

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

Terry Brunson Comprehensive Plan Land Use Map Change Request

The Madison County Planning and Zoning Commission held a public hearing on February 10, 2011 at 7:30 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Terry Brunson request for a change to the Madison County Comprehensive Plan Land Use Map from Agriculture usage to Rural Residential One usage. The property is located at 1437 Barney Dairy Road on approximately 26 acres.

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

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. Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel and Legal Counsel Troy Evans also attended.

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 the discussion is attached hereto and incorporated herein.

Jason Brunson, 1437 Barney Dairy Road, Rexburg gave the presentation on behalf of his father, Terry Brunson Comprehensive Plan Land Use Map 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 Terry Brunson Comprehensive Plan Land Use Map 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: Nathan Ashcraft (Sugar City Cemetery Board) 2938 E. 2000 N., Sugar City asked if Mr. Brunson would be interested in some of his property going to the expansion of the Sugar City Cemetery.

Those opposed were: None

Correspondence was received from Dave Woodbury (Sugar City Cemetery Board), Box 73, Sugar City, Idaho asking for Mr. Brunson to consider a portion of his land for the expansion of the Sugar City Cemetery. This letter was read into the record by Shauna Ringel.

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 Terry Brunson request for a Comprehensive Plan Land Use Map Change from Agriculture to a Rural Residential One 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 Comprehensive Plan Land Use Map 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 7:30 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) The Comprehensive Plan Components, Idaho Code § 67-6508, outlines the purposes of a Comprehensive Plan Land Use Map Change as follows: The Commission, in deciding whether to approve or deny an application to amend the Madison County Comprehensive Plan Land Use Map, must analyze whether the amendment would be compatible with the individual components the legislature requires counties to consider when preparing, implementing, reviewing, and updating a comprehensive plan. Not all may apply.
 - A. Property Rights: An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.
 - B. Population: A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex and income.
 - C. School Facilities and Transportation: An analysis of public school capacity and transportation considerations associated with future development.
 - D. Economic Development: An analysis of the economic base of the area including employment, industries, economics, jobs and income levels.

- E. Land Use: An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.
- F. Natural Resources: An analysis of the rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.
- G. Hazardous Areas: An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in known or probable path of snow slides and avalanches, and floodplain hazards.
- H. Public Services, Facilities, and Utilities: An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.
- I. Transportation: An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public and other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.
- J. Recreation: An analysis showing a system of recreation areas, including parks, parkways, trail ways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.
- K. Special Areas and sites: An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

- L. Housing: An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.
- M. Community Design: An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.
- N. Implementation: An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.
- O. National Interest Electric Transmission Corridors: After notification by the Public Utilities Commission (PUC) concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based up the United States Department of Energy's most recent national electric transmission congestion study pursuant to sections §368 and §1221 of the Energy Policy Act of 2005. "High-voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures forty (40) feet or more in heights.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

- 7) The following points were factors in the recommendation by the Planning and Zoning Commission for the approval of the proposed Comprehensive Plan Land Use Map change to the County Commissioners.
 - It fits the predominant land use designation of residential for it surrounds it on three sides
 - It is in keeping with the plan to have property abutting the City of Rexburg have land uses that are similar in us

- 8) Approval of the proposed Comprehensive Plan Land Use Map Change is in the best interests of the people of Madison County.

Commission member Mike Munns made the motion to allow the Comprehensive Plan Land Use Map Change to go forward to the County Commissioners with the recommendation to grant the change of the property of Terry Brunson south of the canal from the land use designation of Agriculture to Rural Residential One. Commission member Dean Peterson seconded the motion. Vote was unanimous or

CONCLUSIONS AND RECOMMENDATIONS

1. Notice of the Public Hearing held to consider approval of the Comprehensive Plan Land Use Map 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 Comprehensive Plan Land Use Map 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 Comprehensive Plan Land Use Map Change, in accordance with the requirements of Idaho Code §§ 67-6536.

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

5. Approval of the proposed Comprehensive Plan Land Use Map Change is in the best interest of the people of Madison County, Idaho, based upon the following:

- It fits the predominant land use designation of residential for it surrounds it on three sides
- It is in keeping with the plan to have property abutting the City of Rexburg have land uses that are similar in use

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 Comprehensive Plan Land Use Map Change.

The applicant may appeal, in writing, this decision of the Commission relative to this decision taken by 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 10th day of February, 2011.

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 Idaho State Code §§ 67-6509, 67-6511, *et seq.*, and Title 10, Unified Development Code, 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 14th day of February, 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 _____, 201____, 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
County Clerk

Shauna J. Ringel, Deputy Clerk