

**Madison County
Planning & Zoning Commission**

**Public Hearing Minutes
August 11, 2016**

In the absence of Chairman Rick Robertson and Vice Chairman Aaron Swenson commission member Matt Hartline called the meeting to order at 7:02 p.m. and conducted the meeting thereafter. Those attending were Arlene Anderson, Mark Hansen, Matt Hartline, Anthony Merrill, Mike Munns, Doug Sakota, Bill Squires, Christy Swenson, Ed Williams, Brent McFadden, Judy Coy, Cade Hillman, Arryn Hillman, and Randall Hillman. Those excused were Rick Robertson, Shane Sutton, Aaron Swenson and Troy Evans, legal counsel. The Pledge of Allegiance was recited and roll call was taken.

May 12, 2016 Public Hearing Minutes

Matt Hartline asked if there were any changes or additions to the meeting minutes from the July 21, 2016 public hearing. Matt Hartline and Bill Squires requested changes to the minutes. A motion was made by Bill Squires to approve the minutes with the changes requested. Christy Swenson seconded the motion. Motion carried. Anthony Merrill and Doug Sakota abstained from voting due to their absence at the meeting.

Findings of Fact for the Verizon Wireless – Conditional Use Permit

Matt Hartline asked if there were any changes to the Findings of Fact as presented for the Verizon Wireless – Conditional Use Permit. Two changes were noted and a motion was made by Christy Swenson to approve the document with changes. Bill Squires seconded the motion. Motion carried with all in favor with the exception of Anthony Merrill and Doug Sakota who abstained from voting due to their absence at the hearing.

PUBLIC HEARING

Matt Hartline opened the public hearing at 7:10 p.m. He then asked if there was any conflict of interest with any of the commission members. No conflicts were mentioned from any of the commission members. There were no conflicts of interest stated. Matt Hartline then asked if the Public Hearing Notice had been posted appropriately. Judy Coy stated that the notices had been published in the Standard Journal newspaper on July 25th and August 5th, 2016 and had also been posted in the appropriate buildings. There were no news media present.

Conditional Use Permit for Cade and Arryn Hillman for construction of a single family residence in a light industrial zone.

Cade Hillman made his presentation as follows: I am Cade Hillman, I am from Sugar City. My wife knows our address. I know our P.O. Box number and that's about it. It is P.O. Box 234 Sugar City. We live in the apartments there. It's 215 Center Street and it is apartment number 15. First of all I would like to thank everyone for taking the time to look this over. The reason we want to build there is to be close to our families. My wife grew up in Rexburg, I grew up in Newdale. And it is actually the pasture where I grew up riding horses, and riding four wheelers in. It is my grandmother's property. We would like to purchase five point one acres from her and build a small single home with a foundation on there and then keep what's left as pasture for livestock such as cattle and horses. The rest would be for my grandmother and her house and the

barn would be in her name and the rest would come over to me. Thank you for your time and if you have any questions for me I would let you give them to me right now.

Ed Williams: It looks like the property has a lot of other homes around it.

Cade Hillman: Yes. They are there across the street and they are zoned for I believe agriculture. I'm not quite sure.

Bill Squires: Do you know why this was zoned light industrial.

Cade Hillman: I believe it was because of the cheese factory that is down the road from there. I think it was changed for that.

Brent McFadden: His grandparents were on a mission when this was zoned and they were not able to be there to attend. They took in half of their property they didn't take in all of it they just took in half it. Really and truly it probably should be re-changed back to transitional ag.

Bill Squires: This is just for just this particular thing?

Brent McFadden: Yes

Matt Hartline: Judy were all of the public notices posted?

Judy Coy: The publications were in the July 25th and August 5th issues of the Standard Journal and the buildings were appropriately posted.

Matt Hartline: I also forgot to ask if there were any conflicts of interest on the board. (No conflicts were mentioned.)

Bill Squires: I don't really know if it matters here but where do you plan to access your home.

Cade Hillman: Up the road so that we are within the length of the distance between the driveway.

Bill Squires: Not on your grandma's road? You have another road.

Cade Hillman: No we won't we will build another one and put a culvert across the irrigation ditch.

Matt Hartline: I would like to see a picture if we could.

Brent McFadden: I apologize, for some reason the camera is not working so your maps and stuff in your packets will have to do. Like I said just this property was zoned light industrial way back when. In my opinion by error, it probably shouldn't have been changed. I know I had discussions with Cade's grandfather before his passing about this and we never really pursued it we talked back and forth and he never really settled on whether he wanted to change it or not. If he wants to build on it this year then we can change it to transitional ag so they won't have to have to pay the \$25.00 a year conditional use permit.

Ed Williams: I suppose that the cheese factory it looks like it is next door there.

Brent McFadden: It is south. It is the only place south of them. Lerwill's own the property in between them don't they? I thought they owned some of it inside. But anyway the cheese factory is there but I think they are closed. They are not running anymore.

Anthony Merrill: They operate about one day a week or two days a week.

Brent McFadden: They are running again. Oh. So it is running again.

Anthony Merrill: One or two days a week is all.

