

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

APPLICATION OF: (1) Bingham County's Proposed Comprehensive Plan Map Area Designation of Residential/Agriculture and a Zoning District Designation of "R" Residential for four (4) lots of the disincorporated Atomic City Plat now within Bingham County's jurisdiction; and if recommended for approval

(2) Alax View Estates Subdivision, a replat of Lots 9-12 of Block 7 of the Plat of Atomic City, a Disincorporated City.

PROPERTY OWNERS: Amber Marchant and Lance Ross

Requested Action: Atomic City was formally disincorporated as a City on November 30, 2020, by Order and Declaration of Disincorporation signed by the Bingham County Board of Commissioners. While the County is in the process of reviewing the lots within the former boundaries of Atomic City as well as the surrounding lands in the area to propose Comprehensive Plan Map Areas and Zoning District designations for the aforementioned lots/parcels, property owners Amber Marchant & Lance Ross, wish to combine Lots 9-12 of Block 7, of the former Atomic City Plat, to create a one-lot subdivision to be known as the Alax View Estates Subdivision, totaling approx. 0.55 acres. For the County to consider the proposed subdivision, the land must first have a Comprehensive Plan Map Area and Zoning District designation. Proposals for the remainder of lots/parcels within the former boundaries of Atomic City and surrounding lands in the area will be set for a future Public Hearing to recommend Comprehensive Plan Map Areas and Zoning District designations.

Contingent upon the Planning and Zoning Commissions' recommendation to designate the Comprehensive Plan Map Area as Residential/Agricultural and the Zoning District as "R" Residential, property owners, Amber Marchant & Lance Ross, requested to replat Lots 9-12 of Block 7, of the unincorporated Atomic City Plat to create a one (1) lot residential subdivision on approx. 0.55 acres of land in accordance with Bingham County Code Title 10 Chapter 14 Subdivision Regulations, to be known as Alax View Estates Subdivision.

Property Location: Parcel No. RP7063900 (Lots 9-12 of Block 7, Atomic City, ID) consisting of approx. 0.55 acres; Township 1 North, Range 31 East, Section 03

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

Public Hearing Date: May 14, 2025

I. PUBLIC HEARING RECORD AND INFORMATION

1. The following was reviewed by the Commission:

- a. Application and materials submitted by County Planning and Development Services Staff related to the County initiated proposed Comprehensive Plan Map Area designation and Zoning District designation; and
- b. Application and materials submitted by the Applicants related to the Alax View Estates Subdivision; and
- c. Staff Report with exhibits; and
- d. Testimony presented prior to the Public Hearing, which included:

(T-1) Bingham County Surveyor who submitted testimony in a neutral position, stating that the location of water lines in the roadway needs to be depicted on the Plat and had no other comments or concerns.

(T-2) The Department of Environmental Quality who submitted testimony in a neutral position and offered general recommendations for land development projects.

(T-3) Bingham County Public Works who submitted testimony in a neutral position and stated that all approaches must meet Bingham County approach standards.

(T-4) Bingham County Treasurer who submitted testimony in a neutral position and stated Alax View is a new parcel for 2025, but taxes need to be prepaid.

2. At the Public Hearing, the Staff Report, which included the above-mentioned testimony, was presented by Tiffany Olsen, Planning and Development Services Director.
3. With no further questions from the Commission, testimony was presented by (T-5) the Applicant's Representative, Jamie Hansen, of 1150 W 200 N, Blackfoot, ID, who stated that the Comprehensive Plan Map and Zoning District designation were not determined when Atomic City was disincorporated. With the small size of lots, the Applicants chose to build in the middle of their four (4) lots, as many others have done in the area. Mr. Hansen added that the property has a water connection and would support a future home and that there is legal access to the property. At the time of pursuing a residential building permit application, the property owners will reach out to Southeastern Idaho Public Health for septic system approval.

Commissioner Carroll referred to Atomic City Water Works testimony received as part of the Applicants submission, incorporated into the record as Exhibit A-8, which stated there is capacity for the Applicants to be served with a water connection. He asked Mr. Hansen if he felt that Atomic City was growing. Mr. Hansen replied that he was uncertain and noted he believed this was the first development since the Atomic City disincorporation.

4. With no further questions for Mr. Hansen, the Chairman called for testimony from the public. There was no testimony provided on the Application and thereafter the Chairman closed the Public Hearing.
5. During Commission discussion, Commissioner Adams believed this Application was progressive and a step in the right direction for this area, and did not see any issues with the Application. The Commissioners did not provide any other comments or concerns.

II. REASON

The Planning and Zoning Commission found:

1. Atomic City was formally disincorporated on November 30, 2020, by Order and Declaration of Disincorporation signed by the Bingham County Board of Commissioners;
2. when the Order was recorded, the designation of Comprehensive Plan Map Areas nor Zoning Districts were designated;
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 of "R" 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.
5. Bingham County Code Section 10-4-2(D) *Purpose of Zones* states 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 lot sizes compatible with existing lot sizes in the

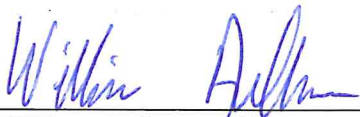
immediate vicinity, accessibility of municipal services, compatibility with existing uses in the immediate vicinity, and adequate service by roadways; and

6. with the support of the Commission, 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 City 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 supports the Residential Zoning District. The Commissioners found the Residential/Agriculture Area is most compatible with current and future land uses;
9. the Public Hearing met the notice requirements of Idaho Code Title 67, Chapter 65 and Bingham County Code Section 10-3-6.

III. DECISION

Based on the record, Commissioner Adams moved to:

1. recommend approval of the Comprehensive Plan Map Area designation of Residential/Agricultural and the Zoning District designation of Residential for approximately 0.55 acres of land, currently identified as Lots 9-12 of Block 7, Atomic City, ID, as proposed by Bingham County. . Commissioner Carroll seconded the motion. Commissioners Adams, Carroll, Bingham, Johns, Jolley, Watson, and Winder voted in favor. The motion passed.
2. recommend approval of the Alax View Estates Subdivision, a replat of Lots 9-12 of Block 7 of the disincorporated Atomic City, to create a one (1) lot residential subdivision, totaling approx. 0.55 acres, as proposed by property owners Amber Marchant and Lance Ross. Commissioner Jolley seconded the motion. Commissioners Adams, Jolley, Bingham, Carroll, Johns, Watson, and Winder voted in favor. The motion passed.



William Aullman, Chairman
Bingham County Planning and Zoning Commission

7/1/25
Date