

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

Re: Stephen Stokes – Comprehensive Land Use Map Change

The Madison County Planning and Zoning Commission held a public hearing on February 11, 2016 at 7:00 p.m. at the Commissioner’s Room in the Madison County Courthouse, Rexburg, Idaho, to consider the Comprehensive Land Use Map Change to change the Madison County Zoning Map from Agricultural to Transitional Agricultural zoning on the Madison County Land Use Map. This property is located in Archer, Idaho.

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 Aaron Swenson, Bill Squires, Mike Munns, Doug Sakota, Anthony Merrill, Mark Hanson, Arlene Anderson, Christy Swenson and Ed Williams. Those unable to attend were: Matt Hartline and Chairman Rick Robertson. Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Judy Coy and legal counsel Troy Evans also attended.

No media were in attendance at the public hearing.

The public hearing was called to order at 7:14 p.m. by Vice-Chairman Aaron Swenson. Judy Coy acted as clerk for the meeting. Vice-Chairman Swenson questioned Judy Coy as to whether or not notices of the hearing had been properly published, posted and provided. Judy Coy stated all required legal notices had been given. The Vice-Chairman asked if there were any conflicts of interest of the Commission and none were stated.

A summary of this discussion and testimony at the hearing is attached hereto and incorporated herein (see attached February 11, 2016 meeting minutes/testimony).

Stephen Stokes, who resides at 3760 West 6800 South, Rexburg, Idaho, gave the presentation in regards to the requested zone change. The presenter was asked questions by the Commission.

After hearing the presentation by Madison County officials, and from the applicant who requested the comprehensive 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 it is preferable for them to sign up on the appropriate lists if they wished to speak at the hearing. For those not signed up, an availability to speak would be given at the end.

Those in favor were: Kimberly Tanner, Susan Stokes, Emilee Stokes, Joli Young, Jared Stokes, Rob Young and Taylor Stokes

Those neutral were: Shane Ruebush

Those opposed were: Kevin Hatfield and Wade Huntsman

Written correspondence, telephone calls and office visits from: David Allred

Thereafter, Stephen Stokes offered rebuttal on behalf of the proposed Comprehensive Land Use Map Change. Those offering rebuttal were asked questions by the Commission.

There being no further comments, the public hearing was closed at 7:47 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 Stephen Stokes request for a comprehensive land use map change. They reviewed the Comprehensive Plan Factors and discussed the same.

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

I. FINDINGS OF FACT

1. A public hearing was held February 11, 2016 to take the testimony on a requested zone 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 29th and February 5th, 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. Stephen Stokes was sent copies of the Public Hearing Notice and a map of the properties requesting the change.
3. At the beginning of the hearing, Vice Chairman Aaron Swenson 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. The Vice-Chairman also asked for any conflicts of interest, and none were declared by any Planning and Zoning member.
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 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 limits were imposed on oral testimony.

6. After the oral testimony (see attached public hearing record) the Commission discussed portions of the Comprehensive Plan as related to farm ground reviewed the Comprehensive Plan Factors found in Part II, Unified Development Code, Section 102, Factors, Madison County Code Book, as follows:

- A. Property Rights
- B. Population
- C. School Facilities and Transportation
- D. Economic Development
- E. Land Use
- F. Natural Resources
- G. Hazardous Areas
- H. Public Services, Facilities, and Utilities
- I. Transportation
- J. Recreation
- K. Special Areas or Sites
- L. Housing
- M. Community Design
- N. Agriculture
- O. Implementation
- P. National Interest Electric Transmission Corridors

7. Based upon this information, Arlene Anderson made a motion to approve the Comprehensive Land Use Map change. Ed Williams seconded the motion. Those voting in favor to approve the change were Arlene Anderson, Mike Munns, Doug Sakota and Ed Williams. Those voting not in favor were Mark Hansen, Anthony Merrill, Bill Squires, Aaron Swenson and Christy Swenson. The motion failed based on the vote.

II. CONCLUSIONS OF LAW AND RECOMMENDATIONS

1. Notice of the Public Hearing held to consider approval of the Comprehensive 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 Land Use Map Change 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 Land Use Map change and Zone Change, in accordance with the requirements of Idaho Code §§ 67-6536.
4. The proposed Comprehensive Land Use Map change is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 *et. seq.*
5. These Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

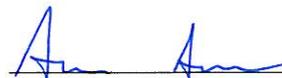
III. CONCLUSION

Based upon the foregoing Findings of Fact, Conclusions of Law 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 Comprehensive Land Use Map Change.

The applicant may appeal, in writing, this decision of 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 General and Administrative Provisions, Article III, Appeals.

Dated this 10 day of March, 2016.

PLANNING AND ZONING COMMISSION
MADISON COUNTY, IDAHO



AARON SWENSON
Vice Chairman of Madison County Planning
and Zoning

ATTEST:


BRENT G. MCEADDEN,
Planning and Zoning Administrator

Adoption of Madison County Planning and Zoning's Findings of Fact and Conclusions of Law by the Madison County Board of County Commissioners

Based upon the foregoing Findings of Fact, Conclusions of Law and Recommendation of the Planning and Zoning Commission, and based upon the Madison County Board of County Commissioners' review thereon, pursuant to Title 10, Unified Development Code, Chapter 1 General Provisions, Section 1.10(C) Zone Change and Idaho State Code §§ 67-6509, 67-6511, *et seq.*, the Board hereby approves the Findings of Fact and Conclusions of Law, denying the applicants application, 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 28th day of March, 2016.

BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO



Jon O. Weber, Chairman

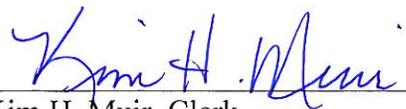


Kimber O. Ricks, Commissioner



Todd Smith, Commissioner

ATTEST:



Kim H. Muir, Clerk

CLERK'S CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28th day of March, 2016. I mailed a true and correct copy of the foregoing documents to the parties named below, by the means and address below as follows:

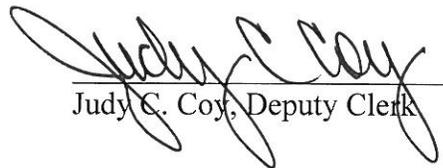
Stephen Stokes
3760 West 6800 South
Rexburg, Idaho 83440

Hand Delivery
 Facsimile
 U.S. Mail

Others, if any, please see attached sheet.

/s/ Kim H. Muir

Clerk


Judy C. Coy, Deputy Clerk