

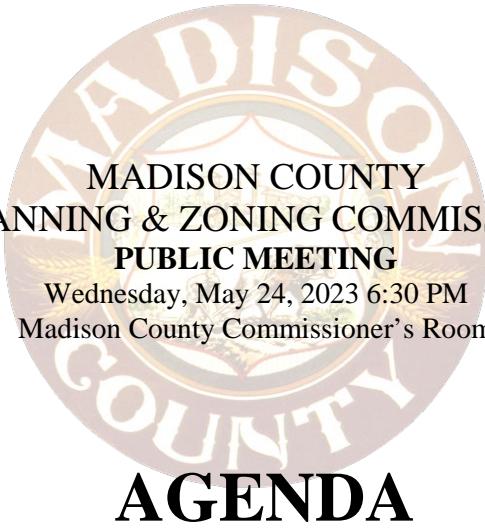


Madison County

Planning and Zoning

Wednesday May 24, 2023

Public Meeting



MADISON COUNTY
PLANNING & ZONING COMMISSION
PUBLIC MEETING
Wednesday, May 24, 2023 6:30 PM
Madison County Commissioner's Room

AGENDA

6:30 p.m.	Welcome:	Troy Thurgood – <i>Planning and Zoning Commission Chair</i> Pledge of Allegiance Roll Call Attendance
	Routine Business:	Chairman Troy Thurgood Board of County Commissioners Meeting Review
		Approve Public Meeting Documents <i>May 10, 2023 Minutes</i> <i>Ord. No. 468 Findings of Fact</i> <i>Ord. No. 469 Findings of Fact</i> <i>Ord. No. 470 Findings of Fact</i>
6:35 p.m.	Public Hearings:	Palmer/Koon Zone Change from TAG to Residential
6:45 p.m.	Administrator Business	Planning and Zoning Administrator, Gary Armstrong
7:00 p.m.	Adjourn	Planning and Zoning Commission Chairman, Troy Thurgood

Upcoming Public Meetings:

June 14, 2023 – Variance
June 28, 2023 – TBD

Please contact Madison County Planning and Zoning Office prior to any meeting

if assistance is required for disabled persons planning to attend.



<https://zoom.us/j/93486967394>

PUBLIC MEETING DOCUMENTS

May 10, 2023 Minutes

Ord. No. 468 Findings of Fact

Ord. No. 469 Findings of Fact

Ord. No. 470 Findings of Fact

MADISON COUNTY
PLANNING & ZONING COMMISSION
Public Meeting Minutes
May 10, 2023

MEETING COMMENCED: 6:32 P.M.

WELCOME:

Planning and Zoning Commission Chairman, Troy Thurgood, welcomed all in attendance. All participated in a Pledge to the Flag. Planning Staff performed a roll call attendance.

Commission members Arlene Anderson, Clint Hansen, Kort Black, Mark Hansen, Shane Ruebush, and Troy Thurgood were in attendance. Commission members Eric Miller and Paul Weekes were excused from the meeting. Planning Administrator, Gary Armstrong, and office staff Melissa VanSlochteren were also in attendance.

BOCC MEETING REVIEW:

No Planning and Zoning items were scheduled on the May 8, 2023 Board of County Commissioner's meeting agenda. No review was given.

APRIL 12, 2023 PUBLIC MEETING MINUTES:

The commission was given time to review the public meeting minutes from the April 26, 2023 public meeting. Commission member Mark Hansen proposed a motion to approve the minutes as presented. Commission member Shane Ruebush voted to second the motion. All present were in favor. Commission member, Sharon Oakey, abstained from voting as she was excused from the April 26, 2023 public meeting. Motion passed. April 26, 2023 minutes approved.

PUBLIC FORUM:

Before beginning the public hearings, Chair Thurgood explained the topics of the three hearings scheduled for the evening. Thurgood invited the public in attendance to ask questions before the hearings begin to allow for questions to be answered before the public hearing begins. The public asked for an explanation or summary of what changes are being made to the Commercial Zone code. Administrator Armstrong gave a summary of the main changes being made to the Commercial Zoning Code.

Madison County Code 117-54 outlines the scope and purpose of Commercial Zones. The existing code was written primarily for "Main Street" type development, and is not conducive to the constraints of development in the unincorporated County, primarily lack of community water and sewer systems. The current code lacks such fundamental requirements such as minimum lot sizes and setbacks, and has resulted in development that while legal under the code, is less than ideal for the unincorporated County. Additionally, the current code has numerous design requirements that are great for Main Street, but are simply not practical in the unincorporated County, such as curb and gutters, landscaping, and urban architectural features.

In an effort to create commercial zoning that is more conducive to the conditions found in the unincorporated county, it is proposed that the commercial code be greatly simplified

and reduced to minimum concepts that protect private property rights, encourage commercial development appropriate for the unincorporated County, and are guided by the constraints from using on-site private well and septic systems.

Key parts of the revision include:

- Establishing 1-acre minimum lot size for lots in commercial zone
- Establishing setbacks of 30' front, 15' sides, and 25' back for development within the lots in commercial zones.
- Require any parking associated with the commercial use to be on the property – no on-street parking
- Require on-site loading/off-loading areas (no loading/off-loading in the street)
- Repealing any additional design requirements such as curbs and gutters and architectural design elements.
- Requiring meters be installed on wells in commercial zones

Overall, these changes have reduced the commercial zone regulations from over 30 pages, to 2.

Members of the Public were then allowed to ask questions. Marjorie Price wanted to know how these changes would affect residential structures being constructed in a commercial zone. Administrator Armstrong noted that her particular development has already been approved. The residential uses in the commercial zone will not change on the land use table.

Ben Munns had questions on why the County is mandating something that is already required by State Agency. Administrator Armstrong explained that the requirement for the installation of a water meter on commercial properties is to help the property owner be proactive with water usage and potential required reporting. Armstrong noted that the proposed changes are getting rid of other costly requirements like curb and gutter, and the cost of a meter is much less compared to other expenses.

No further questions from the public.

PUBLIC HEARINGS:

ORDINANCE NO. 469 – COMMERCIAL ZONE CODE REVISION

Chair Thurgood opened the public hearing for Ordinance No. 469 – Commercial Zone Code Revision. Thurgood inquired if notice of the public hearing was properly posted and provided. Staff confirmed such notices were posted and provided as required. No conflicts of interest were noted within the present members of the Commission.

Administrator Armstrong gave a brief staff report, as he had previously explained all the changes in the public forum portion of the meeting. The commission had no further questions regarding the staff report. The public was then invited to testify in favor, opposed, or neutral to the proposed code changes.

OPPOSED:

Ben Munns of Steel Vision Construction noted he was opposed to the requirement of water meters in the commercial zone. He stated the requirement seems pointless if no one is going to enforce or even monitor these meters. It should just be a state agency requirement, not a County requirement.

No public comment was offered in favor or neutral to the proposal.

With no further comments, the public hearing was closed, allowing the commission to discuss the proposed changes.

