IN RE:
The Application for rezone of a parcel of land from A-1 (Agriculture) to C-1, R-1.5, R-2 on property owned by John Gample & Thomas MacAmber. Located east of Yellowstone Hwy. & ½ mile north of Bechees Corner and the Ririe Hwy. (FINDINGS OF FACT, CONCLUSIONS AND DECISION) This matter comes before the Bonneville County Commissioners as a request to rezone a parcel of land from A-1 (Agricultural) to C-1 Limited Commercial, R-1.5 (Residential) and R-2 (Residential). The request is being made by John L. Gample and Thomas L. MacAmber on property located east of the Yellowstone Hwy. and north of Bechees Corner and the Ririe Hwy. The Planning and Zoning Board heard this matter on October 26, 2016 and recommended approval of the Zoning Map change request with stipulations attached. The County Commissioners heard this matter on December 7, 2016. After having reviewed the testimony, the Zoning Ordinance, the Comprehensive Plan and the reference information submitted the Commissioners make the following findings.

1. That the property is shown as A-1 Agricultural on the county Zoning Map.

2. That the parcel is irregular in shape and is currently designated as Mixed Use on the Comprehensive Plan of Bonneville County.

3. That the parcel is located adjacent to the Yellowstone Hwy. and ½ mile north of Bechees Corner and the Ririe Hwy. Both of the roads are identified as major roadways.

4. The parcel has been used for agricultural purposes for a long period of time.

5. That the parcel is limited for agricultural uses because of its size and configuration.

6. The parcel is immediately adjacent to other commercially zoned and used property, which is located to the south.

7. The comprehensive plan has identified this land for potential commercial and residential use being included in Mixed Use area of the Comprehensive Plan.

8. That the owners have proposed uses which require that the tract be zoned Commercial and residential to be developed.

9. There are a few properties in the area, which could be impacted by a commercial and residential uses specifically those to the west.
and the south.

10. That the use as proposed could create a lighting problem, a visual impact, a noise problem, a potential water quality problem and an increase in traffic for the area.

11. The developer will be required to provide streetlights, fire hydrants, central water and central sewer along with onsite landscaping and paving where required.

12. The developer must provide a community water system and a community sanitary sewer system.

CONCLUSIONS

A. The parcel is limited for agricultural use because of its size, configuration and boundary limitations.

B. The parcel is also not well suited for residential use immediately adjacent to Yellowstone Hwy. and the proposed residential uses must be buffered from the commercial use areas.

C. The plan states that we are to locate commercial uses in areas that are already commercial in nature and can meet the needs of the public by being located near the intersection of transportation corridors. That inasmuch as this parcel is adjacent to Yellowstone Hwy. and near the intersection of Beeches corner and the Ririe Hwy., and near or adjacent to other commercial uses the board determines that the proposed use would be compatible with the adjoining commercial uses and compliant with the comprehensive plan. In that the comprehensive plan for this area is Mixed Use the proposed residential uses would also be compliant with the plan provided appropriate buffering is put in place.

D. The Comprehensive Plan of Bonneville County requires that we are to protect the general health safety and welfare of the citizens. It has been determined by this board that the proposed use could affect the neighborhood unless appropriate steps are taken to mitigate any potential adverse effects. The approval of this amendment will be conditioned upon the following facts: 1. That all onsite lighting be designed so that no direct light will be visible off of the property. 2. That the development be designed so that a buffering system be incorporated to limit the impact of noise off site and provide a visual buffer for the property. 3. That the developer will provide an appropriate on site landscaping plan that will blend into the area and in addition will buffer the proposed Commercial area from the proposed residential areas. 4. That street lighting will be provided. 5. That adequate paving will be installed to meet the requirements of the zoning ordinance. 6. That a community water system will be built adequate to provide for the commercial and residential uses in the development. 7. That fire hydrants be installed as required. 8. That a sewer plan be submitted that will connect to the central sewer system at Beeches corner. 9. That will serve letters from Iona Bonneville Sewer District and the Falls Water Company be submitted prior to any subdivision plat being submitted. 9. Access permits must be provided from the Idaho Department of Transportation including turn and deceleration lanes. 10. There will be no direct access from lots onto Yellowstone Hwy.

