

## BOARD OF BINGHAM COUNTY COMMISSIONERS

### REASON & DECISION

In regards to: The Planning & Zoning Commission's recommendation to approve the Zoning Amendment from "A" Agriculture to "R/A" Residential/Agriculture and a Comprehensive Plan Map Amendment to Residential/Residential Agriculture for approximately 20.00 acres located at 38 S. 900 W., Blackfoot, Idaho. The property is currently irrigated farm ground with one existing residence and outbuildings. The Comprehensive Plan Map designation is a combination of Agriculture with the first 300 feet along 900 West as Residential/Residential Agriculture therefore if approved by the Board, a request to modify the Comprehensive Plan Map for the entire parcel to Residential/Residential Agriculture is requested.

Application filed by: 3-Putt Partners, LLC

Board of County Commissioners Public Hearing Date: June 28, 2022

The record provided to the Board is comprised of the following:

1. Exhibits to the Board Public Hearing Staff Report:
  - CC-1: Staff Report- Board of County Commissioners
  - CC-2: Proof of Publication- Bingham News Chronicle- Board of County Commissioners
  - CC-3: Blackfoot/Snake River Government Agency Notice List & Notice
  - CC-4: Property Owners Notice List & Notice
  - CC-5: Notice of Posting- Addie Jo Harris- Planner
  - CC-6: Letter from Allen Johnson- Department of Environmental Quality
  - CC-7: Letter from Mark R. Wietstock, Attorney for Alan D. Stander
  - S-20: Planning & Zoning Reason & Decision- May 11, 2022
  - S-21: Planning & Zoning Public Hearing Minutes & Audio- May 11, 2022
2. Exhibits to the Planning & Zoning Commission Staff Report:
  - S-1: Staff Report- Planning & Zoning Commission
  - A-1: Application for Zone Change
  - A-2: The Acres Subdivision Narrative- HLE
  - A-3: Application for Subdivision Plat
  - A-4: The Acres Subdivision Narrative- HLE
  - A-5: The Acres Subdivision- Plat- HLE
  - A-6: Warranty Deed
  - A-7: Custom Soil Resource Report for Bingham Area, Idaho
  - A-8: Guarantee- First American Title Company
  - A-9: Well Construction Search- Idaho Department of Water Resources
  - A-10: FEMA Revision Map to Panel
  - A-11: Email from Chris Street- HLE, regarding water rights
  - A-12: Letter from Dewight Lee- Managing Partner of 3-Putt Partners, LLC

- S-2: Parcel Map
- S-3: Zoning Map
- S-4: Comprehensive Plan Map
- S-5: Flood Plain Map
- S-6: Aerial Map
- S-7: Subdivision Map
- S-8: Area of Impact Map
- S-9: School District Map
- S-10: Utilities Map
- S-11: Nitrate Priority Area Map
- S-12: Irrigation Company Map
- S-13: ½ mile proximity parcels by size Map and List
- S-14: Google Earth Imagery Map
- S-15: Notice of Posting: Addie Jo Harris
- S-16: Site Pictures
- S-17- Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission Public Hearing Notice
- S-18: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing
- S-19: Property Owners List and Notice of Mailing- Planning & Zoning Commission

3. All Information and Testimony presented prior to the Planning & Zoning Commission Public Hearing:

- T-1: Testimony from Verl Jarvie, Blackfoot Fire District
- T-2: Testimony from Alan Stander
- T-2D: Photographs provided by Alan Stander
- T-2E: Soil Survey provided by Alan Stander
- T-3: Testimony from Barbara Marlatt- Bingham County Treasurers Office
- T-4: Testimony from Bingham County Sheriff's Office
- T-5: Testimony from Bingham County Public Works
- T-6: Testimony from Allan Johnson- Department of Environmental Quality
- T-7: Testimony from Gwen Inskeep, Bingham County Surveyor
- T-8: Testimony from Kurt & Deanna Smith in opposition
- T-9: Testimony from Steve & Kittie Peterson in opposition
- T-10: Testimony from Dewight Lee, Rod Albertson & Mike Anderson- 3-Putt Partners LLC in favor

4. Testimony presented at the Planning & Zoning Commission Public Hearing:

- T-11: Oath or Affirmation- Chris Street
- T-11A: The Acres Subdivision Map- HLE
- T-11B: The Acres Subdivision Engineers Estimate- HLE
- T-12: Oath or Affirmation- Dewight Lee
- T-13: Oath or Affirmation- Rod Albertson
- T-14: Oath or Affirmation- Jay McCandless

