

**BINGHAM COUNTY PLANNING & ZONING COMMISSION**

**REGARDING THE APPLICATION OF:**  
Conditional Use Permit to Transfer 2 Division Rights  
Property Owners: N. Von and Kaylen Mecham

**REASONINGS AND DECISION**  
**November 9, 2022**

**Requested Action:** N. Von Mecham and Kaylen Mecham requested a Conditional Use Permit to transfer 2 Division Rights from an original parcel near the former Atomic City corporate boundaries identified as “Sending Parcel” to a parcel in Pingree identified as “Receiving Parcel”. The Sending Parcel will have one division right remaining if approved. According to Bingham County Code Section 10-14-3 “*Original Parcel Division*”, division rights may be transferred from one Original Parcel to another Original Parcel if assessed under one ownership and approved by a Conditional Use Permit.

**Property Owner/  
Applicant:** N. Von and Kaylen Mecham, address

**Property Locations:** Sending Parcel: RP0019600, Township 1N, Range 31E, Section 3, consisting of approx. 30.42 acres, zoned Heavy Commercial, with a Comprehensive Plan Map designation of Industrial/Commercial

Receiving Parcel: RP0157203, Township 4S, Range 33E, Section 10, consisting of approx. 12 acres, zoned Agriculture, with a Comprehensive Plan Map designation of Natural Resource/Agriculture

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

**Public Hearing Date:** November 9, 2022

**I. MEETING NOTICE AND INFORMATION**

1. The following was reviewed by the Commission:

- a. Application;
- b. Staff Report;
- c. Governmental Agencies who provided comments were:

(T-1) Bingham County Public Works, who stated 1500 W. River Road is a Local Road and the speed limit is not posted, thus the speed limit is 55 mph and the approach spacing is 65 feet between approaches, when developed.

(T-2) Allan Johnson, Regional Engineering Manager with Idaho Department of Environmental Quality, provided general land development recommendations as shown in his response.

(T-3) Jeff Gardner, Bingham County Sheriff, had no comments or concerns.

d. No public response was received on this Application prior to the Public Hearing.

2. Public Hearing testimony included:

a. *Addie Jo Harris, Planner, stated for the record and the Planning and Zoning Commission that the Applicant met with Planning and Development Staff prior to purchasing the receiving parcel regarding his intent to transfer these division rights and was told that he would be able to transfer 2 (two) division rights to utilize at this location. A misleading error in the division right information was located after providing Mr. Mecham with approval to proceed and the purchase of the property was completed. The property is however a remnant of an original and therefore, Planning and Development will honor the information provided to the Applicant, if the Conditional Use Permit is approved, and allow the two division rights to be used on this parcel.*

b. Applicant's testimony:

(T-4) N. Von Mecham, 703 S 1400 W, Pingree Idaho, stated he simply wanted to transfer the division rights from an undesirable location to a new area to utilize them for new homes needed in the Pingree area. The receiving parcel is not currently being farmed as it has no water rights.

c. Testimony in favor, neutral nor in opposition was received. After the Applicant's testimony, the Public Hearing was closed for this item.

## II. REASON

The Planning and Zoning Commission found:

1. the Application met the requirements of Bingham County Code Section 10-4-2(B) as the receiving parcel is zoned "A" Agriculture, which supports and controls the infiltration of development. Additionally, the Applicant stated the intent is for holding the division rights on the parcel for future use on either this parcel or on another parcel; and
2. the Application met the requirements of Bingham County Code Section 10-8-2 as the contents of the Application were complete. Further the Commission found the Applicants transfer will not create a negative effect to neighboring uses as there is already light residential development in the area and is not currently used for farming

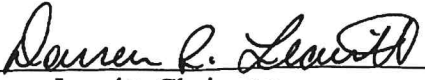
as the land holds no water rights. Additionally, the Applicant's Narrative stated the reason for the transfer is because the Receiving Parcel is more desirable for residential development than where the division right is located. After the transfer, the Sending Parcel will have one (1) division right remaining and the Receiving Parcel will have two (2) division rights for a total of three (3) building rights as the Receiving Parcel is a buildable parcel without the division right transfer. The Applicant agreed to meet with Planning & Development Staff if and when a division right is desired to be utilized on the Receiving Parcel by presentation of a Site Plan to ensure proper parcel size, legal access, and other Code requirements are met; and

3. the Application met the general objectives of the Comprehensive Plan as set forth in Bingham County Code Section 10-8-3(A)(2) as the Receiving Parcel has a map designation of Agriculture; and
4. the Application met the requirements of Bingham County Code Section 10-14-3(C)(5) as both the Sending and Receiving Parcels are held in the same ownership and are remnants of the original parcel; and
5. the Application met the requirements of Idaho Code §67-6512(b) and Bingham County Code Section 10-3-6 because the Public Hearing was held for all property owners within 300 feet; published in the official newspaper a minimum of 15 days prior to the Hearing and notice was posted on the property a minimum of one week prior to the Hearing.

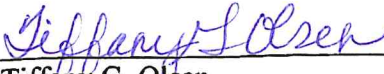
### III. DECISION

Based on the record and the discussion, Commissioner Aullman moved to approve the request by N. Von and Kaylen Mecham for a Conditional Use Permit to transfer 2 division rights from RP0019600 to RP0157203, as described in the Application materials as supplemented with additional information in the Staff Report, in accordance with the requirements of Bingham County Code Title 10 "Zoning Regulations" and subject to all applicable laws and regulations. Further, any phases and/or parcels created in the vicinity must be continuous and progress in an orderly fashion. Commissioner Aullman also included in the motion the condition that the Applicant shall meet with Planning & Development staff with a proposed site plan, depicting legal access, lots size, and other parcel requirements, prior to the division thereof to ensure compliance with Bingham County Code.

Commissioner Carroll seconded the motion. Commissioners Aullman, Carroll, Croft and Sellers voted in favor. The Motion carried.

  
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Darren Leavitt, Chairman  
Bingham County Planning and Zoning Commission

11/29/22  
Date

  
\_\_\_\_\_  
Tiffany G. Olsen  
Planning & Development Director

12/2/2022  
Date