

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

Wednesday, November 18, 2015 at 7:00pm

Agenda

PLEASE SILENCE CELL PHONES

CALL TO ORDER

ESTABLISH QUORUM

- | | |
|---|---|
| <input type="checkbox"/> Chairperson Patti Osborn | <input type="checkbox"/> Vice-Chairperson K.C. Duerig |
| <input type="checkbox"/> Dave Holland | <input type="checkbox"/> Sue Fish |
| <input type="checkbox"/> Ed Oppedyk | <input type="checkbox"/> Shane Zenner |
| <input type="checkbox"/> Jeff Blanksma | |
|
 | |
| <input type="checkbox"/> Attorney of Record Phil Miller | |

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

- **Maricarmen Martinez for a Conditional Use Permit for a group childcare facility in the Agriculture Zone and the Mountain Home Area of City Impact. Case Number: CUP-2016-01.** The site is located in Lots 17 – 20, Block 3, Mellen Subdivision. A common way of locating the property is from Interstate 84 take exit 90, stay on Sunset Strip for 3.5 miles, turn right onto E 5th North St, turn left onto NW Cedar Ave, site is located on the left at 656 NW Cedar Ave.

- **Mountain Home Solar 1, LLC for a Conditional Use Permit for a 20 MW solar electrical generating facility in the Light Industry Zone and the Mountain Home Area of City Impact. Case Number: CUP-2015-14.** The site is located in a portion of the E1/2, Section 22, Township 3S, Range 6E, B.M. A common way of locating the property is from Interstate 84 take exit 90, stay on Sunset Strip for 3.5 miles, turn right onto E 5th North St, proceed right onto W 5th North St, then turn right onto N Haskett St, then turn left onto NW Turner Rd, then turn right onto Sawmill Rd, then turn left onto W 10th North St, then turn right onto N 18th West St, project site is located on the left.

ANNUAL MEETING

- Voting of new officers for 2016
- Phil Miller presentation on ex parte communication and bylaws

ITEMS FROM THE PUBLIC

MINUTES

- Minutes from 11-4-2015

INFORMATION ITEMS

- Upcoming P & Z Schedule

MEETING ADJOURNED



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 ext. 254
Fax: (208) 587-2120
www.elmorecounty.org

Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey
Ramsauer
Administrative
Assistant

Staff Report to the Planning and Zoning Commission

Meeting/Hearing Date: 11/18/2015 **Date Report Compiled:** 11/09/2015

Agenda Item: Conditional Use Permit CUP-2016-01 for group child care facility

Applicant: Maricarmen Martinez

Case Number: CUP- 2016-01

Staff: Beth Bresnahan

Location: Lots 17 – 20, Block 3, Mellen Subdivision. A common way of locating the property is from Interstate 84 take exit 90, stay on Sunset Strip for 3.5 miles, turn right onto E 5th North St, turn left onto NW Cedar Ave, site is located on the left at 656 NW Cedar Ave.

Zoning: Agriculture (Ag)/ Area of City Impact Mountain Home

Parcel Number: RP 00087003017B A

BACKGROUND:

Application for a conditional use permit for a group childcare facility was turned into the Land Use and Building Department on October 8, 2015. The application was deemed complete on October 8, 2015. Notice of public hearing was sent to surrounding property owners on October 19, 2015 and was mailed to agencies on October 19, 2015. Notice of public hearing was published in the Mountain Home Newspaper on October 28, 2015. Property was posted on November 9, 2015.

Applicant has conducted the required neighborhood meeting on October 5, 2015.

The applicant was approved with an Administrative Approval for a group daycare in June of 2013, limiting the number of children to twelve (12). The applicant would like to increase the number of children to twenty-five (25), so conditional use permit is required.