T-15: Oath or Affirmation- Alan Stander  
T-16: Oath or Affirmation- Kurt Smith  
T-17: Oath or Affirmation- Eric Jackson  
T-18: Oath or Affirmation- Lance Stander  
T-19: Oath or Affirmation- Layne Hamilton

As to procedural items, the Board finds the following:

1. Requested Action: The Public Hearing was held pursuant to Bingham County Code Section 10-3-6(A)(11) where the Board held a Public Hearing, using the same notice and hearing procedures as the Commission, on the Application for an Amendment to the Zoning Designation.
2. In accordance with Bingham County Code 10-3-6, Notice of the Boards Public Hearing was provided as follows:
  - a. Sent to 31 Government Agencies on May 25, 2022 (CC-3 List of Government Agencies and Notice)
  - b. Published in the Bingham News Chronicle on May 27, 2022 (CC-2: Affidavit of Publication)
  - c. Sent to 6 property owners within 300' of this property on May 25, 2022. (CC-4 Property Owners Mailing List and Notice)
  - d. Site was posted on May 16, 2022 (CC-5 Notice of Posting)
3. Testimony received prior to the Boards Public Hearing was provided as follows:

(CC-6) A letter from Allan Johnson, Regional Engineering Manager for the Idaho Department of Environmental Quality (DEQ), who stated the proposal indicates the Subdivision will have a community drinking water system. The Applicant should be made aware they must contact DEQ for information regarding the regulatory requirements, design standards, review and approval process, construction, and operation of a public drinking water system prior to commencing construction. Further, DEQ provided recommendations to consolidate wastewater services and general recommendations for land development.

(CC-7) A letter was received, in opposition, from Mark Wietstock, an attorney representing Alan D. Stander, dated June 22, 2022.

(CC-8) An email was received from Mike Anderson, a member of 3-Putt Partners, LLC, on June 27, 2022, with 4 photographs showing the improvement progress that has been made on the existing home and land since the purchase of the property. Additionally the email indicated there have been no car accidents near the property over the last 6 months.

4. Testimony received at the Board's Public Hearing included the following:

(CC-9) Chris Street- Professional Licensed Surveyor with HLE and the Applicants Representative, explained the goal with one approach is to be sure traffic is directed onto a County road to limit and control access onto 900 West, which is the safest route for traffic flow. Mr. Dewey, Legal Counsel for Bingham County, interjected and stated that Mr. Street is to not discuss the specifics of the subdivision at this Public Hearing as it is only noticed for the Zoning Modification. Mr. Street continued testimony by explaining the possibility to have more connections to water and sewer were important to development. There were concerns brought up during the Planning & Zoning Commission Hearing, one of which being flooding and the other was connection to community systems. With relation to flooding, there were pictures submitted showing flooding within the area over time. With regards to the connections, when this Application was first proposed, the development provided for individual wells and septic systems. Mr. Street explained currently there is an underground well, which provides water rights for irrigation. With the Planning & Zoning Commissions condition of a community well, the Applicants will need to change the use from irrigation to a domestic use or ask for additional water rights for non-consumptive uses.

Commissioner Bair confirmed the water rights were just for the 20 acres subject to this Zoning Application. Mr. Street explained during the Planning & Zoning Commission Hearing, there was testimony presented that a residential setting uses more water than an agricultural land use. Data shows that if there was residential use, there will in fact be less water used because there is a difference between irrigation water that is consumptive use and non-consumptive use for residential purposes. Mr. Street reiterated that not all of the ground would be irrigated with this proposal, as there will be homes and a road developed, which will mean there will be about one-third less water used than to irrigate the same ground with an agricultural land use.

Mr. Street explained that he contacted Maureen O'Shea- State National Flood Insurance Program Coordinator, who provided documentation, in regard to Pre-Firm and Post-Firm claims for flood plain lands in Bingham County. This information was introduced as Exhibit CC-9A. He stated that he is confident in the accuracy of the Map provided by FEMA as the flood plain is ultimately determined by FEMA and is well regulated.

