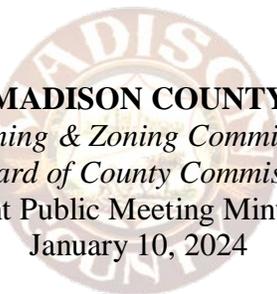


The seal of Madison County, Tennessee, is a circular emblem. It features a central shield with a landscape scene, including a river, a bridge, and a building. The shield is surrounded by a wreath. The words "MADISON COUNTY" are written in a circular path around the shield. The seal is rendered in a light, semi-transparent brown color.

**MADISON COUNTY  
PLANNING & ZONING COMMISSION  
WEDNESDAY JANUARY 24, 2024  
PUBLIC MEETING**



**January 10, 2024**  
Public Meeting Minutes



**MADISON COUNTY**  
*Planning & Zoning Commission*  
*and Board of County Commissioners*  
Joint Public Meeting Minutes  
January 10, 2024

Meeting Commenced: 7:00 p.m.

Present:

Board of County Commissioners:

Todd Smith, Board Chair  
Brent Mendenhall, Commissioner  
Dustin Parkinson, Commissioner

Planning and Zoning Commission Members:

Arlene Anderson, Commission Vice Chair  
Eric Miller  
Kort Black  
Mark Hansen  
Paul Weekes  
Shane Ruebush  
Sharon Oakey  
Troy Thurgood, Commission Chair

County Staff:

Gary Armstrong, Planning Administrator  
Melissa VanSlochteren, Admin Support  
Troy Evans, Attorney

**Administrative Business –**

2023 Year in Review by planning staff Melissa VanSlochteren  
Planning Administrator gave an update on the Comprehensive Plan.

**Discussion Items –**

Board of Commissioner's gave a brief summary of things they are currently working on.

- Landfill Project
- Airport Relocation
- County Asset Evaluation Project
- Potential Fairgrounds Relocation
- County Fiber Project

Board gave commission ideas on what they would like to see in the coming year.

- Complete the Comprehensive Plan Update
- Discuss and decide how to address Townsites
- Simplify County Code to align with Comprehensive Plan

**Meeting Adjourned: 8:30 p.m.**

*Above is a summary and outline of the January 10, 2024 joint public meeting. A recording of the public meeting can be obtained in the Planning and Zoning office upon request.*

# **COMPREHENSIVE PLAN CHANGE**

Ag Land to Rural Cluster

*Breck Barton*

# **STAFF REPORT**



# Madison County

## Planning and Zoning

### Application Summary and Staff Report

<b>Application Type:</b>	<b>Amendment to Comprehensive Plan Future Land Use Map</b>
<b>Applicant:</b>	<b>Breck Barton</b>
<b>Surveyor/Engineer:</b>	
<b>Location:</b>	<b>4700 W 1000 N, Rexburg</b>
<b>Date for Consideration:</b>	<b>January 24, 2024</b>

<b>Project Description:</b>	The subject property is approximately 37.5 acres, and is currently identified as Agriculture on the Comprehensive Plan Future Land Use Map. Lands to the East of the parcel are identified for Rural Cluster in the Comprehensive Plan. The application seeks to classify all of the parcel as Rural Cluster on the Future Land Use Map.
<b>Property Issues (floodplain, slopes, environmental, etc...)</b>	The parcel is within the Flood Plain.
<b>Staff Recommendation:</b>	The Planning Administrator has found that the lands proposed for RURAL CLUSTER generally meet the description found in the Comprehensive Plan. The Planning Administrator recommends APPROVAL of the application to change the Comp Plan Future Land Use Map, as indicated in the application.

#### Possible Motions

<p><b><u>Approval</u></b>          Having found that the application generally meets the criteria for an amendment to the Comprehensive Plan as outlined in Madison County Code 102-1, therefore I move to recommend APPROVAL of the application from Breck Barton to change the Comprehensive Plan Future Land Use Map, applying Rural Cluster classification to the 37.5-acre parcel as proposed in application materials received December 22, 2023.</p>	<p><b><u>Denial</u></b>          Having found that the application does NOT meet the criteria for an amendment to the Comprehensive Plan as outlined in Madison County Code 102-1, therefore I move to recommend DENIAL of the application from Breck Barton to change the Comprehensive Plan Future Land Use Map, applying Rural Cluster classification to the 37.5-acre parcel as proposed in application materials received December 22, 2023 for the following reasons:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol>	<p><b><u>Tabled</u></b>          I move to TABLE the the application from Breck Barton to change the Comprehensive Plan Future Land Use Map, applying Rural Cluster classification to the 37.5-acre parcel as proposed in application materials received December 22, 2023.and request additional information from the applicant, including:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol>
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Description of Agricultura Lands and Rural Cluster Lands as described in the Madison County Comprehensive Plan, 2008, pages 65 and 66.

