compromise the intended use of these roads and would burden the County's responsibility to provide safe and accessible infrastructure for all residents.

Mr. Cannon testified the quiet rural lifestyle residents moved here to enjoy would be disrupted by the constant operation of industrial sites and relentless noise pollution from trucks and heavy equipment, which has been linked to stress, sleep disturbances, and an overall decline in mental well-being. He testified this would permanently alter neighborhoods' character and replace tranquility with industrial chaos. Mr. Cannon was concerned approving the Application would set a precedent for further industrial expansion into the community and would allow industrial zoning to creep into Residential and Agricultural zones. He also questioned what this rezone would offer to the residents of Bingham County as there would not be public amenities, substantial job creation, or enhancement to quality of life. Mr. Cannon concluded his testimony by stating he is not opposed to growth and development but that this request appears to benefit a single landowner.



(T-25) Faye Goodrich, 1090 N 900 E, Shelley, ID, testified that she spent three days obtaining signatures of individuals on a one-page Petition in opposition to the Application which was entered into the record as Exhibit T-25A.

(T-26) Travis Siewert, 962 E 1100 N, Shelley, ID, testified that he is a homeowner, horseman, and amateur homesteader. Mr. Siewert chose his property's location based on what it had to provide and everything that could be done there and added that manufacturing was not part of the decision-making process. He was concerned about the property being sold to other purchasers as well as the potential of seventy (70) different land uses.

Mr. Siewert submitted two pages for the record as Exhibit T-31A, which included four (4) names of individuals who signed the document (Jamie Mosley, Travis Siewert, Tanys Searle, and Nick Searle).

(T-27) Albert Jones, 894 E 1100 N, Shelley, ID, provided two pages of signatures on a Petition in opposition to the Application was entered into the record as Exhibit T-27A.

(T-28) Brad Higby, 761 S Park Ave, Shelley, ID, provided a map of a well-designed Industrial Park known as the Bingham Industrial Park which was entered into the record as Exhibit T-28A. Mr. Higby testified that his main concern was traffic and that it seemed the Comprehensive Plan was designed with the intent for safety in our communities. Mr. Higby referred to the Bingham Industrial Park and the location being on the Rose Road and Interstate 15 interchange, which allows for proper flow of traffic without any strain on the residential areas or roads and meets the criteria for a commercial business park.

Mr. Higby testified that an "M1" zone should be located along a highway or interstate, as dictated by the Comprehensive Plan, and that the property in question is located across from residential houses and borders the City of Shelley. Mr. Higby testified he lives on Park Ave in the City of Shelley and did not believe the truck traffic would travel on Baseline Road but rather on Park Avenue, causing him concern with the young families living in the area and the children who play on the sidewalk. Mr. Higby testified he has seen accidents on the corner which is difficult for trucks to manage. Mr. Higby explained he was a builder for forty-five (45) years and is not opposed to growth and understands it is important but could not remember a time when public safety was sacrificed for opportunity. He testified he was opposed to the zone change simply because there is no control over what may come to the area. When he was a builder, he was involved in meetings and presentations, considered what was best for the community, and welcomed input. Mr. Higby believed the Application is not transparent, which has caused him to believe there is something else they are trying to accomplish on the fifty-three (53) acres.

(T-29) Lauren Yearsly, 1171 N 1100 E, Shelley, ID, testified she agreed with concerns of safety previously covered by Mr. Higby and pointed out the Comprehensive Plan, Policy E7 *Industrial Separation* states to “provide good isolation or separation of industrial operations from residential areas.” Ms. Yearlsey referenced the maps and evidence presented showing the proposed Zoning Amendment bordering schools, churches, cemeteries, and homes that would have no separation.

(T-30) Terry Morrison, 210 Moonlight Dr, Shelley, ID, testified the Application was inappropriate and inconsistent with the County's Comprehensive Plan and would cause a negative impact on the community including traffic issues, environmental harm, declining property values, and safety issues relating to a public library, a public park, and an existing elementary school. Based on these concerns, Mr. Morrison strongly urged the Commission to decline the Application.

Mr. Morrison provided two pages which consisted of three separate statements of individuals who are in opposition to the Application, entered into the record as Exhibit T-30A.

