

FINDINGS OF FACT AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION

RE: MASTER PLANNED COMMUNITY (MPC) ZONE

The Madison County Planning and Zoning Commission held a public hearing on June 12, 2008 at 7:00 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the new Master Planned Community (MPC) Zone.

The entire meeting was recorded to allow for preparation of a transcribable verbatim record of the hearing. No representative of the media was in attendance.

The following members of the Madison County Planning and Zoning Commission were present at the public hearing: Chairman Von Clark, Vice Chairman Dean Peterson, Jolene Sutton, Garth Hillman, Mike Phillips, Millie Andrus, Tom Luthy, Anthony Merrill and Max Clements. Those unable to attend: Ed Williams, Bradley Petersen and Barrett Wilcox.

Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel, Attorney Troy Evans and Lynn Durtschi, Eastern Idaho Public Health Environmental Specialist, also attended.

The public hearing was called to order by Chairman Clark. Shauna J. Ringel acted as clerk for the meeting. Chairman Clark questioned Mr. McFadden as to whether or not notices of the hearing had been properly published, posted and provided. Mr. McFadden stated all required legal notices had been given. Chairman Clark asked if any member had a conflict with the proceedings. None were stated by the Commission. Mr. McFadden stated that he had not received any written correspondence.

This hearing was for the purpose of bringing this back for discussion amongst the Planning and Zoning Commission, after it was tabled for further clarification on May 15, 2008.

The original public hearing was held on May 15, 2008 and this portion of the Findings reflect that hearing. Mr. McFadden stated at this hearing that this would be a new zone and not part of the Subdivision Ordinance. One unique feature of this zone is that, once approved, it cannot be changed in any way. Any deviation would require the process to start all over again thus protecting the integrity of the recommendation by the Planning and Zoning Commission and the approval by this Board.

This zone would allow the developer much more latitude in being creative with their designing than what is allowed in the subdivision ordinance. The MPC would be a planned community with a mix of all kinds of high-density housing, commercial, schools, and churches. If the MPC is developed further out in the County, they would be encouraged to become incorporated.

Chairman Clark reminded everyone in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing. He then asked all those who wanted to speak in favor of the proposed Master Planned Community if they would like to be heard.

Michael Olsen, Stewart Land Group, 6995 S. Union Park Avenue, SLC, Utah
He is the developer for Fox Ridge that has a master plan to develop 900 acres approximately 5 miles south of Rexburg. Mr. Olsen wanted new wording added to the MPC that would say, "Any new subdivision phase to be recorded, could meet the open space requirement in conjunction with the previously recorded subdivision plat within its own subdivision."

Mr. McFadden said this was one of the reasons the entire development would be brought in so the total amount of open space for the development could be counted, at the beginning of the process, for each of the subsequent phases. The open space needs to be contiguous so there are not a lot of pockets throughout the development.

The Chairman asked for those neutral to the proposal to come forward and be heard.

Bill Moss, 410 Partridge Lane, Rexburg
He wondered what would trigger the developer going to a MPC as opposed to a subdivision. **Mr. McFadden** said if the developer did not want to meet the requirements for a MPC, then they could just do a subdivision. He wondered about the issue of the building department not issuing any building permit unless such public facilities are in place.

Paul Bowen, 2893 W. 6960 S., Rexburg
He had a concern with the statement where the minimum requirements for an MPC zone would be established by the Administrator. He suggested that the Administrator work in conjunction with the Commission on these requirements. Mr. McFadden agreed. (This wording was changed.)

Ryan Lerwill, 1216 Stocks Avenue, Rexburg
He agreed, but said the Commission should be consulted only if the Administrator feels the need for their clarification on issues. Concerning

page 7, (g), #5, he wondered about the Planning Department supplying the applicant with estimated peak demands.

The Chairman asked for those opposed to the proposal to come forward and be heard. No one came forward to speak.

Thereafter, there being no further comments, the public hearing was closed. The Planning and Zoning Commission noted that any recommendation they would make would be tentative, pending final approval from the County Commissioners. The Commission then deliberated the Master Planned Community (MPC) Zone.

Note: A work meeting was scheduled on May 22nd to look at clarifying the issues brought up in the public hearing. Minor changes and punctuation changes were made. The one new addition concerning open space was added to the original wording. It reads... Each new MPC phase, to be recorded, could meet the open space requirement in conjunction with the previously recorded MPC phase. Developers may use surplus open space from previously developed phases, recorded within the MPC, to meet the current phase requirements, but cannot borrow from future phases to meet current open space requirements.

