

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

Unified Development Code Updates

Chapter 1 General Provisions, Section 1.3 Filing Fee

Chapter 1 General Provisions, Section 1.4 Conditional Use Permit, 1.4.2 Filing Fee

Chapter 1 General Provisions, Section 1.5 Variances, 1.5.3 Filing Fee

Chapter 2 Definitions

Chapter 4, Section 4.2.6 Land Use Table

Chapter 10, Wind Turbine

The Madison County Planning and Zoning Commission held a public hearing on October 14, 2010 at 7:15 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the proposed Unified Development Code updates for:

Chapter 1 General Provisions, Section 1.3 Filing Fee

Chapter 1 General Provisions, Section 1.4 Conditional Use Permit, 1.4.2 Filing Fee

Chapter 1 General Provisions, Section 1.5 Variances, 1.5.3 Filing Fee

Chapter 2 Definitions

Chapter 4, Section 4.2.6 Land Use Table

Chapter 10, Wind Turbine

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: Vice Chairman Millie Andrus, Jolene Sutton, Bill Squires, Doug Sakota, Barrett Wilcox, Kevin Willmore, Mike Munns, Anthony Merrill and Kay Burrell.

Those unable to attend: Chairman Ed Williams, Dean Peterson and Bradley Petersen. 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 Vice Chairman Andrus. Shauna J. Ringel acted as clerk for the meetings. The Vice 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 Vice Chairman asked if there were any conflicts of interest. None were stated.

Brent McFadden gave the presentation on behalf of Planning and Zoning Department for the following items:

Chapter 1 General Provisions, Section 1.3 Filing Fee
Chapter 1 General Provisions, Section 1.4 Conditional Use Permit, 1.4.2 Filing Fee
Chapter 1 General Provisions, Section 1.5 Variances, 1.5.3 Filing Fee
Chapter 2 Definitions
Chapter 4, Section 4.2.6 Land Use Table
Chapter 10, Wind Turbine

Mr. McFadden was asked questions by the Commission. A summary of this discussion at the hearing is attached hereto and incorporated herein.

After hearing the presentation by Madison County officials on behalf of the Unified Development Code updates, Vice Chairman Andrus reminded the citizens in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing. She 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 this matter.

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 updates:

Chapter 1 General Provisions, Section 1.3 Filing Fee
Chapter 1 General Provisions, Section 1.4 Conditional Use Permit, 1.4.2 Filing Fee
Chapter 1 General Provisions, Section 1.5 Variances, 1.5.3 Filing Fee
Chapter 2 Definitions
Chapter 4, Section 4.2.6 Land Use Table
Chapter 10, Wind Turbine

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

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 hearings were held October 14, 2010 to take the testimony on a proposed Unified Development Code updates. This proposed Code updates are consistent with the goals and objectives of the Comprehensive Plan.
Notice was published in the legal County newspaper, the Standard Journal, September 18th and 25th, 2010 as required. Said notice was also published in the Madison County Courthouse (2 locations), Madison County Administration Building, Madison County Public Library and Broulims Supermarket. 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, Vice 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.
- 3) The Public hearing was scheduled at 7:15 pm 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 Madison County Planning and Zoning Administrator gave an explanation of the subject of the public hearing. An opportunity was provided for the applicant(s) and members of the public to present testimony, which was followed by members of the Madison County 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 need for a yearly review fee for Conditional Use Permits

- The addition on both the Conditional Use Permit and Variance wording under Filing Fees – The appeal fees as set forth in their respective Sections
- The Land Use Table additions of and to the:
 - Assisted Living Housing – Major
 - Assisted Living Housing – Minor
 - Agriculture Related Structure
 - Automobile Service Station
 - Automobile Sales
 - Geothermal Power Plant
 - Wind Turbine, Commercial
- Updated Definitions
- Updated Wind Turbine Chapter

6) Approval of the proposed Unified Development Code updates is in the best interests of the people of Madison County.

CONCLUSIONS AND RECOMMENDATIONS

1. Notices of the Public Hearing held to consider approval of the proposed Unified Development Code 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 updates and was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511 as well as Madison County Zoning Ordinance No. 176.

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

4. The proposed Unified Development Code updates are 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 updates is in the best interest of the people of Madison County, Idaho, based upon the following:

- The need for a yearly review fee for Conditional Use Permits

- The addition on both the Conditional Use Permit and Variance wording under Filing Fees – The appeal fees as set forth in their respective Sections
- The Land Use Table additions of and to the:
 - Assisted Living Housing – Major
 - Assisted Living Housing – Minor
 - Agriculture Related Structure
 - Automobile Service Station
 - Automobile Sales
 - Geothermal Power Plant
 - Wind Turbine, Commercial
- Update Definitions
- Update Wind Turbine Chapter

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

Commission member Doug Sakota made the motion to approve the Unified Development Code updates. Commission member Jolene Sutton seconded the motion. Vote in favor were: Anthony Merrill, Jolene Sutton, Doug Sakota, Barrett Wilcox, Mike Munns and Kay Burrell. Those against the Wind Turbine update were: Bill Squires and Kevin Willmore. They did not agree with the setbacks for the commercial wind turbine.

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 updates Madison County.

Dated this 19th day of October, 2010.

PLANNING AND ZONING COMMISSION
MADISON COUNTY, IDAHO

Millie Andrus, Vice 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 Ordinance No. 176, 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 _____, 2010.

BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO

Robert Hansen, Chairman

Kimber Ricks, Commissioner

Jon Weber, Commissioner

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:

NAME OF PROPERTY OWNER	<input type="checkbox"/> Hand Delivery
Property Owner	<input type="checkbox"/> Facsimile
ADDRESS	<input type="checkbox"/> U.S. Mail
Rexburg, Idaho 83440	

Others, if any, please see attached sheet.

/s/ MARILYN R. RASMUSSEN
Clerk

Shauna J. Ringel, Deputy Clerk