IN RE:
The Application for amendment of the Zoning Ordinance from A-1 Agriculture to M-1 A on property owned by Kelley Loving Trust and Three K LLC located east 55th W., south of 65th W and west of Interstate 15.

This matter comes before the Bonneville County Commissioners as a request to amend the Bonneville County Zoning Ordinance on a parcel of land from A-1 Agricultural to M1-A Manufacturing Zone. The request is being made by Kelley Loving Trust and Three K LLC on property located west and east of 55th W. and south of 65th S and west of Interstate 15. The Planning and Zoning Board heard this matter on March 23, 2016 and recommended approval of the Zone change request. The County Commissioners heard this matter on May 11, 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 properties are shown as A-1 Agricultural on the county Zoning Map.

2. That the parcels are irregular in shape and currently designated as a Mixed Use area on the Comprehensive Plan of Bonneville County.

3. That the land is located west of I-15 and ¼ mile south of 65th S., and east of 55th W, which are near the interchange of I-15.

4. The parcels have been used for agricultural purposes for a long period of time.

5. That the parcels are becoming limited for agricultural uses because of their size and adjacent uses.

6. The parcels are adjacent to other commercially zoned properties to the east and the north.

7. There is commercially zoned property on all four sides of the interchange and along both sides of 65th S. from 5th W. and past 55th W. Portions of this area have been zoned for commercial use since 1964.

8. That the owners have proposed uses which require that the tracts be zoned M1-A to be developed.
9. There are a few properties in the area, which could be impacted by the new land use designation.

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 if approved.

11. The developers would be required to provide street lights, fire hydrants, onsite paving where required, and onsite landscaping to create a visual and sound barrier if approved.

12. If approved, the developers would be required to develop an approved community water system and connect to the community sanitary sewer system that has been developed and installed on the adjacent lands. The developers must also provide turning lanes.

CONCLUSIONS

A. "We must maintain conditions favorable for a healthy, growing, diversified business and industrial climate." This clause in the plan requires that, where favorable conditions exist, growth areas should be provided for the expansion of the business community. In general, interchanges along interstate corridors are the preferred and most logical place to promote commercial growth which supports both the local service needs of the community as well as the needs of the traveling public because of access ease and traffic volumes.

B. The plan states that we "should allow for major and minor business concentrations and commercial development of arterials which will have minimum adverse effect upon surrounding adjacent streets." In that these parcels of land are within close proximity of the intersection of three major roads which allows for easy dispersal of its traffic load we find that the request complies with the plan.

C. "The goal of the plan is to avoid indiscriminate strip commercial development along roadways, and to encourage business to locate at designated strategic places." 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 near to 65th S. and near the interchange on I-15 and 65th S., this request complies with this goal in that this is a strategic place. It is natural to assume that commercial uses will be attracted to major strategic intersections and that the existing commercial base that has been established at this intersection will continue to expand.

D. "The plan encourages the grouping of commercial activities into clusters or centers" and it has been established that this parcel is adjacent to an existing commercial zone. Since 1964 the land on the west side of the interstate has been identified as a commercially zoned area with the interchange identified as a commercial center. The board determines that the proposed amendments would be a compatible expansion of the adjoining commercial zone and center and that the applications are compliant with the intent and goals of the comprehensive plan.

E. The Comprehensive Plan of Bonneville County requires that we are to protect the general health safety and welfare of the citizens. The Ordinance requires that there be a "landscaped screening or buffering between lesser and more intensive uses". It has been determined by this board that the proposed use could effect 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 adjacent properties. 3. That the developer will provide an appropriate on site landscaping plan that will blend into the area. 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 extended to provide for the commercial uses in the development. 7. That fire hydrants be installed as required. 8. That a sewer system will be extended from the adjacent land which is connected to a central sewer system. 9. A plan for onsite drainage must be submitted and approved. 10. Even though total vehicle capacity of the road is adequate there are traffic problems created by turning movements at the entrances of commercial areas because of deceleration and waiting times. The applicant will be required to provide an appropriate plan to resolve these traffic problems prior to issuance of permits for this site. If deceleration and turning lanes are required the costs for the improvements shall be the responsibility of the developer. 11. That a subdivision plat must be filed and recorded before development begins. 12. That the developers will install and maintain a staggered two-row tree buffer adjacent to all roads and against the adjacent properties to the west and the south. The trees shall be of the popular variety and they will be a minimum of six feet in height at the time of planting with a ten foot spacing in rows and the staggered row will also be at a ten foot spacing. The trees must be installed as part of the initial improvements of the development. Alternate landscaping plans may be submitted for consideration by the County Commissioners.

F. 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 A-1 Agricultural to M1-A Manufacturing be approved. The Zoning Administrator is to hereby notify the applicant of the decision of this board.

Dated this 25th day of May 2016.

BONNEVILLE COUNTY COMMISSIONERS

Roger S. Christensen, Chairman

[Signature]

Dave Radford, Member

Bonneville County Commissioners
Findings of Fact and Conclusions of Law