Sharon Oakey inquires on why certain facilities are specified in the code. Wonders if the code should be that specific. In response, Administrator Armstrong notes that each of those listed facilities goes above and beyond basic commercial regulations as far as impacts on surrounding properties. Those specific facilities will need to have larger setbacks, and larger lots in order to mitigate negative impacts on surrounding properties.

Arlene Anderson inquires if commercial developments require a water right. Administrator Armstrong responds that a water right is only required if the water usage exceeds the domestic well exemption given to commercial structures.

Shane Ruebush notes that the cost of a water meter on a well is minimal, especially when compared to other commercial development requirements. The purpose of the meter is to allow the property owner to monitor water usage. If the water usage is more than what was expected, the property owner is easily aware, and can make the necessary changes. If the state were to ever require water usage data, the property owner will have years of data to prove whether or not they have been exceeding the state limit on water usage in a commercial area.

Commission Member Clint Hansen noted that the metering requirement is just a way to protect the property owners. The state is spot checking commercially exempt domestic wells to ensure they do not exceed the 2500 gallons per day.

With no further discussion from the Commission, Shane Ruebush proposes a motion to recommend approval of Ordinance 469, revising the development code for Commercial zones as noted. Commission member Arlene Anderson votes to second the motion. A roll call vote was taken. All present members of the commission voted in favor of the motion. Motion passed.

ORDINANCE NO. 468 – EXEMPTION FOR LAND DIVISION

Chair Thurgood opens the second hearing of the evening. Staff confirmed that the notices for Ordinance No. 468 – Repeal of Exemptions for Land Divisions public hearing were properly posted and published. No conflicts of interest were noted by the members of the commission.

Administrator Armstrong gave a staff report on the proposed Ordinance No. 468 to repeal the exemptions for land divisions in the Madison County Code:

Madison County Code 101-99 provides 7 situations that division of lands is exempt from compliance with subdivision codes. The most problematic of these is that land divided in settlement of an estate, or by court decree are exempt from subdivision rules (101-99 (a)). This establishes a loophole to side-step all subdivision laws including establishing access to each lot, density requirements, and a myriad of other recruitments designed to protect private property interests, and is contrary to state law and case law on the issue.

Other exemptions are allowed by state law (condemnation, cemeteries, or large-scale ag divisions), and it is not necessary for the County to maintain duplicative exemptions within the land development code. Such inclusion only complicates legal interpretations and muddies the water so to speak.

In an effort to bring Madison County Code into alignment with state law, and to simplify the land development code, and to remove the “estate loophole,” it is proposed that Madison County Code 101-99 be repealed.

Arlene Anderson inquires if individuals can still divide property as part of an estate settlement if it meets zoning requirements. Administrator Armstrong confirms that splits can still take place, as long as no non-conforming lots are created. An Administrative permit must be obtained to allow for any change in lot configuration or creation of new lots.

Sharon Oakey inquires how often the County will strike a full paragraph of Code. Chair Thurgood notes that this repeal seems reasonable.

With no further discussion, Commission member Sharon Oakey proposes a motion to recommend approval of Ordinance 468, repealing Madison County Code 101-99, “Exemptions for Land Divisions.” Commission member Clint Hansen votes to second the motion. A roll call vote was taken. All commission members present voted in favor of the motion. Motion passes.

ORDINANCE NO. 470 – REQUIRED IRRIGATION CORRESPONDENCE

Chair Thurgood opens third hearing of the evening. Staff confirms that the public hearing notices for Ordinance No. 470 were properly posted and provided as required. No conflicts of interest were noted by any present commission member.

A staff report was provided by Administrator Armstrong: Irrigation of subdivision lots has been a pressing issue for some time in Madison County. All subdivision lots are at least one acre in size, yet domestic wells are only authorized to irrigate up to $\frac{1}{2}$ acre of landscaping as per state code. Historic irrigation systems of canals and ditches are designed to irrigate large tracts of land, and are difficult to use on parcels that are only 1-2 acres.

In an effort to ensure best practices for irrigating landscaping, and continuing to utilize surface irrigation water systems, Madison County proposes adding a requirement to the preliminary plat application for subdivisions, that the developer demonstrates that they have been in communication with the appropriate irrigation/canal company regarding irrigation within the proposed subdivision. Where each subdivision and each canal company are different, Madison County is not mandating any one system or solution. But instead, this code change will require the developer to work out the best solutions with the applicable irrigation/canal company.

No questions or discussion by the commission. Commission member Arlene Anderson proposes a motion to recommend approval of Ordinance 470, adding a requirement for developers to demonstrate communication with irrigation/canal companies as part of the preliminary plat application process for a subdivision. Commission member Shane Ruebush votes to second the motion. A roll call vote was taken. All commission members present voted in favor of the motion. Motion passed.

ADMINISTRATOR BUSINESS:

A follow up on a previous meetings discussion regarding character zoning was initiated by Administrator Armstrong. He noted that the change in zoning code will need to run parallel with the comprehensive plan update.

Sharon Oakey inquired if the new character zoning code will be specific. Administrator Armstrong noted that there has to be some objective measurements to allow for quantifiable requirements.

Administrator Armstrong invites the commission to review the example character zoning regulations provided to them. The commission is to return to a future meeting with ideas on what zones and individual characters the commission feels would fit Madison County best.

ADJOURN:

Commission member Shane Ruebush motions to adjourn. All second.
Meeting Adjourned at 7:51 p.m.

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

Re: Proposed Ordinance No. 468 Repealing Part II, Chapter 101, Article 101-IV, Section 101-99, Exemptions for Land Divisions

The Madison County Planning and Zoning Commission held a public hearing on Wednesday May 10, 2023 at 6:30 p.m. at the Commissioner's room in the Madison County Courthouse, Rexburg Idaho. This hearing was held to consider potential modifications to the Madison County Unified Development Code to repeal Part II, Chapter 101, Article 101-IV, Section 101-99, Exemptions for Land Divisions.

The following members of the Madison County Planning and Zoning Commission ("Commission") were present at the public hearing convened on Wednesday May 10, 2023.

May 10, 2023 Attendance			
Roll Call	Present	Absent	Excused
Arlene Anderson	X		
Clint Hansen	X		
Eric Miller			X
Kort Black	X		
Mark Hansen	X		
Paul Weekes			X
Shane Ruebush	X		
Sharon Oakey	X		
Troy Thurgood	X		

Planning and Zoning Administrator, Gary Armstrong and Planner Melissa VanSlochteren were also in attendance.

The public hearing was called to order on May 10, 2023 at 6:30 p.m. by Chairman Troy Thurgood. Melissa VanSlochteren acted as clerk for the meeting. Chair Thurgood inquired staff if the public hearing notice was properly published, posted, and provided. Melissa VanSlochteren answered in the affirmative. Chair Thurgood asked all commission members present if there were any conflicts of interest, none were stated.

The meeting was recorded to allow for the preparation of a transcribable record. There was no media in attendance at the May 10, 2023 public hearing. A transcript of the discussion and testimony at this public hearing is attached hereto and incorporated herein. See the attached May 10, 2023 meeting minutes/testimony.

A staff presentation was given by Administrator Armstrong of the Planning and Zoning Department regarding this proposed modification to the Unified Development Code.