Mr. Street added the best parcels to convert from an agricultural use to residential development are smaller parcels thus preserving the larger parcels, zoned Agriculture, for farming operations. The subject parcel is 20 acres, which is considered a smaller parcel to farm and may be difficult to farm. Additionally, by utilizing one approach for 16 homes, it prevents 16 homes from being developed

with County road frontage, for example on 900 West, which would create more of a traffic hazard than a single controlled intersection.

Lastly, Mr. Street stated this property meets the criteria and is appropriate to be rezoned. The basis for such is that it touches a Residential/Residential Agriculture Comprehensive Plan Map Area (located along the frontage of 900 W Road); there are one acre lot sizes in the area; it saves larger pieces of Agricultural Zoned land for continued agricultural uses; it minimizes road frontage access; and there are facilities close by to provide services.

#### Testimony in Favor:

(CC-10) Mike Anderson, residing at 658 W. 30 S., Blackfoot, Idaho and a partner of 3-Putt Partners, LLC, testified stating that he researched accident reports on 900 West with the Sheriff's Office and went back approximately six months; there were no accidents reports within that timeframe. Most accidents he found were related to High School traffic. Chairman Manwaring asked if he had any request from the School for flashing lights at the Highway 39 and 900 West intersection, to which Mr. Anderson stated he had not received any feedback regarding flashing lights. Mr. Anderson stated that the High School will always be the issue with traffic, especially with young drivers and agreed that flashing lights would be beneficial.

Mr. Anderson added that this is a smaller piece of property they are working on improving and have already removed thousands of dollars' worth of garbage from the land. He is also concerned that there is not enough housing for kids to remain in the area once they leave their parents homes.

(CC-11) Rod Albertson, residing at 657 W. 45 S., Blackfoot, Idaho, and a partner of 3-Putt Partners, LLC, testified there is a need to build homes for individuals coming to the area and this Application will give that opportunity. He added with the moratorium of the EIRWWA sewer plant in Shelley, there will be more growth in the Blackfoot area. He also commented on the parcels that are zoned Residential/Agriculture and the close distance to this site.

There was no testimony in a neutral position offered.

#### Testimony in Opposition:

(CC-12) Gaylen Stander, residing at 37 S. 1010 W., Blackfoot, Idaho, testified by referring to the FEMA Flood Plain Map and stated he has been farming surrounding property for 45 years and things have changed with how the water flow comes in. He stated he was going to build a home on his property 10 years ago but did not due to the water coming in differently than the map shows. Further, he would

challenge the accuracy of FEMA mapping as it does flood in the area and it did not used to.

(CC-13) Mark Wietstock, Attorney for Alan Stander, located at 8752 W. Overland Avenue, #114, Boise, Idaho, testified that his client had asked him to review information on the State of Idaho Fish and Game website pertaining to local birds identified as in peril as stated in his letter previously provided. He has since reviewed the website and noted nearly fifty (50) different species within Bingham County are identified as in peril. He stated that he has listened to the testimony given during this Public Hearing and believes that they are all pressing concerns that should be addressed further before a decision is made.

He explained that his client lives right next to the subject property and is extremely concerned as to the impact this development will cause. The point of his appearance is that his client felt the Board needed to be aware of the issues. Chairman Manwaring stated that Government Agencies, such as Fish and Game, are sent notice and there was no response received, therefore he asked Mr. Wietstock if he had spoken directly with Fish and Game. Mr. Wietstock responded that he had not but believes that his client had.

(CC-14) Eric Jackson, residing at 73 S. 900 W., Blackfoot, Idaho, testified that he is against this Zone Change as he lives approximately ½ mile South of the subject property. One issue he has is the nitrates in the area and would like to know where the closest High Nitrate Priority Area is. Director Olsen referred the Board to Exhibit S-11 and stated that this site is not in a High Nitrate Priority Area. He then explained that he previously worked for the Snake River School District, who had to spend over \$50,000.00 to drill a new well at the Junior High in the Thomas area because of high nitrates in the water; they had to pack water into the school for 2-4 months because they would not allow students to drink the water. A brief conversation was held in regards to the reasoning for this, which was determined to be failure of the septic system and not due to being located in a Nitrate Priority Area. Ms. Olsen stated all septic systems are regulated by the Idaho Department of Public Health and they do in fact allow septic systems in Nitrate Priority Areas with complex/advance septic systems with filtration mechanisms.

