



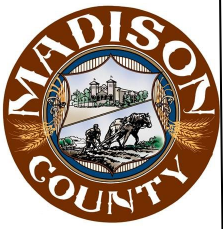
MADISON COUNTY

Planning and Zoning Commission

Wednesday March 11, 2026

Planning and Zoning Materials

Wednesday February 23, 2026
Meeting Minutes



PLANNING & ZONING COMMISSION

ABBREVIATED MINUTES –

Wednesday February 25, 2026

Audio Recording Available Upon Request in the PZ Office

Meeting Commenced: 6:30 p.m. - *This meeting was streamed electronically via Zoom.*

WELCOME:

Troy Thurgood - *PZ Commission Chair*

Pledge of Allegiance-*All*

Roll Attendance – *Janice Bennett*

ATTENDEES:

PZ Commission Members:

Troy Thurgood

Paul Weekes

Kort Black

Arlene Andersen

Eric Miller

Shane Ruebush

Nick Jensen

Matt Bitter

Kelly Jenkins

Planning Staff:

Gary Armstrong, *Administrator*

Janice Bennett, *P&Z Manager*

ROUTINE BUSINESS:

Shane Ruebush made a motion to approve January 21, 2026, P&Z Meeting minutes and **Arlene Anderson** seconded with all present in favor and no one abstaining.

PUBLIC HEARINGS:

I. Zone Change- AG to TAG-Paul & Kim Jensen

Staff confirmed that proper notice had been given. Kelly Jenkins recused herself as she will represent Kim Jensen. No other conflict of interest was stated by the commission.

Staff Report - Gary Armstrong

Application Type: Zone Change-Agriculture to Transitional Agriculture

Applicants: Paul & Kim Jensen

Project Description: The subject property is approximately 16.25 acres and is currently identified as Agriculture on the Zoning Map. The application seeks to zone the parcel as Transitional Agriculture. Lands to the west and north are zoned Transitional Agriculture. Building lots adjacent to the property are 2.5 and 2.0 acres. The parcel is not within the Flood Plain.

Staff Recommendation: The Planning Administrator has found that the lands proposed for TRANSITIONAL AGRICULTURE generally meet the description found in Madison County Code 117-60, and the requested change is consistent with the Madison County Comprehensive Plan Future Land Use map. The Planning Administrator recommends **APPROVAL** of the application for the zone change on the subject property as indicated in the application.

Administrator Gary gave an overview and answered group questions.

Applicant Presentation-Kelly Jenkins represented Kim Jensen at the meeting. She helped them buy the property a couple of years ago. Kim bought it somewhat impulsively and later realized it was more land than she wanted. Kim has a couple of kids and would like the ability to split off a couple of lots in the future for them. There is no

current plan to create a subdivision; the goal is simply to retain the option to split off a few pieces later, unless Kim “flips the switch” and decides otherwise. There are also water rights for the property.

Public Comment –No public present

IN FAVOR: NONE
NEUTRAL: NONE
OPPOSED: NONE
WRITTEN: NONE

PZC Discussion: **Arlene Anderson** asked where the water would come from. Nick Jensen said that there is water on the south with a ditch in the front and there is a ditch on the backside to the north that runs water almost all year long. No other comments from the group.

Troy Thurgood thanked the group and asked for any comments or a motion.

Motion -

Paul Weekes– *“Having found that the application generally meets the hearing factors for a zone change as outlined in Madison County Code 102-1, therefore I move to recommend **APPROVAL** of the application from Paul & Kim Jensen to change the zoning from AGRICULTURE to TRANSITIONAL AGRICULTURE on the 16.25 - acres of land as proposed in application materials received January 22, 2026.”*

Shane Ruebush - Seconded

Roll call vote was conducted. All present voted in favor with Kelly abstaining. Motion Passed.

PZ Chair Troy thanked the group.

II. Discussion: Roof Top Mounted Sign-Bear Crest, LLC

Staff Report - Gary Armstrong

Application Type: Sign Permit-Roof Sign Exceeding Sizes outlined in Code

Applicants: Bear World

Project Description: Bear World has constructed a new building fronting Highway 20, at the northeastern end of Bear World. It is a commercial building. On the awning of the building, they propose to install an electronic sign to be used for on-sight advertising for Bear World. The proposed sign consists of two panels, each is 8’ high by 14’ long, and they will be installed in an “L” format. The property is zoned Commercial.

Madison County Code 113-94 (b) states “**The sign may not exceed 3 feet in height unless approved by the Commission.**”

Staff Recommendation: The proposed sign is in a commercial zone, on a commercial building, and will not exceed the overall height of the building. It is within the character of the area and supports the tourism aspect of commercial development. Adjoining properties are Highway 20, other property owned by Bear World, and the new commercial subdivision further north. As proposed the sign complies with all other aspects of the County’s Sign Code. However, because the height of the sign exceeds 3’ (it is proposed for 8’), it requires that the permit be approved by the Commission rather than the Administrator. Where the sign is for on-premise information (no off-site advertising) and is consistent with the commercial development of the area, the Administrator recommends approval of the larger dimension sign.

Administrator Gary gave an extensive overview and answered the group’s questions.

PZC Discussion: Concerns about brightness, distractions and safety were brought up. Paul, Kort, and others raise concerns; Potential for the sign to be very bright and blinding in winter or at night, given its orientation and vivid “Bear World” colors. Risk of driver distraction—especially with digital/animated content and rapid message changes or flashing. They note examples of other digital signs that have been dangerously bright and disorienting to drivers at night.

Gary acknowledges: The county’s sign code is outdated relative to modern digital displays. There is literature on digital sign brightness and safety. He has already told Bear World the sign must not be used for off-premise advertising and should avoid being overly bright or flashy. He supports updating the sign code to better regulate digital signs.

Eric questions: Since this is effectively discretionary approval (over-height roof sign), can the Commission legally impose conditions (e.g., brightness limits)? He argues that because it is outside the strict code parameters, the Commission has room to attach reasonable conditions. The group agreed.

Gary & Shane: Point to code language that: Triggers Commission review when the sign exceeds 3' in height. Requires engineer-stamped structural drawings for larger rooftop signs. Note some ambiguity between “integral rooftop signs” (that might not need a separate permit if within roof profile) and the 3' height rule, hence bringing it to the Commission to be safe.

Kelly expresses strong concerns about: Process compliance and the builder continued work on the sign after being told to stop. Madison County appears to be “bending over backwards” to accommodate it. Fairness compared to other counties in that Jefferson and Bonneville Counties, she has seen strict highway-sign enforcement, including projects killed after years of work because signs couldn’t meet requirements. She finds it inconsistent that Madison County is now ready to relax its own 3-foot limit and allow a large electronic sign on a major highway. Setting precedent: Once this 8-foot electronic rooftop sign is allowed, other future developments (e.g., along new commercial corridors) will expect similar treatment. She worries the county will lose control of highway aesthetics and safety if this becomes the norm. She also mentions that ITD and other counties enforce strict visibility and safety rules for highway signs, largely for driver safety and impact on nearby properties, and she questions why Madison County wouldn’t hold a similarly firm line.

The General sentiment is the current code does not adequately address digital signs, luminosity, or rapid message changes. Commissioners discuss: Whether to tie sign operation to business hours/seasonality (e.g., only on during Bear World operating season/hours). Whether such limits could unreasonably restrict off-season advertising from a business owner’s perspective. Kelly warns that businesses will expect to advertise year-round, especially along a heavily traveled corridor like Highway 20. The potential path forward: Gary suggests: Drafting amendments to the sign code specifically for digital displays (brightness, flashing, hours, etc.) and bringing new code language to the next meeting. Shane asks about a temporary moratorium on new digital signs while the code is updated; Gary notes this would be a County Commission decision.

Eric proposes a concrete solution to approve the sign but require that it generally adhere to established highway billboard brightness standards, such as: not exceeding about 0.3 foot-candles above ambient light or a comparable nit (cd/m²) limit, be subject to recognized industry/Federal Highway standards (e.g., FHWA / IES guidelines). The aim is not to micromanage the business but to give the county clear grounds to intervene if the sign becomes hazardously bright or distracting. Kort and others emphasize that conditions should also intrinsically address rapid flashing and strobe-type behavior, as these are especially dangerous.

Troy acknowledges Bear World didn’t knowingly violate the code at first, since the city building inspector approved the structure. He sees brightness/distraction controls as reasonable but is wary of over-complicating or over-restricting a single business and supports a targeted condition on brightness/luminance rather than extensive operational restrictions.

The group agreed on the following: Approve the over-height rooftop sign, recognizing it otherwise fits the commercial/tourist context and roofline. The attach conditions focused on: Luminance/brightness limits aligned with recognized highway sign standards (FHWA / IES RP-39-19, including a nit/foot-candle cap). Avoiding flashing or strobe-like content that could distract or endanger drivers. Gary will communicate these expectations to Bear World and start work on code amendments to address digital signs more comprehensively going forward.

Motion -

Eric Miller– *“Having found that the application generally meets Madison County’s Sign code as outlined in Section 113, I move to APPROVE the application from Yellowstone Bear World to install a sign as proposed in application materials received February 17, 202, with the following conditions: that the sign shall be in substantive compliance with luminance standards set by the Federal Highway Administration (FHWA) and ANSI/IES RP-39-19 (Recommended Practice: Off-Roadway Sign Luminance) with maximum luminance not to exceed 340 nits (cd/m2).”*

Paul Weekes - Seconded

Verbal group vote was conducted. All present voted in favor. Motion Passed.