Those in FAVOR: None
Those NEUTRAL: None
Those OPPOSED: None
Written Correspondence: None

Having given due consideration to potential modifications to the Madison County Unified Development Code, the Planning and Zoning Commission hereby makes the following findings of fact:

FINDINGS OF FACT

1. A public hearing was held May 10, 2023 to take testimony on a potential modification to the Madison County Unified Development Code.
2. Notice was published in the legal County Newspaper, the Standard Journal, on April 21, 2023, April 28, 2022, and May 5, 2023. The published notice included an appropriate and accurate summary of the issues to be heard.
3. At the beginning of the hearing, Chair Thurgood asked if the proper notice of the hearing had been provided. Planning and Zoning staff answered in the affirmative.
4. The public hearing was scheduled for 6:30 p.m. on May 10, 2023. All was 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 explained 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. No time limits were placed upon verbal testimony.
6. A motion was made by Commission Member **Sharon Oakey proposes a motion to recommend approval of Ordinance 468, repealing Madison County Code 101-99, “Exemptions for Land Divisions.”** Commission member Clint Hansen votes to second the motion. A roll call vote was taken. All commission members present voted in favor of the motion. Motion passes.

CONCLUSIONS AND RECOMMENDATIONS

1. Notice of the public hearing held to consider potential modifications to the Madison County Unified Development Code to repeal Part II, Chapter 101, Article 101-IV, Section 101-99, Exemptions for Land Divisions.
2. A public hearing was held to consider the above described action and was conducted in accordance with the requirements of Idaho Code Idaho Code §§67-6509 and 67-6511.
3. A transcribable record was made and kept of the public hearing held to consider approval for the above described action and is in accordance with the requirements of Idaho Code §§ 67-6536.
4. The proposed change to the Madison County Planning and Zoning Commission is an appropriate exercise of the Madison County Commissioner's responsibilities established by §§ 67-6501 *et seq.*
5. The Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

CONCLUSIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the public hearings conducted throughout the County, the comments received at the public hearing held hereon, and the deliberation of the Madison County Commissioners, the Madison County Planning and Zoning Commission hereby recommends approval of the modifications to the Madison County Unified Development Code to repeal Chapter 101-99 Exemptions for Land Divisions, and to repeal all ordinances and resolutions in conflict hereto;

Dated this ____ day of _____, 2023.

Planning and Zoning Commission
Madison County, Idaho

Troy Thurgood, Chair

Attest:

Gary Armstrong
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.

1. The request to apply the recommended modifications and adopt an ordinance amending the Madison county code, to repeal exemptions for land divisions; is hereby APPROVED.

**BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO**

Todd Smith, Chairman

Brent Mendenhall, Commissioner

Dustin Parkinson, Commissioner

ATTEST:

Kim H. Muir, Clerk

Exhibit A
May 10, 2023 Public Meeting Minutes
Ordinance No. 468 Repeal of Exemptions for Land Divisions

ORDINANCE NO. 468 – EXEMPTION FOR LAND DIVISION

Chair Thurgood opens the second hearing of the evening. Staff confirmed that the notices for Ordinance No. 468 – Repeal of Exemptions for Land Divisions public hearing were properly posted and published. No conflicts of interest were noted by the members of the commission.

Administrator Armstrong gave a staff report on the proposed Ordinance No. 468 to repeal the exemptions for land divisions in the Madison County Code:

Madison County Code 101-99 provides 7 situations that division of lands is exempt from compliance with subdivision codes. The most problematic of these is that land divided in settlement of an estate, or by court decree are exempt from subdivision rules (101-99 (a)). This establishes a loophole to side-step all subdivision laws including establishing access to each lot, density requirements, and a myriad of other recruitments designed to protect private property interests, and is contrary to state law and case law on the issue.

Other exemptions are allowed by state law (condemnation, cemeteries, or large-scale ag divisions), and it is not necessary for the County to maintain duplicative exemptions within the land development code. Such inclusion only complicates legal interpretations and muddies the water so to speak.

In an effort to bring Madison County Code into alignment with state law, and to simplify the land development code, and to remove the “estate loophole,” it is proposed that Madison County Code 101-99 be repealed.

Arlene Anderson inquires if individuals can still divide property as part of an estate settlement if it meets zoning requirements. Administrator Armstrong confirms that splits can still take place, as long as no non-conforming lots are created. An Administrative permit must be obtained to allow for any change in lot configuration or creation of new lots.

Sharon Oakey inquires how often the County will strike a full paragraph of Code. Chair Thurgood notes that this repeal seems reasonable.

With no further discussion, Commission member Sharon Oakey proposes a motion to recommend approval of Ordinance 468, repealing Madison County Code 101-99, “Exemptions for Land Divisions.” Commission member Clint Hansen votes to second the motion. A roll call vote was taken. All commission members present voted in favor of the motion. Motion passes.

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

Re: Proposed Ordinance 469 to Amend Madison County Code, Part II Unified Development Code, Chapter 117 Zoning, Article 117-III Zoning Districts and Land Uses, Section 117-54 Commercial Zone and repeal Article 109-II Commercial Development Standards.

The Madison County Planning and Zoning Commission held a public hearing on Wednesday May 10, 2023 at 6:30 p.m. at the Commissioner's room in the Madison County Courthouse, Rexburg Idaho. This hearing was held to consider potential modifications to the Madison County Unified Development Code Chapter 117 Zoning, Article 117-III Zoning Districts and Land Uses, Section 117-54 Commercial Zone and repeal Article 109-II Commercial Development Standards

The following members of the Madison County Planning and Zoning Commission ("Commission") were present at the public hearing convened on Wednesday May 10, 2023.

May 10, 2023 Attendance			
Roll Call	Present	Absent	Excused
Arlene Anderson	X		
Clint Hansen	X		
Eric Miller			X
Kort Black	X		
Mark Hansen	X		
Paul Weekes			X
Shane Ruebush	X		
Sharon Oakey	X		
Troy Thurgood	X		

Planning and Zoning Administrator, Gary Armstrong and Planner Melissa VanSlochteren were also in attendance.

The public hearing was called to order on May 10, 2023 at 6:30 p.m. by Chairman Troy Thurgood. Melissa VanSlochteren acted as clerk for the meeting. Chair Thurgood inquired staff if the public hearing notice was properly published, posted, and provided. Melissa VanSlochteren answered in the affirmative. Chair Thurgood asked all commission members present if there were any conflicts of interest, none were stated.

The meeting was recorded to allow for the preparation of a transcribable record. There was no media in attendance at the May 10, 2023 public hearing. A transcript of the discussion and testimony at this public hearing is attached hereto and incorporated herein. See the attached May 10, 2023 meeting minutes/testimony.

A staff presentation was given by Administrator Armstrong of the Planning and Zoning Department regarding this proposed modification to the Unified Development Code.