Mr. Jackson added that he has lived in the area for 34 years and it seems as though about every other month on his way home on 900 W, there is an automobile accident. He does not believe that only going back the previous six months is a viable time to get a calculation of how many accidents have occurred. Commissioner Lewis asked Mr. Jackson if he had a copy of any accident reports, to which he stated he did not.

(CC-15) Alan Stander, residing at 50 S 900 W, Blackfoot, Idaho testified there needs to be a Right-of-Way created for him to access to his electric fence that needs to be maintained. Ms. Olsen addressed Mr. Standers concern by stating that the Board does not have a copy of the Plat at this time to see if there are any easements or Right-of-Way for him to have access to but if the Subdivision Plat is brought before the Board, reviewing easements and access is something the Board could consider at that time.

(CC-16) Layne Hamilton, residing at 839 West Riverton Road, Blackfoot, Idaho asked if the company was not willing to consider attaching their sewage system to the sewer line currently along the highway? Chairman Manwaring stated that matter was discussed by Mr. Street, who was reminded that the Subdivision could not be discussed at this time. Mr. Hamilton stated the problem with sewage and nitrates is being minimized and in his communication with the Department of Environmental Quality and Department of Public Health, he feels that they see their responsibility of letting County Commissioners know what the results of testing are but they do not like to be the ones to step in and say a Subdivision cannot be approved. He stated if you are in a high groundwater level, the potential for problems being connected to sewage and nitrates increases.

Mr. Hamilton referred to a book by Charles Krauthammer, *Things That Matter Most*, where he wrote, "America is a free country where you can build whatever you want but not anywhere you want." Mr. Hamilton stated that is why there are zoning laws and he would like to explain why he does not believe this subject area is the place for a housing development or Zone Change. In April 2021, George Wheiner, Post Register, wrote an article called "Planning & Zoning Are How We Share The Earth", wherein he explained what Oregon did to save the important agriculture areas of the Willamette Valley and other areas from being destroyed by development. In the June 20, 2022, Post Register insert, Intermountain Farm and Ranch with the headline, "My Right to Farm Amid Rapid Development", explains why changing 20 acres of farm ground to housing is a bad decision for Counties.

With the County Code and the Comprehensive Plan, past leadership put Bingham County on a good course. However, it appears that things are getting off track with decisions such as this one and the one made in Riverton. When he asked the question of what the positives for the residents of Bingham County, he does not receive a convincing answer. The response when pointing out the negatives for Bingham County, occasionally someone will state, "A man has the right to do what he wants with his land". His answer to that statement is that the right should not be given to destroy important things with land or with things that harm neighbors. He has learned if left unchecked, people will do just that destroy things and places, which in turn harms others. Everyone would like a house in the country.

Mr. Hamilton stated that he has personally spoke to Fish and Game concerning the subject area and this parcel is part of the community of Thomas. The farming and ranching community of Thomas, Riverton, Pingree and others, along with the north end of the Fort Hall Indian Reservation are all part of a very important natural resource area. Mr. Hamilton represented that the Thomas Area does not want to become the Ammon of Bingham County, Pingree does not want to become the Chubbuck of Bingham County, especially when there are no positives but several negatives.

The main concern is nitrates, wherein two years ago Bruce Olenick- Department of Environmental Quality, met with the County Commissioners, wherein after reading about this meeting, he contacted Mr. Olenick. Both Riverton and Thomas have high groundwater levels and he wanted to know if this was problematic when dealing with developments and individual wells, which it is.

At a meeting with County Commissioners concerning the Riverton Area, Brett McDaniel, a resident of Riverton, mentioned sewage problems near Mapleton and Utah County. Mr. Hamilton stated that he had visited Mapleton, along with the west side of Utah County and spoke to agricultural individuals, wherein there was a lot to learn such as the consequences when allowing too many people to use individual septic systems in areas of high groundwater. The issue he found was high groundwater and when problems go to long, you have lots of angry people and issues that are difficult to control. As time goes on, he found other places have acted wisely like Malad, Dayton and Menan; Mr. Hamilton is sure that none of these people would approve this Zone Change. Southern Ada County around Kuna has done a couple of things, such as allowing 10-acre plots and do not allow subdivisions unless they can connect to major and city sewage. They allow farmland to be sold no smaller than ten acres but with only one home.

Commissioner Lewis asked if Mr. Hamilton had any editorials or peer reviewed academic data/research to support his statements. Mr. Hamilton did not.