(T-31) Al Seefried, 946 E 1100 N, Shelley, ID, testified in opposition to the Application and expressed concerns that over seventy (70) land uses are allowed in an “M1” zone which could result in some objectionable uses. Mr. Seefried referred to testimony heard from Mr. Murdock (Exhibit T-6) who indicated he intended to develop about ten (10) acres of the property leaving forty-three (43) acres to potentially be sold; selling the remaining acreage may result in many uses not acceptable for the immediate area. Mr. Seefried testified he had concerns with the intersection of Baseline Road and Highway 91, which is approx. a 60-degree turn, and would have to be redesigned to accommodate heavy truck traffic. He said currently trucks are not able to stay in their lane to turn which has caused big divots in the corner.

Mr. Seefried provided two pages of signatures on a Petition in opposition to the Application which was entered into the record as Exhibit T-31A.

(T-32) Steven Wells, 964 E 1100 N, Shelley, ID, testified that he worked at the Idaho National Laboratory (INL) for forty (40) years, and driving down Baseline Road he has witnessed slow trucks getting passed by people in a hurry almost causing head-on traffic accidents. Mr. Wells testified that this road was not made to handle adding more traffic, especially with children in the area.



Mr. Wells provided two pages of signatures on a Petition in opposition to the Application which was entered into the record as Exhibit T-32A.

(T-33) Patricia Neilson, 914 E 1240 N, Shelley, ID, testified that there is no traffic light between Baseline and Highway 91. She explained that the closest intersection with a traffic light is located on 1<sup>st</sup> Street, which is a nice wide road, has a 90-degree angle, and is much safer but not where truck traffic belongs as that is also where the elementary school is located. Ms. Neilson testified she knew of one fatal accident on the highway as well as a cyclist being sideswiped and believed that there would need to be major road improvements made to accommodate an industrial park.

(T-34) Angela Miller, 860 S Milton, Shelley, ID, testified that she has been in the building industry for the last twenty-five (25) years. In her experience, she had seen storage units go up, traffic resulting from twenty-four (24) hour access, and bright security lights that are brought to the area with such land use. Ms. Miller testified she was concerned that traffic would come through town with trucks, trailers, and boats. Ms. Miller did not think that this location was a good area for the proposed Application.

(T-35) Kent Dyet, 600 E 1500 N, Shelley, ID, testified that he lives in Woodville but his mother lives across from the Sugar Factory property. Mr. Dyet worked at the Sugar Factory in high school and has seen many stages of operation and owners of the building. Mr. Dyet testified that with all of the new residential and commercial growth coming to Shelley, he believed that Shelley needed to grow residentially to the South and that industrial facilities needed to grow North of Shelley. Mr. Dyet was unsure of the need for other storage unit facilities as a friend of his has roughly 50% occupancy available at his storage facility. Mr. Dyet gave a brief history of the Sugar Factory building which included the property being used as a beet dump with up to ten (10) truckloads a day. Mr. Dyet testified he has also observed truck traffic traveling on Park Ave and added that the intersection on Highway 91 and Baseline is tough for trucks to make a turn.

Mr. Dyet provided a one-page Petition in opposition of the Application which was entered into the record as Exhibit T-35A.

4. With no further questions, Mr. Ward returned to the podium for rebuttal testimony on behalf of the Applicant. Mr. Ward stated he grew up in the County so he understood and empathized with the concerns expressed by the community. Mr. Ward testified although the Application was vague, the future cannot be predicted but that property rights should be protected. Mr. Ward reiterated the rezone request to "M1" Light Manufacturing is a bit different than the Bingham Industrial Park development mentioned on Rose Road, which is a heavy commercial park. Mr. Ward explained that storage units were planned for a few acres and it may be possible for a few acres to be sold off, but the Application being

considered was for a Zoning Amendment and Comprehensive Plan Amendment. In closing, Mr. Ward added that light manufacturing land uses can be done in a way that is not detrimental to the surrounding area. He testified he understood that some may be unsure of change and be unhappy, but there are County rules and regulations that must be followed to comply. Lastly, Mr. Ward explained that the City of Shelley is in need of jobs to keep people local.

After Mr. Ward's testimony, the Public Hearing portion of the Application was closed.

5. During the Commission discussion, the Commission agreed it was abnormal that the City of Shelley's Area of Impact did not extend South. Commissioner Bingham believed that with the lack of an Area of Impact at this location, the City of Shelley had the right to ask for a change and acknowledged the County's obligation to keep the Area of Impact current. He asked the Planning Staff if they were aware of the reasoning for the lack of an Area of Impact South of the City of Shelley. Director Olsen could not offer the reason as she was not in her position in 2006 when the Area of Impact was last negotiated, but did state there have been light discussions with cities in reviewing the City/County Area of Impact Agreements. Director Olsen explained that the State of Idaho legislature implemented new regulations requiring cities and counties to renegotiate all Area of Impact Agreements by the end of 2025. Director Olsen further explained that the Bingham County Code states that if a property is within a City Impact Area or within one mile of a City without an Area of Impact, the Planning and Zoning Commission and the Board of County Commissioners should take the City's comments with full consideration during deliberations on an Application.

