

BOARD OF BINGHAM COUNTY COMMISSIONERS REASON & DECISION

In regards to: Bingham County's initiation of 1) designating Comprehensive Plan Map Areas and Zoning Districts for parcels formerly located within the municipal boundaries of Atomic City and 2) amendment of Comprehensive Plan Map Areas and Zoning District designations for parcels in surrounding Atomic City Area pursuant to Bingham County Code 10-15-2(A).

Board of County Commissioners Public Hearing Date: November 19, 2025

Acting Chairman, Commissioner Jensen, due to the absence of Commissioner Manwaring.

Prior to the Public Hearing, the Board of County Commissioners reviewed the application and materials submitted by the Planning & Development Department, along with the Staff Report and all supplemental maps, notices and other materials.

As to procedural items, the Board finds the following:

1. 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 October 22, 2025 (CC-3 List of Government Agencies and Notice)
 - b. Published in the Idaho State Journal and Post Register on October 24, 2025 (CC-2: Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on October 22, 2025. (CC-4 Property Owners Mailing List and Notice)
 - d. Notice was posted on-site for all parcel numbers identified on Exhibit S-14, and photographs of the parcels were taken on October 30, 2025. These photographs are available upon request; however, some of them are included as Exhibit CC-5, Posting Affidavit.

WRITTEN TESTIMONY RECEIVED BEFORE THE BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

(CC-8) John Reffit, Field Manager- Upper Snake Field Office, United States Department of the Interior, Bureau of Land Management, 1405 Hollipark Drive, Idaho Falls, Idaho, provided testimony in a neutral position expressing concerns regarding the inclusion of United States public lands managed by the BLM within the identified areas for establishment/amendment which are not subject to county jurisdiction according to the Federal Land Policy and Management Act (FLPMA, 43 U.S.C. § 1701 et seq.) The inclusion of BLM parcels in the proposed amendment may lead to confusion regarding their status and misuse of land designation. BLM recommends that these parcels be explicitly excluded from the amendment to ensure clarity and adherence to existing regulations governing federal lands.

After presentation of the Staff Report by Addie Jo Jackman, Planning & Development Assistant Director, and confirmation that there were no additional questions for county staff, the Public Hearing was opened Commissioner Jensen called for testimony from the public.

Testimony in favor was received as follows:

(CC-9) Dave Sonnenberg, 2658 W. 1745 N., Atomic City, Idaho, stated there is a lot of information that the Board reviewed quickly and he would like clarification in regards to an 8-acre parcel (RP0019500), wherein there was a request made in 2023 to change the zoning from A to C2. Mr. Sonnenberg submitted Exhibit CC-9A, which is a map showing that power runs directly through the property, is directly adjacent to a 6-inch water main and is across the street from the BLM Fire Station. Mr. Sonnenberg read from Exhibit CC-9A, which states on May 19, 2025 a letter was received from Bingham County Planning & Development Services confirming that they received a request on March, 2023 to change the zoning of an 8-acre parcel bordering the southernmost boundary of the former city limits of Atomic City to C2. As identified on the map, the blue line shows the existing water mains and that water main does continue over to supply water to the BLM Fire Station, and power via an Idaho Power line that runs across the property, identified in red, both providing access to water and power for possible future development.

Ms. Jackman stated that she would like to provide clarification for the Board in regards to this matter and explained that the letter and date that Mr. Sonnenberg is referring to, was that letters were sent to all property owners on March 22, 2023 and there were 12 responses received. One of those responses was from Mr. Sonnenberg in regards to the 8-acre parcel with that request. Ms. Jackman stated that within Staff Report, it states that staff took in those responses as input but did not designate the zoning. Staff took the information into consideration when putting together the proposal but did not solidify or guarantee that the zoning was what would be occurring. Ms. Jackman stated that the proposal before the Board today was created based on existing and current land uses with that Multi-Use area allowing flexibility for future changes.