PZ Chair Troy thanked the group and turned the time over to Gary for updates.

ADMINISTRATOR BUSINESS: Administrator Gary Armstrong discussed items going on in legislature currently and information received while at the Association of Counties in Boise a couple of weeks ago. Gary reported multiple state bills attempting to preempt local land-use authority, largely backed by development interests.

- Trio of High-Density / ADU / Lot-Size Bills (All Died in Committee)
 - Mandatory duplexes: Any land zoned residential would be required to allow duplexes by right.
 - Mandatory ADUs: On any 1+ acre residential lot, jurisdictions would have to allow:
 - 1 attached ADU and 2 detached ADUs (4 dwellings/lot by right),
 - With no owner-occupancy requirement.
 - “Starter home” density bill:
 - Prohibit minimum lot sizes larger than 1,000 sq ft.
 - Limit front setbacks to max 15 feet.
 - Require allowance of densities up to at least 12 units/acre.
 - Restrict ability to require off-street parking.
 - Included provisions allowing developers to personally sue county commissioners and staff for noncompliance.
 - Counties and cities (including Madison County) strongly opposed, arguing these bills would:
 - Remove the “local” from local land-use planning,
 - Ignore infrastructure limits (septic, water, sewer, roads, parking),
 - Override community preferences and carefully developed local plans.

After testimony and lobbying by counties/cities, the bills were held in committee and effectively died for this session. Gary noted this is the third consecutive year similar measures have been introduced.

Another bill that has come up:

- “Emergency Family Lot-Split” Bill: New proposal would allow landowners, in an undefined “emergency,” to: Bypass local subdivision regulations and create 5+ acre family lots exempt from standard subdivision rules (subject to ownership-duration requirements). Some concerns are: “Emergency” is not defined, creating a potential loophole to avoid subdivision review. It undermines local control and coordinated planning. Madison County already allows several non-subdivision lot splits consistent with zoning, and simplified short plats for small subdivisions, so the functional need for this bill is questionable here.

Gary emphasized a trend toward state-level, one-size-fits-all mandates on density and housing form. He stressed that even in small, relatively uniform Madison County, different areas require different approaches, and statewide mandates do not fit local conditions. The Planning & Zoning Commission and County are working with IAC to defend local decision-making authority on land use.

ADJOURN:

Motion to Adjourn: Shane Ruebush

Second: Arlene Anderson

Unanimous in favor of the motion. Meeting Adjourned at 7:28 p.m.

PUBLIC HEARING

CUP-Home Business Major
Maurice & Tammy Brown

Documents Included

Staff Report
Application



Madison County

Planning and Zoning

Application Summary and Staff Report

Application Type:	CONDITIONAL USE PERMIT
Applicant:	Maurice & Tammy Brown
Surveyor/Engineer:	N/A
Location:	1231 E 9th N, Rexburg, ID
Date for Consideration:	March 11, 2026

Project Description:	The applicant is applying for a Conditional Use Permit to operate an ACCESSORY HOME OCCUPATION/HOME BUSINESS (yoga studio and event/party venue). The property is located in the Rexburg Area of City Impact, Rexburg Rural Residential 1 Zone. Under Madison County Code Section 105-22, this type of use requires a Conditional Use Permit. The property is not in a subdivision.
Staff Recommendation:	Conditional Use Permits are JUDICIAL Permits, and are DISCRETIONARY decisions. The Planning Administrator recommends approval of the CUP with the following conditions: - The subject lot where the shop/building is (RP06N40E164860), the home lot (RP0RIVS0000090) and the access lot (RP06N40E164812) must remain in the same ownership and may not be sold separately as long as the CUP is utilized and in place. Separating the lots will result in a conversion of the subject lot into a commercial use rather than a home business/home occupation. Separation of the subject lot from the home lot will nullify the CUP. - The first 60' of the driveway access from into the lot shall be paved with concrete or asphalt, at least 25' wide to allow two cars to pass, and to prevent mud/gravel from the increased vehicle use being tracked onto the public road.

Possible Motions

Approval

I move to recommend **APPROVAL** of the application from Maurice & Tammy Brown for a Conditional Use Permit to operate Accessory Home Occupation/Home Business – (yoga studio and event/party venue) as proposed in application materials received February 13, 2026, with conditions as outlined in the staff report:

Denial

I move to recommend **DENIAL** of the application from Maurice & Tammy Brown for a Conditional Use Permit to operate Accessory Home Occupation/Home Business (yoga studio and event/party venue) as proposed in application materials received February 13, 2026, for the following reasons:

- 1.
- 2.

Tabled

I move to **TABLE** the application from Maurice & Tammy Brown for a Conditional Use Permit to operate Accessory Home Occupation/Home Business (yoga studio and event/party venue) as proposed in application materials received February 13, 2026, and request additional information from the applicant, including:

- 1.
- 2.

Home occupation. In order to provide for home occupations that are secondary to the use of the premises as a residence and are compatible with the quiet, peaceful nature of a residential neighborhood, no home occupation shall be permitted without the prior issuance of a Conditional Use Permit or Home Occupation Permit or license as required by the type of home occupation desired. Any business must be registered with the State of Idaho to obtain an EIN number.

1. *Process requirements.*

1. Submit Application.
2. Payment of a permit fee
3. Regulation Compliance
4. CUP Process (If needed)
5. Permit Issued

2. *Standard regulations.* All Home Occupations and Businesses, whether permitted or conditional, must adhere to the following standard regulations.

1. *Accessory uses.* In all residential zones, home occupations in compliance with the following regulations are permitted as accessory uses.

2. *Appearance.* There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
3. *Boss.* The home occupation shall be conducted by the applicant, who shall reside on the premises.
4. *Display.* There shall be no display of products visible in any manner from the outside of the dwelling.
5. *Impact.* The home occupation shall not constitute a significant impact on neighborhoods.

6. *In dwelling or accessory.* A home occupation shall be conducted entirely within the dwelling or an accessory structure.

7. *Interference.* No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
8. *Nuisance.* No equipment or process shall be used in a home occupation which creates noise, glare, vibration, or fumes, or odor detectable to the normal senses off the property.
9. *Outside storage.* There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.
10. *Public utilities.* No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
11. *Signs.* There shall be no visible evidence of the conduct of the home occupation other than one (1) nonilluminating sign not to exceed two (2) square feet in area mounted flat against the dwelling.
12. *Traffic.* The use shall not create greater pedestrian or vehicular traffic than normal for the neighborhood.

3. *Permitted uses.* Examples of home occupations permitted under this section shall include but not be limited to:

Permitted uses examples:

Beauty Salon
Computer programming

Childcare may have up to six (6) children at any one time. (The care of additional children shall constitute a *Home Business or Commercial Daycare Center*.)

Home cooking, baking and preserving

Home crafts without on premise sales

Individual tutoring

Painting

Piano or Music training

Sculpturing

Secretarial service

Sewing and tailoring

Telephone solicitation work and answering services

Writing

Other uses as approved by the Planning and Zoning Administrator or designee

4. *Permitted use regulations.* A home occupation, which meets the standard regulations and the following conditions shall be issued a permit by the Rexburg City Clerk, upon application and payment of a permit fee, provided that the home occupation is conducted by the applicant:

1. *Advertising.* No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.
2. *Area.* A home occupation shall be conducted entirely within a dwelling and shall not occupy more than twenty (20%) percent of the floor area of the residence.
3. *Delivery services.* The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vans regularly involved in commercial delivery such as United Parcel Service, Federal Express, or the United States Postal Service greater than that of a standard residential home. The applicant may use his/her personal vehicle, provided it does not exceed three-quarter (3/4) tons, for deliveries.
4. *Employees.* No one other than members of the immediate family residing in the home shall be employed in the conduct of a home occupation.
5. *Instruction.* If the home occupation is the type in which classes are held or instruction is given to more than one (1) person at a time, there shall be no more than six (6) students or pupils in the dwelling unit or on the premises at any one time. No more than (2) two sessions shall be held daily. The home must be owner/leasee occupied.
6. *Motors.* No motor power other than electrically operated motors shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than three (3) h.p.
7. *Parking.* The use shall not require additional off-street parking spaces for clients or customers of the home occupation.

5. *Conditional uses.* A home occupation which does not comply with the Permitted Uses above may be permitted in all residential zones only if a conditional use permit is secured. Such home occupations shall comply with standard regulations and the following regulations:

1. *Area.* More than the equivalent of twenty-five (25%) percent of the floor area of the residence shall not be associated with the home occupation.
2. *Delivery.* The home occupation shall not involve the use of commercial vehicles with more than six (6) wheels for delivery of materials to or from the premises. Such deliveries would exceed the normal delivery to a residential home. Deliveries shall be limited to five (5) deliveries per (1) week.
3. *Employees.* No one other than the residents of the dwelling shall be employed in the conduct of the home occupation.