### **Agriculture**

*This land use category includes lands used primarily for grazing, crop farming, hobby farming, and other related uses. These lands are intended to remain in their customary agricultural use for the foreseeable future*

### **Rural Cluster**

*This land use designation includes lands where residential development is allowed at an overall base density of one unit per two acres. 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.*

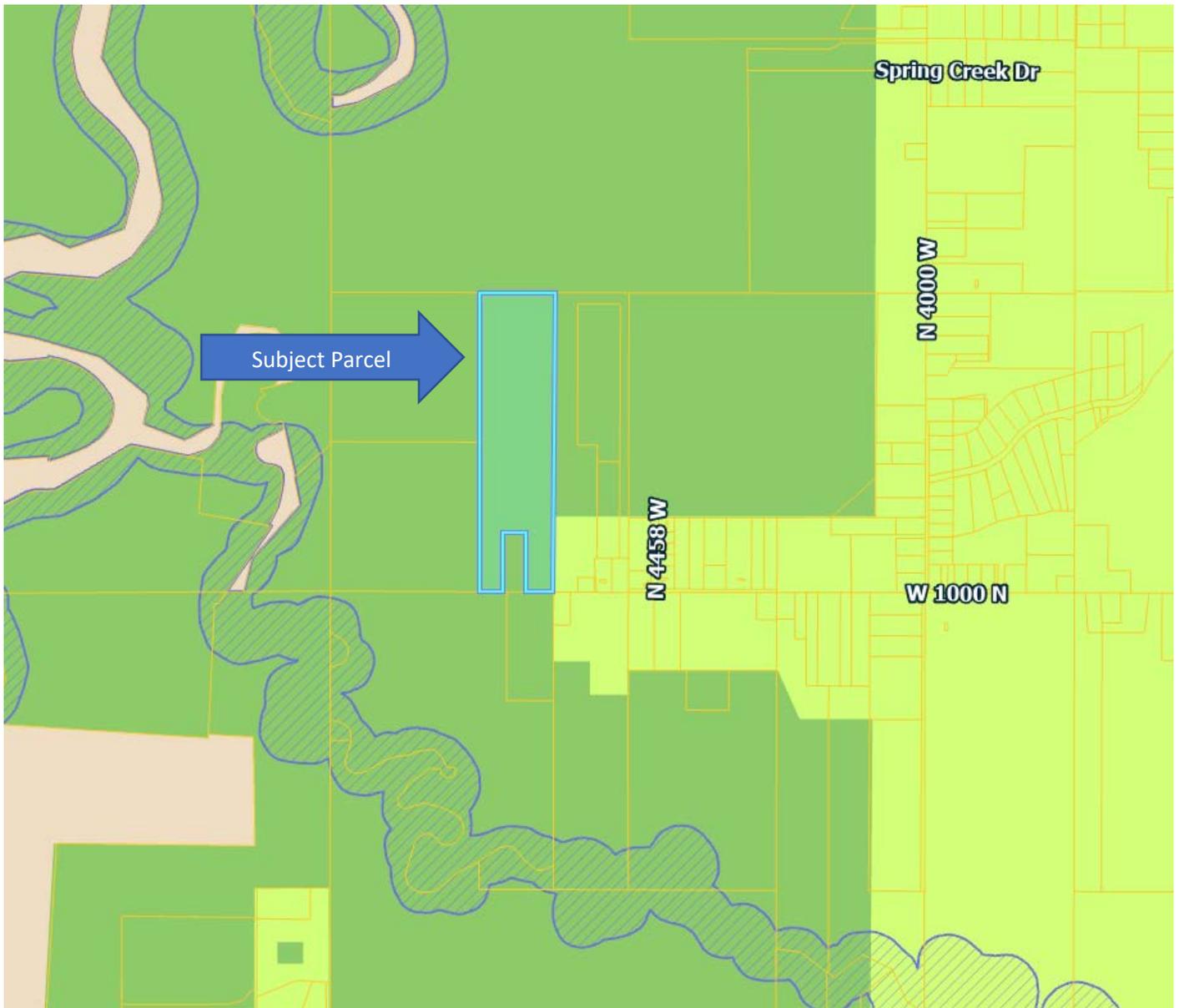
## **Hearing Factors When Considering an Amendment to the Comprehensive Plan – Madison County Code 102-1**