The proposed change is to increase the number of children from 12 to 25. Applicant is proposing a Child and Adult Daycare Facility, Section 6-8-66, Elmore County Zoning Ordinance adopted March 21, 2012, amended September 19, 2012 and July 23, 2014:

Section 6-8-66: Child and Adult Daycare Facility:

A. General Standards for Childcare and Adult Daycare Facility:

1. There shall be a minimum of thirty-five (35') square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.
2. On site vehicle pick up and turnaround areas shall be provided to ensure safe discharge and pick up of clients.
3. The decision making body shall specify the maximum number of allowable clients as a condition of approval, based on health and safety requirements, considerations of site and building design and capabilities, and recommendations from applicable government agencies.
4. The decision making body shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. The decision making body may require additional conditions as are necessary to protect the public health, safety, and welfare of the clients.
5. The use shall comply with the flood hazard overlay as set forth in this Title.
6. No portion of the facilities used by clients shall be within three hundred (300') feet of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

B. Additional Standards for Child Daycare Facility:

1. The applicant or owner shall secure and maintain a basic daycare license from the state of Idaho Department of Health and Welfare Family and Children's Services Division.
2. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The minimum play area requirement may be waived if: a) there is greater or equal area of parks that abut the facility that can be used by the children, or b) the program design is such that the number of children using the play area at any one time conforms to the one hundred (100') square feet/child criteria.

- a. All outdoor play areas shall be completely enclosed by minimum six (6) foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
 - b. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
3. The proposed use shall be located and designed to protect the health, safety, and welfare of the children.

Site is located in a platted subdivision, surrounding uses are residential and it is located within the Area of Impact for the city of Mountain Home.

COMPREHENSIVE PLAN

Because the property is located within the Mountain Home Area of City Impact, Title 7 Chapter 1 of the Elmore County Zoning and Development Ordinance applies. Ordinance Section 7-1-4A states:

"COMPREHENSIVE PLAN. Within the Area of City Impact all zoning, subdivision review, consideration of permits, and regulation of development in special areas shall be evaluated in accordance with the Comprehensive Plan of the City of Mountain Home, which is hereby adopted as the Comprehensive Planning document which shall govern the designated Area of City Impact."

The Comprehensive Plan for the City of Mountain Home should be used to analyze the proposed conditional use permit. A copy of the City of Mountain Home Comprehensive Plan will be available for review at the public hearing.

LETTERS FOR THE RECORD

1. Elmore County Assessor/Treasurer, received on October 10, 2015
2. Letter from property owner, received November 2, 2015
3. Letter from the City of Mountain Home, Michael McCain, dated November 9, 2015

ATTACHMENTS:

1. Application
2. Map
3. Posting photos, photos of facility and play area
4. Approval Letter for ADD-2013-02
5. Photos of previous owner (addition was pre-existing)

THE TWELVE STANDARDS ALL CONDITIONAL USES MUST MEET ARE:

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;**

Staff Response: Table 6-8-11(C) shows that a Child and Adult Daycare Facility requires a Conditional Use Permit.

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

Staff Response: Because the County has adopted the Area of City Impact Agreement with the City of Mountain Home the county has effectively adopted the City of Mountain Home Comprehensive Plan pursuant to Ordinance section 7-1-4 A. The City of Mountain Home has not prepared a staff report for the proposed development that utilizes the City of Mountain Home Comprehensive Plan pursuant to Ordinance section 7-1-5. Staff believes the following sections of the Mountain Home Comprehensive Plan apply to property located within the Area of City Impact:

1.1 City of Mountain Home Statement of Purpose

The purpose of the Mountain Home Comprehensive Plan is to develop a set of guidelines that the City will use to promote the health, safety, and general welfare of its residents who live in the City of Mountain Home and in its Area of Impact (AOI). To achieve this purpose, the City of Mountain Home will strive:

- a. To protect the property rights and enhance property values.*
- b. To ensure that adequate public facilities and services are provided to the people at a reasonable cost.*
- c. To ensure that the economy of the City of Mountain Home and its AOI is protected and enhanced.*
- d. To ensure that the development of land addresses the physical conditions of the land.*
- e. To protect life and property in areas of critical concern or that are potentially subject to natural hazards.*
- f. To ensure that new development pays its own way.*

1.3 Relationship to Elmore County Planning It is the policy of the City to work with Elmore County as development occurs in the City's Area of Impact. Furthermore it is the desire of the City that development in this area be under the jurisdictional authority of the City and that any development be connected to municipal services if feasible at the time of development, and by means of annexation into the City.