Those in FAVOR: None
Those NEUTRAL: None
Those OPPOSED: See Attached
Written Correspondence: None

Having given due consideration to potential modifications to the Madison County Unified Development Code, the Planning and Zoning Commission hereby makes the following findings of fact:

FINDINGS OF FACT

1. A public hearing was held May 10, 2023 to take testimony on a potential modification to the Madison County Unified Development Code.
2. Notice was published in the legal County Newspaper, the Standard Journal, on April 21, 2023, April 28, 2022, and May 5, 2023. The published notice included an appropriate and accurate summary of the issues to be heard.
3. At the beginning of the hearing, Chair Thurgood asked if the proper notice of the hearing had been provided. Planning and Zoning staff answered in the affirmative.
4. The public hearing was scheduled for 6:30 p.m. on May 10, 2023. All was 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 explained 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. No time limits were placed upon verbal testimony.
6. A motion was made by Commission Member **Shane Ruebush to recommend approval of Ordinance 469, revising the development code for Commercial zones as noted.** Commission member Arlene Anderson votes to second the motion. A roll call vote was taken. All present members of the commission voted in favor of the motion. Motion passed.

CONCLUSIONS AND RECOMMENDATIONS

1. Notice of the public hearing held to consider potential modifications to the Madison County Unified Development Code Part II, Chapter 117 Zoning, Article 117-III Zoning Districts and Land Uses, Section 117-54 Commercial Zone and repeal Article 109-II Commercial Development Standards.
2. A public hearing was held to consider the above described action and was conducted in accordance with the requirements of Idaho Code Idaho Code §§67-6509 and 67-6511.
3. A transcribable record was made and kept of the public hearing held to consider approval for the above described action and is in accordance with the requirements of Idaho Code §§ 67-6536.
4. The proposed change to the Madison County Planning and Zoning Commission is an appropriate exercise of the Madison County Commissioner's responsibilities established by §§ 67-6501 *et seq.*
5. The Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

CONCLUSIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the public hearings conducted throughout the County, the comments received at the public hearing held hereon, and the deliberation of the Madison County Commissioners, the Madison County Planning and Zoning Commission hereby recommends approval of the modifications to the Madison County Unified Development Code, Chapter 117 Zoning, Article 117-III Zoning Districts and Land Uses, Section 117-54 Commercial Zone and repeal Article 109-II Commercial Development Standards, and to repeal all ordinances and resolutions in conflict hereto;

Dated this ____ day of _____, 2023.

Planning and Zoning Commission
Madison County, Idaho

Troy Thurgood, Chair

Attest:

Gary Armstrong
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.

1. The request to apply the recommended modifications and adopt an ordinance amending the Madison county code, Part II, Chapter 117 Zoning, Article 117-III Zoning Districts and Land Uses, Section 117-54 Commercial Zone and repeal Article 109-II Commercial Development Standards; is hereby APPROVED.

**BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO**

Todd Smith, Chairman

Brent Mendenhall, Commissioner

Dustin Parkinson, Commissioner

ATTEST:

Kim H. Muir, Clerk

Exhibit A
May 10, 2023 Public Meeting Minutes

ORDINANCE NO. 469 – COMMERCIAL ZONE CODE REVISION

Chair Thurgood opened the public hearing for Ordinance No. 469 – Commercial Zone Code Revision. Thurgood inquired if notice of the public hearing was properly posted and provided. Staff confirmed such notices were posted and provided as required. No conflicts of interest were noted within the present members of the Commission.

Administrator Armstrong gave a brief staff report, as he had previously explained all the changes in the public forum portion of the meeting. The commission had no further questions regarding the staff report. The public was then invited to testify in favor, opposed, or neutral to the proposed code changes.

OPPOSED:

Ben Munns of Steel Vision Construction noted he was opposed to the requirement of water meters in the commercial zone. He stated the requirement seems pointless if no one is going to enforce or even monitor these meters. It should just be a state agency requirement, not a County requirement.

No public comment was offered in favor or neutral to the proposal.

With no further comments, the public hearing was closed, allowing the commission to discuss the proposed changes.

Sharon Oakey inquires on why certain facilities are specified in the code. Wonders if the code should be that specific. In response, Administrator Armstrong notes that each of those listed facilities goes above and beyond basic commercial regulations as far as impacts on surrounding properties. Those specific facilities will need to have larger setbacks, and larger lots in order to mitigate negative impacts on surrounding properties.

Arlene Anderson inquires if commercial developments require a water right. Administrator Armstrong responds that a water right is only required if the water usage exceeds the domestic well exemption given to commercial structures.

Shane Ruebush notes that the cost of a water meter on a well is minimal, especially when compared to other commercial development requirements. The purpose of the meter is to allow the property owner to monitor water usage. If the water usage is more than what was expected, the property owner is easily aware, and can make the necessary changes. If the state were to ever require water usage data, the property owner will have years of data to prove whether or not they have been exceeding the state limit on water usage in a commercial area.

Commission Member Clint Hansen noted that the metering requirement is just a way to protect the property owners. The state is spot checking commercially exempt domestic wells to ensure they do not exceed the 2500 gallons per day.

With no further discussion from the Commission, Shane Ruebush proposes a motion to recommend approval of Ordinance 469, revising the development code for Commercial zones as noted. Commission member Arlene Anderson votes to second the motion. A roll call vote was taken. All present members of the commission voted in favor of the motion. Motion passed.

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

*Re: Proposed Ordinance 470 Amending Part II, Chapter 115, Article 115-II, Section 115-28,
Application Requirements of the Madison County Unified Development Code.*

The Madison County Planning and Zoning Commission held a public hearing on Wednesday May 10, 2023 at 6:30 p.m. at the Commissioner's room in the Madison County Courthouse, Rexburg Idaho. This hearing was held to consider potential modifications to the Madison County Unified Development Code Chapter 115, Article 115-II, Section 115-28, Application Requirements of the Madison County Unified Development Code.

The following members of the Madison County Planning and Zoning Commission ("Commission") were present at the public hearing convened on Wednesday May 10, 2023.

May 10, 2023 Attendance			
Roll Call	Present	Absent	Excused
Arlene Anderson	X		
Clint Hansen	X		
Eric Miller			X
Kort Black	X		
Mark Hansen	X		
Paul Weekes			X
Shane Ruebush	X		
Sharon Oakey	X		
Troy Thurgood	X		

Planning and Zoning Administrator, Gary Armstrong and Planner Melissa VanSlochteren were also in attendance.

The public hearing was called to order on May 10, 2023 at 6:30 p.m. by Chairman Troy Thurgood. Melissa VanSlochteren acted as clerk for the meeting. Chair Thurgood inquired staff if the public hearing notice was properly published, posted, and provided. Melissa VanSlochteren answered in the affirmative. Chair Thurgood asked all commission members present if there were any conflicts of interest, none were stated.

The meeting was recorded to allow for the preparation of a transcribable record. There was no media in attendance at the May 10, 2023 public hearing. A transcript of the discussion and testimony at this public hearing is attached hereto and incorporated herein. See the attached May 10, 2023 meeting minutes/testimony.

A staff presentation was given by Administrator Armstrong of the Planning and Zoning Department regarding this proposed modification to the Unified Development Code.