Bill Squires: And you are aware of that.

Cade Hillman: Yes. I am.

Bill Squires: So does he own this property now, has he bought it from the grandmother.

Cade Hillman: No I don't. We wanted to make sure everything ok before we did it.

Matt Hartline: Judy did we receive any written correspondence.

Judy Coy: No there was no written correspondence received

Matt Hartline: We will move into the verbal testimony and there are no opposed or no neutral. Did everybody that is here that wants to testify have an opportunity to do so. Great. Let's go ahead and get started and then these are all the people who are in favor, Randall Hillman, if you wouldn't mind coming up.

Brent McFadden: State your name and address.

Matt Hartline: State your name and address.

Randall Hillman: Ok I am Randall Hillman, I live at 188 North 2900 East, St. Anthony, Idaho. It is just up above Newdale upon the river. I guess the only real reason I wanted to testify was because I worry about what my son is going to say. But I primed him before I went up because that is what dad's do. But my mother has been trying to sell this property, they have been trying to sell it a while and just it's location and stuff and it has been hard for her to do that. With the homes close by I think it is a good fit. Also between the cheese factory and the homes there is, it is owned by the cheese factory but it is farmed now, hay is on it right now so it is not we are not sitting right up side by side to the cheese factory and the reason I think it is a good fit. Any questions?

Matt Hartline: Thank you. Cade is there anything else you wanted to say. You will have a chance to talk later. How about Arryn Hillman. Are you alright or do you want to speak. Come on up.

Arryn Hillman: My name is Arryn Hillman, I am Cade's wife. The correct address for where we currently live is 215 West Center Street #15. It is the apartments in Sugar City. I don't really know what I am supposed to say other than I am ready for this because I would really like to get into a house rather than in an apartment. We are done with the apartment life. That is all. Thank you.

Matt Hartline: Thank you very much. This is the time that we usually ask for any rebuttal. It would be for people who are opposed so that they might address some of the concerns of those who are opposed or neutral. Do you have anything else you want to say? You are welcome too.

Cade Hillman: My grandmother is alone now and she lives by herself and it would be good to have someone right next door I believe. I am pretty sure my father is in favor of that and also my grandmother. Sometimes we have to take care of our own. And I feel like this is a good opportunity for me to do that. That is all I have to say. Thank you.

Matt Hartline: Thank you. At this time we will close the public hearing portion and then the board can discuss items and just go over a little bit of the procedural stuff so the board can discuss any items and then we will make a motion for approval or denial and then vote on that. So is there anybody on the board that would like to discuss anything. The hearing was closed at 7:20 p.m.

Bill Squires: Well I think it fits in with item C under our factors, and D. It fits in with the surrounding area. I would agree with this.

Matt Hartline: Mr. Sakota.

Doug Sakota: I don't have any comments.

Matt Hartline: It appears the problem when the line was drawn for the industrial zone that they probably did it from an aerial photograph and then looked at the property owned by the cheese factory and just drew a straight line across and didn't take into account that piece that is owned by the Hillmans.

Christy Swenson: I am in favor of granting the conditional use permit.

Brent McFadden: Is that a motion?

Matt Hartline: Is that a motion?

Christy Swenson: I would make that motion yes. I make a motion to approve the conditional use permit.

Matt Hartline: Do we have a second?

Doug Sakota: I second.

Matt Hartline: Roll call vote.

Judy Coy: Arlene Anderson.

Arlene Anderson: Yes.

Judy Coy: Matt Hartline.

Matt Hartine: Yes.

Judy Coy: Anthony Merrill.

Anthony Merrill: In favor.

Judy Coy: Mike Munns.

Mike Munns: Yes.

Judy Coy: Doug Sakota.

Doug Sakota: Yes.

Judy Coy: Bill Squires.

Bill Squires: Yes.

Judy Coy: Christy Swenson.

Christy Swenson: Yes.

Judy Coy: Ed Williams.

Ed Williams: Yes.

Matt Hartline: Mark Hansen just walked in. So the voting was unanimous in favor so the motion carries.

Brent McFadden: Procedurally the commission is only a recommendation board to the County Commissioners. The Findings of Fact will be made up and we meet on the 25th of August and that will be passed and then it goes to the County Commissioners and they have the choice to either accept our recommendation or reject it and hold their own hearing. If they accept it then there is a twenty eight day period for anybody to come in and contest it. They don't contest it with the County Commissioners they have to go to district court. Ok thank you.

Arlene Anderson: Do they have to apply for the zone change or is that something we can do.

Brent McFadden: We can do it. It will be a zone change and a comprehensive plan use change. I think if we can we will get it set up for next month. If it is too late we will get it on for the October hearing date for changing those two. It will eliminate the \$25.00 per year for the conditional use permit. It has to be inspected each year.

Matt Hartline: Does anyone have any other business.

Doug Sakota made a motion to adjourn which was seconded by Ed Williams. The meeting stood adjourned at 7:25 p.m.

Meeting Minutes accepted by:

Meeting Minutes approved by:

Matthew J. Hartline,

Judy C. Coy, Coordinator