Chairman Aullman believed the Comprehensive Plan may not quite fit because an Area of Impact was not addressed for the area South of the City of Shelley. Although the Commission relies heavily on the Comprehensive Plan, he thought that in this situation it may be a mistake as someone in the past may have erred in not planning for the future of this area.

Commissioner Bingham added that the definitions and intent of the Bingham County Comprehensive Plan, regardless of the Area of Impact, shows this area is not the right place for the requested zoning, potential future land use, and the existing commercial use should be resolved. Commissioner Bingham believed there to be a difference between Army Surplus storage and 1,000 storage units.

Chairman Aullman recalled previous testimony which referred to heavy truck traffic which he commented would not be present with some land uses allowed in a Light Manufacturing



Zoning District such as arenas, bowling alleys, car washes, garages, equipment rental, feed stores, hospitals, and machine shops.

Commissioner Bingham reviewed language in Bingham County Code stating the proper places for these uses are along highways.

Commissioner Winder stated that the Comprehensive Plan provides the Commission the opportunity to weigh growth, development, business, and economics and believed the Comprehensive Plan can support whatever position as it is a guideline and can be designed to enforce any decision.

Chairman Aullman commented from Mr. Kelley's testimony that there appeared to have been a breakdown in communication as the Area of Impact Agreement has yet to be negotiated. Commissioner Winder said he was happy to hear from Director Olsen that renegotiations of the Area of Impact are forthcoming. Chairman Aullman and Commissioner Winder agreed the position the Commission has been placed in is difficult and it is unfortunate that the City and the County have yet to discuss the impact area boundaries.

Commissioner Johns questioned whether the testimony heard relating to heavy truck traffic was applicable to a Zone Change Application. Chairman Aullman reviewed testimony received from many individuals that the roadways are not capable of supporting a lot of heavy truck traffic development and believed it to be a valid concern.

Commissioner Jewett testified she was concerned about some of the uses that are allowed without a Conditional Use Permit in an "M1" zone, especially a meat packing and processing facility. She believed the Application was too vague to support orderly growth.

Bingham County Prosecutor Ryan Jolley interjected and explained to the Commission that State Code states that weight and deference should be given to the Comprehensive Plan because it is the guiding document for the County. He believed that there may be confusion as to the distinction between the Area of Impact and the Comprehensive Plan. He advised the Comprehensive Plan and State Code are the overarching documents that govern all codes with the local County Codes underneath those in a scale of regulation. Prosecutor Ryan Jolley was not able to offer any suggestions to the Commission but encouraged the Commission to deliberate taking into consideration the intent of the Comprehensive Plan and future expansion of the City of Shelley.

Commissioner Johns questioned if the request for a Comprehensive Plan Map Amendment met the requirements. He testified that as a farmer, he was aware that farming costs can be

expensive and understood how the triangular area with a transmission line running through the property could pose challenges. Commissioner Johns believed that the “M1” zone seemed to be the best use of that portion of the property.

Commissioner Bingham testified he believed that the Sugar Factory property and rail line drove that area to be zoned “M1” and because the rail line no longer exists, the zoning designation should be updated. Chairman Aullman questioned if the zoning existed because of the potato processing and packing facility and clarified the County’s Zoning Ordinance was first enacted in 1966.

Commissioner Bingham discussed the housing in the subject area is relatively new. Chairman Aullman said that statement supports that people are not bothered by the existing Sugar Factory facility.

Commissioner Johns testified that he believed the main concern from the public was that the Application was vague, and although it may not be clear what business may be desired, the Application was for a Zoning Amendment and not future land use.

Chairman Aullman asked Commissioner Bingham what his thoughts were on the Comprehensive Plan. Commissioner Bingham stated he had a number of thoughts such as:

- (1) Policy D3 which discusses growth vs. quality of life; and
- (2) Policy D6 which discusses consideration for the possibility of future housing; and
- (3) Policy E7 which covers industrial separation; and
- (4) Policy E10, addresses the need for cooperation with municipalities.

