BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
BONNEVILLE, STATE OF IDAHO

IN RE:
The Application for amendment of the
Zoning Ord. from A-1 to R-1 (Residential)
Zone for Bonneville Joint School District #93 on property located at east of 45th E.
South of 9th N and north of 1st Street.

(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 A-1 Agricultural to a request of R-1 Residential. The request is being made by Bonneville Joint School District #93 on property located east of 45th E, south of 9th N, and north of 1st Street. The Planning and Zoning Board heard this matter on March 23, 2016 and recommended approval of the rezone request for R-1. A subsequent hearing was held by the County Commissioners on May 11, 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 A-1 Agricultural on the county zoning map.

2. That the parcel is irregular in shape and is currently designated as an Urban Residential area on the Comprehensive Plan of Bonneville County.

3. That the parcel is located just north of 1st Street and adjacent to 45th E, 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 irregular shape and size and confinement by other features, which preclude expansion.

6. That the parcel is located on the east side of Cloverdale Subdivision and south of Rettius Retreat and north of Ridgeview Subdivision, which are zoned R-1, RA-1 and A-1.

7. That there are multiple residentially used properties located on three sides of the rezone request area.

1 Findings of Fact
Conclusions of Law and Decision
8. That the owner has proposed uses, which require that the tract be zoned R-1 for single family residences to be developed. It was proposed that the property be developed into residential lots with their associated allowed uses.

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

10. That the uses as proposed would be residential in character and allowed within the zone.

11. 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 stereo-typed 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 slightly different density use than the adjacent residential lots on the north side.

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 higher 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 different 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. At the request of the applicant the R-1 Zone will be limited to single-family homes.

F. That the parcel is limited as a viable agricultural unit because of its configuration and boundary limitations, and cannot be effectively continued to be 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

2 Findings of Fact
Conclusions of Law and Decision
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 affect 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 protection, which will include hydrants, be installed within the development. 4. That a central 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. That all of the property be platted and eliminate all direct accesses onto the arterials and that the lot size and road standard width comply with the County adopted road standards. 7. That the submitted preliminary plat be redesigned to address the issues of onsite drainage. This could include but is not limited to: absorption beds, wider road right of ways, wider lots, storm retention ponds and the installation of curb and gutter.

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 R-1 single family 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

Lee Staker, Member

Dave Radford, Member

3 Findings of Fact
Conclusions of Law and Decision