4. *Hours.* No home occupation shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.
5. *Parking.* The use shall not require more than two (2) additional off-street parking spaces for clients or customers of the home occupation. Such off-street parking shall not be provided in the front yard unless on a pad existing prior to commencement of the home occupation.
6. *Sales.* Unless permitted under the conditional use review process, there shall be no sales of products or services not produced on the premises.
6. *Violation of standards.* If a home occupation permittee violates any of the above standards as applicable, the home occupation permit may be revoked upon written notice to the applicant, and the conduct of the home occupation shall cease.
7. *Appeal.* To contest a revocation, the applicant shall appeal to the Planning and Zoning Commission within fifteen (15) days of the date of the written notice.
8. *Home business requirements.* Home businesses are required to have a Conditional Use Permit and Business License. Home businesses must meet all the requirements of the previous Home Occupations subsection with the following exceptions:
 1. All Home Business applications require a Conditional Use Permit (CUP).
 2. Home businesses are allowed only in the following zones: Transitional Agriculture (TAG), Rural Residential 1 (RR1), and Rural Residential 2 (RR2), Low Density Residential 1 (LDR1), Low Density Residential 2 (LDR2) and Low Density Residential 3 (LDR3).
 3. A home business may be allowed in up to twenty-five (25%) percent of the primary residence or one hundred (100%) percent of an accessory structure.
 4. Up to four (4) non-related employees may be allowed.
 5. Childcare may have up to twelve (12) children. (*The care of additional children shall constitute a Commercial Daycare Center.*)
 6. The home must be owner/leasee occupied.

Madison County Code Section 101-137

Sec 101-137 Standards Applicable To Conditional Uses

The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

1. *In fact, constitute a conditional use as established in this part for the zoning designation involved, in that it is not already defined as a permitted use;*
2. *Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this part;*
3. *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;*
4. *Not be hazardous or disturbing to existing or future neighboring allowed uses;*
5. *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;*
6. *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;*

7. *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;*
8. *Have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and*
9. *Not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

(Prior Code, title 10, § 1.4.3; Ord. No. 384, § 1.4.3, 3-12-2012)

General Location Map



Staff Report prepared by Gary Armstrong, Planning Administrator



PLANNING & ZONING DEPARTMENT

134 E Main Suite 208 Rexburg ID 83440

Phone (208)359-6207

PZ@co.madison.id.us

CONDITIONAL USE PERMIT APPLICATION

DEFINITION:

A use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein. (Unified Development Code Chapter 101 Article V)

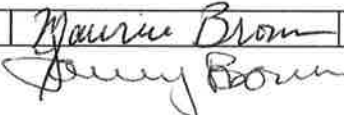
SUBMITTALS:

The review process will require a minimum of 15 working days. Applicants will be required to meet with Planning and Zoning Administrator before the Public Hearing will take place. All information called for on this form shall be required for a complete application and no incomplete application will begin the review process. Completed application must also be accompanied with the **subsequent fee of \$600.00.**

APPLICANT/OWNER CONTACT INFORMATION

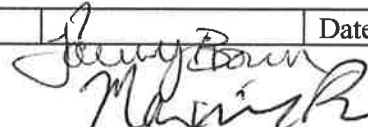
APPLICANT:

Name:	Maurice
phone	2083909780
Email:	Stonecreek99@gmail.com
Mailing Address:	1253 E 9 N
	Rexburg, ID 83440

Signature:		Date:	Feb 13, 26
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OWNER:

Name:	Maurice and Tammy Brown
Phone:	2083909780
Email	Stonecreek99@gmail.com
Mailing Address:	1253 E 9 N Rexburg, ID 83440

Signature:		Date:	
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REQUIRED ATTACHMENTS

Additional attachments may be required on a case by case basis

- ☒ **Warranty Deed** – Can be obtained in Madison County Clerk's Office
- ☒ **Site Map** - Plan of the proposed site showing location of all buildings, parking & loading areas, traffic access & traffic circulation, open spaces, landscaping, refuse & service areas, utilities, signs, yards & such other information that may be required determining if the proposed conditional use meets the intent & requirements of the ordinance.

CONDITIONAL USE PERMIT HEARING FACTORS

Conditional use permit. Section 101-137, conditional use permit, in considering conditional use permits, the following standards may be deliberated upon to determine whether or not to allow such a permit. That such use at the proposed location:

1. Will, in fact, constitute a conditional use for the zoning designations involved, in that it is not already defined as a permitted use.
2. 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.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring allowed uses.
5. 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.
6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Particulars of the environmental planning instrument or planning proposal applicable to the land and how it will facilitate the proposed planning purpose.
10. Details of a development plan prepared for the land.
11. Any provisions of the development plan that would modify or display the provisions of uniform development code.
12. Whether the requisite land owners' consents to the proposed development plan, and the public input obtained on the proposed subdivision.
Nothing herein shall preclude the consideration of additional planning components or subject matter.

PARCEL INFORMATION

Site Address (if applicable):		1231 E 9 N					
City:	Rexburg	State:	ID	Zip:	83440		
Parcel Number(s):		RP06N40E164860					
Total Acreage:	1	Subdivision:	na	Lot:	na	Block:	na
Zone:	RR1	Comp Plan Designation:		Rural Cluster			
Is Parcel in the Floodplain?						yes	
Does the property contain any streams, rivers, lakes or wetlands?						no	
Can access be provided to the parcel(s)?						yes	
Can Madison County setbacks be met for any structures to be constructed?						yes	
Is the Parcel adjacent to any agriculture activities?						No	

NATURE OF REQUEST - COMMERCIAL

Does the current zoning of the parcel(s) allow for business or structure type?		Yes Business minor
Total square footage of all proposed businesses: 2400 sf		
What will be the nature of the business at this site? Small family and business parties- small yoga groups of 10		
What are the proposed days of operation?	Monday- Friday during business hours	
How many customers are expected daily?	Not a retail establishment.	
What will be the largest number of employees working at this site?	no employees	
Give a narrative statement evaluating the effects on adjoining property, such as elements of noise, dirt, dust, glare, odor, fumes & vibration on adjoining properties. No effect.		
Describe the general compatibility with adjacent properties and relationship of proposed use to the Comprehensive Plan - This building is attached to our back yard and has a separate access road attached to the E 9 N We have a private easement with a good buffer from adjoining residences.		
How will this impact surrounding schools? N/A		
Indicate surrounding land uses: farm land and low density residential		
Explain how your request constitutes a conditional use as established under conditional uses in the zone districts the request is in:		
Describe how this request will be in harmony with the general vicinity and not change the essential character of the area: We have been using this acre for years to park trucks and trailers. This project will beautify the area and make it more user friendly for our family and neighbors a like.		
Demonstrate and describe how your request will not be hazardous or disturbing to existing or future neighbors: property will be fenced in on the back and is attached to our existing yard. It is not in an area that has any potential for additional neighbors. The parcel of land behind the building belongs to us as well and will be landscaped		

with trees only to create a visual break from farmland to building area and insure privacy for existing neighbors and privacy if the farmer ever decides to develop homes.

FACILITIES

Will business require any new or updated septic systems?	no
What type of water supply system would be used on site:	Private well
Will storm water and run off be planned for? If yes, please describe:	Yes- appropriate landscaping and rain gutters
Where will the generated waste be stored?	PSI private dumpster on site
Indicate the type of equipment that will be used in the conduct of the business:	
N/A	

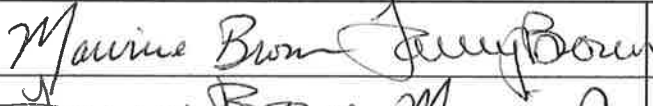
TRAFFIC/PARKING

What is the estimated daily traffic increase?	5 -10 cars/day
Will the traffic be primarily private vehicles or commercial vehicles?	private
How much parking is being provided on-site? (Please attach a drawing of the parking plan)	

EMERGENCY ACCESS

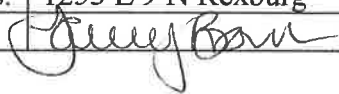
Describe plans for fire protection:	Fire alarm fire extinguisher and fire blanket on site
Where is the nearest fire hydrant located?	NA
Is any point of the building further than 150 feet from access points?	No
Are access points sufficient in width for firefighting equipment and other emergency vehicles (i.e. 25 ft paved surface)?	
yes	

The commission may address other points than those discussed above, but a narrative addressing at least these applicable points will assist in processing your application.

Signature of Applicant:		Date:	02/13/26
Signature of Owner:		Date:	2-13-26

CO-APPLICANT CONTACT INFORMATION

APPLICANT:

Name:	Tammy Brown		
Phone:	2083134220		
Email:	Tammybrown73@gmail.com		
Mailing Address:	1253 E 9 N Rexburg		
Signature:		Date:	

APPLICANT:

Name:			
Phone:			
Email:			
Mailing Address:			
Signature:		Date:	

APPLICANT:

Name:			
Phone:			
Email:			
Mailing Address:			
Signature:		Date:	

OFFICE USE ONLY

Permit #:	Fee Total:	Date Fee Received:

--

QUITCLAIM DEED

Instrument # 485516

REXBURG, MADISON, IDAHO
12-12-2024 02:32:07 PM No. of Pages: 2
Recorded for : TAMMY BROWN
KIM H. MUIR Fee: 15.00
Ex-Officio Recorder Deputy 

ORDER NO.: 679237

FOR VALUE RECEIVED,

Maurice Darnell Brown and Tamara Kaye Brown, husband and wife

do(es) hereby convey, release, remise and forever quitclaim unto

Stone Creek Townhomes, LLC

whose current address is: 1253 E 9th N., Rexburg, ID 83440

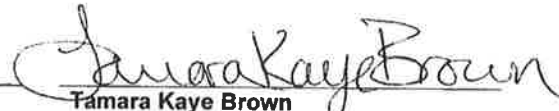
the following described premises:

see attached legal description

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: December 12, 2024

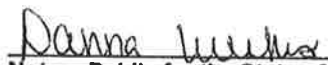

Maurice Darnell Brown


Tamara Kaye Brown

State of Idaho } ss
County of Madison }

On this 12th day of December, 2024, before me, the undersigned, a Notary Public in and for said state, personally appeared Maurice D. Brown and Tamara Kaye Brown, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for the State of Idaho
Residing at: _____ Residing in Rexburg, ID
Commission Expires: _____ Commission Expires 2-18-2028

DANNA WEEKES
Notary Public
State of Idaho
Commission No. 18412

Beginning at a point that is North $00^{\circ}14'47''$ West along the North-South Center Section line 1499.32 feet and North $89^{\circ}30'30''$ West 16.13 feet from the South $\frac{1}{4}$ corner of Section 16, Township 6 North, Range 40 East of the Boise Meridian, said point being on the West Boundary line of Riverside Acres, Madison County, Idaho; running thence North $89^{\circ}30'30''$ West 208.70 feet; thence North $00^{\circ}03'29''$ West 208.73 feet; thence South $89^{\circ}30'30''$ East 208.70 feet to said West boundary line of Riverside Acres; thence South $00^{\circ}03'29''$ East along said West Boundary line 208.73 feet to the Point of Beginning.

