

BOARD OF BINGHAM COUNTY COMMISSIONERS

REASON & DECISION

In regards to: The Planning & Zoning Commission's recommendation to approve 1) the Comprehensive Plan Map Area Designation of "R/A" Residential/Agriculture, 2) the Zoning District Designation of "R" Residential for four (4) lots of the disincorporated Atomic City Plat now within Bingham County's jurisdiction and 3) Alax View Estates Subdivision, a replat of Lots 9-12 of Block 7 of the Plat of Atomic City, a disincorporated city.

Approximate Parcel Location: Lots 9-12 of Block 7, Parcel No. RP7063900, disincorporated Atomic City Townsite.

Property Owners: Amber Marchant and Lance Ross

Representative: Jamie Hansen- Surveyor

Board of County Commissioners Public Hearing Date: June 25, 2025

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- Idaho State Journal & Post Register- Board of County Commissioners
 - CC-3: Blackfoot/Snake River Government Agency Notice List & Notice- Lindsey Dalley- Commission Clerk
 - CC-4: Property Owners Notice List & Notice- Lindsey Dalley- Commission Clerk
 - CC-5: Notice of Posting- Ashley Taylor- Planner
 - CC-6: Oath of Affirmation- Jamie Hansen
2. Planning & Zoning Draft Reason & Decision- unsigned
3. Planning & Zoning Public Hearing Draft Minutes (unsigned) & Audio
4. Exhibits to the Planning & Zoning Commission Staff Report:
 - S-1: Staff Report- Planning & Zoning Commission
 - A-1: Application for Subdivision Plat
 - A-1A: Application for Subdivision Plat
 - A-2: Alax View Estates Subdivision Narrative
 - A-3: Alax View Estates Subdivision Preliminary Plat
 - A-4: Quit Claim Deed
 - A-5: Custom Soil Resource Report- United States Department of Agriculture
 - A-6: Guarantee- Flying S Title and Escrow of Idaho, Inc
 - A-7: Idaho Department of Water Resources- Well Driller's Report
 - A-8: Letter- Atomic Water Works
 - A-9: Proposed project drawing
 - S-2: Aerial Map
 - S-3: Zoning Map
 - S-4: Comprehensive Plan Map

S-5: Photograph
 S-6: Notice of Posting- Addie Jo Harris- Assistant Director/Lead Planner
 S-7: Site Pictures
 S-8: Proof of Publication- Idaho State Journal and Post Register-Planning & Zoning Commission Public Hearing Notice
 S-9: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing- Ashley Taylor- Planner
 S-10: Property Owners List and Notice of Mailing- Planning & Zoning Commission- Ashley Taylor- Planner
 S-11: Order and Declaration of Disincorporation of the City of Atomic City, Bingham County, Idaho
 T-1: Testimony- Gwen Inskeep- County Surveyor
 T-2: Testimony- Allan Johnson- Department of Environmental Quality
 T-3: Approach Standard Information
 T-4: Testimony- Tanna Beal- County Treasurer
 T-5: Oath of Affirmation- Jamie Hansen- Surveyor
 PZ-1: Planning & Zoning Commission Sign-in sheet- May 14, 2025

5. All Information and Testimony presented prior to the Planning & Zoning Commission Public Hearing.
6. There was no Testimony received in favor, in neutral, nor in opposition of the Application during the Planning & Zoning Commission Public Hearing.

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 Government Agencies on May 29, 2025 (CC-3 List of Government Agencies and Notice)
 - b. Published in the Idaho State Journal and Post Register on May 31, 2025 (CC-2: Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on May 29, 2025. (CC-4 Property Owners Mailing List and Notice)
 - d. Site was posted on June 4, 2025 (CC-5 Affidavit of Posting)
3. The Commissioners Clerk, nor the Planning & Development Department received any additional Testimony prior to the Board's Public Hearing.

After presentation of the Staff Report and confirmation that there were no additional questions for county staff, the Public Hearing was opened and testimony was presented at the Public Hearing, which was as follows:

(CC-6) Jamie Hansen, Surveyor and Applicant's Representative, stated that by taking the 4-Lots and creating one 1-Lot, it is not changing the intended use and will benefit the area. Mr. Hansen stated that most homes in the subject area are on more than one (1) lot but prior to the disincorporation, it was not an issue and did not have to follow the rules that are required to be followed now.