10.6.2.3 To ensure that development meets the standards for adequate fire protection.

15.1.4.2. Encourage that development within Area of City Impact occurs as a gradual, progressive expansion in keeping with the City's service extension policies.

15.1.5.

URBAN DEVELOPMENT: The areas designated for urban development are outside the City limits and within the Area of City Impact. These are areas in transition where city services, including water and sewer are expected to be provided within the next twenty years. (Note: This designation allows for the continued existing use of the land, including agriculture, until such time as a property owner desires urban development and annexation into the City. At that time the areas will be zoned based on the compatibility of the proposed zoning with surrounding land uses. Some agricultural uses such as large scale dairies, stock yards or agricultural food packing and storage are not compatible in this district because of the intended future urban uses.)

- 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;**

Staff Response: Staff believes the proposed use complies with the proposed statement of the applicable base zone in that the proposed use is "Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations."

Administrative decision for a group daycare was approved June 3, 2013.

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

Staff Response: Staff believes this use will comply with all applicable County Ordinances.

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

Staff Response: State and Federal agencies have been notified of this application.

- 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;**

Staff Response: Staff believes that the essential character of the area will not be negatively changed with this proposed amendment.

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

Staff Response: Neighbors within 1,000 feet have been notified of this application. The Land Use and Building Department has received one (1) input from neighbors.

Neighbors were notified for the Administrative decision and there were no comments from neighboring property owners.

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;**

Staff Response: The proposed use will not create excessive additional requirements at public cost.

Highways: Mountain Home Highway District has no comment

Streets: NW Cedar Ave. is a paved road maintained by Mountain Home Highway District.

Police and Fire Protection: Elmore County Sheriff, fire protection is provided by the Mountain Home Rural Fire Protection District.

Drainage Structures: not applicable

Refuse Disposal: not applicable

Water: Mellen Subdivision Water District

Sewer: West Side Sewer District

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;**

Staff Response: There is no data provided that the proposed use will not create excessive additional requirements at public costs.

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;**

Staff Response: Staff believes that no excessive smoke, fumes, glare or odors are anticipated with the proposed use.

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;**

Staff Response: No new approaches are anticipated, any new approaches will be approved through Mountain Home Highway District.

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

Staff Response: The area is not designated as having a natural or scenic feature of major importance.

STAFF COMMENT

Pursuant to section 7-1-5 the application is in the Mountain Home Area of Impact. The City of Mountain Home has concerns regarding no master site plan, an addition that was completed for storage, a loop driveway and playground area with 2 sheds on it.

The property has a Fire Inspection and no concerns were found. There is a playground area with grass on half and playground equipment on the rest (see attached photos). Staff has conditions for the driveway.

Staff has found pictures of the property prior to the applicant's ownership, the pictures show the addition was there when they purchased the property. The Building Official had discovered work being performed without a permit. The applicant complied with building codes and the final inspection stated "OK to occupy".

Staff could find only 1 shed and it appeared to have a lock on it.

STAFF RECOMMENDATIONS

Without taking into consideration any public testimony, staff recommends Approval of the proposed Conditional Use Permit CUP-2015-02 with the proposed conditions:

PROPOSED CONDITIONS OF APPROVAL

1. There will adequate parking and must comply with Section 6-8-66.
2. All signage will comply with zoning and building regulations.
3. Facility will be and remain state licensed and will have all other required permits from regulatory agencies.
4. Area shall have a secured fencing for safety purposes.
5. Maximum number of children shall be set by state agency not to exceed 25.