E. The developer must submit and have approved a subdivision plat prior to construction to verify compliance with the requirements as specified in this decision.
F. The installed perimeter buffer system to mitigate the visual impact adjacent to Yellowstone Hwy. and the buffering system between the residential and commercial zoned property shall be designed as follows. The landscape buffer shall consist of a berm 20’ wide and 5’ high with evergreens. The evergreens shall be a minimum of 6’ height at the time of planting and installed in two rows (10’ apart) with the trees staggered in the rows and spaced 30’ on center in each row. Adequate water for the landscaping to properly grow must be provided. All trees must be installed as part of the initial improvements of the subdivision and planted in their entirety prior to the issuance of the first occupancy permit within the development. An alternate equal plan may be submitted, and if approved, used in lieu of the original buffer system.

H. The developer must submit a plan for review prior to construction to verify compliance with the requirements as specified in this decision.

I. The County must anticipate problems and try to resolve them. In that it is difficult to fully evaluate a plan for implementation prior to its being built, the county reserves the right to make changes in the development after construction is complete. This will only be done if it is found that there were errors in the original design, which cause problems that were to have been resolved in the initial design.

DECISION

Based upon the above facts it is the decision of the Bonneville County Commissioners that the request for rezone from A-1 (Agricultural) to C-1 (Limited Commercial) R-1.5 (Residential) and R-2 (Residential) be approved subject to compliance with all of the items listed in this decision. The Zoning Administrator is to hereby notify the applicant of the decision of this board.

Dated this 14th day of December 2016.

BONNEVILLE COUNTY COMMISSIONERS

Roger S Christensen Chairman

Lee Staker Member

Dave Radford Member
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
BONNEVILLE, STATE OF IDAHO

IN RE:
The Application for amendment of the
Zoning Ordinance from C-2 to R-1.5
Residential Zone for Jay & Brenda Johnson
located east of Ammon Rd. and south of 49th
North. (Wolf Creek Subdivision)

(FINDINGS OF FACT,
CONCLUSIONS
AND DECISION

This matter comes before the Bonneville County Commissioners as a request to
amend the Zoning Ordinance on a parcel of land from C-2 (General Commercial) to
R-1.5 (Residence Zone). The request is being made by Jay & Brenda Johnson on
property located east of Ammon Road and south of 49th North. The Planning and
Zoning Board heard this matter on October 26, 2016 and recommended approval of
the rezone request. A subsequent hearing was held by the County Commissioners
on December 7, 2016. After having reviewed the testimony, the Zoning Ordinance
and the Comprehensive Plan and the reference information submitted the
Commissioners make the following findings.

1. That the property is shown as C-2 General Commercial on the county
   zoning map.

2. That the parcel is rectangular in shape and is currently designated
   as an Urban Residential area on the Comprehensive Plan of
   Bonneville County. This was a recent change from a Commercial
designation.

3. That the parcel is located adjacent to Ammon Road and 49th N. which
   are both county arterial roads.

4. That the parcel has been used as a limited agricultural unit for a
   long period of time.

5. That the parcel is limited for agricultural uses because of its
   limited size and its confinement by water features, which preclude
   expansion.

6. That the parcel is located on the north side of Rock River Estates
   which is zoned R-1.5 and to the east of Hall Acres Subdivision
   which is zoned C-2 and is also located northeast of Edwards Acres
   and Birchwood Estates which are zoned RA-1.

Findings of Fact
Conclusions of Law and Decision
7. That there are multiple residentially used properties in the immediate area.

8. That the owner has proposed uses which require that the tract be zoned R-1.5 to be developed. It is proposed that the property be developed into residential lots.

9. That this area will be serviced by community water provided by Falls Water and is serviced with sewer by Iona Bonneville Sewer and will be connected to both.

10. That the use as proposed would be residential in character.

11. At the public hearing the road and bridge report did not indicate that there was any problem with the current traffic load on Ammon Road or 49th N.