Having given due consideration to the application and evidence presented, the Planning and Zoning Commission hereby makes the following findings of fact:

FINDINGS OF FACT

- 1) A public hearing was held May 15, 2008 to take the testimony on the requested new Master Planned Community (MPC) Zone at which time it was tabled for further clarification. A public hearing was held June 12th, 2008 to bring it back before the Commission for the final vote. This proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.
- 2) Notices were published in the legal County newspaper, the Standard Journal, April 26th and May 10th, 2008 as required. The published notice included an appropriate and accurate summary of the issue to be heard. Copies of the notice were made available as requested and were provided to political subdivisions within the planning jurisdiction.
- 3) At the beginning of the Hearing, Chairman Clark asked whether proper notice of the Hearing had been provided. The Planning and Zoning Staff answered in the affirmative, discussing what notices had been provided.

- 4) The Public hearing was scheduled at 7:00 p.m. all as set out in the published notice, as described above.
- 5) A meeting agenda was available prior to the meeting, and the public hearing followed the order of events listed on the agenda. The presiding officer gave an explanation of the subject of the public hearing. An opportunity was provided for members of the public to present testimony, which was followed by members of the Madison County Planning and Zoning Commission. The public testimony was closed after all present had been given an opportunity so submit oral or written testimony. A reasonable time limit was not imposed on oral testimony.
- 6) Others in attendance were given the opportunity to express approval or disapproval. There were none in favor or neutral. Those wishing to speak in opposition were given the opportunity to do so.
- 7) The following points were factors in the recommendation by the Planning and Zoning Commission for the approval of the County Commissioners.
 - This is a good document that has extensively been researched and thoroughly worked through and this is the County's version of a Planned Unit Development. This new zone will be used for the development of Fox Ridge and others of its type.
- 8) Approval of the proposed zone is in the best interests of the people of Madison County.

CONCLUSIONS OF LAW

1. Notice of the Public Hearing held to consider approval of the zone was published and provided as is required by Idaho Code §§67-6509 and 67-6511.
2. The public Hearing held to consider approval of the proposed zone was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511.
3. A transcribable verbatim record was made and kept of the Public Hearing held to consider approval of the proposed zone,

in accordance with the requirements of Idaho Code §§ 67-6536.

4. A proposed zone is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seq.

5. Approval of the proposed zone is in the best interest of the people of Madison County, Idaho.

6. These Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

CONCLUSION

Based upon the foregoing Findings of Fact and Conclusions of Law, the planning and zoning procedure conducted throughout the county, and the comments received at the public hearing held hereon, and the deliberation of the Planning and Zoning Commission, the Commission hereby recommends approval of the Master Planned Community (MPC) Zone.

Commission member Millie Andrus made the motion to recommend to the Madison County Commissioners approval of the Master Planned Community (MPC) Zone. Jolene Sutton seconded the motion. Roll call was taken and the voting was unanimous.

Dated this 13th day of June, 2008 .

PLANNING AND ZONING COMMISSION
MADISON COUNTY, IDAHO

Von Clark, Chairman

ATTEST:

BRENT G. MCFADDEN, Administrator

**Adoption of Findings of Fact by Madison County Board of County
Commissioners**

Based upon the foregoing Findings of Fact and Conclusions of Law of the Planning and Zoning Commission, and based upon the Madison County Board of County Commissioners' (Board) review thereon, pursuant to Madison County Ordinance No. 292, and Idaho State Code §§ 67-6509, 67-6511, *et seq.*, the Board hereby approves the Findings of Fact and Conclusions of Law presented by the Commission and approves this action based thereon. The applicant is hereby given notice that it has the right to request a regulatory taking analysis pursuant to Idaho Code §67-8003.

Dated this ____ day of _____, 2008.

BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO

Ralph Robison, Chairman

Robert H. Hansen

Kimber O.Ricks

ATTEST:

Marilyn R. Rasmussen, Clerk

CLERK'S CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this ___ day of _____, 200_____, I mailed a true and correct copy of the foregoing to the parties named below, by the means shown, and addressed as follows:

Madison County

- Hand Delivery
- Facsimile
- U.S. Mail

Others, if any, please see attached sheet.

/s/ MARILYN R. RASMUSSEN
Clerk

Deputy Clerk