ELMORE COUNTY PLANNING AND ZONING COMMISSION
War Memorial (American Legion Hall), 515 East 2nd South Street, Mountain Home, ID 83647

Wednesday, October 21, 2015 at 7:00pm
Agenda
PLEASE SILENCE CELL PHONES

CALL TO ORDER

ESTABLISH QUORUM

- ☐ Chairperson Patti Osborn
- ☐ Dave Holland
- ☐ Ed Oppedyk
- ☐ Jeff Blanksma
- ☐ Vice-Chairperson K.C. Duerig
- ☐ Sue Fish
- ☐ Shane Zenner

- ☐ Attorney of Record Phil Miller

PLEDGE OF ALLEGIANCE

PUBLIC MEETING

- Ordinance Work Session

ITEMS FROM THE PUBLIC

FCO and MINUTES

- FCO for Case Number: CUP-2015-13 Dan and Kimberlee Jo West
- Minutes from 10-7-2015

INFORMATION ITEMS

- Upcoming P & Z Schedule.

MEETING ADJOURNED

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In Re: CUP-2015-13: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the **"Commission"**), the 7th day of October, 2015, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit (the **"CUP"**) for an agriculture building in the Air Base Hazard Zone (the **"Application"**). Property is located in the SE1/4 NE1/4 Section 26, Township 4S, Range 5E, B.M. and is zoned Air Base Hazard (the **"Site"**). The Commission heard from the applicant in support of the Application. The Commission heard public testimony from impacted individuals in neutral to the Application. The Commission received additional written testimony and information for the Application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to them.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the record for the Application and those facts which are in common knowledge or of which there is general public awareness.

I. The Commission finds that Application is comprised of:

A. Application form prepared and submitted by Dan and Kimberlee Jo West (the "**Applicant**") for the CUP; and

B. Those supplemental letters, email messages, documentation and memos submitted by the Applicant or its representatives, whether submitted in response to questions from employees (the "**Staff**") from the Elmore County Land Use and Building Department (the "**Department**") or the Commission in connection with Application to the Commission.

II. The Commission finds that the Applicant is:

Dan and Kimberlee Jo West
10294 SW Mint Farm Road
Mountain Home, ID 83647

III. The Commission finds the following as to the procedural matters pertaining to the Application:

A. The Applicant participated in a pre-application meeting with the Department on May 11, 2015.

B. The Applicant conducted a neighborhood meeting on August 10, 2015 as required by Elmore County Zoning and Development Ordinance (the **"Zoning Ordinance"**) Section 6-4-3.

C. The Applicant submitted the Application to the Department on August 11, 2015.

D. The Department deemed the Application complete on September 1, 2015.

E. The Department mailed notice of the public hearing to neighboring property owners within one-thousand (1,000) feet of the Site on September 15, 2015 pursuant to Zoning Ordinance Section 6-4-5.

F. The Department mailed notice of the public hearing to agencies on September 14, 2015 pursuant to Zoning Ordinance Section 6-4-4.

G. Notice of the public hearing was published in the Mountain Home News on September 16, 2015 pursuant to Zoning Ordinance Section 6-4-5 A.

H. Notice of the public hearing was posted on the Site on September 28, 2015 pursuant to Zoning Ordinance Section 6-4-5 B.

I. The Commission opened the public hearing on October 7, 2015 and received verbal and written information regarding the Application.

J. The Commission moved to **approve** the Application with five (5) conditions of approval. The motion to **approve** the Application passed on a 6-0 vote.

IV. The proposed use of the Application as follows:

A. The Commission finds the proposed use for an agriculture building in the Air Base Hazard Zone.

B. The Commission finds the Application's request for an agriculture building in the Air Base Hazard Zone is consistent with information submitted by the Applicant.

C. The Commission finds that the submitted master site plan proposes 1 High-tunnel structure to be built this year, 3 more in the next 2 years and in addition to the existing greenhouse structure.

V. The Commission finds the following pertaining to the Site:

A. Site Description: SE1/4 NE1/4 Section 26, Township 4S, Range 5E, B.M. A common way of locating the property is from Air Base Road turn south on Highway 51, travel 8 miles, turn right on SW Beet Dump Road, travel 3.5 miles, turn right at sharp corner before cattle guard, travel 1.5 miles, property at end of road.

B. Parcel Number: RP 04S05E261900 A

C. The "Owner" of the Site is:

Dan and Kimberlee Jo West
10294 SW Mint Farm Road
Mountain Home, ID 83647

D. Applicant's Property Right in the Site is: Owner

E. Site Characteristics:

Property Size: The site contains approximately 38.027 acres.

Existing Structures: House, several out buildings

Existing Vegetation: The vegetation consists mainly of a few trees and sage grass.

Slope: Relatively flat and less than 10% slope.

Flood Zone Status: FEMA defined Zone X located outside of all know flood zones.

Irrigation: Portion of the Site utilizes subsurface irrigation.

VI. The Commission finds the current zoning of the Site as follows:

The current zoning for the Site is Air Base Hazard pursuant to the adopted zoning map, Ordinance 2013-02.