- (a) *Comprehensive Plan.* The Comprehensive Plan Components, Idaho Code, § 67-6508 et seq., outlines the purposes of a comprehensive plan land use map change as follows: The commission, in deciding whether to approve or deny an application to amend the county comprehensive plan land use map, must analyze whether the amendment would be compatible with the individual components the legislature requires counties to consider when preparing, implementing, reviewing, and updating a comprehensive plan. Not all may apply.
1. *Property rights.* An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in Idaho Code, ch. 80, titl. 67.
  2. *Population.* A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.
  3. *School facilities and transportation.* An analysis of public school capacity and transportation considerations associated with future development.
  4. *Economic development.* An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.
  5. *Land use.* An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.
  6. *Natural resources.* An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.
  7. *Hazardous areas.* An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.
  8. *Public services, facilities, and utilities.* An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and firefighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.
  9. *Transportation.* An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.
  10. *Recreation.* An analysis showing a system of recreation areas, including parks, parkways, trail ways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.
  11. *Special areas or sites.* An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

12. *Housing*. An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.
13. *Community design*. An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.
14. *Agriculture*. An analysis of the agricultural base of the area including agricultural lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.
15. *Implementation*. An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.
16. *National interest electric transmission corridors*. After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High-voltage transmission lines" means lines with a capacity of 115,000 volts or more supported by structures of 40 feet or more in height.

## Proximity Map and Proposed Map Amendment

The application is to change the parcel to Rural Cluster, to be later zoned as Trans Ag.



Dark green indicates land identified as Agriculture in the Comprehensive Plan Future Land Use Map. Lighter green represents lands identified as Rural Cluster.

Staff Report prepared by Gary Armstrong, Planning Administrator

# **APPLICATION**



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

## COMPREHENSIVE PLAN CHANGE APPLICATION

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### 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

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### APPLICANT:

Name:	Breck Barton		
Phone:	208-680-3143		
Email:	brekbhb@gmail.com		
Mailing Address:	PO Box 699		
Signature:		Date:	12/22/23

### OWNER:

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

**\*if you are not the owner of the property please attach an affidavit of legal interest to your application, or a second applicant/owner page. \***

## REQUIRED ATTACHMENTS

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*Additional attachments may be required on a case by case basis*

- Warranty Deed** – can be obtained in the Madison County Clerk’s office.
- Parcel Vicinity Map** – available from the Madison County Assessor’s office
- Fee Payment** – cash, check, or card

## COMPREHENSIVE PLAN CHANGE HEARING FACTORS

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The Hearing Factors will include, but not be limited to the following:

Comprehensive Plan. The Comprehensive Plan Components, Idaho Code, § 67-6508 et seq., outlines the purposes of a comprehensive plan land use map change as follows: The commission, in deciding whether to approve or deny an application to amend the county comprehensive plan land use map, must analyze whether the amendment would be compatible with the individual components the legislature requires counties to consider when preparing, implementing, reviewing, and updating a comprehensive plan. Not all may apply.

1. Property rights. An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in Idaho Code, Ch. 80, title. 67.
2. Population. A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.
3. School facilities and transportation. An analysis of public-school capacity and transportation considerations associated with future development.
4. Economic development. An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.
5. Land use. An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.
6. Natural resources. An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.
7. Hazardous areas. An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.
8. Public services, facilities, and utilities. An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and firefighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.
9. Transportation. An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.
10. Recreation. An analysis showing a system of recreation areas, including parks, parkways, trail ways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.
11. Special areas or sites. An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.
12. Housing. An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.

13. Community design. An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.
14. Agriculture. An analysis of the agricultural base of the area including agricultural lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.
15. Implementation. An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.
16. National interest electric transmission corridors. After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High-voltage transmission lines" means lines with a capacity of 115,000 volts or more supported by structures of 40 feet or more in height.

*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):	4700 W 1000 N				
City:	Rexburg	State:	ID	Zip:	83440
Parcel Number(s):	RP06N39E167203				
Total Acreage:	37.5				
Subdivision:	N/A	Lot:		Block:	
Zone:	Agriculture	Comp Plan Designation:	Agriculture - requesting to rural cluster		
Is the parcel located in the Floodplain?	Yes				
Does the property contain any streams, rivers, lakes or wetlands?	No				
Is the Parcel adjacent to any agriculture activities?	Yes				

## NATURE OF REQUEST

What is the existing use of the property involved:	Farmland
What is the proposed comp plan designation you are requesting?	Rural Cluster
How will the use of the property change if a land use designation change is permitted?	<b>Potential to give building lots to kids</b>
How will the requested change impact the surrounding schools?	No change
Indicate if the water, septic, fire, police, streets/roads and schools that serve the area are adequate to serve any development under the proposed comprehensive plan land use designation. If they are not adequate to serve, what measures are proposed to assure that public facilities and services will be adequate?	Private wells and septic
Indicate the surrounding land use designations within 300 feet:	Mostly farm ground, some residential