TOGETHER WITH: A 45 foot wide easement for ingress and egress the centerline of which is more specifically described as follows: Beginning at a point that is North $00^{\circ}14'47''$ West along the North-South Center Section line 1499.32 feet and North $89^{\circ}30'30''$ West 186.20 feet from the South $\frac{1}{4}$ corner of Section 16, Township 6 North, Range 40 East of the Boise Meridian; running thence South $00^{\circ}03'29''$ East 180.68 feet to the end of said easement.

SUBJECT TO: Existing easements of record.

208.76'

208.04'

207.18'

208.8'

79.62'

184.46'





PARKING DETAIL





PUBLIC HEARING

CUP-TAG Duplex

Greg & Daniel McInnes

Documents Included

Staff Report

Application



Madison County

Planning and Zoning

Application Summary and Staff Report

Application Type:	CONDITIONAL USE PERMIT
Applicant:	Greg & Daniele McInnes
Location:	About 1900 W 4200 N Rexburg, ID
Date for Consideration:	March 11, 2026

Project Description:	The applicant is applying for a Conditional Use Permit to build a duplex on a 1.52 acre parcel in the Transitional Agriculture Zone. Duplexes are allowed in the TAG zone with a Conditional Use Permit. The property is not in a subdivision. The applicant lives on the parcel immediately to the east of the subject parcel. The subject parcel was split off of the applicant's parcel in March 2025 for the purpose of creating a building lot for the proposed duplex.
Staff Recommendation:	The applicants approached the county in early 2025 about splitting a parcel of their land and constructing a duplex for family and other uses. In that discussion, the County advised that they approach the duplex as a dwelling with an attached accessory dwelling unit. By so doing, no CUP would be required. Based on this advice from staff, the applicant proceeded with their plans. They completed an administrative lot split, purchased home design services, and contracted to build the duplex as a home with an attached ADU. In Summer of 2025, based on changes in state law requiring that for an ADU, one unit must be owner occupied, the County began implementing this change. In Fall 2025, the applicant's contractor submitted the building permit application. By then, the County was requiring proof that one of the dwellings would have to be owner-occupied in order to permit the dwelling as a single dwelling with an ADU. This presented a situation where County staff had previously committed to one approach, and then changed course once the applicant submitted their application. Put simply, the County changed the rules from what staff had told the applicant previously. It was noted that all along, the applicant intended to construct a duplex with the intent of using both units for family and/or tenants. In review of Madison County's code, a Duplex (not a dwelling with an ADU, therefore not requiring one unit be owner-occupied), is allowed with a CUP. The applicant has submitted this CUP application. As administrator, the Applicant did a great job in their due-diligence in planning for the construction of this duplex. They followed the advice on how to proceed, only to have the rules change mid-way through the process. The application meets the required measures of lot size, setbacks, sufficient septic systems, off street parking, and building code requirements unique to a duplex. It is therefore my recommendation to approve the CUP for a duplex as presented. Site plans, home designs, and renderings are included in the application materials. At present, Madison County has approved the building permit to proceed as a single-family home. Upon the approval of this CUP, approval will be given to proceed as a duplex.

Possible Motions		
<u>Approval</u> I move to recommend APPROVAL of the application from Greg & Daniele McInnes for a Conditional Use Permit for a Duplex as proposed in application materials received February 10, 2026, with conditions as outlined in the staff report:	<u>Denial</u> I move to recommend DENIAL of the application from Greg & Daniele McInnes for a Conditional Use Permit for a Duplex as proposed in application materials received February 10, 2026, for the following reasons: 1. 2.	<u>Tabled</u> I move to TABLE the application from Greg & Daniele McInnes for a Conditional Use Permit for a Duplex as proposed in application materials received February 10, 2026, and request additional information from the applicant, including: 1. 2.

Madison County Code Relevant to the Application

Section 101-2 Definitions

Duplex means a residential structure separated into two (2) independent living units with a common owner and a shared yard. Two (2) living units in one structure with one (1) lot. This may be configured as side-by-side, or top-bottom units.

Section 117-51 – Land Use Table

Legend for Land Use Table Uses

P = Permitted use C = Conditional use Blank = Not permitted Not Listed = Not permitted. Please see planning & zoning administrator.

Zones AG = Agricultural A/R = Agriculture/Recreation C = Commercial I-L = Light Industrial I-H = Heavy Industrial MPC = Master Planned Community R = Residential TS = Town Site TAG = Transitional

Land Use Table									
Land Use	Zone								
	AG	A/R	C	I-L	I-H	MPC	R	TS	TAG
Residential									
Apartment/condominium building		C	P	C		P	P	P	C
Live/Work Unit	C	C	P	C		P			
Rowhouse		C	P	C		P	P	P	C
Duplex dwelling	P	P	C	C		P	P	P	C
Single-family dwelling	P	P	C	C		P	P	P	P
Accessory Building	P	P		P		P	P	P	P
Accessory Dwelling Unit	P	P					P	P	P

Section 102-1 (C) Hearing Factors – Conditional Use Permit

C. Conditional use permit. Section 101-137, conditional use permit, in considering conditional use permits, the following standards may be deliberated upon to determine whether to allow such a permit. That such use at the proposed location:

1. Will, in fact, constitute a conditional use for the zoning designations involved, in that it is not already defined as a permitted use.
 2. 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.
 3. 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.
 4. Will not be hazardous or disturbing to existing or future neighboring allowed uses.
 5. 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.
 6. 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.
 7. 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.
 8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 9. Particulars of the environmental planning instrument or planning proposal applicable to the land and how it will facilitate the proposed planning purpose.
 10. Details of a development plan prepared for the land.
 11. Any provisions of the development plan that would modify or display the provisions of uniform development code.
 12. Whether the requisite land owners' consents to the proposed development plan, and the public input obtained on the proposed subdivision.
- Nothing herein shall preclude the consideration of additional planning components or subject matter.

Proximity Map



Staff Report prepared by Gary Armstrong, Planning Administrator



PLANNING & ZONING DEPARTMENT

134 E Main Suite 208 Rexburg ID 83440

Phone (208)359-6207

PZ@co.madison.id.us

CONDITIONAL USE PERMIT APPLICATION

DEFINITION:

A use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein. (Unified Development Code Chapter 101 Article V)

SUBMITTALS:

The review process will require a minimum of 15 working days. Applicants will be required to meet with Planning and Zoning Administrator before the Public Hearing will take place. All information called for on this form shall be required for a complete application and no incomplete application will begin the review process. Completed application must also be accompanied with the **subsequent fee of \$600.00.**

APPLICANT/OWNER CONTACT INFORMATION

APPLICANT:

Name:	DANIELE MCINNES
Phone:	208-541-1595
Email:	gdmtdkbq@hotmail.com
Mailing Address:	1848 W 4200 N

Signature:	Daniele McInnes	Date:	2-10-26
------------	-----------------	-------	---------

OWNER:

Name:	GREG & DANIELE MCINNES
Phone:	208-541-1595
Email:	"
Mailing Address:	"

Signature:	Daniele McInnes	Date:	2-10-26
------------	-----------------	-------	---------

[Handwritten signature] 2-10-26

REQUIRED ATTACHMENTS

Additional attachments may be required on a case by case basis

- ☒ **Warranty Deed** – Can be obtained in Madison County Clerk's Office *COPY*
- ☒ **Site Map** - Plan of the proposed site showing location of all buildings, parking & loading areas, traffic access & traffic circulation, open spaces, landscaping, refuse & service areas, utilities, signs, yards & such other information that may be required determining if the proposed conditional use meets the intent & requirements of the ordinance.
- ☒ **Fee Payment** – cash, check, or credit card.

CONDITIONAL USE PERMIT HEARING FACTORS

Conditional use permit. Section 101-137, conditional use permit, in considering conditional use permits, the following standards may be deliberated upon to determine whether or not to allow such a permit. That such use at the proposed location:

- ✓1. Will, in fact, constitute a conditional use for the zoning designations involved, in that it is not already defined as a permitted use.
- ✓2. 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.
- ✓3. 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.
- ✓4. Will not be hazardous or disturbing to existing or future neighboring allowed uses.
- ✓5. 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.
- ✓6. 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. 4 kids
- ✓7. 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.
- ✓8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- ✓9. Particulars of the environmental planning instrument or planning proposal applicable to the land and how it will facilitate the proposed planning purpose.
- ✓10. Details of a development plan prepared for the land.
- ✓11. Any provisions of the development plan that would modify or display the provisions of uniform development code.
- ✓12. Whether the requisite land owners' consents to the proposed development plan, and the public input obtained on the proposed subdivision.
Nothing herein shall preclude the consideration of additional planning components or subject matter.