Tiffany Olsen, Planning & Development Director, stated that code section amendments have been made in local code to allow in situations where there are short plats (4 lots or less), to go through an administrative process in the beginning and hold one (1) public hearing before the Board or another similar method that she would be able to present a preliminary plat and final plat at the same time in order to shorten the timeframe.

There were no questions for the Applicant's Representative.

Chairman Manwaring asked if there was any testimony in favor, neutral nor in opposition, to which there was none and the Public Hearing was closed.

REASON

The Board held deliberation and based on the entire record, the Board finds the following:

1. Atomic City was formally disincorporated on November 30, 2020, by Order and Declaration of Disincorporation signed by the Bingham County Board of Commissioners; and
2. When the Order was recorded, the designation of Comprehensive Plan Map Areas nor Zoning Districts were designated; and
3. Following the procedures set forth in Bingham County Code Sections 10-3-6, 10-15-2(A), and 10-15-3, the Commission found that it was in the County's best interest and a benefit to the public for the subject four (4) lots within the former Atomic City Boundaries to be designated with a Comprehensive Plan Map Area of Residential/Agricultural. This was based on the lack of a Comprehensive Plan Map designation following the disincorporation of Atomic City and Residential/Agricultural being the most appropriate and closely related Comprehensive Plan Map designation to support the proposed zoning designation of Residential and to provide a higher density of residential development that Atomic City was platted to support; and
4. The subject four (4) lots shall be designated with a zoning "A" Residential based on Bingham County Code Section 10-6-6(B)(2) which allows platted subdivisions to be one-half (1/2) acre with well or septic coupled with an appropriate shared community water or septic system. The proposed replat is for one (1) lot consisting of 0.55 acres with a connection to Atomic Water Works community water system; and

5. Bingham County Code Section 10-4-2 (D) *Purpose of Zones* states the “R” Residential zone is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of areas which are best suited for residential purposes that have lot sizes compatible with existing lot sizes in the immediate vicinity, accessibility of municipal services, compatibility with existing uses in the immediate vicinity, and adequate service by roadways; and
6. The Alax View Estates Subdivision Application met the requirements of Bingham County Code 10-4-2(D) as the purpose of the “R” Residential Zoning District as the lots are located within a former townsite, are compatible with existing uses in the immediate vicinity, have adequate service by roadways; and
7. The proposed subdivision met the requirements of Bingham County Code Title 10 Chapter 14 *Subdivision Regulations* and contains one lot consisting of approximately 0.55 acres, which is consistent with the Residential Zoning District’s Area Regulations (Bingham County Code Section 10-6-6(B)(2)), with development on the one-lot having potable and irrigation water served by the Atomic Water Works and a future individual septic system and drain field subject to permitting with the Idaho Department of Public Health; and
8. The recommended Comprehensive Plan Map Area designation of Residential/Agriculture is consistent with and support the Residential Zoning District. The Board found the Residential/Agriculture area is most compatible with current and future land uses; and
9. The Public hearing met the notice requirements of Idaho Code Title 67, Chapter 65 and Bingham County Code Section 10-3-6.

Chairman Manwaring stated that the proposed zoning designation was not a step that was thought about during the disincorporation process and there are other areas within the county that were platted years ago that need to be addressed. Chairman Manwaring stated that with little city lots over ½ an acre which allows it to be hooked up to sewer or water, wherein the Applicant has received a letter to approve water connection.

Commissioner Jensen stated that he has no concerns regarding the Application.

The Board reviewed the Comprehensive Plan, wherein the specific purpose of this plan is to promote the orderly development of the county, to conserve and stabilize the value of property and otherwise promote the health, safety and general welfare of the people of the County as follows:

- a) To protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary.
 - i. The Board had no concerns.
- b) To ensure that adequate public facilities and services are provided to the people at a reasonable cost.
 - i. The Board had no concerns.

