

**FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS  
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION**

RE: Terry Brunson Zone Change Request

The Madison County Planning and Zoning Commission held a public hearing on July 14, 2011 at 7:15 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Terry Brunson request to change the Madison County Zoning Map from Agriculture to Residential One zoning. This property is located at approximately 1437 Barney Dairy Road and consists of 26 acres.

The entire meeting was recorded to allow for preparation of a transcribable verbatim record of the hearing.

The following members of the Madison County Planning and Zoning Commission ("Commission") were present at the public hearing: Chairman Millie Andrus, Jolene Sutton, Ed Williams, Dean Peterson, Mike Munns and Doug Sakota. Those unable to attend were: Vice Chairman Bill Squires, Bradley Petersen, Kevin Willmore, Kay Burrell, Anthony Merrill and counsel Troy Evans. Madison County Planning and Zoning Administrator Brent G. McFadden and Coordinator Shauna J. Ringel also attended.

No media were in attendance at the meeting.

The public hearing was called to order by Chairman Andrus. Shauna J. Ringel acted as clerk for the meeting. Chairman Andrus 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. The Chairman asked if there were any conflicts of interest. None were stated.

A summary of this discussion at the hearing is attached hereto and incorporated herein.

Presenter:

Jason Brunson, 1437 Barney Dairy Road, Rexburg (appeared for his father who was out of town) gave the presentation on behalf of the Terry Brunson Zone Change. His dad wants to sell the lots at this point in his life and does not want to hang onto the land any longer. The presenter was asked questions by the Commission.

After hearing the presentation by Madison County officials, and from the applicant on behalf of the Terry Brunson Zone Change, the

Chairman asked for those in favor, in neutral, or opposed to the proposal to come forward and be heard. The Chairman reminded the citizens in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing.

Those in favor were: None  
Those in neutral were: None  
Those opposed were: None

No written correspondence was received.

There being no comments, the public hearing was closed. The Planning and Zoning Commission noted that any recommendations they would make would be tentative, pending final approval from the Board of County Commissioners. The Commission then deliberated the Terry Brunson request for a Zone Change from Agriculture to Residential One zoning.

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 July 14, 2011 to take the testimony on a requested Zone Change. This proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.
- 2) Notice was published in the legal County newspaper, the Standard Journal, June 25, 2011 as required. The published notice included an appropriate and accurate summary of the issues to be heard. Copies of the notices were made available as requested and were provided to political subdivisions within the planning jurisdiction at least 15 days prior to the hearings. Copies of the notice were sent to all residents within the 350 feet, as required, on June 23, 2011.
- 3) At the beginning of the hearing, Chairman Andrus 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 7:15 p.m. all as set out in the published notices, as described above.

- 5) The meeting agenda was available prior to the meeting, and the public hearing followed the order of events listed on the agenda. The Planning and Zoning Administrator gave an explanation of the subject of the public hearing. An opportunity was provided for the applicant and members of the public to present testimony, which was followed by members of the Planning and Zoning Commission. Public testimony was closed after all present had been given an opportunity to submit oral or written testimony. Reasonable time limit was imposed on oral testimony.
- 6) Title 10 Unified Development Code, Chapter 1 General Provisions, outlines the purposes of zone change standards as follows:
  - A. To protect property rights and enhance property values;
  - B. To provide for the protection and enhancement of the local economy;
  - C. To ensure that important environmental features are protected and enhanced;
  - D. To encourage the protection of prime agriculture lands for the production of crops;
  - E. To avoid undue concentration of population and overcrowding of land;
  - F. To ensure the development on land is commensurate with the physical characteristics of the land;
  - G. To protect life and property in areas subject to natural hazards and disasters;
  - H. To protect recreational resources;
  - I. To avoid undue water, air and noise pollution;
  - J. To ensure safety from fire and provide adequate open spaces for light and air; and
  - K. To implement the Madison County Comprehensive Plan.
- 7) The following points were factors in the recommendation by the Planning and Zoning Commission for the approval of the County Commissioners.
  - This land has been made into an island with Residential One on the south and east sides, Rexburg Impact Zone on the west side and industrial on the north side.
  - This is a compatible zone change to match the Residential One zone on two sides.
- 8) Approval of the proposed Zone Change is in the best interests of the people of Madison County.

**Commission member Mike Munns made the motion to approve the Terry Brunson Zone Change request. Commission member Ed Williams seconded the motion. Motion carried. Vote was unanimous.**

### **CONCLUSIONS AND RECOMMENDATIONS**

1. Notice of the Public Hearing held to consider approval of the Zone Change was published and provided as is required by Idaho Code §§67-6509 and 67-6511.

2. The Public Hearing was held to consider approval of the proposed Zone Change and was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511 as well as Title 10, Unified Development Code.

3. A transcribable verbatim record was made and kept of the Public Hearing held to consider approval of the Zone Change, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed Zone Change is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 *et. seg.*

5. Approval of the proposed Zone Change is in the best interest of the people of Madison County, Idaho, based upon the following:

- This land has been made into an island with Residential One on the south and east sides, Rexburg Impact Zone on the west side and industrial on the north side.
- This is a compatible zone change to match the Residential One zone of Randy Huskinson on two sides.

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, Conclusions and Recommendations, the planning and zoning procedures conducted throughout the county, 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 requested Zone Change.

The applicant may appeal, in writing, this decision of the Commission, as long as the appeal is submitted to the Board of County Commissioners within twenty-eight (28) days from such Commission action, per Title 10 Unified Development Code, Chapter 1 General Provisions, Section 1.6 Appeals.

Dated this 15th day of July, 2011.

PLANNING AND ZONING COMMISSION  
MADISON COUNTY, IDAHO

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Millie Andrus, Chairman

ATTEST:

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BRENT G. MCFADDEN, Planning and Zoning Administrator

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

Based upon the foregoing Findings of Fact, Conclusions and Recommendation of the Planning and Zoning Commission, and based upon the Madison County Board of County Commissioners' (Board) review thereon, pursuant to Title 10, Unified Development Code, Chapter 1 General Provisions, Section 1.10(C) Zone Change 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 \_\_\_\_\_, 2011.

BOARD OF COMMISSIONERS  
MADISON COUNTY, IDAHO

\_\_\_\_\_  
Kimber Ricks, Chairman

\_\_\_\_\_  
Jon Weber, Commissioner

\_\_\_\_\_  
Todd Smith, Commissioner

ATTEST:

\_\_\_\_\_  
Kim H. Muir, Clerk

**CLERK'S CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this \_\_\_ day of \_\_\_\_\_, 2011, I mailed a true and correct copy of the foregoing to the parties named below, by the means shown, and addressed as follows:

Terry Brunson  
Property Owner  
1437 Barney Dairy Road  
Rexburg, Idaho 83440

Hand Delivery  
 Facsimile  
 U.S. Mail

Others, if any, please see attached sheet.

/s/ Kim H. Muir  
Clerk

Shauna J. Ringel, Deputy Clerk