PARCEL INFORMATION

Site Address (if applicable):		—			
City:	REXBURG	State:	ID	Zip:	83440
Parcel Number(s):		RP07N39E365407			
Total Acreage:	1.5	Subdivision:	—	Lot:	
Zone:	TAG	Comp Plan Designation:			
Is Parcel in the Floodplain?					NO
Does the property contain any streams, rivers, lakes or wetlands?					~~YES~~ NO
Can access be provided to the parcel(s)?					YES
Can Madison County setbacks be met for any structures to be constructed?					YES
Is the Parcel adjacent to any agriculture activities?					YES

NATURE OF REQUEST - COMMERCIAL

Does the current zoning of the parcel(s) allow for business or <u>structure</u> type?		YES	DUPLEX W/CUP
Total square footage of all proposed businesses:		duplex	2160 sq. ft.
What will be the nature of the business at this site?		—	
What are the proposed days of operation?		—	
How many customers are expected daily?		—	
What will be the largest number of employees working at this site?		—	
Give a narrative statement evaluating the effects on adjoining property, such as elements of noise, dirt, dust, glare, odor, fumes & vibration on adjoining properties.			
NONE			
Describe the general compatibility with adjacent properties and relationship of proposed use to the Comprehensive Plan			
SINGLE FAMILY HOUSING ENVIRONMENT			
How will this impact surrounding schools?			
POSSIBLY 0-4 CHILDREN			
Indicate surrounding land uses:			
AG FARMS - SINGLE FAMILY HOUSING			
Explain how your request constitutes a conditional use as established under conditional uses in the zone districts the request is in:			
ALLOWED USE			
Describe how this request will be in harmony with the general vicinity and not change the essential character of the area:			
NO NEW USE THAT ISN'T ALREADY THERE			
Demonstrate and describe how your request will not be hazardous or disturbing to existing or future neighbors:			
RENTERS WILL BE EXPECTED TO FOLLOW COUNTY LAWS AS THOSE NEIGHBORS THAT SURROUND THEM			

FACILITIES

Will ~~business~~ ^{DUPLEX} require any (new) or updated septic systems?	YES
What type of water supply system would be used on site:	WELL
Will storm water and run off be planned for? If yes, please describe:	GRADE WILL SLOOP AWAY
Where will the generated waste be stored?	90 GAL ROLL OUT TRASH CONT.
Indicate the type of equipment that will be used in the conduct of the business:	N/A

FROM
DUP.

TRAFFIC/PARKING

What is the estimated daily traffic increase?	2 TO 4 VEHICLES
Will the traffic be primarily private vehicles or commercial vehicles?	PRIVATE
How much parking is being provided on-site? (Please attach a drawing of the parking plan)	6

EMERGENCY ACCESS

Describe plans for fire protection:	SMOKE DETECTORS, FIRE EXTINGUISHER, FIRE
Where is the nearest fire hydrant located?	NONE IN THE AREA
Is any point of the building further than 150 feet from access points?	NO
Are access points sufficient in width for firefighting equipment and other emergency vehicles (i.e. 25 ft paved surface)?	YES

RATED
SER

The commission may address other points than those discussed above, but a narrative addressing at least these applicable points will assist in processing your application.

Signature of Applicant:	Danielle McInnes	Date:	2-10-26
Signature of Owner:	Danielle McInnes	Date:	2-10-26
	By M. Id		2-10-26

CO-APPLICANT CONTACT INFORMATION

APPLICANT:

Name:			
Phone:			
Email:			
Mailing Address:			
Signature:		Date:	

APPLICANT:

Name:			
Phone:			
Email:			
Mailing Address:			
Signature:		Date:	

APPLICANT:

Name:			
Phone:			
Email:			
Mailing Address:			
Signature:		Date:	

OFFICE USE ONLY

Permit #:	Fee Total:	Date Fee Received:

--

AFTER RECORDING MAIL TO:

Gregory S. McInnes and Daniele D. McInnes
1848 W. 4200 N.
Rexburg, ID 83440

Instrument # 469930
REXBURG, MADISON, IDAHO
9-9-2025 03:25:03 PM No. of Pages: 3
Recorded for : DANIELE MCINNES
KIM H. MUIR Fee: 15.00
Ex-Officio Recorder Deputy 

QUITCLAIM DEED

Date: **September 05, 2025**

For Value Received, **Gregory S. McInnes and Daniele D. McInnes, husband and wife**, do(es) hereby convey, release, remise, and forever quit claim unto **Gregory S. McInnes and Daniele D. McInnes, husband and wife**, whose address is **1848 W. 4200 N., Rexburg, ID 83440**, herein after called the Grantee, the following described premises situated in **Madison** County, **Idaho**, to-wit:

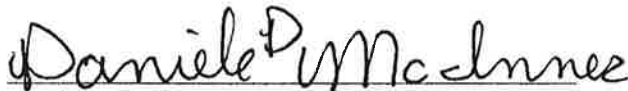
See Attached Legal

together with its appurtenances.

Dated: 9/8/25

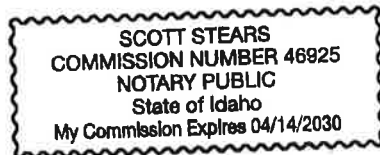
Date: 09/05/2025


Gregory S. McInnes


Daniele D. McInnes

STATE OF Idaho)
COUNTY OF Madison)
ss.

On this 8 day of September, 2025, before me, a Notary Public in and for said State, personally appeared **Gregory S. McInnes and Daniele D. McInnes**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.




Notary Public of Idaho
Residing at: Rexburg, ID
Commission Expires: 4-14-2030

DANIELE McINNES
TRACT 2 DESCRIPTION – 1.52 ACRES

SITUATED IN THE STATE OF IDAHO, COUNTY OF MADISON, BEING PART OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 39 EAST, OF B.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 36;

THENCE NORTH 00°00'38" EAST, A DISTANCE OF 1,301.92 FEET TO A POINT;

THENCE NORTH 89°57'01" EAST, A DISTANCE OF 333.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°01'59" WEST, A DISTANCE OF 543.91 FEET TO A POINT;

THENCE NORTH 89°58'01" EAST, A DISTANCE OF 121.55 FEET TO A POINT;

THENCE SOUTH 00°01'59" EAST, A DISTANCE OF 543.87 FEET TO A POINT;

THENCE SOUTH 89°57'01" WEST, A DISTANCE OF 121.55 FEET TO A POINT;

TO THE POINT OF BEGINNING. CONTAINING 1.52 ACRES OF LAND, MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY JEFFREY M. ROWE, PLS 13856 IN AUGUST 2025, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ROS#469851



MY DESIGN
BROOKE PINNOCK
PO Box 364, Sugar City, Idaho 83448
208-589-7267
mydesignbybrooke@gmail.com