(CC-12) Gaylen Stander testified a second time and stated he had to drill a well in 1981 and the water level was right at 15 feet and since then it has gone down. He wanted to make a point that the water may come back up, which will cause issues.

#### Applicant's Rebuttal:

(CC-9) Chris Street- HLE, stated that prior to a Zone Change, HLE looks at where the site is located, how the proposal fits, and they also look at three things on the Idaho Department of Water Resources website: (1) critical ground water area; (2) groundwater concern; and (3) if the site is in the High Nitrate Priority area. In his review, none of these are an issue for this subject property. Nitrate contamination



can come from farming, septic systems that have failed, or agricultural ranching or dairies. Mr. Street recapped there was testimony provided that the groundwater level is high, which is partially true. The wells are 150 feet deep, with the first 3-5 feet being top soil and 20-100 feet of gravel/sand, then the layer of silt, which is stopping the water from coming up into the higher levels.

In regards to the list of animals provided that may be in peril, the Board relies on experts, such as Idaho Fish and Game, who received notice for each Public Hearing and there was no response received from either notice. If there were any major issues, they would submit comment.

Mr. Street stated that Mr. Hamilton brought up the Right to Farm Act, which protects farmers and Counties or other entities that state individuals cannot consider farming as a nuisance; the needs are based upon several things and comparing cities does not make sense to him. Commissioner Lewis reiterated that decisions are made based upon information received. Commissioner Lewis further summarized a case, *Whitted vs. Canyon County* (Idaho Land Use Handbook), where the Court decided that a subdivision in a farming area did not violate the Right to Farm Act because the Right to Farm Act is informational and lets people know they have the ability to farm in the area.

## **REASON**

Public testimony was closed and the Board moved into discussion:

Bingham County Code Section 10-4-2(c) which states that the purpose of the "R/A" Zone is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual sewer and water facilities that have:

1. Suitability of parcel for agricultural purposes.

The Board found one-acre lots can accommodate individuals to have livestock and/or a garden. Further, the Board found this is a small parcel and the property owners no longer wish to farm it, which makes it hard to determine if the parcel is prime agriculture ground. The Board agreed with Mr. Street's comment by using the smaller parcel, it keeps the larger ground available to be used for agricultural purposes.

2. Proximity to existing areas of similar population density.

The Board referred to Exhibit S-6 within the Staff Report that shows that the subject property is bordered on all sides by large agricultural tracks and also referred to Exhibit S-13 which shows a wide range of parcel sizes within a half-mile radius.

3. Lot size compatible with existing lot sizes in the immediate area.

The Board again referred to Exhibit S-13 which shows the breakdown of lot sizes, depicting 18 parcels that are 1-acre in size and 17 parcels that are 1.5 acres. The Board found at least half of the parcels are less than what is allowed in an Agricultural Zone. In reading the Land Use Planning Act, there is a Court Case, Ferguson vs. the Board of County Commissioners, where the Court held it was acceptable to adopt a zoning classification in conflict with the Comprehensive Plan when the non-conforming uses are pervasive but the character of the neighborhood is actually changed from the purported zoning classification. The Board found there appear to be many non-conforming uses in the area if more than half of the lots within the Agriculture Zone are smaller than the 5-acre lot size allowed.

4. Compatible with the existing uses in the immediate area.

The Board found no concerns. Chairman Manwaring stated it is in close proximity to the Snake River Junior High and High School.

5. Protection from incompatible uses.

The Board found no concerns. Chairman Manwaring stated within the area, there is a mixed use of "A" and "R/A"

6. Accessibility to adequate utilities

The Board found no concerns.

7. Adequate service by roadways.

The Board found no concerns. Further, Chairman Manwaring stated 900 West is a Local Road by Functional Classification and had no concerns regarding traffic. Additionally, Commissioner Bair stated that any road built inside of a Subdivision would be built to County standards by the Developer and would be accepted by the County upon completion. Lastly, Commissioner Lewis stated there was testimony that this property is in close proximity to a highway, which by Functional Classification is meant to move traffic.

The next discussion was in regards to a Zoning Modification Application from "A" Agriculture to "R/A" Residential/Agriculture and the Board considered if the Application would comply with the specific purpose of the Comprehensive Plan, by promoting the health, safety and general welfare of the people of the County as follows:

- a. To protect property rights, property values and the use of property:

The Board had no concerns. Commissioner Lewis stated that in the Comprehensive Plan, the goal with property rights is to not adversely impact property values. In addition, within the Comprehensive Plan, it states when housing standards are improved, home values increase and retain value and surrounding land and home values increase. It was provided within photographs, that prior to this Application, the property was covered with garbage.

