IN RE:
An application to amend the Zoning Ordinance from A-1 Agricultural to RA-2 (Res. Ag.) by James and Nicole Thomason.

(FINDINGS OF FACT,
CONCLUSIONS
AND DECISION

This matter comes before the Bonneville County Commissioners as a request to amend the Zoning Ordinance Map for a parcel of land from A-1 Agricultural to RA-2 Residential Agricultural. The request is being made by James and Nicole Thomason on property located approximately 1000' south of 81st N. and west of N. 5th W., and East of Riverfront Drive. The Planning and Zoning Board heard this matter on February 24, 2016, and recommended approval of the amendment request on a unanimous vote. A subsequent hearing was held by the County Commissioners on April 6, 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 applicant's properties are currently designated as Suburban Mixed Use on the Comprehensive Plan as is the adjacent lands on all sides of the parcel. The land to the immediate west is currently platted as a residential subdivision and zoned RA-2 Residential Agricultural. Land to the north has been recently rezoned to RA-4.

2. That the Rural Residential RA-2 Zone on the west extends to the north and south for approximately ½ mile as shown on the Zoning Map of Bonneville County.

3. That the parcel is located adjacent to Riverside Dr which is designated as a residential street and also adjacent to 5th W which is designated as an arterial road.

4. That the tract is currently being used for limited agricultural uses because of its size and configuration.

5. That the parcel has been used for irrigated farming but is not well suited for that use because of its configuration.

6. That the applicant has proposed a use that would require the parcel to be zoned residential to be developed with a preference that their parcel be RA-2 Zoned.

7. That the existing residences in the area would not be affected by a land use change whereas they are designated the same land use and some are zoned for residential use and others are platted for residential use.
8. There is also a need that adequate services be provided such as water and a sanitary sewer system.

CONCLUSIONS

The Suburban Mixed Use Area is intended for limited application in close lying rural locations that are near to substantially developed areas outlying to Urban Areas. The purpose is to provide a more open and mixed use development zone and to provide suitable places and conditions for non-farm home sites and limited service commercial uses. These areas are intended for permanent suburban residential character. Incidental farming is allowed, but an economic scale of farming will not be practical because of small parcel size and other limitations. Services such as a public water system, public sewerage system, will normally be required for the more densely developed areas of the land use.

1. The Suburban Residential & Limited Commercial zone identifies places where dwellings and limited commercial uses may be built in a generally suburban setting under conditions which will protect the public health, preserve the more rural character of the area as much as possible and permit productive agriculture in surrounding areas to continue unimpeded. This tract meets this criteria.

2. Location Criteria: The Suburban land use category is shown on the land use plan map in general areas. The comprehensive plan map will indicate areas that have been significantly committed to conversion from agricultural development to residential development. This type of development may be deemed appropriate where overriding amenities are present to warrant suburban residential activities in specific and identifiable location. Zoning maps, adopted to implement the comprehensive plan will define the category as to its application to land parcels following the general location guidelines of the plan. This zone is intended to recognize that certain areas of the county are changing from predominant agricultural use because of changing market conditions and the impracticality to continue to farm smaller tracts of land. This parcel is one of those tracts which is impractical to farm.

3. The plan encourages the "grouping or clustering of compatible uses" and new uses should locate in the vicinity of existing uses where a character has become established. This area of Bonneville County has been partially zoned as Rural Residential for many years with developments locating in the area. This particular area along the river has always been considered for a residential area of use as evidenced by the fact that some of the land has been designated as such for many years. Zoning this area to RA-2 Residential Agricultural is a logical step and it would be consistent with both the Comprehensive Plan and the Zoning Ordinance.

4. The immediate area has established a distinct and separate character and it must be recognized as such. With proper limitations the use could be expanded without adversely affecting the other adjacent land uses.

5. As currently developed this area blends in quite well with the other existing uses in the area. The proposed amendment area should also be developed with the same concept in mind, i.e. with a majority of the property being developed with larger lot sizes. The parcel is proposed for the RA-2 Zone that would blend in and provide for a variety of lot
sizes and choices for buyers. This would allow the future use to continue to blend while still providing some mixing in the area. To minimize any potential impact because of the new zoning and platting, buffering along the roadways will be required. The lot must also comply with the minimum approach standards and they must be shown on the plat.

6. 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 area unless appropriate steps are taken to mitigate any adverse effects. The amendment will be conditioned upon these items being complied with: 1. That whereas there is not a viable connection to a central water system and to construct one is not practical and in that the parcels proposed would be over 5 acres in size fire hydrants will not be required but defensible spaces will be provided and maintained adjacent to the structures built on the parcels. Irrigation water for landscaping must also be provided. That the developer must submit and have accepted a subdivision plat prior to issuance of use permits or building permits and show compliance with the requirements as specified in this decision.

7. The county must anticipate problems and try to resolve them. In that it is difficult to fully evaluate a plan for implementation prior to it’s 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.

8. That the approval of this amendment will not significantly impact the adjacent properties over and above that which already exists in the area from current uses or potential future uses.

DECISION

Based upon the above facts it is the decision of the Board of County Commissioners that the request for amendment of the Zoning Ordinance from A-1 Agricultural to RA-2 Residential Agricultural be approved provided that the limitations and restrictions as listed above are complied with. The Zoning Administrator is to hereby notify the applicant of the decision of this board.

Dated this 13th day of April 2016.

BONNEVILLE COUNTY COMMISSIONERS

Roger S. Christensen, Chairman
Lee Staker, Member
Dave Radford, Member