

**FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS  
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION**

*Re: Tyler Thueson –  
Conditional Use Permit for an Accessory Dwelling with Living Space*

The Madison County Planning and Zoning Commission held a public hearing on Wednesday September 28, 2022, at 6:30 p.m. at the Commissioner’s room in the Madison County Courthouse, Rexburg Idaho, to consider the request of Tyler Thueson for a conditional use permit for an accessory building with living space in a Transitional Agriculture zone. The property is located at approximately 2738 W 4000 N Idaho. The property consists of approximately 9.699 acres, and is further described as RP07N39E356622, as defined by Deed Number448886.

The following members of the Madison County Planning and Zoning Commission (“Commission”) were present at the public hearing convened on Wednesday, September 14, 2022:

September 28, 2022 Attendance			
Roll Call	Present	Absent	Excused
Arlene Anderson	X		
Clint Hansen	X		
Eric Miller			X
Kort Black	X		
Mark Hansen	X		
Shane Ruebush	X		
Shane Sutton		X	
Sharon Oakey	X		
Troy Thurgood	X		

Planning and Zoning Administrator Gary Armstrong, and Assistant Planner Isaac Gardner, were also in attendance. Isaac Gardner acted as clerk for the meeting.

The meeting was recorded to allow for the preparation of a transcribable record. There was no media in attendance at the September 28, 2022 public meeting.

A transcript of the proceedings and testimony at this public hearing is attached hereto and incorporated herein. See the attached September 28, 2022 meeting minutes/testimony, incorporated herein by reference. A staff presentation was given by Administrator Armstrong regarding the conditional use permit request.

Time then was allowed for public comment.

Those in Favor:                   None  
 Those Neutral:                   None  
 Those Opposed:                 None  
 Written Correspondence:     None

Having given due consideration to the application, and evidence presented, the Planning and Zoning Commission hereby makes the following findings of fact:

## **FINDINGS OF FACT**

1. A public hearing was held on September 28, 2022, to take the testimony on a requested conditional use permit.
2. Notice was published in the legal county newspaper, the Standard Journal, September 13, and September 20, 2022 as required. The published notice included an appropriate and accurate summary of the issues to be heard. Copies of the notice were sent to all property owners/residents within 300 feet of the property line, as required on September 13, 2022.
3. At the beginning of the hearing, Commission Chair Oakey asked if proper notice had been provided. Planning and Zoning Staff answered in the affirmative. No conflicts of interest were given by any members of the Commission.
4. The public hearing was scheduled at or after the hour of 6:30 p.m. on September 28, 2022. All was set out in the published notice as described above.
5. The meeting agenda was available prior to the meeting, and the public hearing followed the order of events listed on the agenda. The planning and zoning staff explained the subject of the public hearing. An opportunity was provided for the applicant and members of the public to present testimony, which was followed by members of the planning and zoning commission. Public testimony was closed after all present had been given an opportunity to submit an oral or written testimony. No time limits were placed on the testimonies given.

## **CONCLUSIONS AND RECOMMENDATIONS**

1. Notice of the Public Hearing held to consider approval of the Conditional Use Permit was published and provided as is required by Idaho Code §§67-6509 and 67-6511.
2. The Public Hearing was held to consider approval of the proposed Conditional Use Permit and was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511 as well as Madison County Code Book, Unified Development Code, Part II, Article V, sections 101-135, Conditional Use Permit.
3. Madison County Code Book, Unified Development Code, Part II, Article V, section 101-137, Conditional Use Permit standards as follows:
  - A. Will, in fact, constitute a conditional use for the zoning designations involved, in that it is not already defined as a permitted use.
  - B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and the Unified Development Code.
  - C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

- D. Will not be hazardous or disturbing to existing or future neighboring allowed uses.
  - E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - F. Will not create excessive additional requirements at public cost for public facilities or services, and will not be detrimental to the economic welfare of the community.
  - G. Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
  - I. Will not result in the destruction, loss or damage of a natural scenic or historical feature of major importance.
4. A transcribable record was made and kept of the Public Hearing held to consider approval of the Conditional Use Permit, in accordance with the requirements of Idaho Code §§ 67-6536.
  5. The proposed Conditional Use Permit is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 *et. seq.*
  6. Approval of the proposed Conditional Use Permit change is in the best interests of the people of Madison County, Idaho.
  7. These Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.
  8. Based upon this review, a motion was made by **Commission member Shane Ruebush to recommend approval of the application from Tyler Thueson for a conditional use permit for an accessory dwelling with living space as proposed in the application materials received August 29, 2022.**  
Commission member Kort Black votes to second the motion. Voting was unanimous. Motion carries.