Will all uses permitted within the zone be compatible with the area?	Yes
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*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>B. Barton</i>	Date:	<i>12-22-23</i>
Signature of Owner:	<i>B. Barton</i>	Date:	<i>12-22-23</i>
Signature of Co-Applicant:		Date:	

**OFFICE USE ONLY**

Permit #:	Fee Total:	Date Fee Received:
<i>PZ-23-103</i>	<i>\$000</i>	<i>12/22/23</i>



*JH*

**QUITCLAIM DEED**

ORDER NO.: 624556

**FOR VALUE RECEIVED,**

**Bart R. Rigby, a married man dealing with his sole and separate property and Cheri Rigby, his spouse**

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

**Jacob Cyril Donahoo and Leslie Ann Donahoo, husband and wife**

whose current address is: 1131 N 4000 W, Rexburg, ID 83440

the following described premises:

see attached legal description

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

Dated: October 24, 2022

*Bart R. Rigby*  
\_\_\_\_\_  
Bart R. Rigby

*Cheri Rigby*  
\_\_\_\_\_  
Cheri Rigby

State of Idaho } ss  
County of Madison }

On this *24th* day of October, 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared Bart R. Rigby and Cheri Rigby, 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*  
\_\_\_\_\_

the undersigned  
Notary Public for the State of Idaho

Residing at:

Commission Expires: Residing in St. Anthony, ID  
~~Comm~~ Commission Expires 11-30-2023



**This instrument filed  
as an accommodation only.  
It has not been examined  
as to its execution, insurability  
or effect on title.**

**BART RIGBY to JACOB DONAHOO**  
**LEGAL DESCRIPTION**

Part of the Southeast  $\frac{1}{4}$  of Section 16, Township 6 North, Range 39 East Boise Meridian, Madison County, Idaho, described as follows;

Commencing at the Southeast corner of Section 16, Township 6 North, Range 39 East and running thence N  $00^{\circ}00'29''$  W along the East line of said Section, 658.80 feet; Thence S  $89^{\circ}50'55''$  W, 440.00 feet to a set 5/8inch reinforced iron rod, marked PLS 13933, also being the **True Point of Beginning**;

Thence continuing S  $89^{\circ}50'55''$  W along an fence line, 352.01' feet to a set 5/8 inch Rebar, marked PLS 13933;

Thence N  $45^{\circ}37'04''$  E, 492.46 feet to a set 5/8inch reinforced iron rod, marked PLS 13933;

Thence S  $00^{\circ}00'29''$  E, 167.51 feet to a set 5/8inch reinforced iron rod, marked PLS 13933;

Thence continuing S  $00^{\circ}00'29''$  E, 176.00 feet to the **Point of Beginning**.

Parcel containing  $\pm$  1.39 Acres

RKB/ MJH

August 15, 2022





PURCHASE RECEIPT

**Madison County Planning and Zoning**

134 East Main Street, Suite 208  
Rexburg ID 83440  
(208)359-6207  
OTC Local Ref ID: 90421546  
12/22/2023 11:32 AM

Your credit card or bank statement will show a charge from MadisonP&Z.

Status: **APPROVED**  
Customer Name: BARTON/BRECK  
Type: MasterCard  
Credit Card Number: \*\*\*\* \* 8658

Items	Quantity	TPE Order ID	Total Amount
PH-Zone Change Application	1	61303188	\$600.00
Note: <b>Barton</b>			
PH-Comprehensive Plan Amendment	1	61303188	\$600.00
Total remitted to the Madison County Planning and Zoning			\$1,200.00
Access Idaho Fee	1	61303188	\$36.00
Total Amount Charged			\$1,236.00

\_\_\_\_\_  
Signature

To offer the convenience of using your bank card, a service fee of 3% has been added to your transaction. This fee goes to our third-party provider, Idaho.gov. The County does not keep any portion of this fee.

# **WRITTEN CORRESPONDENCE**

January 12, 2024

Gary Armstrong  
Madison County Planning & Zoning  
134 Main Street, Suite 208  
Rexburg, ID 83440

Dear Mr. Armstrong:

I am just writing this note to thank you for answering my questions to the best of your ability prior to a public hearing regarding the zone change request made by Mr. Barton. My brother Brent Rigby has met with Mr. Barton and he assured him that our roadway to our property will not be used or obstructed in the future. Maintaining access to this property is our only concern and I think my brother has resolved this issue. We will respect the decision of the Commission knowing that the decision that is made will be in the best interest of the neighborhood, the County and Mr. Barton.