Those in FAVOR:	None
Those NEUTRAL:	None
Those OPPOSED:	None
Written Correspondence:	None

Having given due consideration to potential modifications to the Madison County Unified Development Code, the Planning and Zoning Commission hereby makes the following findings of fact:

FINDINGS OF FACT

1. A public hearing was held May 10, 2023 to take testimony on a potential modification to the Madison County Unified Development Code.
2. Notice was published in the legal County Newspaper, the Standard Journal, on April 21, 2023, April 28, 2022, and May 5, 2023. The published notice included an appropriate and accurate summary of the issues to be heard.
3. At the beginning of the hearing, Chair Thurgood asked if the proper notice of the hearing had been provided. Planning and Zoning staff answered in the affirmative.
4. The public hearing was scheduled for 6:30 p.m. on May 10, 2023. All was 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 explained 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. No time limits were placed upon verbal testimony.
6. A motion was made by Commission Member **Arlene Anderson** proposes a motion to recommend approval of Ordinance 470, adding a requirement for developers to demonstrate communication with irrigation/canal companies as part of the preliminary plat application process for a subdivision. Commission member Shane Ruebush votes to second the motion. A roll call vote was taken. All commission members present voted in favor of the motion. Motion passed.

CONCLUSIONS AND RECOMMENDATIONS

1. Notice of the public hearing held to consider potential modifications to the Madison County Unified Development Code Part II, Chapter 115, Article 115-II, Section 115-28, Application Requirements of the Madison County Unified Development Code.
2. A public hearing was held to consider the above described action and was conducted in accordance with the requirements of Idaho Code Idaho Code §§67-6509 and 67-6511.
3. A transcribable record was made and kept of the public hearing held to consider approval for the above described action and is in accordance with the requirements of Idaho Code §§ 67-6536.
4. The proposed change to the Madison County Planning and Zoning Commission is an appropriate exercise of the Madison County Commissioner's responsibilities established by §§ 67-6501 *et seq.*
5. The Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

CONCLUSIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the public hearings conducted throughout the County, the comments received at the public hearing held hereon, and the deliberation of the Madison County Commissioners, the Madison County Planning and Zoning Commission hereby recommends approval of the modifications to the Madison County Unified Development Code, Chapter 115, Article 115-II, Section 115-28, Application Requirements of the Madison County Unified Development Code, and to repeal all ordinances and resolutions in conflict hereto;

Dated this ____ day of _____, 2023.

Planning and Zoning Commission
Madison County, Idaho

Troy Thurgood, Chair

Attest:

Gary Armstrong
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.

1. The request to apply the recommended modifications and adopt an ordinance amending the Madison county code, Part II, Chapter 115, Article 115-II, Section 115-28, Application Requirements of the Madison County Unified Development Code; is hereby APPROVED.

**BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO**

Todd Smith, Chairman

Brent Mendenhall, Commissioner

Dustin Parkinson, Commissioner

ATTEST:

Kim H. Muir, Clerk

Exhibit A
May 10, 2023 Public Meeting Minutes

ORDINANCE NO. 470 – REQUIRED IRRIGATION CORRESPONDENCE

Chair Thurgood opens third hearing of the evening. Staff confirms that the public hearing notices for Ordinance No. 470 were properly posted and provided as required. No conflicts of interest were noted by any present commission member.

A staff report was provided by Administrator Armstrong: Irrigation of subdivision lots has been a pressing issue for some time in Madison County. All subdivision lots are at least one acre in size, yet domestic wells are only authorized to irrigate up to $\frac{1}{2}$ acre of landscaping as per state code. Historic irrigation systems of canals and ditches are designed to irrigate large tracts of land, and are difficult to use on parcels that are only 1-2 acres.

In an effort to ensure best practices for irrigating landscaping, and continuing to utilize surface irrigation water systems, Madison County proposes adding a requirement to the preliminary plat application for subdivisions, that the developer demonstrates that they have been in communication with the appropriate irrigation/canal company regarding irrigation within the proposed subdivision. Where each subdivision and each canal company are different, Madison County is not mandating any one system or solution. But instead, this code change will require the developer to work out the best solutions with the applicable irrigation/canal company.

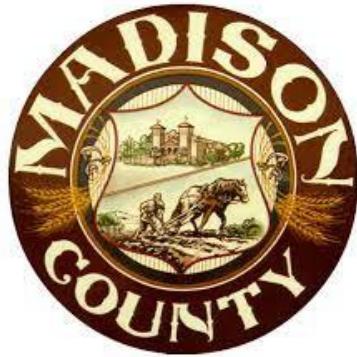
No questions or discussion by the commission. Commission member Arlene Anderson proposes a motion to recommend approval of Ordinance 470, adding a requirement for developers to demonstrate communication with irrigation/canal companies as part of the preliminary plat application process for a subdivision. Commission member Shane Ruebush votes to second the motion. A roll call vote was taken. All commission members present voted in favor of the motion. Motion passed.

PUBLIC HEARING

ZONE CHANGE

Transitional Agriculture to Residential

STAFF REPORT



Madison County

Planning and Zoning

Zone Change Staff Report

Application Type:	Zone Change – Trans Ag to Residential
Applicant:	James Palmer and Monica Koons
Location:	1181 N 2583 W, and 1161 N 2583 W, Rexburg
Date for Consideration:	May 24, 2023

Description:	The applicant's land is currently zoned Trans Ag. (2 acre density) It is adjacent to land that is zoned Residential (1 acre density). The Comprehensive Plan identifies the area as Rural Cluster. Residential is an allowed zone for Rural Cluster Areas. No change to the Comprehensive Plan Future Land Use map is necessary.
Staff Recommendation:	Planning Administrator recommends approval of this zone change.

Possible Motions

Approval

Having found that the proposed zone change is consistent with the Madison County Comprehensive Plan, I move to recommend approval of the proposed zone change for James Palmer and Monica Koons, from Trans AG to Residential.

Denial

Having found that the proposed zone change is NOT consistent with the Madison County Comprehensive Plan, I move to recommend DENIAL of the proposed zone change for James Palmer and Monica Koons, from Trans AG to Residential, for the following reasons:

- 1.
- 2.