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
Phone: (208) 587-2142 ext. 254
Fax: (208) 587-2120
www.elmorecounty.org

11/23/15 TO TREASURER'S OFFICE

received
11/23/15

Sammy VanMeer
11-23-15

Alan Christy
Director

Tall Riley
Building Official

Beth Bresnall
Planner I

Kacey Rams
Administrative Assistant

Elmore County Assessor - Parcel Number: 00087003017B
 Comments: _____
 Elmore County Treasurer - Taxes 1st Half 2nd Half
 Late Charges: Yes No Comments: paid for 2014

To: Whom It May Concern

Subject: Notice of Public Hearing

Applicant: Maricarmen Martinez - Conditional Use Permit for a group child care facility in the Agriculture Zone and in the Mountain Home Area of City Impact

Case #: CUP-2016-01

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, November 18, 2015 at 7:00 p.m. in the War Memorial (American Legion) Hall at 515 East 2nd South Street, Mountain Home, Idaho.

Please review the application and return your written comments to the Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, ID, 83647, by 5 p.m. on Friday, November 6, 2015, so your comments are included in the record. If you prefer, please come to the hearing to testify before the Commission.

If you have any questions or if we can be of any assistance, please do not hesitate to contact the office. To ensure compliance with the American Disabilities Act (ADA) of 1993, the Elmore County Clerk the responsible coordinator. Provisions will be made for persons with disabilities who are unable to attend this hearing. A grievance procedure is available from M. Bate, Elmore County Courthouse, in accordance with the ADA regulations.

Sincerely,

Alan Christy
Director
Enclosures: Application
AC:bsb

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

received
10-2-2015
(KJ)

520 East 2nd South Street
Mountain Home, ID 83647
Telephone 208-587-2130, ext. 502 Fax 208-587-2120

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the laws of the State of Idaho and Ordinances of Elmore County, that the Elmore County Planning and Zoning Commission will hold a PUBLIC HEARING at 7:00 p.m. on Wednesday, November 18, 2015 in the War Memorial Hall (American Legion) 515 East 2nd South Street, Mountain Home, Idaho, to accept testimony and consider an application from Maricarmen Martinez for a Conditional Use Permit for a group childcare facility in the Agriculture Zone and the Mountain Home Area of City Impact. Case Number: CUP-2016-01. The site is located in Lots 17 - 20, Block 3, Mellen Subdivision. A common way of locating the property is from Interstate 84 take exit 90, stay on Sunset Strip for 3.5 miles, turn right onto E 5th North St, turn left onto NW Cedar Ave, site is located on the left at 656 NW Cedar Ave.

This application may be reviewed prior to the hearing in the Land Use and Building Department during regular business hours. Any and all interested persons shall be heard at said public hearing and the public is welcome and invited to submit testimony. Anyone who wishes to testify but is unable to attend may submit written testimony prior to the hearing by sending it to Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, Idaho, 83647.

The Elmore County Clerk is responsible for ensuring compliance with the American Disabilities Act (ADA) of 1993. Provisions will be made for persons with disabilities who are unable to attend this hearing. A grievance procedure is available from M. Bate, Elmore County Courthouse, in accordance with the ADA regulations.

One publication: Wednesday, October 28, 2015
Project 100% road is narrow and currently handle current resident traffic, let alone adding driveway in with more traffic - drop off kids - pick up kids and the houses and trailers are close together - current residents would be required to move kids

All day long. Damage is fine elsewhere! Should NOT be approved for 656 NW Cedar Ave. Also NOT safe place for anyone look at how many times cops are called to this area for Adult + kids acting up unlawfully. Another issue 656 has mobile 2

parking spots - dirt - which will be mud when it rains. Does LSB Care
occupant consider safety factors of children - in mud - due to current lack
of parking? And current residents should not be put out by daycare
traffic, noise, litter and more. What controls does Maureen Martinez
ave to keep children off busy small street. Children find away to wander -
sometimes. Is this proposal for day or does she want to have
daycare 24 hours a day? And I bought my home in residential -
because residential should be residential - Not a daycare
business

NO NO NO

Thank you!



received
11-9-15 BSB
via email

City of Mountain Home

www.mountain-home.us

160 South 3rd East PO Box 10 Mountain Home, Id 83647 (208) 580-2091 Fax (208) 587-2171

November 9, 2015

Mr. Christy
Director
Elmore County Land Use and Building Department
520 East 2nd North
Mountain Home, ID 83647

Mr. Christy,

I am writing to you in regards to the application by Maricarmen Martinez for a Conditional Use Permit for a Day Care.

