

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

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The Madison County Planning and Zoning Commission held a public hearing on January 12, 2012 at 7:30 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the proposed Unified Development Code, Chapter 17 Family Burial Ground

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: new Chairman Bill Squires, out-going Chairman Millie Andrus, Ed Williams, Jolene Sutton, Dean Peterson, Doug Sakota, Kevin Willmore and Mike Munns.

Those unable to attend were: newly-elected Vice-Chairman Anthony Merrill and Kay Burrell. 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 Squires. Shauna J. Ringel acted as clerk for the meeting. The Chairman 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 at the hearing is attached hereto and incorporated herein.

Shauna Ringel gave the presentation on behalf of Planning and Zoning Department for the following new chapter and updates:

- Planning and Zoning Administrator/Coordinator were apprised that a family burial had taken place in one of the subdivisions in Madison County. Currently there are no restrictions against such a burial and for that reason and on the advice of legal counsel this new Chapter was developed. (see attached copy)
 - UDC updates were for clarification of present material and for the addition of new definitions and wording.
1. Executive Summary was changed for clarification. Added Geothermal Power Application to General Provisions, the Gravel Pit Overlay Zone description and added the new Chapter 17, Family Burial Grounds.
 2. Madison County Code Book (table of contents) was changed to include Chapter 1 General Provisions, 1.11 to add Geothermal Power Application Process, sections to Geothermal Power and new Chapter 17 Family Burial Grounds.
 3. Filing Fees word "application" was added.
 4. Conditional Use Permit clerical changes from Unified Development Code to Title and addition of words "and Board".
 5. Variance clerical changes from Unified Development Code to Title.
 6. Zone Change Application Process reference of conditional use permit was changed to zone change.
 7. Communication Tower, Wind Turbine and Geothermal Power had new wording for Geothermal Power added.
 8. Definitions were changed to add new terms for Family Burial Grounds, Historic Structures and Wind Turbine, High Speed Shaft.
 9. Agriculture Zoning corrections were made on describing measurement.
 10. Agriculture/Recreation added abbreviation DEQ.
 11. Commercial changed reference from chapter to section and zoning to development.
 12. Industry-Light deleted references to Industrial Overlay Zone which has been changed to Gravel Pit Overlay Zone. Added Industrial Overlay Design Standards.
 13. Industry-Heavy clarification made for large scale manufacturing to read "Heavy Industry uses shall be primarily oriented towards large scale manufacturing and production. Large Scale Manufacturing shall be done wholly within a completely fenced area, and shall be incidental to and operated in connection with a use permitted in this Title. All Heavy Industrial uses will have adequate fire protection, storage area, handling and disposal as approved in writing by the Fire Authority having jurisdiction.

Mrs. Ringel was asked questions by the Commission.

After hearing the presentation by Madison County officials on behalf of the Unified Development Code updates, Chairman Squires reminded the citizens 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, in neutral, or opposed to the proposal to come forward and be heard.

Those in favor were: None

Those in neutral were: None

Those opposed were: None

No Written comments were received on these matters.

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 Unified Development Code new chapter and updates:

- The addition of the Family Burial Ground would give the county regulations directing the usage and giving notice of things that would not be allowed. This is a necessary addition to the UDC.
- Updates are necessary to make the document more uniform and current on definitions.

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) Public hearing was held January 12, 2012 to take the testimony on a proposed Unified Development Code new chapter and updates. This proposed UDC updates are consistent with the goals and objectives of the Comprehensive Plan. Notice was published in the legal County newspaper, the Standard Journal, December 22 and 29th and January 5, 2012 as required. Said notice was also published in the *Madison County Courthouse, Madison County Administration Building, Madison County Public Library, Albertson's and Broulim's Supermarkets*. 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.

- 2) At the beginning of the hearing, Chairman Squires 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.
- 3) The Public hearing was scheduled at 7:30 p.m. all as set out in the published notices, as described above.
- 4) 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 Coordinator 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.
- 5) The following points were factors in the recommendation by the Planning and Zoning Commission for the approval of the County Commissioners.
 - The addition of the Family Burial Ground would give the county regulations directing the usage and giving notice of things that would not be allowed. This is a necessary addition to the UDC.
 - Updates are necessary to make the document more uniform and current on definitions.
- 6) Approval of the proposed Unified Development Code addition and updates are in the best interests of the people of Madison County.

CONCLUSIONS AND RECOMMENDATIONS

1. Notice of the Public Hearing held to consider approval of the proposed Unified Development Code addition and updates 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 Unified Development Code addition and updates and was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511 as well as Title 10 Unified Development Code, Chapter 1 General Provisions.

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

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

5. Approval of the proposed Unified Development Code addition and updates is in the best interest of the people of Madison County, Idaho, based upon the following:

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

Commission member Millie Andrus made the motion to approve the new Unified Development Code Chapter 17, Family Burial Grounds. . Commission member Ed Williams seconded the motion. Vote was unanimous. Motion carried.

Commission member Ed Williams made the motion to approve the updates to the current Unified Development Code. Commission member Dean Peterson seconded the motion. Vote was unanimous. Motion carried.

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 Unified Development Code addition and updates.

This decision may be appealed, in writing, relative to this decision taken by the Commission, as long as the appeal is submitted 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 18th day of January , 2012.

PLANNING AND ZONING COMMISSION
MADISON COUNTY, IDAHO

BILL SQUIRES, 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 Madison County Title 10, Unified Development Code, Chapter 1 General Provisions, 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 _____, 2012.

BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO

Kimber Ricks, Chairman

Jon Weber, Commissioner

Todd Smith, Commissioner

ATTEST:

Kim H. Muir, Clerk