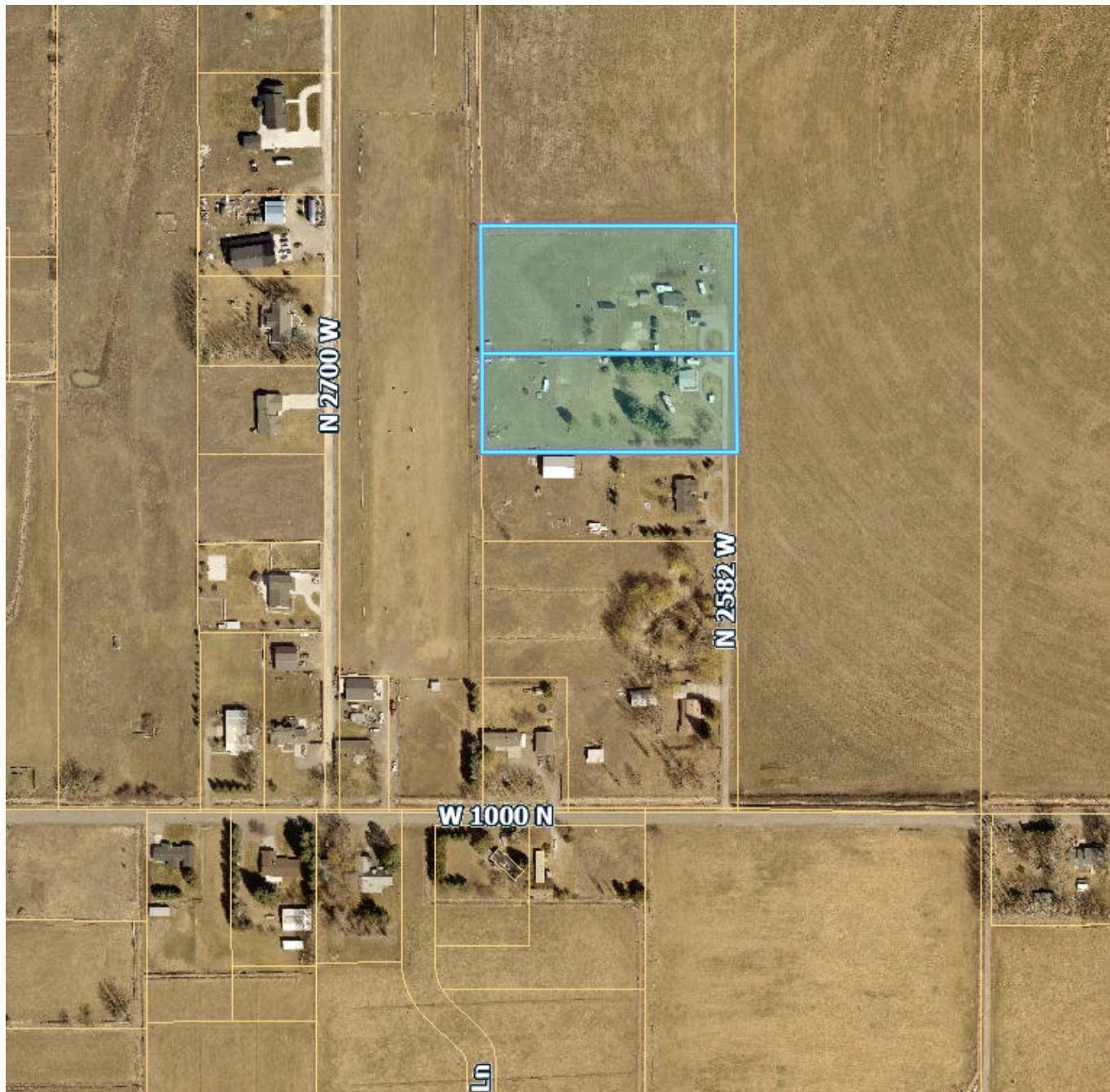
Tabled

I move to TABLE the application from James Palmer and Monica Koons for a proposed zone change from Trans Ag to Residential, for the following reasons:

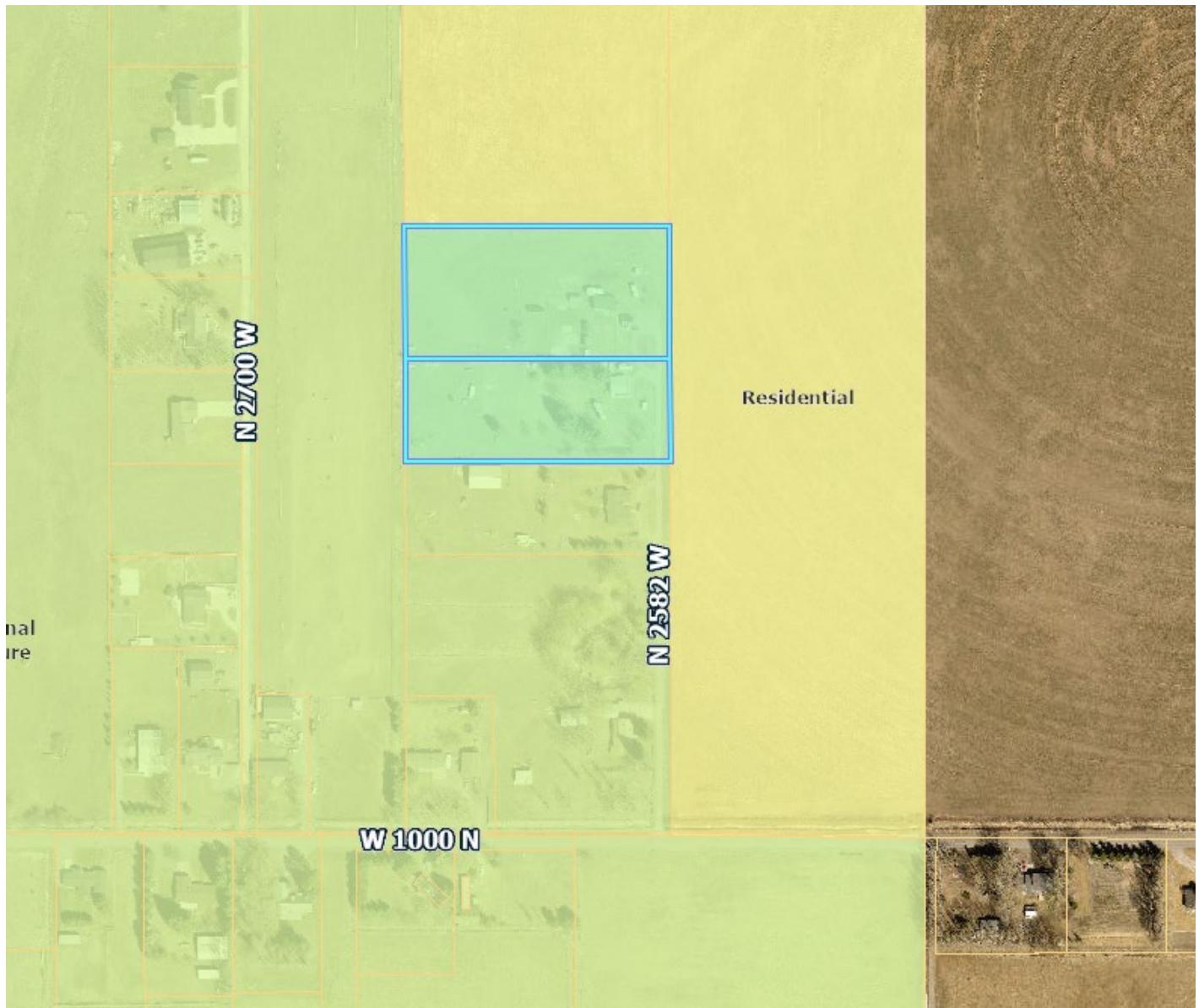
- 1.
- 2.

and request the following for continuing discussion:

- 1.
- 2.