Commissioner Bingham mentioned that the Comprehensive Plan discusses spot zoning, which he thought applied to the Application. Chairman Aullman believed the request would be a continuation of the existing “M1” zone.

Prosecutor Ryan Jolley approached the podium and reminded the Commission that the Application is for a Comprehensive Plan Amendment and a Zone Change which are two different considerations with the Comprehensive Plan Amendment being the first to be decided. Prosecutor Ryan Jolley explained that the Commissioners' deliberations were combining the two and suggested discussing the request to amend the Comprehensive Plan Area designation first, which would impact the decision on the Zone Change.

Commissioner Bingham testified he believed the Commission was incapable of making an intelligent decision to determine what was best for the future of that area because the Area of Impact did not extend South from the City of Shelley’s boundary. Commissioner Jewett agreed. Commissioner Winder reminded the Commissioners that testimony was received from the City of Shelley and a City Council-appointed representative to speak to the



Application. Commissioner Bingham agreed input was received from the City but was not reflected in the Comprehensive Plan. Chairman Aullman asked Commissioner Winder what he believed the City of Shelley's position was. Commissioner Winder testified he thought the City believed there should be a buffer in this area and that the Application should not go forward.

Commissioner Johns asked to go through the criteria to consider a Zoning Amendment.

Commissioner Bingham then read Policy E7 of the Bingham County Comprehensive Plan titled "*Industrial Separation*" which reads to "*provide good isolation or separation of industrial operations from residential areas.*" Chairman Aullman testified comparing an industrial zone to light manufacturing invited the idea that something would be allowed when in fact it would not. He was shocked to learn that a meat processing facility would be allowed in a Light Manufacturing Zoning District, but to then state that trucks and industrial activities would take place was a mistake.

Prosecutor Ryan Jolley approached the podium again and referred the Commission to Exhibit S-1, the Staff Report for the Application, and explained that it was appropriate to talk about industrial and commercial areas as the requested Comprehensive Plan Amendment Area designation is from Agriculture to Industrial/Commercial. Chairman Aullman thought it was odd to combine industrial and commercial because the difference between a gravel pit mine and a grocery store is apples to oranges. Prosecutor Ryan Jolley referred Chairman Aullman to the Comprehensive Plan and how those areas are defined.

Commissioner Bingham testified the Comprehensive Plan is the County's vision or strategy and believed approving the Application may be a foot in the door for something else to happen. Chairman Aullman noted that he believed there is a difference between the words industrial and industry. Commissioner Jewett brought to the Commission's attention an approval of the Application would allow a warehousing or distribution center like Amazon.

Chairman Aullman read the definition of the current Comprehensive Plan Map Area designation of Agriculture. He next read the definition of the desired Comprehensive Plan Map Area designation of Industrial/Commercial. Chairman Aullman stated there is no consideration for residential development now or in the future, or for anything other than agriculture, with the current Comprehensive Plan Map Area designation.

Chairman Aullman acknowledged that a Comprehensive Plan Amendment would certainly change the future of this property and asked the Commissioners if that would be

appropriate. Commissioner Bingham believed it was inappropriate until an Area of Impact was defined south of the City of Shelley.

Commissioner Jewett believed that more information was needed from the Applicant and the City of Shelley and that the Application should be tabled. Chairman Aullman questioned if the Application were to be tabled, would the outcome be different if there was more information provided from the City of Shelley. Commissioner Jewett responded that it would depend on what the future plan for that area looks like. Commissioner Winder testified he believed the City Officials have made their point clear, that the Comprehensive Plan should not be changed, and he did not support tabling the Application would accomplish anything.

Commissioner Bingham asked how to place the Application on hold until the Area of Impact was renegotiated. Chairman Aullman said that was not a realistic option as there is possibly a year of negotiations before an agreement will be made, which would be unfair to the Applicant. Chairman Aullman stated from his experience, that cities are designed to grow from the inward out, and in his opinion, it did not make sense to have residential housing or businesses abutting full agriculturally farmed lands. Commissioner Bingham could not justify how to approve this Application because the zoning wasn't appropriate for the area and the desired Comprehensive Plan Map Area did not support the Application.

Director Olsen confirmed if the land were zoned "M1", platting the property could be effectuated with a one-acre minimum lot size and added if residential structures were desired on the land, a Conditional Use Permit would be required. Director Olsen added that if the property receives City water or sewer services, the City has the opportunity to annex that property by consent upon connection to the city's utilities but that would not necessarily be at the same time of connection.