**CONCLUSION**

Based upon the foregoing Findings of Fact, Conclusions and recommendations, the planning and zoning procedures conducted throughout the County, the comments received at the public hearing held thereon, and the deliberation of the Planning and Zoning Commission, the Commission hereby **recommends approval** for the request for a Conditional Use Permit for an accessory building with living space.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Planning and Zoning Commission  
Madison County, Idaho

\_\_\_\_\_  
Sharon Oakey  
*Commission Chair*

Attest:

\_\_\_\_\_  
Gary Armstrong  
*Planning and Zoning Administrator*

**Adoption of Findings of Fact by the Madison County  
Board of County Commissioners**

Based upon the foregoing Findings of Fact, Conclusions and Recommendations of the Planning and Zoning Commission, and based upon the Madison County Board of County Commissioners (Board) review thereon, pursuant to Unified Development Code, Part II, Chapter 101, section 101-105 through 101-141 and Idaho State Code § 67-6509, 67-5511 *et seq.*, the Board hereby approves the Findings of Fact and Conclusion of Law presented by the Commission and approves the action based thereon.

2. The applicant's request for a conditional use permit for an accessory building with living space in a transitional agriculture zone is hereby **APPROVED**.
3. The applicant is hereby given notice that it has the right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003.
4. The applicant may appeal, in writing, this decision of the Commission, as long as the appeal is submitted to the Board of County Commissioners within twenty-eight (28) days from such Commission action, per Part II, Unified Development Code, Chapter 101 General and Administrative Provisions, Article III, Appeals.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BOARD OF COMMISSIONERS  
MADISON COUNTY, IDAHO

\_\_\_\_\_  
Todd Smith, *Chairman*

\_\_\_\_\_  
Brent Mendenhall, *Commissioner*

\_\_\_\_\_  
Doug Smith, *Commissioner*

ATTEST:

\_\_\_\_\_  
Kim H. Muir, *Clerk*

**CLERK'S CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on this \_\_\_ day of \_\_\_\_\_, 2022. I mailed a true and correct copy of the foregoing documents to the parties named below, by the means and address below as follows:

PLACE MAILING  
LABEL HERE:

- Hand Delivery
- Facsimile
- U.S. Mail

Others, if any, please see attached sheet.

/s/ Kim H. Muir  
Clerk

## Exhibit A

September 28, 2022 Public Meeting Minutes

### Public Hearing

TYLER THUESON CUP – Accessory Building with living space

Chair Oakey: Welcomes all to meeting. Briefly introduces application and explains how the meeting will proceed.

Administrator Armstrong: Gives brief staff report regarding the application.

Chair Oakey inquires if proper notice was provided. Staff answers in the affirmative.

Tyler Thueson who resides at 2738 4000 W approached the Commission. Explains they are building so that their parents will have a place to stay where they can take care of them better.

Troy Thurgood: Question about the location

Tyler: This is not for an Air BnB, this is for my parents.

Sharon: How long has the garage been there?

Tyler: Has been there since purchase of the property.

Shane: The GIS map shows it is close to the property line.

Tyler: It is probably twenty feet from the fence on the side

#### PUBLIC COMMENT

In Favor: None

Neutral: None

Opposed: None

Shane Ruebush Moves to recommend approval of the application from Tyler Thueson for a Conditional Use Permit for an accessory building with living space as proposed in application materials received August 29, 2022. Commission member Arlene Anderson votes to second the motion. All present members voted in favor of the motion. Motion passed.



Madison County  
**CONDITIONAL USE PERMIT**

**Planning and Zoning Recommendation:** Wednesday September 28, 2022  
**Board Approval:** Tuesday October 24, 2022  
**28-Day Appeal Period:** October 24, 2022 – November 23, 2022

**Name:** Tyler Thueson  
**Address:** 2738 W 4000 N Rexburg ID 83440  
**Zone:** Transitional Agriculture

**Property:**

RP07N39E356622, as defined by Deed Number 448886.

**Description of need for Conditional Use Permit:** request of Tyler Thueson for a conditional use permit for an accessory building with living space in a Transitional Agriculture zone.

**Conditions for Conditional Use Permit:** None.

BOARD OF COMMISSIONERS  
MADISON COUNTY, IDAHO

\_\_\_\_\_  
Todd Smith, *Chairman*

\_\_\_\_\_  
Brent Mendenhall, *Commissioner*

ATTEST:

\_\_\_\_\_  
Kim H. Muir, *Clerk*

\_\_\_\_\_  
Doug Smith, *Commissioner*