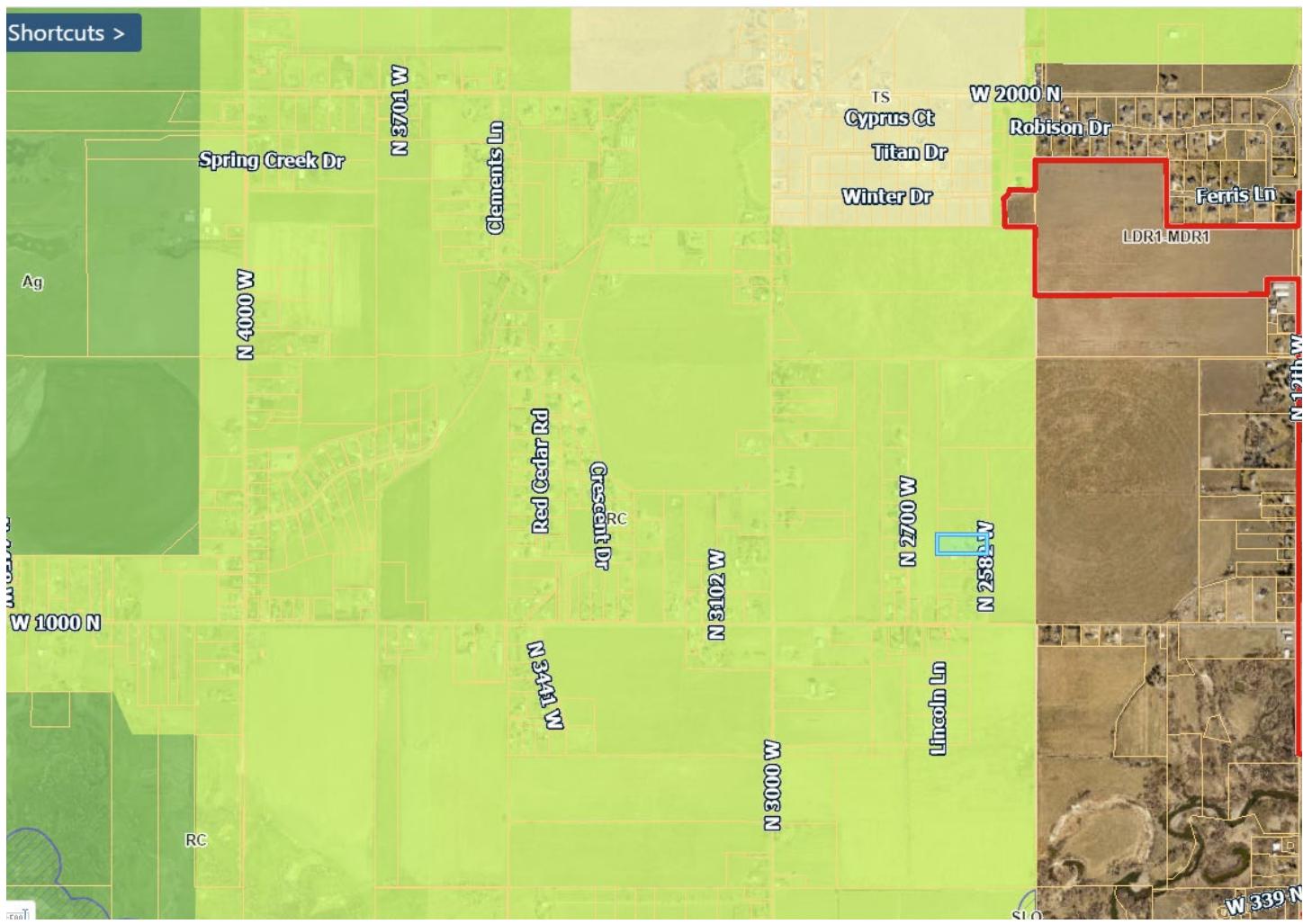
Subject Property.



Current Zoning on the Subject Property. Light green is Trans Ag and yellow is Residential.

The subject property is adjacent to Residential Zone to the north and east.

Shortcuts >

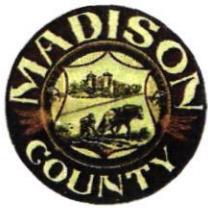


The Comprehensive Plan Identifies the area for Rural Cluster (Light Green).

"Rural Cluster - This land use designation includes lands where residential development is allowed at an overall base density equivalent to that of the applicable zoning classification. Clustering of development onto smaller lot sizes while maintaining large tracts of open land is encouraged and may even be required for subdivision projects over a certain size. Allowable zones within this designation: Residential One (RI), Agriculture (AG), TransAg 2 (TAG 2), and Trans-Ag 5 (TAG 5)."

Madison County Comprehensive Plan, Page 90

APPLICATION



PLANNING & ZONING DEPARTMENT
134 E Main Suite 208 Rexburg ID 83440
Phone (208)359-6207
PZ@co.madison.id.us

ZONE CHANGE APPLICATION

PURPOSE: *Chapter 101 Article 1 Sec. 101-14*

SUBMITTALS:

The review process will require a minimum of 15 working days. Once application is fully reviewed and deemed complete, a public hearing will be scheduled for the next available hearing date. Applicants will be required to meet with Planning and Zoning Administrator before the Public Hearing will take place. All information called for on this form shall be required for a complete application and no incomplete application will begin the review process. Completed application must also be accompanied with the **subsequent fee of \$600.00**.

APPLICANT/OWNER CONTACT INFORMATION

APPLICANT:

Name:	James Brett Palmer	
Phone:	208-351-9631	
Email:	brett08palmer@gmail.com	
Mailing Address:	1161 N 25P2W Rexburg, Id 83440	

Signature: *Brett Palmer* Date: *4/23/2023*

*Received
4/25/2023
6TA*

OWNER:

Name:	James Brett Palmer	
Phone:	208-351-9631	
Email:	brett08palmer@gmail.com	
Mailing Address:	1161 N 25P2W Rexburg, Idaho 83440	

Signature: *Brett Palmer* Date: *4/23/2023*

*if you are not the owner of the property applying for an administrative permit, please attach an affidavit of legal interest to your application. *

REQUIRED ATTACHMENTS

Additional attachments may be required on a case to case basis

- Proof of Ownership** – this information can be obtained from a title company
- Legal Description** – this information can be obtained from a land surveyor.
- Parcel Map** – available from the Madison County Assessor's office
- Fee Payment** *\$600 - Cash Payment*

ZONE CHANGE HEARING FACTORS

Zone changes. The county code book, unified development code, pt. II, sets forth guidelines for development in the county. In considering zone changes, the following standards may be deliberated upon to determine whether or not to allow a zone change:

1. To protect property rights and enhance property values;
2. To provide for the protection and enhancement of the local economy;
3. To ensure that important environmental features are protected and enhanced;
4. To encourage the protection of prime agriculture lands for the production of crops;
5. To avoid undue concentration of population and overcrowding of land;
6. To ensure the development on land is commensurate with the physical characteristics of the land;
7. To protect life and property in areas subject to natural hazards and disasters;
8. To protect recreational resources;
9. To avoid undue water, air and noise pollution;
10. To promote trails and recreation;
11. To ensure safety from fire and provide adequate open spaces for light and air; and/or,
12. To implement the county comprehensive plan.