1. I do not see a Master Site Plan.
2. Picture #1 say this addition was built for storage. Has this area been converted to occupancy use?
3. County Ordinance requires a loop type drop off system with no backing. Picture #2 does not show this.
4. In a Google view the outdoor play area does not appear to have any grass or playground type of covering and there are 2 sheds that appear children may access to, are these lockable sheds?

If these items can be met the City of Mountain Home would have no problem with this Conditional Use Permit.

Sincerely,

Michael F. McCain
Building Official
Floodplain Administrator
City of Mountain Home
Office: (208)-580-2091
Cell: (208)-863-4542
mmccain@mountain-home.us



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

520 E 2nd South – Mountain Home, ID 83647 – (208) 587-2142

www.elmorecounty.org

Conditional Use Permit Application

The Elmore County Land Use & Building Department **DOES NOT** accept faxed applications or signatures.

Application must be completed in **INK**. Please use addition sheets of paper if necessary. This application must be complete and all fees paid prior to acceptance by the Elmore County Land Use & Building Department. A public hearing will not be scheduled until the application is accepted.

The Conditional Use Permit Application must be in compliance with Chapter 27 of the Elmore County Zoning and Development Ordinance.

Pre-application meetings are strongly encouraged for Conditional Use Permit Applications. Pre-application meetings are by appointment only. Do not hesitate to contact the Land Use & Building Department with any questions or concerns.

1. Name of applicant: Maricarmen Martinez

2. Address of applicant: 656^{NW} Cedar^{Ave} Mtn. Home ID 83647

3. Daytime telephone number of applicant: (208) 409-7076

4. Email Address: maricarmenmartinez56@xblho.com

5. Name, address, and daytime telephone number of developer: 656^{NW} Cedar^{Ave}

Mtn Home ID 83647, 409-7076

6. Address of subject property: 656^{NW} Cedar^{Ave} Mtn. Home

7. Name, address, and daytime telephone number of property owner (if different from applicant): _____

Same

8. Attach Legal Description and acreage of property and legal description and acreage of part that CUP is to encompass:

Attach at least one of the following:

Deed Proof of Option Earnest Money Agreement Lease Agreement Assessor's Parcel Master Inquiry RP# _____

9. Common directions of how to get to the proposed Conditional Use Permit property from a known beginning point: Taco Johns cross RR tracks turn right follow

or go on, pass apartments and houses when you get to ~~the~~ trailers
an on cedar,

10. a. Current zoning: AG b. Current district (if applicable): _____

11. a. Is the proposed location within an Area of Critical Concern (ACC) or Community Development Overlay (CDO)?

Yes No If in a CDO, what CDO? _____ If in an ACC or CDO, technical studies, an environmental assessment, or an environmental impact statement may be required.

b. Is the proposed development within any city's impact area? Yes No

c. Is the proposed site within an Airport Hazard Zone or Air Port Sub Zone? Yes No
If yes, applicant shall provide approval from the Federal Aviation Administration and/or the Idaho Department of Aeronautics and Transportation.

d. Is any portion of the property located in a Floodway or 100-year Floodplain? Yes No

If yes submit map showing location of floodway and/or floodplain in relation to the property and/or proposal.

e. Does any portion of this parcel have slopes in excess of 10%? Yes No If yes, submit contour map.

f. The impacts of a proposed development and/or land use on adjacent land uses and transportation facilities must be considered. The applicable Highway District or Transportation Department may require a Traffic Impact Study (TIS) if the proposed development or land use has associated with it special circumstances deemed by the district or department to warrant a study. A notation and signature from the applicable district or department stating no study is required or a copy of this study must be submitted with this application.

g. The impacts of the CUP on existing public services and facilities (such as the fire department, emergency services, sheriff's department, schools, etc.) must be considered. A letter from the applicable agency governing the public service or facility stating how the developer will provide for said services with plans and/or drawings or that said services are not required may need to be submitted with the application.

h. Are there any known hazards on or near the property (such as canals, hazardous material spills, soil or water contamination, etc.)? Yes No If yes, describe and give location: _____

i. Are there hazardous materials and/or wastes involved either in your operation or generated off site and brought onto the property? Yes No

12. Does any other agency require a permit (DEQ, EPA, IDWR, FAA, state, federal, etc.)? Yes No If yes, who? _____

Proof of having applied for or acquired other agency(ies) permit(s) submitted with CUP application.