Commissioner Bingham referred to Idaho Code Section 67-6511(2)(C). He questioned if the Application could be remanded to the Board of County Commissioners. Prosecutor Ryan Jolley stated there is no process in place for the Application to go directly to the Board of County Commissioners on remand rather it first needs to be decided by the Planning and Zoning Commission if a recommendation for an Amendment is appropriate. Prosecutor Ryan Jolley explained that the discussion fits under the Comprehensive Plan for controlled and orderly development; if the Commission is concerned that this would not be a controlled and orderly development because of the likelihood of a future Area of Impact modification, then what the Commission would be essentially saying is they are opposed to amending the Comprehensive Plan because it is not viewed as fitting the requirements of the general Comprehensive Plan of controlled



development. The Commissioner's discussion and deliberation concluded after Prosecutor Ryan Jolley's comments.

### III. REASON

The Commissioners reviewed the Application, and the evidence in support and opposition of said Application in the context of Bingham County Code Title 10 Chapter 15 *Amendments*, and made the following determinations:

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 requested amendment is for approximately 53.86 acres of a 163.18-acre parcel to be rezoned "M1" Light Manufacturing. Because the Comprehensive Plan Map Area designation for the subject portion of land is Agriculture, the requested zoning Amendment is inconsistent with the purpose of the current Comprehensive Plan Map Area designation and therefore, an Amendment to the Comprehensive Plan Map Area to Industrial/Commercial is necessary; and
3. The Industrial/Commercial Comprehensive Plan Map Area corresponds with the Manufacturing Zones in the Zoning Ordinance of "M1" or "M2" and is established to provide a location for manufacturing, fabricating, outdoor storage (when properly screened) and wholesale distribution, warehouse storage, bulk storage, processing of raw materials, assembly of materials, public utility facilities, processing of agriculture products and by-products and those industries by nature that could have objectionable elements. These areas should be located to encourage new industry or commercial use within the county while promoting the expansion of existing industry and discourage or eliminate uses that tend to limit the land for these uses;
4. Considering the Comprehensive Plan, the extent and nature of the effects of any proposed amendment may have upon the delivery of services by any political subdivision providing services, including school districts, and any other evidence presented through the Public Hearing process, the Commission deliberated the Comprehensive Plan Map Area Amendment in the context of each of the following stated purposes of Bingham County's Comprehensive Plan:
  - (a) To protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary. The Commission was presented with testimony in opposition that expanding the Light Manufacturing Zoning District would affect neighboring property rights and may adversely impact neighboring property values. Alternatively, the Applicant testified that the requested Comprehensive

Plan Map Amendment and Zoning Amendment would allow for the highest and best use of the land in accordance with Policy A3 *Landowner Property Rights Rationale* of the Comprehensive Plan.

Commissioner Johns testified he understood that farming the area subject to a Comprehensive Plan Map Amendment and Zoning Amendment may be difficult and perhaps the property rights of the land owner should be considered for the highest and best use of the property.

The Commission addressed concerns with Policy D3 of the Comprehensive Plan which is intended to protect the quality of life of its residents as well as the use and enjoyment of property and property rights questioning if the requested zoning amendment would be contrary to this section.

Collectively, the Commission found that this standard was not met with the evidence and materials presented.

- (b) To ensure that adequate public facilities and services are provided to the people at a reasonable cost. The Commission found the Application materials stated adequate utilities exist in the County Road right-of-way including power, high voltage transmission lines, communication, and natural gas.

With regard to water and sewer utilities, the Commission reviewed testimony from the City of Shelley who expressed concerns as to how businesses would receive these services. In response, the Applicant's Representative testified that one of the desired future land uses would be storage units which would not require sewer or water utilities. The Applicant's Representative also testified a City water line exists adjacent to Baseline Road and sewer connections are located adjacent to Park Road, within the City of Shelley's municipal boundaries, and may be available for connection at some point in the future when development to the east occurs.

- (c) To ensure that the economy of the county is protected and enhanced. The Commission considered testimony received in favor of the Application that expanding the Light Manufacturing zoning designation could provide an area for businesses and generate revenue for the local economy. To the contrary, testimony was received in opposition to the Application acknowledging that additional businesses and job creation are needed but the area was not appropriate and should be located along a highway or interstate.

- (d) To ensure that the important environmental features of the county are protected and enhanced. The Commission did not find any important environmental features were identified on the land subject to this Application.