Nothing herein shall preclude the consideration of additional planning components or subject matter

See Madison County Unified Development Code Ch. 102 Hearing Factors

PARCEL INFORMATION

If any questions are not applicable, please insert N/A on corresponding line.

Site Address (if applicable):	1161 N 2582 W		
City: Rexburg	State: ID	Zip: 83440	
Parcel Number(s)	RP06 N39E1 46 906		
Total Acreage	2.2		
Subdivision:	N/A	Lot:	N/A
Block:	N/A		
Zone: Transitional Ag	Comp Plan Designation: Rural Cluster		
Is the parcel located in the Floodplain?		N/A	
Does the property contain any streams, rivers, lakes or wetlands?		N/A	
Can access be provided to the new parcel(s)?		Yes	
Can Madison County setbacks be met for any structures to be constructed?		Yes	
Is the Parcel adjacent to any agriculture activities?		Farming + minimal animals	

NATURE OF REQUEST

What zone is the property currently zoned?	Trans Ag
What is the existing use of the property involved?	Residential
What is the proposed zoning you are requesting?	Residential
Please describe the reason for applying for a zone change?	Sell one acre to family member
How will the use of the property change if zone change is permitted?	No change
How will this zone change impact the surrounding schools?	N/A
How is the zone change request in accordance with the Comprehensive Plan? Meets all comprehensive plan requirements.	
Indicate if the water, septic, fire, police, streets/roads and schools that serve the area are adequate to serve any development under the proposed zoning. If they are not adequate to serve, what measures are proposed to assure that public facilities and services will be adequate? Adequate	
Is the site large enough to accommodate the proposed uses, parking, and buffering required Yes	
Indicate the surrounding land use: Mix of trans ag and residential.	
Will increased traffic reduce the viability of existing uses? No	
Will all uses permitted within the zone be compatible with the area? Yes	

The commission may address other points than those discussed above, but a narrative addressing at least these applicable points will assist in processing your application.

I consent to this application and allow Planning and Zoning staff to enter the property for site inspections related to this application.

Signature of Applicant	<i>Brett Palmer</i>	Date:	4/23/2023
Signature of Owner	<i>Brett Palmer</i>	Date:	4/23/2023

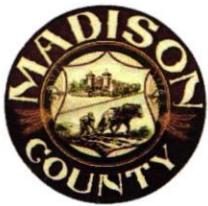
OFFICE USE ONLY

Permit #:	Fee Total:	Date Fee Received:
PZ-23-027	\$600.00	4/25/23

RECEIVED

APR 25 2023

Madison County
P&Z and BCI



PLANNING & ZONING DEPARTMENT
134 E Main Suite 208 Rexburg ID 83440
Phone (208)359-6207
PZ@co.madison.id.us

CO-APPLICANT CONTACT INFORMATION

APPLICANT:

Name:	Monica M Koon	
Phone:	208-313-1589	
Email:	m.m.koon@gmail.com	
Mailing Address:	1181 N 2582 W Rexburg	
Signature:	Monica M Koon	Date: 4-23-23

APPLICANT:

Name:		
Phone:		
Email:		
Mailing Address:		
Signature:		Date:

APPLICANT:

Name:		
Phone:		
Email:		
Mailing Address:		
Signature:		Date:

OFFICE USE ONLY

Permit #:	Fee Total:	Date Fee Received:

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Microfile No. **434790**
15 DAY Oct 2020
At 04 O'Clock 35 PM
KIM H. MUIR
MADISON CO RECORDER
Fee \$15.00
Deputy
Recorded at Request of
ALLIANCE TITLE - REXBURG OFFICE

WARRANTY DEED

Alliance Title & Escrow, LLC Order No.:503639

FOR VALUE RECEIVED

Melvin James Dickerson and Mildred T. Dickerson, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

James B. Palmer and Pennie D. Palmer, husband and wife

whose current address is: **1161 North 2582 West**
Rexburg, ID 83440

the grantees, the following described premises, in Madison County, Idaho, TO WIT:

**Beginning at a point 1760 feet South and 495 feet West of the Northeast corner of
the Southwest Quarter of Section 14, Township 6 North, Range 39 East, Boise
Meridian, Madison County, Idaho, to the point of beginning and running thence
South 188.81 feet; thence West 495 feet; thence North 188.81; thence East 495 feet to
the point of beginning.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the
said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free
from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions,
reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 15 Oct 2020

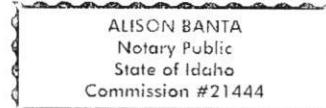
Melvin James Dickerson
Melvin James Dickerson

Mildred T. Dickerson
Mildred T. Dickerson

State of Idaho } ss
County of Madison}

On this 15 day of October, 2020, before me, the Undersigned, a Notary Public in and for said
state, personally appeared Melvin James Dickerson and Mildred T. Dickerson, known or
identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and
year in this certificate first above written.

Alison Banta
Notary Public for the State of Idaho
Residing at: _____ Residing in St. Anthony, ID
Commission Expires 11-30-2023



ALLIANCE TITLE & ESCROW
130 EAST MAIN
REXBURG ID 83440

Microfile No. 396099
19 DAY Jun 2015
At 09 O'Clock 02 AM
KIM H. MUIR
MADISON CO RECORDER
Fee \$10.00
Deputy
Recorded at Request of
ALLIANCE TITLE - REXBURG OFFICE

QUITCLAIM DEED

ATEC ORDER NO.: 275629

FOR VALUE RECEIVED,

Monica M. Koon, fka Monica M. Dickerson

do(es) hereby convey, release, remise and forever quitclaim unto,

Monica M. Koon, a married person as sole and separate property

whose current address is: 1181 North 2582 West, Rexburg, ID 83440

the following described premises:

TRACT 1:

Beginning at a point 1496 feet South and 495 feet West of the Northeast corner of the Southwest Quarter of Section 14, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 250 feet; thence West 495 feet; thence North 250 feet; thence East 795 feet to the point of beginning.

TRACT 2:

Together with a 20 foot wide right of way easement for common roadway for the purpose of ingress and egress, as described in an Easement Agreement recorded March 22, 1974, as Instrument No. 151926

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: June 8, 2015

Monica M. Koon
Monica M. Koon

State of Idaho } ss
County of Madison

On this 15 day of June 2015, before me,
Mindy Sutherland, a Notary Public in and for said state, personally
appeared Monica M. Koon, known or identified to me to be the
person(s) whose name(s) is/are subscribed to the within Instrument and
acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written.

Monica M. Koon
Notary Public for the State of Idaho
Residing at: 1181 North 2582 West
Commission Expires: 6/7/18





Madison County Planning & Zoning

P.O. Box 389 • Rexburg, Idaho 83440

4512

RECEIVED FROM: James Palmer

In payment for: Building Permit # _____ Zone Changes
 Conditional Use Permit Building Inspection
 Variance Subdivision
 Other _____

Date: 4-25-2023

Check No. _____

Cash \$600.00

Change _____

James Palmer
Madison County Planning & Zoning

NOTICE: PERSONAL CHECKS SUBJECT TO BANK CLEARANCE.

WRITTEN CORRESPONDENCE