Ms. Jackman stated that the proposed change would benefit Mr. Sonnenberg because the property mentioned currently has a Comprehensive Plan Map Designation of Residential, which is unknown as to how this was determined and would not support C2. It is proposed to change the designation on this particular parcel and a few surrounding parcels, to Multi-Use which would allow the change from A to C2, if approved by the Board.

(CC-10) Daniel Branagen, 6854 E. Sunnyside Rd., Idaho Falls, Idaho, stated that he is in favor of the Comprehensive Plan proposal but does not believe that it extends far enough. Mr. Branagen stated that he has not seen growth in Atomic City but it is coming. All surrounding areas have had major development and Atomic City has become a destination area due to all of the surrounding development and with all of the INL projects forth coming, growth will occur. Mr. Branagen referred to the map submitted at Exhibit CC-10A, which shows the outline of the property that he owns and stated that the Multi-Use goes through his property. The first request he would have is that it does not make sense to have his property split into five parcels. There are five original parcels in the property and currently the Multi-Use splits the properties in half and he is not sure what to do with the other part of the property, wherein he would propose having the Multi-Use follow the property boundaries rather than splitting into two. The second question he has is the property that he owns closest to the highway is currently zoned Agriculture and eventually he would like to attract a data center needing a Multi-Use designation rather than having just a strip because there will be needed services no matter what happens along the highway. Currently he does not have a specific plan but would like the Board to consider that designation due to the INL having ongoing development and upcoming projects. Therefore, he would propose the Multi-Use change expand further.

Paul Rogers, County Legal Counsel, asked for clarification and asked Mr. Branagan if he had testified as to this proposal at the Planning & Zoning Commission Public Hearing, to which Mr. Branagan stated that he had submitted a letter for that meeting of his recommendation. Ms. Jackman stated that the letter submitted by Mr. Branagan did contain the depiction of his original parcel that he has provided to the Board today. Ms. Jackman stated initially it was proposed to the Board of County Commissioners to ask if what was being proposed would be something the Board would support before taking to a Public Hearing. Initially the proposal did follow property lines and boundaries to encompass what Mr. Branagan stated. The Board did not want to see that but wanted to see the general distance of feet on either side of the Atomic City Connector and the highway like what has been done in other areas of the county along major roadways. The County initial proposal did follow property lines to encompass all of the properties adjacent to the Atomic City Connector as a whole and then was reverted back to supporting the distance that is currently in the Comprehensive Plan.

Mr. Rogers stated that Bingham County Code 10-3-6(a)(12), gives the Board guidance and that they can adopt, revise, or deny a zone change application that comes from Planning & Zoning. If revised and that revision makes a significant material change, you have to have another public hearing on the item. Mr. Rogers stated that if the Board is considering to expand the Boarder outside of what the Planning & Zoning Commission recommended, the Board will need to determine if the proposal would be a material change. If it is not a material change, the Board may make the revision today but if it is a material change, it will need to be remanded back to the Planning & Zoning Commission. Discussion was held in regards to what would be considered a material change, wherein Mr. Rogers stated that could be more than 50% of something changing or if it is a substantial change. Ms. Jackman stated if the Board is going to take the proposal into consideration, she would imagine that the Sonnenberg's and also other individuals that submitted recommendations for their property, would share the same sentiment that they would rather have their property designated the way they would like now instead versus submitting an application and going through the public hearing process in the future. Therefore, if the Board is considering the proposal from Mr. Branagan, it should consider the desire of other individuals as well pertaining to their property. Commissioner Jackson agreed and stated if the Board does approve for one proposal, it should be done for others.

(CC-11) Daniel Sonnenberg, 178 N. Stout Ave., Blackfoot, Idaho, stated that he is a property owner outside of Atomic City and in light of some of the testimony and information presented, his property is approximately 40 acres adjacent to Atomic City and he formally requested a zone change from Agriculture to Residential/Agriculture but with the Comprehensive Plan, he is thinking that he would propose a modification to Multi-Use designation. Mr. Sonnenberg stated that his property is currently barren ground, was previously dry farmed but he has a NOAA weather station currently located on the property. With the new information, Mr. Sonnenberg stated it would be more versatile for future development to be Multi-Use.