13. ADJACENT PROPERTIES have the following uses:

North residential house

East ~~residential house~~

South residential house

West residential house

14. EXISTING USES and structures on the property are as follows: mobile home, attached another part to it,

15. A written narrative stating the specific PROPOSED USE. Include as much detail as possible (use additional sheets of paper if necessary):

State licensed small group childcare center up to 25.

16. a. The conditional use is requested to begin within 1 days/ months after permit approval (permit expires if not used within 1 year of approval) and is for _____ years or perpetuity.

b. Construction or improvements associated with conditional use is expected to begin within: _____ days/ month/ years and be completed within _____ days/ months/ years.

17. Proposed Use(s): Daycare Hours of Operation: M-Sunday 5a.m - Midnight

Days of Operation: Sunday - Saturday Maximum Number of Patrons: 25

Sewage disposal: municipal / individual septic

Water: municipal supply / community well / individual well

Number of employees during largest shift: 3 Proposed number of parking spaces: 8

18. PRELIMINARY FLOOR PLANS: To a professional standard with sizes and types of interior spaces indicated, 15 copies 8½" x 11". N/A

19. ENVIRONMENTAL IMPACT STATEMENT AND/OR ASSESSMENT: When a development or proposal is of a more complex nature, when it is required by the Zoning and Development Ordinance, and/or when the site is located within an Area of Critical Concern, and Environmental Impact Statement and/or Assessment may be required at the expense of the applicant.

(The Land Use & Building Director will determine if an EIS is required)

EIS Required: Yes No **Director Initial** _____

Department Note: _____

20. PROPERTY OWNER'S ADDRESS: A list of property owner's/purchaser's of record names and addresses within a minimum radius of 300' (1000' Minimum in Agriculture Zone) of property boundaries encompassed by proposed Conditional Use Permit. Said list shall be obtained from the tax records of the appropriate county.

**Radius extended to: _____ feet mile(s) Date: _____ Initial _____

21. Is this application submitted with any additional applications? No

22. Ordinance Chapter 27, Section 6-27-7 states that the Elmore County Planning and Zoning Commission shall review all proposed conditional use applications and find adequate evidence that such use meets all of the following standards. The applicant must provide said evidence. Following are the standards the conditional use must meet (please use additional sheets of paper if necessary):

How does the proposed land use constitute a conditional use as determined by the land use matrix?
Activity is allowed with a cup

How will the proposed land use be in harmony and accordance with the Comprehensive Plan and the Ordinance?
keep our place clean, and orginized.

How will the proposed land use comply applicable base zone and with the specific standards as set forth in the Ordinance?
we will follow all rules and regulations specified as directed

How does the propose land use comply with all applicable County Ordinance?
we will follow all rules and regulations specified as directed

How does the propose land use comply with all applicable State and Federal regulation?
we will stay updated on any changes. we will updated on any changes

What about the proposed land use's design, construction, operation and maintenance makes it harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how will it not change the essential character of said area?
Normal house on the outside that will fit in to a regular housing area. No different than the other ones around us.

Why or how will the proposed land use not be hazardous or disturbing to existing or future neighboring uses?

Nothing hazardous because we will have
kids there and want them same, just like
people around us.

How will the proposed land use be served adequately by available public facilities/services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer or how will these public services be provided by the applicant/developer?

Nothing different or special required, then
from the neighbors

Why or how will the proposed land use not create excessive additional requirements at public cost for public facilities/services or be detrimental to the economic welfare of the county?

we will not require any additional services.