12. Based on the testimony received and the additional comments from the road and bridge department, deceleration and turning lanes will be required to be included in the improvement plans and shall be the responsibility of the developer to install.

13. The developer is proposing a water system and a sanitary sewer system that complies with health regulations.

CONCLUSIONS

A. Inasmuch as this rezone is for a residential use and the Comprehensive plan states "The zone should permit a variety of dwelling types which will mix or distribute the population of neighborhoods. Major residential areas should not be unduly stereotype or exclusive." It is the opinion of this board that this request would comply with and further the intent of this section of the Comprehensive Plan.

B. It is the board's opinion that it is also appropriate that the area be designated for higher density use prior to the sale of the adjacent lower density residential lots in that buyers can make an informed choice before purchase.

C. The board feels that this rezone would also promote and "Assure adequate public facilities and services are provided for all Bonneville County residents by encouraging the location of high density developments within urban areas the installation of a sound basic infrastructure in all new developments and discouraging development where terrain or a remote location make service provisions difficult."

D. It is also appropriate that the area be designated for higher density use in that the Comprehensive Plan wants to "Encourage the development of a variety of residential types, prices, and densities within the county." This rezone would promote the intent of this section of the plan.

E. The County cannot discriminate against a residential zone based on a concern of the class or type of people who might occupy it.

F. That the parcel is limited as a viable agricultural unit because of its size, configuration and boundary limitations, and cannot be
effectively used for anything other than a residential use in the long term.

G. The Comprehensive Plan states that we are to locate residential uses in areas that are already residential in nature and can meet the needs of the public by being located near transportation corridors. That inasmuch as the parcel is adjacent to major arterials and near or adjacent to other residential uses and zones, the board determines that the proposed use would be compatible with the adjoining uses and compliant with the comprehensive plan for these areas of concern.

H. The Comprehensive Plan of Bonneville County requires that we are to protect the general health safety and welfare of the citizens. It has been determined by this board that the proposed use could effect the local residents unless appropriate steps are taken to mitigate any potential adverse effects present or future. The approval of this amendment will be conditioned upon the following facts: 1. That street lighting will be provided. 2. That adequate paving will be installed to meet the requirements of the County. 3. That adequate plans be made to provide a viable system for potable water, irrigation and fire hydrants will be installed within the development. 4. That a sewer plan be submitted that will meet the long-term use of the area. 5. Provide for future extension of the county road system network. 6. Install deceleration and turning lanes in Ammon Road and 49th N. if approaches into the subdivision are developed at a later date.

I. The developer must submit and have approved a subdivision plat prior to construction to verify compliance with the requirements as specified in this decision. The Comprehensive plan states that “All platted residential, commercial, and industrial uses should provide effective landscaped buffers along the arterial. The buffers would be required as on-site improvements just like roads within a subdivision”. The buffer system against Ammon Rd. and 49th N. property lines shall consist of evergreens installed and maintained in a staggered two-row buffer. The trees will be a minimum of six foot in height at the time of planting with a ten-foot stagger and a 30-foot spacing. The trees must be installed as part of the initial improvements of the subdivision and planted in their entirety prior to the issuance of the first occupancy permit within the division. An alternate landscaping plan may be submitted for consideration and approval.

J. The developer must submit and have approved a subdivision plat prior to construction to verify compliance with the requirements as specified in this decision.

K. The County must anticipate problems and try to resolve them. In that it is difficult to fully evaluate a plan for implementation prior to its being built, the county reserves the right to make changes in the development after construction is complete. This will only be done if it is found that there were errors in the original design which cause problems that were to have been resolved in the initial design.
DECISION

Based upon the above facts it is the decision of the Bonneville County Commissioners that the request for amendment from C-2 General Commercial to R-1.5 Residential be approved. The Zoning Administrator is to hereby notify the applicant of the decision of this board.

Dated this 14th day of December 2016.

BONNEVILLE COUNTY COMMISSIONERS

Roger S. Christensen Chairman

Lee Steiker Member

Dave Radford Member

4 Findings of Fact

Conclusions of Law and Decision