- (e) To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals. The Commission considered testimony received in opposition to the Application from property owners in the area stating the land is viable prime agricultural property. However, the landowner and his son both testified the property was difficult to farm due to a transmission line and residential growth in the surrounding area.
- (f) To encourage urban and urban-type development within or near incorporated cities. The Commission found the City of Shelley's municipal boundary is located north and west of the subject parcel. Additionally, the City of Shelley and Bingham County do not have an area designated south of the City's boundary as an Area of Impact. The Commission recognized an Area of Impact is where growth is desired and without an Area of Impact designation, the Commission was uncertain if this location is forecasted for growth.

Collectively, the Commission was challenged by this standard and expressed the necessity for the County/City Area of Impact Agreement to be renegotiated to include creation of an Area of Impact to the South of the City limits which could potentially encompass the subject parcel and surrounding land. The Commission determined setting an Area of City Impact would allow for further collaboration between the City and County for planned growth.

- (g) To avoid undue concentration of population and overcrowding of land. The Commission considered testimony that this area is better suited for residential land use than manufacturing land uses given the proximity to the City of Shelley and the immediate area consists of a combination of residential and agricultural land uses. Concerns were also raised that if the land were to be rezoned and later subdivided, the minimum lot size in a Light Manufacturing Zoning District is one-acre which may allow for approx. fifty-three (53) different land uses on fifty-three (53) lots; and
- (h) To ensure that the development on land is commensurate with the physical characteristics of the land. The Commission addressed concerns with Policy E7 of the Comprehensive Plan which is "to provide good isolation or separation of industrial operations from residential areas" as the desired Comprehensive Plan Area Map Amendment is to Industrial/Commercial. The Commission questioned if the proposed zoning amendment, located just south of the City of Shelley, with nearby growing residential development is the best location for a Light Manufacturing Zoning District to exist.
- (i) To protect life and property in areas subject to natural hazards and disasters. The Commission did not identify any natural hazards or disasters on the land subject to this Application and therefore found this standard would be met.

- (j) To protect fish, wildlife and recreation resources. The Commission did not identify the need for protection of fish, wildlife and recreational resources on the land subject to this Application and therefore found this standard would be met.
- (k) To avoid undue water and air pollution. The Commission received testimony in opposition of the Application addressing concerns regarding air pollution generated from future land uses in a Light Manufacturing Zoning District. The Commission found the future land uses are not known and were unable to determine if this standard could or could not be met.
- (l) To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis. The Commission found Notice of the Application's Public Hearing was provided to the Shelley School District as documented in Exhibit S-14. As of the Public Hearing, no testimony was received from the School District regarding the Application.
5. The Commission reviewed the purpose of the "M1" Light Manufacturing Zoning District is to encourage the development of manufacturing establishments which are relatively clean and free of hazardous or objectionable elements and which are generally operated within enclosed structures and generate little industrial traffic. This zone should be kept substantially free from residential and retail commercial activities pursuant to Bingham County Code Section 10-4-2(G).
6. The Commission determined the Application is not substantially free from residential activities being immediately South from the City of Shelley. Additionally, the Commission found concerns of serviceability by major roadways, potential traffic problems, compatibility with existing uses, protection of residential uses, and protection from incompatible uses.

#### IV. DECISION

Based on the record, Commissioner Johns moved to recommend approval of the Comprehensive Plan Map Area Amendment from Agriculture to Industrial/Commercial and the Zoning Amendment from Agriculture to Light Manufacturing for approx. 53.86 acres of a 163.18-acre parcel of land, located South of 1195 N 900 E, Shelley, as proposed by SLT Properties, LLC.

The motion failed for the lack of a second.

Commissioner Winder then moved to recommend denial of the Comprehensive Plan Map Area Amendment from Agriculture to Industrial/Commercial for approx. 53.86 acres of a 163.18-acre parcel of land, located South of 1195 N 900 E, Shelley, as proposed by SLT Properties, LLC based on Bingham County Code and the Comprehensive Plan which both support responsible growth



and development and by not having further knowledge as to an actual plan for growth in the subject area, he could not support the Application.

Commissioner Bingham seconded the motion. Commissioners Bingham, Winder, Butler, and Jewett voted in favor of the denial.

Commissioner Johns voted in opposition to the motion as he believed the request would be the highest and best use of the property.

The motion passed with a four-to-one vote.



William Aullman, Chairman  
Bingham County Planning and Zoning Commission



Date