VII. The Commission finds the surrounding land use and zoning as follows:

Land uses to the south are irrigated farm. Land uses to the north are grazing (non-irrigated). Land uses to the east are irrigated farm. Land uses to the west are irrigated farm.

VIII. The Commission finds the existing services as follows:

Access Roads: Privately maintained road SW Mint Farm Road, which is a gravel road.

Fire Protection District: None

Sewage Disposal: Individual Septic

Water Service: Individual Well

Highway District: Glenns Ferry Highway District (the "**Highway District**").

IX. The Commission finds the following as the applicable law for consideration of the Application:

A. Comprehensive Plan. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the "**Comprehensive Plan**"); and

B. Zoning Ordinance, adopted March 21, 2012 as Ordinance 2012-01; which was subsequently amended on September 19, 2012, as Ordinance 2012-03 and on July 14, 2014, as Ordinance 2014-01; and

C. The Local Land Use Planning Act, Idaho Code § 67-6501 *et seq*,; and

X. Comprehensive Plan:

A. The Commission finds that the Comprehensive Plan Future Land Use Map has the site classified as Air Base Hazard.

B. The Commission finds the Application is in conformance with the Comprehensive Plan as stated in the findings.

XI. Zoning Ordinance:

A. **The Commission finds** that the Elmore County Planning and Zoning Ordinance is the document governing the Site pursuant to Zoning Ordinance Chapter 27.

B. **The Commission finds** that in order to approve the CUP application, the following findings as set forth in Section 6-27-7 of the Zoning Ordinance shall be made.

1. The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance;

2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan and this Ordinance (Title 6);

3. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter;

4. The proposed use shall comply with all applicable County Ordinances;

5. The proposed use shall comply with all applicable State and Federal regulations;

6. The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;

7. The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;

8. The proposed use shall be served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;

9. The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;

10. The proposed use shall not involve uses, activities, processes, materials, equipment, and 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;

11. The proposed use shall have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways;

12. The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.

C. The required findings of Section 6-27-7 of the Zoning Ordinance, stated as questions, follow in bold text, followed by the Commission's findings:

1. Does the proposed use in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance?

The Commission finds that an agriculture building in the Air Base Hazard Zone requires a conditional use permit in Table 6-8-11 (C).

2. Is the proposed use in harmony with and in accordance with the Elmore County Comprehensive Plan ("Plan") and this Ordinance (Title 6)?

The Commission finds that the application is in harmony and accordance with the following objectives and goals of the 2014 Elmore County Comprehensive Plan:

Land Use Objective: 12. Encourage and support land use proposals that are consistent with the community design objectives of all communities and districts within the County.

Mountain Home Air Force Base and Orchard Training Range Vicinities: Military Installation Objectives: 5. Assist property owners in proximity to Orchard Training Area, or Mountain Home AFB and those property owners within the Mountain Home Range Complex to increase their understanding of the installation's mission, potential impacts associated with military aviation operations, land use constraints, and potential mitigation measures to guide appropriate development proximate to these regional economic engines.

General Statements of Community Goals: 5. Land Use: Continue the land use and density restrictions currently in place for the Air Base Hazard Zone and Air Base Commercial Zone.

Natural Resources: Protect the Air Base Vicinity rural and community areas from incompatible land use encroachment and development to preserve natural land resources.

The Commission finds the Application does comply with the Zoning Ordinance as the Application does meet all the required findings of Ordinance Section 6-27-7.

3. Does the proposed use comply with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter?

The Commission finds that the Application complies with the purpose statement of the Air Base Hazard zone in Zoning Ordinance Section 6-5-5 A in that "The purpose of the ABHZ is to protect the Mountain Home Air Force Base from incompatible land use encroachment. The ABHZ further prevents the establishment or creation of hazards, which infringes upon Air Force military operations. The Air Base Hazard Zone is necessary for the land surrounding the Mountain Home Air Force Base. The purpose is to prevent encroachment while allowing the best possible use of private lands in this zone as long as private uses do not conflict with Air Base operations. Significant Land Use restrictions will apply in this ABHZ area."

4. Does the proposed use comply with all applicable County Ordinances?

The Commission finds the Application does comply with the Zoning Ordinance as the Application does meet all the required findings of Zoning Ordinance Section 6-27-7.

5. Does the proposed use comply with all applicable State and Federal regulations?

The Commission finds that the proposed use complies with State and Federal regulations.

6. Is the proposed use designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and will such use not change the essential character of said area?

The Commission finds that the visual impacts will be minimal or non-existent. The structure will be 8 to 10 feet tall.

7. Will the proposed use be hazardous or disturbing to existing neighboring uses or impede their normal development?

The Commission finds visual impacts will be minimal. There are very few residences within the area of the proposed use. The closest neighbor is approximately ½ mile.

8. Is the proposed use served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services?

The Commission finds the following public services shall be provided as follows:

Highways: not applicable

Streets: Site has access from a privately maintained road, SW Mint Farm Road, which is a gravel road. The Glenns Ferry Highway District provided no comment on the application.

Police: Police protection is provided by the Elmore County Sherriff's Department.

Fire Protection: The Site is not within a fire district.