Sincerely,



Marilyn R. Rasmussen  
Rigby Family Holdings, LLC

RECEIVED

JAN 17 2024

Madison County  
P&Z and Building

# **ZONE CHANGE**

Agriculture to Transitional Agriculture

*Breck Barton*

# **STAFF REPORT**



# Madison County Planning and Zoning

## Application Summary and Staff Report

<b>Application Type:</b>	<b>REQUEST ZONE CHANGE</b>
<b>Applicant:</b>	<b>Breck Barton</b>
<b>Surveyor/Engineer:</b>	
<b>Location:</b>	<b>4700 W 1000 N, Rexburg</b>
<b>Date for Consideration:</b>	<b>January 24, 2024</b>

<b>Project Description:</b>	The subject property is approximately 37.5 acres, and is currently identified as Agriculture on the Madison County Zoning Map. Lands to the East of the parcel are identified as Transitional Agriculture on the Madison County Zoning Map. The application is to change the zoning from Agriculture, to Transitional Agriculture.
<b>Property Issues (floodplain, slopes, environmental, etc...)</b>	The parcel is within the Flood Plain.
<b>Staff Recommendation:</b>	The Planning Administrator has found that the lands proposed for Trans Ag zoning meet the criteria and general scope of Trans Ag lands as described in Madison County Code Section 117-60 and is consistent with nearby and adjacent properties in the area. The Planning Administrator recommends APPROVAL of the application to change the zoning from Agriculture to Trans Ag .

### Possible Motions

<p><b><u>Approval</u></b> Having Found that the application generally meets the criteria for Transitional Agriculture as outlined in Madison County Code 117-60 and identified in the Hearing Factors outlined in Madison County Code 102-1, I move to recommend <b>APPROVAL</b> of the application from Breck Barton to change the zoning on approximately 37.5 acres of land from Agriculture and to Trans Ag, as proposed in application materials received December 22, 2023.</p>	<p><b><u>Denial</u></b> Having Found that the application <b>DOES NOT MEET</b> the criteria for Transitional Agriculture as outlined in Madison County Code 117-60 and identified in the Hearing Factors outlined in Madison County Code 102-1, I move to recommend <b>DENIAL</b> of the application from Breck Barton to change the zoning on approximately 37.5 acres of land from Agriculture and to Trans Ag, as proposed in application materials received December 22, 2023 for the following reasons:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol>	<p><b><u>Tabled</u></b> I move to TABLE the application from Breck Barton to change the zoning on approximately 37.5 acres of land from Agriculture to Trans Ag, as proposed in application materials received January 21, 2022 and request additional information from the applicant, including:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol>
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## **Description/Definition of Current and Proposed Zoning – Madison County Code Section 117-53 and 60**

### **Sec 117-52 Agricultural (AG) Zone**

1. *Scope and purpose.* The provisions of this section apply to the Agricultural (AG) Zone or designation. The purpose of the Agricultural (AG) Zone or designation is to provide for and protect agricultural lands and uses. All other uses will be considered secondary and not allowed if they pose any interference or negative impacts upon the agricultural use of the land. The minimum lot size and building locations in this zone shall be of a size to allow for economically viable agricultural uses without affecting surrounding properties adversely.
2. *Uses.* Permitted and conditional uses permitted in the Agricultural Zone are identified in section 117-51, land use table.
3. *Height regulations.* There shall be no height restrictions in the Agricultural Zone, except as may be imposed by state or federal regulations. Wind turbines and communication towers have specific height restrictions as outlined in chapter 109, articles III and V.
4. *Setback and lot line requirements.* The following are setback and lot line requirements for the Agricultural Zone:
  1. *Minimum lot width.* 250 feet.
  2. *Front yard.* No building or structure shall be erected nearer than 50 feet from the right-of-way line of the street. Notwithstanding the setback in subsection (b)(1) of this section, if the property abuts a major or minor arterial roadway, the setback shall be no less than 60 feet.
  3. *Side yard.* No building shall be erected closer than 10 feet to any side property line, except corner lots shall maintain a 50-foot side yard adjacent to the street which intersects the street upon which the building fronts.
  4. *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet.
  5. *Exceptions.* Some setback exceptions exist for specific architectural features, as outlined in section 101-10.
5. *Area/density requirements.*
  1. Agriculture owners may split off the original home site on any parcel of not less than one-acre from the rest of the farm ground for the purpose of selling the farm and retaining the home.
  2. Owner of a farm may sell off any parcel of not less than one-acre of land by attaching the deed restriction giving up the developmental rights on the balance of the 16 acres. Example: A one-acre lot would require the owner give up the development rights on the adjoining 15 acres; two-acre split would require the adjoining 14 acres be placed under a developmental restrictions and so on. The parcel with the deed restriction shall state that on the deed and which parcel it is tied to. The two resulting parcels will each be counted as a parcel split. The original larger parcel can do one more such split then any further splits of the parcel will require platting. This is inclusive of the original parcel.
6. *Accessory uses.* Accessory uses are permitted.
7. *Access to county roads.* All access to county or state roads shall be in conformance with the Comprehensive Plan and follow all access policies and ordinances as set by the county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.
8. *Animal clinics and hospitals, veterinary offices, and kennels.* These will be located at least 300 feet from any residence including motels and hotels, except for an owner's residence. The county may modify these requirements if the animals are housed in soundproof structures that screen them from view of the abutting residential property.
9. *Bulk storage of flammable liquids and gases.* Bulk storage of flammable liquids and gases will:
  1. Be located at least 300 feet from a residence, motel or hotel, except for an owner's residence.
  2. Be erected with the written approval of the fire authority having jurisdiction.
  3. Have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the fire authority.
10. *Chemical, pesticide, and fertilizer facilities.* These facilities will have adequate fire protection, storage area, handling and disposal as approved in writing by the fire authority having jurisdiction.

