

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

Re: Land Use Table – Unified Development Code - Part II, Chapter 117, Section 117-51, changes regarding commercial gravel pits allowed in commercial, light industrial and agricultural zones through conditional use permitting.

The Madison County Planning and Zoning Commission held a public hearing on April 7, 2016 at 7:00 p.m. at the Commissioner’s Room in the Madison County Courthouse, Rexburg, Idaho to consider changes in the Madison County Unified Development Code - Land Use Table Part II, Chapter 117, Section 117-51.

The entire meeting was recorded to allow for preparation of a transcribable verbatim record of the hearing. There was media in attendance at the meeting.

The following members of the Madison County Planning and Zoning Commission (“Commission”) were present at the public hearing: Chairman Rick Robertson, Ed Williams, Mike Munns, Doug Sakota, Shane Sutton, Matt Hartline, Aaron Swenson and Bill Squires. Those unable to attend were: Arlene Anderson, Mark Hansen, Anthony Merrill, and Christy Swenson. Planning and Zoning Administrator Brent G. McFadden, Legal Counsel Troy Evans, and Coordinator Judy Coy also attended.

The public hearing was called to order by Chairman Rick Robertson. Judy Coy acted as clerk for the meeting. Chairman Robertson questioned Judy Coy as to whether or not notices of the hearing had been properly published, posted and provided. Judy Coy stated that all required legal notices had been given. The Chairman asked if there were any conflicts of interest. No conflicts of interest were stated by any of the Commission members.

A summary of the discussion at the hearing is attached hereto and incorporated herein. See attached April 7, 2016 public hearing record.

Brent McFadden gave the presentation on behalf of the Madison County Planning & Zoning Commission.

After hearing the presentation by Mr. McFadden of the Madison County Planning and Zoning Commission, 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: Bridger Bowen and Blake Sharp

Those in neutral were: None

Those opposed were: Barbara Lusk, Perry Shumway, Verl Jason Drollinger, Jamie Clark, Tiffanie Clark, Tiffany Snedaker, Karl Snedaker, Kelly McKamey, Thane Siddoway, Deborah Siddoway, Weldon Sleight, Mary Ann Siepert, Michael Holdaway, Dan Goulding, Elaine King, Barbara Gibbs, Diann Flores, Shane Ruebush, Kirsten Ruebush, Rozan Goulding, Ken Poulsen, Patty Poulsen, Carla Dawn Clark, Kathy Moss, and Georgia Hansen,

A letter was received from Shane and Kirsten Ruebush, however they requested, prior to the hearing, that the letter not be read into the meeting record.

There being no further comments, the public hearing was closed at 8:00 PM.

Having given due consideration to changes presented, the Planning and Zoning Commission hereby makes the following findings of fact:

### **FINDINGS OF FACT**

- 1) A Public hearing was held April 7, 2016 to take the testimony on the proposed change.
- 2) Notice was published in the legal County newspaper, the *Standard Journal*, on March 18th and 25th , and on April 1st, 2016 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 posted in the appropriate locations in the County at least 15 days prior to the hearings.
- 3) At the beginning of the hearing, Chairman Robertson 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 7:00 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 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.

**A motion was made by Bill Squires that the proposed changes to the Land Use Table not be approved. Ed Williams seconded the motion. Those in favor were Mike Munns, Rick Robertson, Doug Sakota, Bill Squires, Shane Sutton and Ed Williams. Those opposed were Matt Hartline and Aaron Swenson. The motion was approved by majority vote. The motion carried.**

## CONCLUSIONS AND RECOMMENDATIONS

1. Notice of the Public Hearing held to consider approval of the change to the Unified Development Code 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 changes and was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511 as well as Part II, Unified Development Code, Madison County Code Book.
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. Any change to the Comprehensive Plan is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 *et. seq.*
5. The proposed Unified Development Code, Land Use Table changes are not in the best interest of the people of Madison County, Idaho.
6. These Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

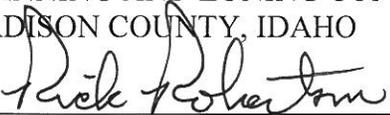
## CONCLUSION

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 **denial** of the requested change to the Unified Development Code Land Use Table.

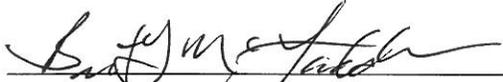
The public may appeal, in writing, this decision of the Commission relative to this decision taken by the Commission, as long as the appeal is submitted to the Board of County Commissioners within twenty-eight (28) days from such Commission action, per Part II, Unified Development Code, Chapter 101, Article III, Appeals.

Dated this 14<sup>th</sup> day of April, 2016.

PLANNING AND ZONING COMMISSION  
MADISON COUNTY, IDAHO

  
Rick Robertson, 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 Part II, Chapter 101, Article III, 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.

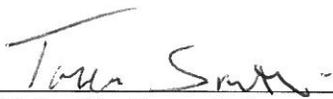
Dated this 15<sup>th</sup> day of April, 2016.

BOARD OF COMMISSIONERS

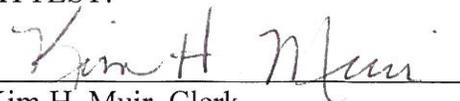
MADISON COUNTY, IDAHO

  
Jon O. Weber, Chairman

  
Kimber Ricks, Commissioner

  
Todd Smith, Commissioner

ATTEST:

  
Kim H. Muir, Clerk