Drainage Structures: not applicable.

Refuse Disposal: not applicable.

Potable, Non-Potable Water, Fire Suppression Water Supplies: Individual well.

Sewer: Individual septic.

9. Will the proposed use create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County?

The Commission finds that the Application proposed all improvements, required to be built, will be funded by the Applicant and therefore not be detrimental to the economic welfare of the County.

10. Will the proposed use involve uses, activities, processes, materials, equipment, and 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?

The Commission finds that the Application will not create any excessive production of noise, smoke, fumes, glare or odors.

The Commission finds that the Highway District did not require a traffic impact study and therefore no excessive production of traffic is anticipated by the Highway District.

11. Will the proposed use have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways?

The Commission finds that the Application proposed no new vehicular approaches onto SW Mint Farm Road.

The Commission finds that the Highway District did not required a traffic impact study and therefore no interference with traffic on public roads is anticipated by the Highway District for the Application.

12. Does the proposed use result in the destruction, loss or damage of a natural or scenic feature of major importance?

The Commission finds that the Site is not identified as a natural or scenic feature of major importance.

CONCLUSIONS OF LAW

If any of the conclusions of law are deemed to be findings of fact, they are incorporated in the Findings of Fact section.

1. The Commission concludes that the public hearing notice requirements of Zoning Ordinance Chapter 4 have been met.

2. The Commission concludes that the notice requirements of Idaho Code Section § 67-6512 have been met.

3. The Commission concludes that the Application complies with the required findings set forth in Section 6-27-7 of the Zoning Ordinance.

ORDER

Based upon the foregoing findings of fact and conclusion of law, the information contained in the Staff reports and the record for the Application, the Commission voted and herby **approves** the Application with the following conditions:

1. Failure to comply with any of the conditions may result in revocation of the Conditional Use Permit.
2. The proposed use will be constructed in substantial conformance with the master site plan.
3. All outstanding fees, if any, must be paid.
4. Building permit(s) shall be issued within 5 years.
5. There will be a limit of 4 building permits allowed under this conditional use permit.

Dated this _____ day of _____, 2015.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	VOTED AYE
VICE CHAIRMAN K.C. DUERIG	VOTED AYE
SUSAN FISH	VOTED AYE
ED OPPEDYK	VOTED AYE
JEFF BLANKSMA	ABSENT
SHANE ZENNER	VOTED AYE
DAVE HOLLAND	VOTED AYE

_____
Patti Osborn, Chairperson

ATTEST:

_____
Alan Christy, Director

NOTICE PURSUANT TO ZONING ORDINANCE SECTION 6-3-2 B

A decision made by the Elmore County Planning and Zoning Commission (the "Commission") may be reconsidered by the Commission provided the reconsideration application is complete and reconsideration fee is submitted to the Land Use and Building Department within ten (10) calendar days of Commission action. The reconsideration shall include new or additional relevant information that was not previously presented or available at the public hearing. Questions concerning reconsideration or deadlines should be asked of the Elmore County Land Use and Building Department.

NOTICE PURSUANT ZONING ORDINANCE SECTION 6-3-2 E-F

A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal application is complete and appeal fee is submitted to the Land Use and Building Department within ten (10) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

MINUTES
Wednesday, October 7, 2015 at 7:00 pm

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairman K.C. Duerig, Jeff Blanksma, Sue Fish, Ed Oppedyk, Shane Zenner and Dave Holland. Also present were Attorney of Record Phillip Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Dan and Kimberlee Jo West for a Conditional Use Permit for an agriculture building in the Air Base Hazard Zone. Case Number: CUP-2015-13. The site is located in the SE1/4 NE1/4, Section 26, Township 4S, Range 5E, B.M. A common way of locating the property is from Air Base Road turn south on Highway 51, travel 8 miles, turn right on SW Beet Dump Road, travel 3.5 miles, turn right at sharp corner before cattle guard, travel 1.5 miles, property is at the end of the road.

Bresnahan gave staff report and background.

Kimberlee Jo West is the applicant. She stated that they are planning to use this for agriculture purposes to cover crops.

There was no one signed up in support of this project.

Sam Sherman signed up as neutral. He is with the Mountain Home Air Force Base. He is requesting a copy of the master site plan for this project.

West stated that she will send this to him.

There was no one signed up as opposed.

There was no further testimony.

Osborn closed this public hearing.

Commission action:

Duerig moved to approve with conditions as presented by staff.

Oppedyk seconded.

Motion carried unanimously.

NEW BUSINESS

Minutes

Minutes from 09-16-2015
Duerig approved.
Holland seconded.
Motion carried unanimously with Oppedyk abstaining as he was absent for this meeting.

Osborn welcomed the newest member of the planning and zoning commission Dave Holland.

INFORMATION ITEMS

Upcoming P&Z Schedule
Christy stated that there will be an ordinance work session scheduled for October 21st. He stated that the next regularly scheduled meetings are on November 4th and November 18th.

MEETING ADJOURNED at 7:17 pm.

Draft

_____

Patti Osborn, Chairperson Date:

Attest: _____

Alan Christy, Director Date: