

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

Re: Verizon Wireless - Conditional Use Permit

The Madison County Planning and Zoning Commission held a public hearing on July 21, 2016 at 7:00 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the request of Verizon Wireless for a Conditional Use Permit to erect a Wireless Communications Self-Support Tower in a Transitional Agricultural zone. This communications tower would be located at approximately 453 East 8200 South on 58.9 acres in the Rexburg, Idaho area.

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

The following members of the Madison County Planning and Zoning Commission ("Commission") were present at the public hearing: Arlene Anderson, Mark Hansen, Matt Hartline, Mike Munns, Rick Robertson, Bill Squires, Shane Sutton, Aaron Swenson, Christy Swenson, and Ed Williams. Those excused were Anthony Merrill and Doug Sakota. Planning and Zoning Administrator Brent G. McFadden, legal counsel Troy Evans and Coordinator Judy C. 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 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. No conflicts existed in the Commission members.

Jodie Knopp from Verizon Wireless gave the presentation on behalf of his Conditional Use Permit application. She was asked questions by the Commission.

After hearing the presentation by the Planning and Zoning staff, and from the applicant on behalf of the Verizon Wireless Conditional Use Permit, the Chairman asked for those in favor, in neutral, or opposed to the proposal to come forward and be heard. Chairman Hartline reminded the citizens in attendance that they must sign up on the appropriate lists if they wished to speak.

Those in favor were - None
Those neutral were - None
Those opposed were - None

Written correspondence was received from Samuel P. Miller and was read into the meeting record.

A summary of the discussion at the hearing is attached hereto and incorporated herein to include the letter from Mr. Miller. See the attached July 21, 2016 public hearing record attached hereto and incorporated by this reference herein.

There being no further comments, the public hearing portion was closed at 7:29 p.m. 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 Verizon Wireless request for a Conditional Use Permit to erect a wireless communications self-support tower in a Transitional Agriculture zone, taking into consideration the hearing factors contained in Madison County Unified Development Code, Part II, Chapter 102-1(3) regarding conditional use permits.

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 July 21, 2016, to take the testimony on a requested Conditional Use Permit. 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, June 24, 2016, and July 1, 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 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 foot buffer zone, as required, on July 6, 2016.
- 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 notice, 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.

CONCLUSIONS AND RECOMMENDATIONS

1. Notice of the Public Hearing held to consider approval of the Conditional Use Permit 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 Conditional Use Permit and was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511 as well as Madison County Code Book, Unified Development Code, Part II, Article V, Chapter 101, sections 101-135, Conditional Use Permit.
3. Madison County Code Book, Unified Development Code, Part II, Article V, section 101-137, Conditional Use Permit standards as follows:
 - A. Will, in fact, constitute a conditional use for the zoning designations involved, in that it is not already defined as a permitted use.
 - B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and the Unified Development Code.
 - C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - D. Will not be hazardous or disturbing to existing or future neighboring allowed uses.
 - E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - F. Will not create excessive additional requirements at public cost for public facilities or services, and will not be detrimental to the economic welfare of the community.

- G. Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- I. Will not result in the destruction, loss or damage of a natural scenic or historical feature of major importance.

4. The factors found in Madison County Code Book, Unified Development Code, Chapter 109, Article III, sections 48-55 were also discussed regarding Communication Towers.

5. A transcribable verbatim record was made and kept of the Public Hearing held to consider approval of the Conditional Use Permit, in accordance with the requirements of Idaho Code §§ 67-6536.

6. The proposed Conditional Use Permit is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 *et seq.*

7. Approval of the proposed Conditional Use Permit change is in the best interests of the people of Madison County, Idaho.

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

Matt Hartline made a motion to approve the Conditional Use Permit application with the following conditions:

1. A warning light will be placed on the top of the monopole and be illuminated at all hours, both day and night. This light should be bright enough that it is easily visible by air traffic.

2. An inventory of the cell towers Verizon Wireless currently has in Madison County and their location.

3. An annual review and fee will be required. This will include ensuring that the warning light is operating at all times.

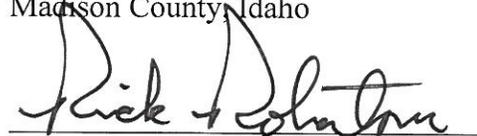
The motion was seconded by Mark Hansen and the voting by roll call vote was unanimous in favor. Motion carried. Verizon Wireless, through its representative, agreed to these conditions.

CONCLUSION

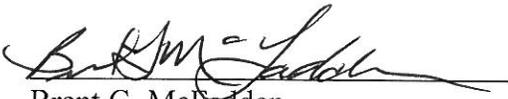
Based upon the foregoing Findings of Fact, Conclusions and Recommendations, the planning and zoning procedures conducted throughout the county, the comments received at the public hearing held thereon, and the deliberation of the Planning and Zoning Commission, the Commission hereby recommends **approval** of the request for a Conditional Use Permit based upon the conditions as outlined herein.

Dated this 21st day of July, 2016.

Planning and Zoning Commission
Madison County Idaho


Rick Robertson, Chairman

Attest:

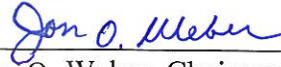

Brent G. McFadden
Planning and Zoning Administrator

**Adoption of Findings of Fact by the Madison County
Board of County Commissioners**

Based upon the foregoing Findings of Fact, Conclusions and Recommendations of the Planning and Zoning Commission, and based upon the Madison County Board of County Commissioners (Board) review thereon, pursuant to Unified Development Code, Part II, Chapter 101, section 101-105 through 101-141 and Idaho State Code § 67-6509, 67-5511 *et seq.*, the Board hereby approves the Findings of Fact and Conclusion of Law presented by the Commission and approves the action based thereon.

Dated this 15th day of September, 2016.

Board of County Commissioners



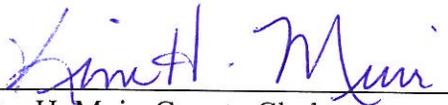
Jon O. Weber, Chairman, Commissioner

Kimber O. Ricks, Commissioner



Todd Smith, Commissioner

Attest:



Kim H. Muir, County Clerk

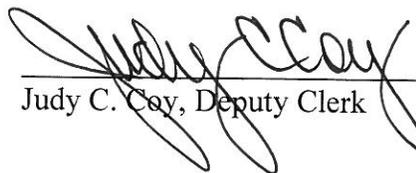
CLERK'S CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 6th day of Sept, 2016, I mailed a true and correct copy of the foregoing to the parties named below, by the means shown, and addressed as follows:

Verizon Wireless
10569 West Carolina Drive
Boise, ID 83709

() Hand Delivered
() Facsimile
(xx) U.S. Mail

/s/ Kim H. Muir



Judy C. Coy, Deputy Clerk