(Prior Code, title 10, § 4.3; Ord. of 2011; Ord. No. 389, 10-11-2013)

## **Sec 117-60 Transitional Agricultural (TAG) Zone**

1. *Scope and purpose.* The provisions of this section apply to the Transitional Agricultural (TAG) Zone. The purpose of this Transitional Agricultural (TAG) Zone is to provide for and protect residential lands of a single-family residential environment, located conveniently near urban centers, by providing for an area of transition from agricultural uses to residential. To provide for gardening and family recreational opportunities, the keeping of a limited number of livestock and poultry as set forth in subsection (b) of this section, and similar rural activities will be allowed on a limited scale. The minimum lot size and building locations in this zone must be such that water and sewer facilities and locations for the same can be easily provided on an individual basis on each lot without affecting surrounding properties adversely.
2. *Uses.* Permitted and conditional uses permitted in the Transitional Agricultural Zone are identified in section 117-51, land use table.
3. *Height regulations.* Any building or structure or portion thereof hereafter erected which is not of an agricultural nature shall not exceed 2.5 stories or 35 feet in height unless a greater height is approved by conditional use permit.
4. *Setback and lot line requirements.* The following are setback and lot line requirements for the Transitional Agricultural Zone:
  1. *Minimum lot width.* 250 feet.
  2. *Front yard.* No building or structure shall be erected nearer than 30 feet from the right-of-way line of the street. Notwithstanding the setback in this subsection, if the property abuts a major or minor arterial roadway, the setback shall be no less than 60 feet.
  3. *Side yard.* No building shall be erected closer than 10 feet to any side property line, except corner lots shall maintain a 30-foot side yard adjacent to the street which intersects the street upon which the building fronts.
  4. *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet.
5. *Area/density requirements.* There is no minimum lot area requirement, but overall development density shall be an average of at least 2 acres per lot or parcel. ..
6. *Accessory uses.* Accessory uses are permitted.
7. *Access to county roads.* All access to county or state roads shall follow all access policies and ordinances as set by the county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.