Why or how will the proposed land use not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

It won't be detrimental to anyone or anything
because it is just a daycare, everything will
continue the same as the past 3 years.

How will the proposed land use have vehicular approaches to property designed to not create interference with traffic on surrounding public or private roadways?

we have enough parking spaces to stay out
of the traffic,

public

Why or how will the proposed land use not result in the destruction, loss or damage of a natural or scenic feature of major importance?

residential area, not planning on causing
destruction.

23. **ADDITIONAL INFORMATION:** Any additional information as required or needed by the Planning and Zoning Commission, Land Use & Building Department, or interested agency.

A neighborhood meeting must be conducted prior to submitting application. Requirements for a neighborhood meeting are outlined in the Elmore County Zoning and Development Ordinance Chapter 4 Section 6-4-3.

A master site plan is required with this application. Requirements for a master site plan are found in Chapter 18 of the Elmore County Zoning and Development Ordinance.

Agency signature sheet on page 8 of this application.

Elmore County reserves the right to withhold processing and/or issuance of any County Conditional Use Permit until the County is satisfied that County approval may be the final action in any multi-agency approval process. Proof of having obtained or applied for necessary permits and/or approvals from applicable local (other than Elmore County) state, and/or federal agencies may be required prior to issuance of a Conditional Use Permit by Elmore County. If required, documentation shall be submitted with the Conditional Use Permit application.

The Planning and Zoning Commission shall hold at least one public hearing on an application for a Conditional Use Permit. A public hearing will be scheduled within sixty (60) days after acceptance of the application. The Land Use & Building Department will mail hearing notices to the surrounding property owners and to any agency that may have an interest in the proposal. The Land Use & Building Department will place a Notice of Public Hearing in the Mountain Home News at least fifteen (15) days prior to said hearing. The Land Use & Building Department will post notice of the hearing on the premises not less than seven (7) days prior to the hearing.

This application may be approved, conditionally approved, denied, or tabled.

If the application is approved or conditionally approved by the Planning and Zoning Commission, the applicant will be sent a document that is the official "Conditional Use Permit". This document may be in the form of a Findings of Fact, Conclusions of Law, and Order, and will enumerate the conditions attached to the approval and issuance of the permit and will state the consequences of failure to comply. The permit shall not become effective until after an elapsed period of 10-days from the date of the Planning and Zoning Commission Chairperson's signature on the Findings of Fact, Conclusions of Law, and Order. During this time, any interested person may appeal the action to the Board of Elmore County Commissioners. The applicant will be notified of any pending appeals. An appeal will stay all proceedings until its resolution.

If the Conditional Use Permit is denied by the Planning and Zoning Commission, the applicant may reapply or the applicant may appeal the decision in writing to the Board of Elmore County Commissioners. Appeal of a Planning and Zoning Commission decision must be made within ten (10) days after the date of the Planning and Zoning Commission Chairperson's signature on the Findings of Fact, Conclusions of Law, and Order,

The applicant hereby agrees to pay the fees established by the Board and agrees to pay any additional fees incurred (initial) MCM. The applicant also verifies that the application is complete and all information contained herein is true and correct (initial) MCM. The initial applicant understands there could be a delay in a decision should the applicant or their representative not attend any meeting where the application is being considered.

Maricarmen Martinez 10-1-15 Maricarmen Martinez 10-1-15
Property Owner Signature Date Applicant Signature Date

ADMINISTRATIVE USE ONLY

Date of Acceptance 10/8/15

Accepted by BSB

CUP FEE: \$800.00

Fee \$ 200.00 (Pd) Receipt # 20-1

Date Paid: 10/10/15

Case# CUP- 2016-01

Agency signatures are used for the applicant to make initial contact with certain agencies to address issues prior to a public hearing and application submittal. Additional agencies not listed may have additional requirements. The agencies listed below may be required for future approvals or signatures depending on the type of conditional use. The signature does not constitute a final approval by the agency. The agency signatures below do not guarantee approval from the Elmore County Land Use & Building Director, Elmore County Planning and Zoning Commission or Elmore County Board of Commissioners. The agencies listed below will be notified of the public hearing. Elmore County Land Use & Building Staff will inform the applicant of the desired agency signatures prior to application submittal.