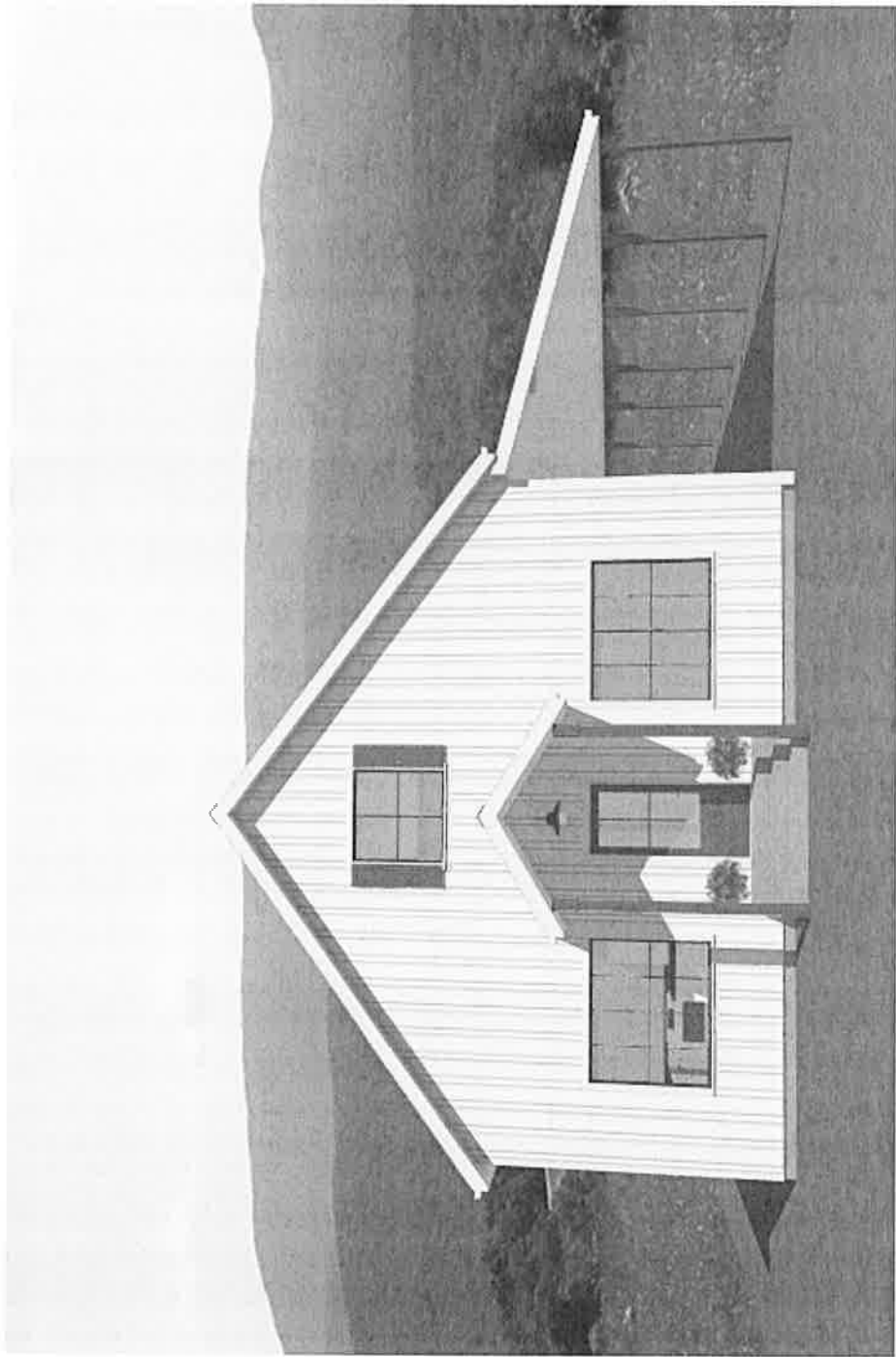
PREPARED FOR:
**MCINNES
DUPLEX**
MADISON COUNTY, IDAHO

AREAS	
EACH UNIT SQ. FT.:	1044
TOTAL LIVING SQ. FT.:	2088
STORAGE ABOVE SQ. FT.:	1182

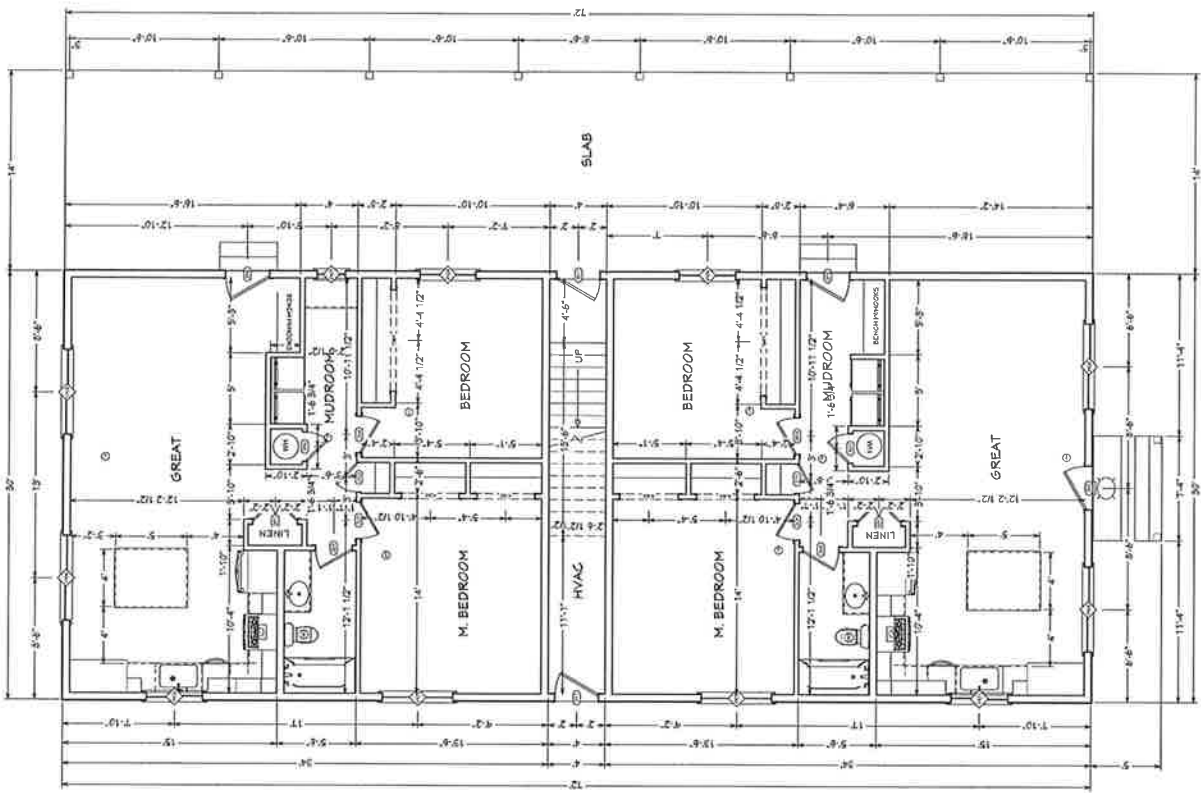
OWNER	DESIGNED BY
BP	DATE
2025-55	05/14/2025
1/4"=1'	PROJECT
SCALE	1/4"=1'

PAGE
A-1

MCINNES DUPLEX



MAIN FLOOR PLAN



THIS PLAN SHALL BE USED FOR CONSTRUCTION OF THE HOME ON THE LOT SHOWN HEREON. ANY OTHER USE OF THIS PLAN WITHOUT PERMISSION FROM MY DESIGN IS A FEDERAL CRIME UNDER SECTION 184 OF THE COPYRIGHT ACT.

mydesignbybrooke@gmail.com
208-589-7267
P.O. Box 364, Sugar City, Idaho 83448
BROOKE PINNOCK

MY DESIGN

PREPARED FOR:

**MCINNES
DUPLEX**

MADISON COUNTY, IDAHO

AREAS

EACH UNIT SQ. FT.	1044
TOTAL LIVING SQ. FT.	2088
STORAGE ABOVE SQ. FT.	1163

OWNER
BP

DESIGNED BY
BP

DATE
05/14/2025

PROJECT#
2025-55

SCALE
1/4"=1'

PAGE
A-5

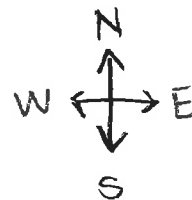
2000 W

4200 N

HARRIS HOME

FIELD

McINNES DUPLEX



McCLURE'S HOUSE

GRAVEL

DUPLEX # 2

34

4

DUPLEX # 1

CARPORT

34

30'

15'

15'

ROAD

20'

SIDEWALK

GRASS

80'

ELECTRIC BOX

GRAVEL

FIELD

PROPERTY LINE

41.55'

FRONTAGE ROAD

4200 N

121.55'



FINDINGS OF FACT

Zone Change-AG to TAG

Kim Jensen

Documents Included

Staff Report

Findings of Fact



Madison County

Planning and Zoning

Application Summary and Staff Report

Application Type:	Zone Change – Agriculture to Transitional Agriculture
Applicant:	Paul & Kim Jensen
Surveyor/Engineer:	None
Location:	Burton Area – About 5200 W and 3800 S
Date for Consideration:	February 25, 2026

Project Description:	The subject property is approximately 16.25 acres and is currently identified as Agriculture on the Zoning Map. The application seeks to zone the parcel as Transitional Agriculture. Lands to the west and north are zoned Transitional Agriculture. Building lots adjacent to the property are 2.5 and 2.0 acres.
Property Issues (floodplain, slopes, environmental, etc...)	The parcel is not within the Flood Plain.
Staff Recommendation:	The Planning Administrator has found that the lands proposed for TRANSITIONAL AGRICULTURE generally meet the description found in Madison County Code 117-60, and the requested change is consistent with the Madison County Comprehensive Plan Future Land Use map. The Planning Administrator recommends APPROVAL of the application for the zone change on the subject property as indicated in the application.

Possible Motions

<u>Approval</u> Having found that the application generally meets the hearing factors for a zone change as outlined in Madison County Code 102-1, therefore I move to recommend APPROVAL of the application from Paul & Kim Jensen to change the zoning from AGRICULTURE to TRANSITIONAL AGRICULTURE on the 16.25 - acres of land as proposed in application materials received January 22, 2026	<u>Denial</u> Having found that the application DOES NOT meet the hearing factors for a zone change as outlined in Madison County Code 102-1, therefore I move to recommend DENIAL of the application from Paul & Kim Jensen to change the zoning from AGRICULTURE to TRANSITIONAL AGRICULTURE on the 16.25 - acres of land as proposed in application materials received January 22, 2026 for the following reasons:	<u>Tabled</u> I move to TABLE the application from Paul & Kim Jensen to change the zoning from AGRICULTURE to TRANSITIONAL AGRICULTURE on the 16.25 - acres of land as proposed in application materials received January 22, 2026 and request additional information from the applicant, including: 1. 2.
--	--	--