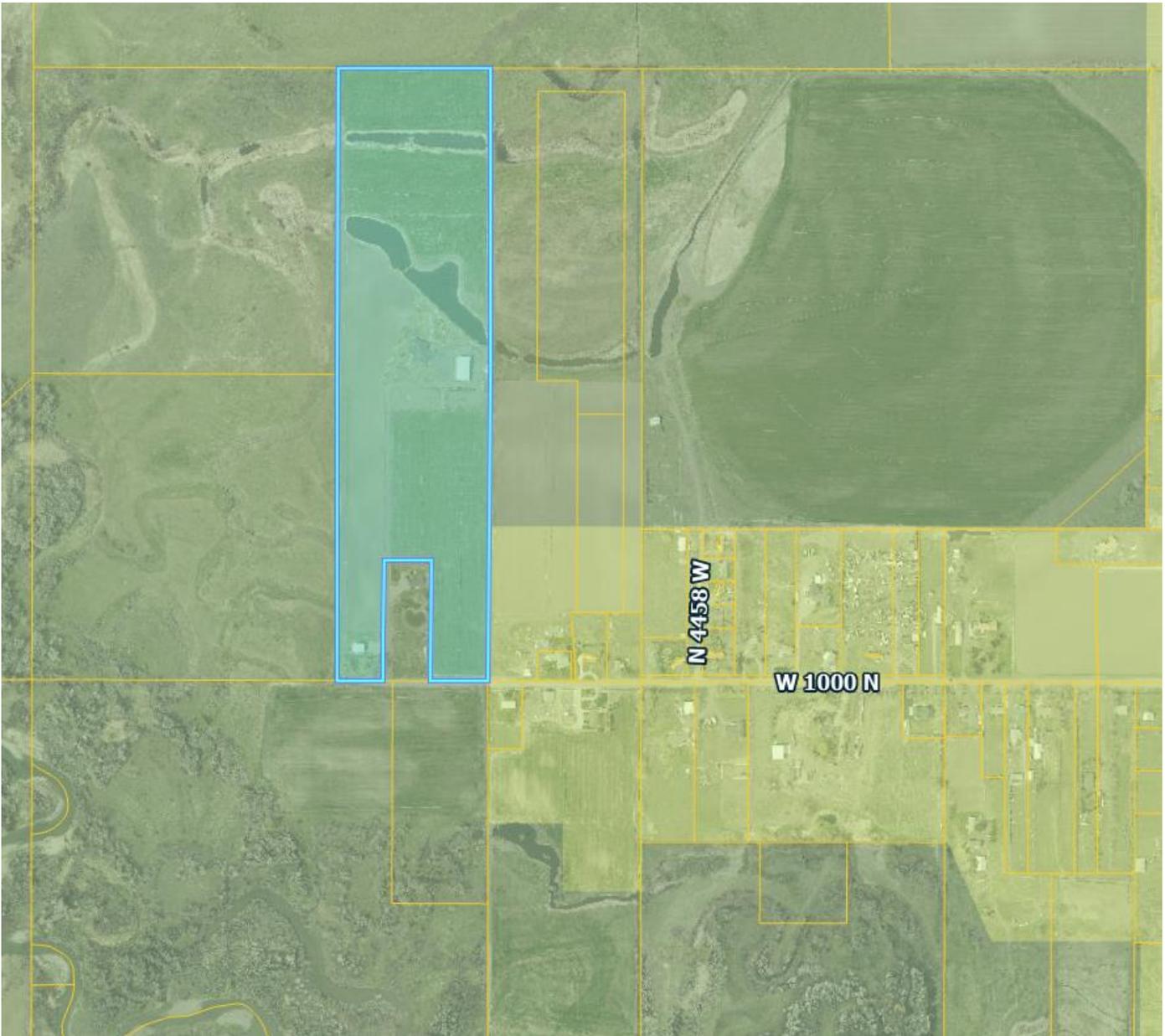
(Prior Code, title 10, § 4.11)

## **Hearing Factors When Considering Zone Change – Madison County Code 102-1**

*Zone change. 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.*

## Proximity Map



Light green indicates current TransAg zoned properties.

Dark Green indicates current Ag zoned properties.

Blue indicates the property proposed for zone change in the application.

Staff Report prepared by Gary Armstrong, Planning Administrator

# **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 I 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:	Breck Barton
Phone:	208-680-3143
Email:	breckbhb@gmail.com
Mailing Address:	PO Box 699 Rexburg

Signature:	<i>B. Barton</i>	Date:	12-22-23
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**OWNER:**

Name:	SAME
Phone:	
Email:	
Mailing Address:	

Signature:	<i>B. Barton</i>	Date:	12-22-23
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\*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**

## ZONE CHANGE HEARING FACTORS

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*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

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

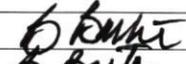
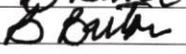
Site Address (if applicable):		RP 06 M39E 164814			
City:	Radcliff	State:	Id	9	Zip:
Parcel Number(s)	Same				
Total Acreage	2.0				
Subdivision:		Lot:		Block:	
Zone:		Comp Plan Designation:			
Is the parcel located in the Floodplain?		yes			
Does the property contain any streams, rivers, lakes or wetlands?		No			
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?		yes			

## NATURE OF REQUEST

What zone is the property currently zoned?	Ag
What is the existing use of the property involved?	Ag w/ owners home
What is the proposed zoning you are requesting?	Trans Ag
Please describe the reason for applying for a zone change?	Possible lots for children
How will the use of the property change if zone change is permitted?	May not change until children want to build home
How will this zone change impact the surrounding schools?	Should not impact
How is the zone change request in accordance with the Comprehensive Plan?	Just app w/c. plan update
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?	yes adequate
Is the site large enough to accommodate the proposed uses, parking, and buffering required	yes
Indicate the surrounding land use:	Ag
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		Date:	12-22-23
Signature of Owner		Date:	12-22-23