Additionally, Commissioner Bair stated that the Board has to make a decision and take into account the property rights of both parties. Often times, it is not a clear-cut decision and is difficult to make.

- b. To ensure that adequate public facilities and services are provided to the people at a reasonable cost:

The Board reiterated that they, as a governing body, have no control over the cost for adequate public facilities.

- c. To ensure that the economy of the county is protected and enhanced:

The Board found no concerns. Commissioner Bair stated the economy of the County is enhanced by adding houses to the tax base. Once again, this is to be balanced with the property rights of the owners around.

Commissioner Lewis added that the Comprehensive Plan states, "Bingham County is known as the potato capital of the world with its rich agricultural heritage but new industry and technology are becoming increasingly important to the economy of the County." It also states, as housing is approved and generated, businesses are attracted to the area and commercial demands increase because there are more individuals, as well as economic development in the area because housing is provided. The Comprehensive Plan does focus on agriculture but also recognizes there are other industries important to the economy and housing is a big economic driver.

- d. To ensure that the important environmental features of the county are protected and enhanced:

The Board found there are experts that take environmental features into consideration, who then submit comment and information to the Planning and Zoning Commission. With regard to this Application, the Department of Environmental Quality provided comments which lead the Planning & Zoning Commission to place a condition of having connection to a community well in order to help protect environmental features of the area.

- e. To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals:

The Board found no concerns.

- f. To encourage urban and urban-type development within or near incorporated cities:

The Board found within the Reason & Decision of the Planning & Zoning Commission, it states that this proposal is not considered urban-type development as it is one-acre or larger lots, being proposed in a Residential/Agricultural Zoning District, that can still be used for agriculture purposes.

- g. To avoid undue concentration of population and overcrowding of land:

The Board found Bingham County Ordinance Section 10-6-4 allows one-acre lots in a rural setting and do not consider this density to be overcrowding.

- h. To ensure that the development on land is commensurate with the physical characteristics of the land:

The Board found no concerns.

- i. To protect life and property in areas subject to natural hazards and disasters:

The Board found natural hazards and disasters are issues that the entire County faces and everyone is subject to possible issues.

- j. To protect fish, wildlife and recreation resources:

The Board found no concerns. The Board relies on Fish and Game to submit concerns and input, but none were received.

- k. To avoid undue water and air pollution:

The Board found the Right to Farm Act, protects agricultural uses near residential areas even though agriculture can create dust and noise.

The Board concurred that it relies on the experts to make those decisions and if there were concerns, they would be addressed.

- l. To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis:

The Board found that notice was sent to the Snake River School District, wherein no comment was received.

## DECISION

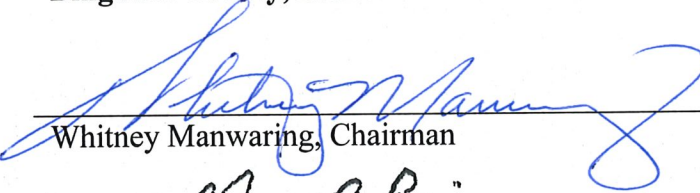
Commissioner Lewis moved to uphold the decision made by the Planning & Zoning Commission to approve the Zone Change for 3-Putt Partners LLC, to amend the Zoning Designation from "A" Agriculture to "R/A" Residential/Agriculture, as well as the Comprehensive Plan amendment to Residential/Residential Agriculture. This decision is based upon the Staff Report as presented, the Reason & Decision of the Planning & Zoning Commission and the information presented during the Public Hearing. Commissioner Bair seconded. All voted in favor. The motion carried.

**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

**Regulatory Takings:** Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

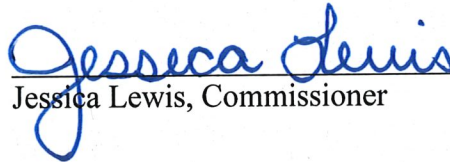
Dates this 23 day of August 2022.

**Board of Bingham County Commissioners  
Bingham County, Idaho**

  
Whitney Manwaring, Chairman



Mark Bair, Commissioner

  
Jessica Lewis, Commissioner