Ms. Jackman provided clarification and stated Mr. Sonnenberg is correct and that there was a zoning amendment on his property with those conditions that were read within the staff report. One of those conditions has been met and the Comprehensive Plan Map designation was changed to support the zoning amendment from Agriculture to Residential/Agriculture and that next component is development in connection to a water source. However, it is being proposed that the property change from a Residential Comprehensive Plan Map designation to a Multi-Use to be orderly, which will still support the requested zoning amendment from Residential/Agriculture. Therefore, that will stay and will not have any affect on what has been approved but it would allow, if decided, in the future that Mr. Sonnenberg does not want to continue having the Residential/Agriculture designation on the property. There is a timeframe where Mr. Sonnenberg could re-apply for a zoning amendment on the property if one has been sought previously and

approved. If that timeframe has lapsed and Mr. Sonnenberg would like to proceed with the amendment in the future, the Multi-Use designation being proposed today would support the change when the time allows.

Commissioner Jensen asked if there was any further testimony in favor of the Application. There was none.

Commissioner Jensen confirmed there was no testimony in neutral or in opposition of the Application.

With no further testimony, Commissioner Jensen closed the Public Hearing.

REASON

The Board held deliberation and based on the entire record, the Board found 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 or Zoning Districts was not designated; and
3. Following the procedures outlined in Bingham County Code Sections 10-3-6 and 10-15-3, the Board found that it was in the county's best interest and a benefit to the public for the subject parcels within the Former Atomic City boundaries to be designated with a Comprehensive Plan Map Area of Residential and the parcels to the north and east of the former Atomic City boundaries as Multi-Use; and
4. The Application met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

Commissioner Jackson stated that there is potential for future development in the Atomic City Area of Residential and recreational use. Therefore, he is inclined to make the area easy to develop in the future.

Commissioner Jensen asked for clarification from Commissioner Jackson as to if he was in favor of the proposed amendment from Planning & Zoning Commission and if the property owners would like to change their designation, they would need to go through the application process. Commissioner Jackson stated that he was in favor of upholding the recommendation of the Planning & Zoning Commission.

Commissioner Jensen stated that he is in favor of upholding the recommendation of the Planning & Zoning Commission as well and entertained a motion.

DECISION

Commissioner Jackson moved to uphold the recommendation of the Planning & Zoning Commission to approve the Comprehensive Plan Map Area designation amendments on lands consisting of approximate assessed acreage of 1,262.38 acres and extending from approx. the eastern border of T3S R34E Sec. 13 to the western border of T3S R34E Sec. 23, with the following exception:

Reason & Decision- Atomic City Comprehensive Plan Map and Zoning Designations

1. Lands owned by BLM, United States of America, and/or the State of Idaho, which are recommended not to have a Comprehensive Plan Map Area designation or a Zoning District designation.

Commissioner Jackson amended the motion to accept/adopt the discussion by the Planning & Zoning Commission of items A-L of Bingham County Code and the Reason & Decision. Commissioner Jensen seconded the amendment. All voted in favor. The motion carried.

Commissioner Jackson moved to approve the Zoning Amendment change based on the record, 10-4-2(B), (D) and (F). Commissioner Jensen seconded. All voted in favor. The motion carried.

Commissioner Jackson amended the motion to include the condition that the BLM lands, State lands and United States of America lands are not to be included. 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 12 day of December, 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 12 day of December, 2025, I served a true and correct copy of the Reason & Decision for the request for Comp. Plan Designation and Zoning Designation for Atomic City, upon the following person(s) in the manner(s) indicated:

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

Tiffany Olsen
Planning & Development Director



Lindsey Gluch, Commission Clerk