Zoning Classifications

Sec 117-52 Agricultural (AG) Zone

1. *Scope and purpose.* The provisions of this section apply to the Agricultural (AG) Zone or designation. The purpose of the Agricultural (AG) Zone or designation is to provide for and protect agricultural lands and uses. All other uses will be considered secondary and not allowed if they pose any interference or negative impacts upon the agricultural use of the land. The minimum lot size and building locations in this zone shall be of a size to allow for economically viable agricultural uses without affecting surrounding properties adversely.
2. *Uses.* Permitted and conditional uses permitted in the Agricultural Zone are identified in section 117-51, land use table.
3. *Height regulations.* There shall be no height restrictions in the Agricultural Zone, except as may be imposed by state or federal regulations. Wind turbines and communication towers have specific height restrictions as outlined in chapter 109, articles III and V.
4. *Setback and lot line requirements.* The following are setback and lot line requirements for the Agricultural Zone:
 1. *Minimum lot width.* 250 feet.
 2. *Front yard.* No building or structure shall be erected nearer than 50 feet from the right-of-way line of the street. Notwithstanding the setback in subsection (b)(1) of this section, if the property abuts a major or minor arterial roadway, the setback shall be no less than 60 feet.
 3. *Side yard.* No building shall be erected closer than 10 feet to any side property line, except corner lots shall maintain a 50-foot side yard adjacent to the street which intersects the street upon which the building fronts.
 4. *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet.
 5. *Exceptions.* Some setback exceptions exist for specific architectural features, as outlined in section 101-10.
5. *Area/density requirements.*
 1. Agriculture owners may split off the original home site on any parcel of not less than one-acre from the rest of the farm ground for the purpose of selling the farm and retaining the home.
 2. Owner of a farm may sell off any parcel of not less than one-acre of land by attaching the deed restriction giving up the developmental rights on the balance of the 16 acres. Example: A one-acre lot would require the owner give up the development rights on the adjoining 15 acres; two-acre split would require the adjoining 14 acres be placed under a developmental restrictions and so on. The parcel with the deed restriction shall state that on the deed and which parcel it is tied to. The two resulting parcels will each be counted as a parcel split. The original larger parcel can do one more such split then any further splits of the parcel will require platting. This is inclusive of the original parcel.
 3. There is no minimum lot area requirement, but division of land must maintain an average of at least 16 acres per lot or parcel.
 4. Deed restricted parcels resulting from administrative splits shall be restricted as a matter of density integrity. If the zoning on the property is change in the future, the deed restriction may be removed and land may be further divided in compliance with the zoning and subdivision code in place at the time of the proposed division.
6. *Accessory uses.* Accessory uses are permitted.
7. *Access to county roads.* All access to county or state roads shall be in conformance with the Comprehensive Plan and follow all access policies and ordinances as set by the county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.
8. *Animal clinics and hospitals, veterinary offices, and kennels.* These will be located at least 300 feet from any residence including motels and hotels, except for an owner's residence. The county may modify these requirements if the animals are housed in soundproof structures that screen them from view of the abutting residential property.
9. *Bulk storage of flammable liquids and gases.* Bulk storage of flammable liquids and gases will:
 1. Be located at least 300 feet from a residence, motel or hotel, except for an owner's residence.
 2. Be erected with the written approval of the fire authority having jurisdiction.
 3. Have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the fire authority.

10. *Chemical, pesticide, and fertilizer facilities.* These facilities will have adequate fire protection, storage area, handling and disposal as approved in writing by the fire authority having jurisdiction.

(Prior Code, title 10, § 4.3; Ord. of 2011; Ord. No. 389, 10-11-2013)

HISTORY

Amended by Ord. [454](#) on 12/14/2021

Amended by Ord. [466](#) on 11/28/2022

Sec 117-60 Transitional Agricultural (TAG) Zone

1. *Scope and purpose.* The provisions of this section apply to the Transitional Agricultural (TAG) Zone. The purpose of this Transitional Agricultural (TAG) Zone is to provide for and protect residential lands of a single-family residential environment, located conveniently near urban centers, by providing for an area of transition from agricultural uses to residential. To provide for gardening and family recreational opportunities, the keeping of a limited number of livestock and poultry as set forth in subsection (b) of this section, and similar rural activities will be allowed on a limited scale. The minimum lot size and building locations in this zone must be such that water and sewer facilities and locations for the same can be easily provided on an individual basis on each lot without affecting surrounding properties adversely.
2. *Uses.* Permitted and conditional uses permitted in the Transitional Agricultural Zone are identified in section 117-51, land use table.
3. *Height regulations.* Any building or structure or portion thereof hereafter erected which is not of an agricultural nature shall not exceed 2.5 stories or 35 feet in height unless a greater height is approved by conditional use permit.
4. *Setback and lot line requirements.* The following are setback and lot line requirements for the Transitional Agricultural Zone:
 1. *Minimum lot width.* 250 feet.
 2. *Front yard.* No building or structure shall be erected nearer than 30 feet from the right-of-way line of the street. Notwithstanding the setback in this subsection, if the property abuts a major or minor arterial roadway, the setback shall be no less than 60 feet.
 3. *Side yard.* No building shall be erected closer than 10 feet to any side property line, except corner lots shall maintain a 30-foot side yard adjacent to the street which intersects the street upon which the building fronts.
 4. *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet.
5. *Area/density requirements.* There is no minimum lot area requirement, but overall development density shall be an average of at least 2 acres per lot or parcel. .
6. *Accessory uses.* Accessory uses are permitted.
7. *Access to county roads.* All access to county or state roads shall follow all access policies and ordinances as set by the county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.

(Prior Code, title 10, § 4.11)

HISTORY

Amended by Ord. [466](#) on 11/28/2022

Hearing Factors – Zone Change

Chapter 102 HEARING FACTORS

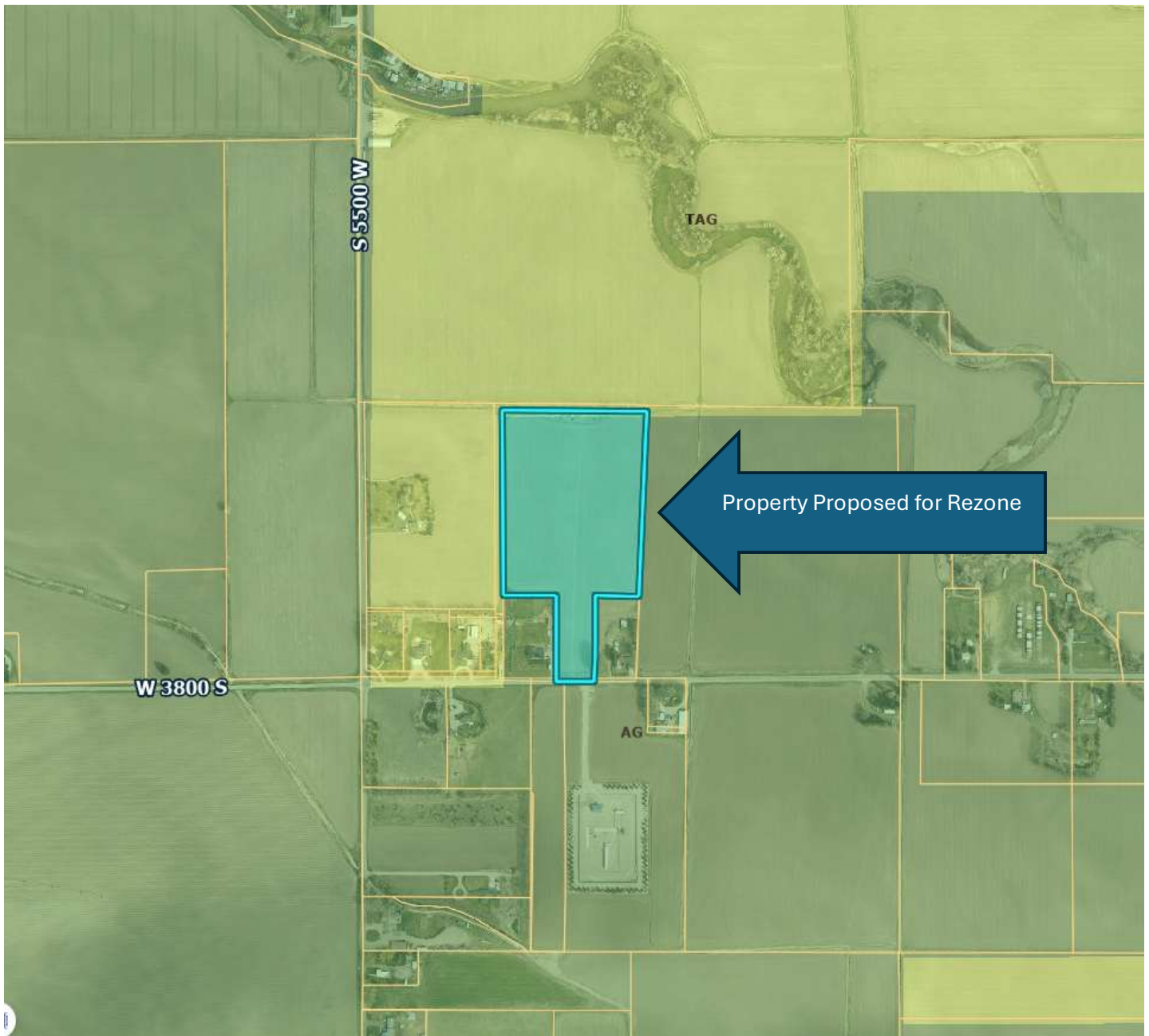
Sec 102-1 Hearing Factors

Sec 102-1 Hearing Factors

The Hearing Factors will include, but not be limited to the following:

1. *Zone change*. The county code book, unified development code, pt. II, sets forth guidelines for development in the county. In considering zone changes, the following standards may be deliberated upon to determine whether or not to allow a zone change:
 1. To protect property rights and enhance property values;
 2. To provide for the protection and enhancement of the local economy;
 3. To ensure that important environmental features are protected and enhanced;
 4. To encourage the protection of prime agriculture lands for the production of crops;
 5. To avoid undue concentration of population and overcrowding of land;
 6. To ensure the development on land is commensurate with the physical characteristics of the land;
 7. To protect life and property in areas subject to natural hazards and disasters;
 8. To protect recreational resources;
 9. To avoid undue water, air and noise pollution;
 10. To promote trails and recreation;
 11. To ensure safety from fire and provide adequate open spaces for light and air; and/or,
 12. To implement the county comprehensive plan.Nothing herein shall preclude the consideration of additional planning components or subject matter.