- c) To ensure that the economy of the county is protected and enhanced.
 - i. The Board had no concerns.
- d) To ensure that the important environmental features of the county are protected and enhanced.
 - i. The Board had no concerns.
- e) To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals.
 - i. The Board had no concerns.
- f) To encourage urban and urban-type development within or near incorporated cities.
 - i. The Board had no concerns.
- g) To avoid undue concentration of population and overcrowding of land.
 - i. The Board had no concerns.
- h) To ensure that the development on land is commensurate with the physical characteristics of the land.
 - i. The Board had no concerns.
- i) To protect life and property in areas subject to natural hazards and disasters.
 - i. The Board had no concerns.
- j) To protect fish, wildlife and recreation resources.
 - i. The Board had no concerns.
- k) To avoid undue water and air pollution.
 - i. The Board had no concerns.
- l) To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis.
 - i. The Board had no concerns. Chairman Manwaring added that notice is provided to the school but there has never been a response, which is challenging.

The Board held deliberation in regards to Bingham County Code Section 10-4-2 (D), wherein the purpose of the "R" zone is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of areas which are best suited for residential purposes that have the following:

- 1) Close proximity to existing townsites or which are contiguous to another "R" or "R/A" Zone.
 - a. The Board found no concerns.
- 2) Lot size compatible with existing lot sizes in immediate vicinity.
 - a. The Board found no concerns.

- 3) Accessibility of municipal services or the possibility of extension of services in the foreseeable future.
 - a. The Board found no concerns.
- 4) Compatibility with existing uses in the immediate vicinity.
 - a. The Board found no concerns.
- 5) Protection from incompatible uses.
 - a. The Board found no concerns.
- 6) Adequate service by roadways.
 - a. The Board found no concerns.

Chairman Manwaring stated that he has no concerns in regards to the Application and stated that Bingham County Code Section 10-6-6(B)(3) provides that one-half (1/2) acre with well or septic coupled with an appropriate shared community water or septic system may be developed on land zoned Residential.

Commissioner Jackson stated that he has no concerns in regards to the Application.

Commissioner Jensen stated that he has no concerns in regards to the Application.

DECISION

Decision: Commissioner Jensen moved to uphold the decision of the Planning & Zoning Commission to approve the Comprehensive Plan Map Designation of "R/A" Residential/Agriculture and the Zoning Designation of "R" Residential, of 4-Lots of the disincorporated Atomic City Plat now within Bingham County's jurisdiction, as the Application fits within the various considerations set forth in the plan and complies with the specific purposes of the Residential area by promoting the health, safety and general welfare of the people and of the county. Commissioner Jensen seconded. All voted in favor. The motion carried.

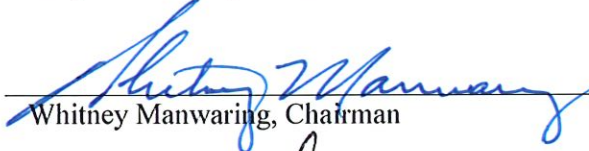
Decision: Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to approve the Alax View Subdivision, a replat of Lots 9-12, to create 1 buildable lot on Block 7 of the disincorporated Atomic City Plat now within Bingham County jurisdiction. Commissioner Jensen seconded. 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.

Dated this 16 day of July 2025.

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


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner

CERTIFICATE OF SERVICE

I certify that on the 16 day of July, 2025, I served a true and correct copy of the Reason & Decision for the request for Comp. Plan Designation, Zoning Designation and Alax View Estates Subdivision, upon the following person(s) in the manner(s) indicated:

- ☐ Mail
- ☒ Email: pls15757@gmail.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

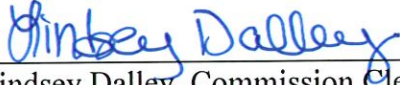
Jamie Hansen
Surveyor

- ☐ Mail
- ☒ Email: tolsen@binghamid.gov
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Tiffany Olsen
Planning & Development Director

- ☐ Mail
- ☒ Email: ambergmarchant87@gmail.com
- ☐ Hand Delivered
- ☐ Designated Courthouse Box

Lance Ross & Amber Marchant
2460 Chaparro LN
Blackfoot, Idaho 83221



Lindsey Dalley, Commission Clerk