

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

RE: Bear Crest, Limited LLC Zone Change

The Madison County Planning and Zoning Commission held a public hearing on February 10, 2011 at 8:00 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Bear Crest, Limited LLC request to change the Madison County Zoning Map from Agriculture to Commercial zoning. This property is located at Yellowstone Bear World and consists of approximately 31 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, Vice Chairman Bill Squires, Jolene Sutton, Kevin Willmore, Doug Sakota, Dean Peterson, Mike Munns, Anthony Merrill and Ed Williams. Those unable to attend were: Bradley Petersen, Kay Burrell and Barrett Wilcox. Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel and Legal Counsel Troy Evans 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.

Courtney Ferguson, 4364 S. 1563 W., Rexburg gave the presentation on behalf of the Bear Crest Limited LLC Zone Change. The presenter was asked questions by the Commission.

After hearing the presentation by Madison County officials, and from the applicant on behalf of the Bear Crest Limited LLC 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:

Those in neutral were:

Those opposed were:

No written correspondence was received.

There being no further 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 Bear Crest Limited LLC request for a Zone Change from Agriculture to Commercial zone.

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 February 10, 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, January 27, 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 January 27, 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 8:00 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 or denial by the Planning and Zoning Commission for the approval of the County Commissioners.
 - This zone change would allow all of their property to be in one zone designation of Commercial
- 8) Approval of the proposed Zone Change is in the best interests of the people of Madison County.

Commission member Anthony Merrill made the motion to send the recommendation to the County Commissioners that the Zone Change for Bear Crest Limited LLC be changed from Agriculture to Commercial

Zoning. Commission member Doug Sakota 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 zone change would allow all of their property to be in one zone designation of Commercial

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 _____ day of _____, 201_____.

PLANNING AND ZONING COMMISSION
MADISON COUNTY, IDAHO

Millie Andrus, Chairman

ATTEST:

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 _____, 201_____.

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 _____, 200____, I mailed a true and correct copy of the foregoing to the parties named below, by the means shown, and addressed as follows:

Bear Crest Limited LLC	<input type="checkbox"/> Hand Delivery
Property Owner	<input type="checkbox"/> Facsimile
P.O. Box 160	<input type="checkbox"/> U.S. Mail
Rexburg, Idaho 83440	

Others, if any, please see attached sheet.

/s/ Kim H. Muir
Clerk

Shauna J. Ringel, Deputy Clerk