### OFFICE USE ONLY

Permit #:	Fee Total:	Date Fee Received:
PZ-23-104	\$600.00	12/22/23



**QUITCLAIM DEED**

ORDER NO.: 624556

**FOR VALUE RECEIVED,**

**Bart R. Rigby, a married man dealing with his sole and separate property and  
Cheri Rigby, his spouse**

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

**Jacob Cyril Donahoo and Leslie Ann Donahoo, husband and wife**

whose current address is: 1131 N 4000 W, Rexburg, ID 83440

the following described premises:

see attached legal description

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

Dated: October 24, 2022

*Bart R. Rigby*  
\_\_\_\_\_  
Bart R. Rigby

*Cheri Rigby*  
\_\_\_\_\_  
Cheri Rigby

State of Idaho } ss  
County of Madison }

On this *JH* day of October, 2022, before me, the undersigned, a Notary Public in  
and for said state, personally appeared Bart R. Rigby and Cheri Rigby, 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*  
\_\_\_\_\_  
the undersigned

Notary Public for the State of Idaho  
Residing at:

Commission Expires: Residing in St. Anthony, ID  
Commission Expires 11-30-2023



This instrument filed  
as an accommodation only.  
It has not been examined  
as to its execution, insurability  
or effect on title.

**BART RIGBY to JACOB DONAHOO**  
**LEGAL DESCRIPTION**

Part of the Southeast  $\frac{1}{4}$  of Section 16, Township 6 North, Range 39 East Boise Meridian, Madison County, Idaho, described as follows;

Commencing at the Southeast corner of Section 16, Township 6 North, Range 39 East and running thence N  $00^{\circ}00'29''$  W along the East line of said Section, 658.80 feet; Thence S  $89^{\circ}50'55''$  W, 440.00 feet to a set  $\frac{5}{8}$ inch reinforced iron rod, marked PLS 13933, also being the **True Point of Beginning**;

Thence continuing S  $89^{\circ}50'55''$  W along an fence line, 352.01' feet to a set  $\frac{5}{8}$  inch Rebar, marked PLS 13933;

Thence N  $45^{\circ}37'04''$  E, 492.46 feet to a set  $\frac{5}{8}$ inch reinforced iron rod, marked PLS 13933;

Thence S  $00^{\circ}00'29''$  E, 167.51 feet to a set  $\frac{5}{8}$ inch reinforced iron rod, marked PLS 13933;

Thence continuing S  $00^{\circ}00'29''$  E, 176.00 feet to the **Point of Beginning**.

Parcel containing  $\pm$  1.39 Acres

RKB/ MJH

August 15, 2022





PURCHASE RECEIPT

**Madison County Planning and Zoning**

134 East Main Street, Suite 208  
Rexburg ID 83440  
(208)359-6207  
OTC Local Ref ID: 90421546  
12/22/2023 11:32 AM

Your credit card or bank statement will show a charge from MadisonP&Z.

Status: **APPROVED**  
Customer Name: BARTON/BRECK  
Type: MasterCard  
Credit Card Number: \*\*\*\* \* 8658

Items	Quantity	TPE Order ID	Total Amount
PH-Zone Change Application	1	61303188	\$600.00
Note: <b>Barton</b>			
PH-Comprehensive Plan Amendment	1	61303188	\$600.00
Total remitted to the Madison County Planning and Zoning			\$1,200.00
Access Idaho Fee	1	61303188	\$36.00
Total Amount Charged			\$1,236.00

Signature \_\_\_\_\_

To offer the convenience of using your bank card, a service fee of 3% has been added to your transaction. This fee goes to our third-party provider, Idaho.gov. The County does not keep any portion of this fee.

# **WRITTEN CORRESPONDENCE**

January 12, 2024

Gary Armstrong  
Madison County Planning & Zoning  
134 Main Street, Suite 208  
Rexburg, ID 83440

Dear Mr. Armstrong:

I am just writing this note to thank you for answering my questions to the best of your ability prior to a public hearing regarding the zone change request made by Mr. Barton. My brother Brent Rigby has met with Mr. Barton and he assured him that our roadway to our property will not be used or obstructed in the future. Maintaining access to this property is our only concern and I think my brother has resolved this issue. We will respect the decision of the Commission knowing that the decision that is made will be in the best interest of the neighborhood, the County and Mr. Barton.

Sincerely,



Marilyn R. Rasmussen  
Rigby Family Holdings, LLC

RECEIVED

JAN 17 2024

Madison County  
P&Z and Building