Proximity Map and Proposed Zone Change



Light Green Areas – Currently zoned Transitional Agriculture

Dark Green Area – Currently zoned Agriculture

Blue Area – Currently Zoned Agriculture – Proposed to be rezoned to Transitional Agriculture

Staff Report prepared by Gary Armstrong, Planning Administrator

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMENDATIONS OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION

Re: Zone Change Request from Agriculture to Transitional Agriculture

The Madison County Planning and Zoning Commission held a public hearing on Wednesday February 25, 2026 in the Madison County Courthouse, 159 E Main, Rexburg, Idaho, 83440, regarding the proposed Zone Change from Agriculture (AG) to Transitional Agriculture (TAG). The subject property parcel RP05N39E09S407 is owned by Paul and Kim Jensen. The property is located at approximately 5200 W3800 S, Rexburg Idaho. The parcel is approximately 16.25 acres. The subject land is identified as Agriculture in the Comprehensive Plan Future Land Use Map. The zone change would make the subject lands eligible to division with an average lot size of 2 acres. The property is more particularly described in deed instrument number 466982.

The following members of the Madison County Planning and Zoning Commission (“commission”) were present at the public hearing convened on February 25, 2026: Arlene Anderson, Shane Ruebush, Troy Thurgood, Paul Weekes, Kort Black, Nick Jensen, Matt Bitter and Eric Miller. Planning and Zoning Administrator, Gary Armstrong and P&Z Manager Janice Bennett were also in attendance.

The meeting was recorded to allow for a transcribable record. There was no media in attendance at the February 25, 2026 public hearing.

The public hearing was called to order at 6:30 p.m. by Planning and Zoning Commission Chair, Troy Thurgood. Janice Bennett acted as clerk for the meeting. Thurgood inquired of staff to ensure proper notice of the public hearing had been properly published, posted, and provided. Staff stated that all required legal notices had been given. Chair Thurgood asked if there were any commission members that needed to note any conflict of interest. Kelly Jenkins recused herself as she was representing the applicant.

A transcript of the discussion and testimony at this public hearing is attached hereto and incorporated herein. See the attached February 25, 2026 meeting minutes/testimony. A staff report was given by Administrator Gary Armstrong of the Planning and Zoning staff regarding the Comprehensive Plan land use designation change request. An opportunity was given to the public to give public testimony.

Those in favor were:	None
Those neutral were:	None
Those opposed were:	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:

I. FINDINGS OF FACT

1. A public hearing was held February 25, 2026 to take the testimony on a requested Zone change. This proposed amendment was consistent with the goals and objectives of the Comprehensive Plan.
2. Notice was published in the legal County Newspaper, the Standard Journal on February 10, 2026 and February 17, 2026 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 residents within 300 feet of the property line, as required on February 6, 2026.

3. At the beginning of the hearing, Chair Thurgood inquired if proper notice of the hearing had been provided. The planning and zoning staff answered in the affirmative. Kelly Jenkins recused herself as she was representing the applicant. No conflicts of interest were stated by any other member of the commission.
4. The public hearing was scheduled for 6:30 p.m. on February 25, 2026. All as set out in the published notices 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. Planning and Zoning staff explained the subject of the hearing. An opportunity was provided for the applicant and members of the public to present testimony, which was followed by discussion between the commission. Public comment 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.
6. The following points were factors in the recommendation by the Commission for the approval to the Madison County Board of County Commissioners. Part II Unified Development Code, section 118, Factors, Madison County Code Book, outlines the purpose of the Zone Change standards as follows:
 - a. To protect property rights and enhance property values;
 - b. To provide for the protection and enhancement of the local economy;
 - c. To ensure that important environmental features are protected and enhanced;
 - d. To encourage the protection of prime agriculture lands for the production of crops;
 - e. To avoid undue concentration of population and overcrowding of land;
 - f. To ensure the development on land is commensurate with the physical characteristics of the land;
 - g. To protect life and property in areas subject to natural hazards and disasters;
 - h. To protect recreational resources;
 - i. To avoid undue water, air and noise pollution;
 - j. To ensure safety from fire and provide adequate open spaces for light and air; and
 - k. To implement the Madison County Comprehensive Plan.
7. Based upon this review, Commission member **Paul Weekes**—*“Having found that the application generally meets the hearing factors for a zone change as outlined in Madison County Code 102-1, therefore I move to recommend **APPROVAL** of the application from Paul & Kim Jensen to change the zoning from AGRICULTURE to TRANSITIONAL AGRICULTURE on the 16.25 -acres of land as proposed in application materials received January 22, 2026.”*
8. Commission member Shane Ruebush voted to second the motion. Roll call vote found all present commission members in favor of the motion with Kelly Jenkins abstaining. Motion passes.

I. CONCLUSIONS OF LAW AND RECOMMENDATIONS

1. A Notice of the Public Hearing held to consider approval of the Zone Change 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 Zone Change and was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511 as well as Part II, Unified Development Code, Madison County Code Book.
3. A transcribable record was made and kept of the public hearing held to consider approval of the zoning map change, in accordance with the requirements of Idaho Code §§ 67-6536.
4. The proposed Zone Change is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seq.
5. Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

III. CONCLUSION

1. Based upon the foregoing Findings of Fact, Conclusions of Law and Recommendations, the planning and zoning procedures conducted throughout the county, the comments received at the public hearing held hereon, and the deliberation of the Planning and Zoning Commission, the Commission hereby recommends **approval** of the requested Zone Change for the above-described property.

2. 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 _____, 2026.

PLANNING AND ZONING COMMISSION
MADISON COUNTY, IDAHO

TROY THURGOOD, *P&Z Commission Chair*

ATTEST:

GARY ARMSTRONG, *P&Z Administrator*

Adoption of Findings of Fact by the Madison County

Board of County Commissioners

1. Based upon the foregoing Findings of Fact, Conclusions of Law and Recommendation of the Planning and Zoning Commission, and based upon the Madison County Board of County Commissioners' review thereon, pursuant to Part II, Unified Development Code, Chapter 101 General Provisions, Section 102-14, 102, land use map and zoning map change and Idaho State Code §§ 67-6509, 67-6511, et seq., the Board hereby approves the Findings of Fact and Conclusions of Law presented by the Commission and approves this action based thereon.

2. The applicant's request to change their property as listed herein in the Madison County Zoning Map from Agriculture to Transitional Agriculture 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.

Dated this _____ day of _____, 2026.

BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO

Todd Smith, Chairman

Brent Mendenhall, Commissioner

Dustin Parkinson, Commissioner

ATTEST:

Kim H. Muir, Clerk

CLERK'S CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this ____ day of _____, 2026. I mailed a true and correct copy of the foregoing documents to the parties named below, by the means and address below as follows:

☐ Hand Delivery
☐ Email
☐ U.S. Mail

Others, if any, please see attached sheet.

/s/ Kim H. Muir
Clerk

EXHIBIT A

February 25, 2026, Public Meeting Minutes

PUBLIC HEARING - ZONE CHANGE

Zone Change- AG to TAG-Paul & Kim Jensen

Staff confirmed that proper notice had been given. Kelly Jenkins recused herself as she will represent the applicant. No other conflict of interest was stated by the commission.

Staff Report - Gary Armstrong

Application Type: Zone Change-Agriculture to Transitional Agriculture

Applicants: Paul & Kim Jensen

Project Description: The subject property is approximately 16.25 acres and is currently identified as Agriculture on the Zoning Map. The application seeks to zone the parcel as Transitional Agriculture. Lands to the west and north are zoned Transitional Agriculture. Building lots adjacent to the property are 2.5 and 2.0 acres. The parcel is not within the Flood Plain.

Staff Recommendation: The Planning Administrator has found that the lands proposed for TRANSITIONAL AGRICULTURE generally meet the description found in Madison County Code 117-60, and the requested change is consistent with the Madison County Comprehensive Plan Future Land Use map. The Planning Administrator recommends **APPROVAL** of the application for the zone change on the subject property as indicated in the application.

Administrator Gary gave an overview and answered group questions.

Applicant Presentation-Kelly Jenkins represented Kim Jensen at the meeting. She helped them buy the property a couple of years ago. Kim bought it somewhat impulsively and later realized it was more land than she wanted. Kim has a couple of kids and would like the ability to split off a couple of lots in the future for them. There is no current plan to create a subdivision; the goal is simply to retain the option to split off a few pieces later, unless Kim “flips the switch” and decides otherwise. There are also water rights for the property.

Public Comment –No public present

IN FAVOR: NONE

NEUTRAL: NONE

OPPOSED: NONE

WRITTEN: NONE

PZC Discussion: **Arlene Anderson** asked where the water would come from. Nick Jensen said that there is water on the south with a ditch in the front and there is a ditch on the backside to the north that runs water almost all year long. No other comments from the group.

Troy Thurgood thanked the group and asked for any comments or a motion.

Motion -

Paul Weekes– *“Having found that the application generally meets the hearing factors for a zone change as outlined in Madison County Code 102-1, therefore I move to recommend **APPROVAL** of the application from Paul & Kim Jensen to change the zoning from AGRICULTURE to TRANSITIONAL AGRICULTURE on the 16.25 - acres of land as proposed in application materials received January 22, 2026.”*

Shane Ruebush - Seconded

Roll call vote was conducted. All present voted in favor with Kelly abstaining. Motion Passed.