Agency Comments & Signatures

Notes for agency signatures.

1. It is recommended that applicants set up appointments with the following agencies once the application is complete with all required information.
2. Agency signature does not guarantee any future approvals.
3. Agencies may attach additional sheets of paper for comment and/or conditions if necessary.
4. Agencies may have additional comments and/or conditions at a later time.

Martin Jones REHS

10-2-15

Central District Health (or other Sewer District) Sewer Permit (580-6003)

Date

Comment: *We have no objections to this proposal at this time.*

Renny Murd

10-1-15

Roadway Jurisdiction (MHHD 587-3211) (GFHD 366-7744) (AHD 864-2115)

Date

Comment:

No new approach

B. J. MURD

MURD

10.2.15

Fire District (MHRFD 587-2117) (Oasis 796-2115) (GFFD 366-2689) (BGRFD 834-2511) (ARFD 864-2182)

Date

Comment:

Assessor's Office (Verify Legal Description OR Tax Status If Manufactured Home) (ext 247)

Date

Comment:

Agency Comments & Signatures

Notes for agency signatures.

1. It is recommended that applicants set up appointments with the following agencies once the application is complete with all required information.
2. Agency signature does not guarantee any future approvals.
3. Agencies may attach additional sheets of paper for comment and/or conditions if necessary.
4. Agencies may have additional comments and/or conditions at a later time.

Central District Health (or other Sewer District) Sewer Permit (580-6003) **Date**

Comment: _____

Roadway Jurisdiction (MHHD 587-3211) (GFHD 366-7744) (AHD 864-2115) **Date**

Comment: _____

Fire District (MHRFD 587-2117) (Oasis 796-2115) (GFFD 366-2689) (BGRFD 834-2511) (ARFD 864-2182) **Date**

Comment: _____

Assessor's Office (Verify Legal Description OR Tax Status If Manufactured Home) (ext 247) **Date**

Comment: _____

*President Mellen Sub Water Dist
Arthur C. Veigt*



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

520 East 2nd South • Mountain Home, ID • 83647 • Phone: (208) 587-2142

Fax: (208) 587-2120 • www.elmorecounty.org

Neighborhood Meeting Sign Up Sheet

Start Time of Neighborhood Meeting: 6:30 p.m.

End Time of the Neighborhood Meeting: 7:00 p.m.

Attendees:

Name

Address

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____

- 18. _____
- 19. _____
- 20. _____
- 21. _____
- 22. _____
- 23. _____
- 24. _____
- 25. _____

Neighborhood Meeting Certification:

Applicants shall conduct a neighborhood meeting for comprehensive plan amendments, variance, conditional uses, zoning ordinance map amendments and expansions or extensions of nonconforming uses as per Elmore County Zoning and Development Ordinance Section 6-4-3.

Description of the proposed project: child care expansion

Notice Sent to neighbors on: september, 21, 2015

Date and time of the neighborhood meeting: 10-5-15

Location of the neighborhood meeting: 656^W cedar^{Ave} Mtn. Home, ID 83647

Applicant:

Name: Mari carmen Martinez

Address: 656^W cedar^{Ave}

City: Mtn. Home State: ID Zip: 83647

Telephone: 409-7076 Fax: _____

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with the Elmore County Zoning and Development Ordinance Section 6-4-3.

Mari carmen Martinez

10-6-15

Signature: (Applicant)

Date

Elmore County Zoning and Development Ordinance

Section 6-4-3: Neighborhood Meetings:

- A. Applicants shall conduct a neighborhood meeting for Comprehensive Plan amendments, variances, conditional uses, zoning ordinance map amendments, expansions or extensions of nonconforming uses, and subdivisions, excluding Planned Community, Planned Unit Development, and Planned Unit Development District applications as specified in this Title.
- B. It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within the radius required in this Title of the exterior boundary of the application property and to all registered neighborhood associations deemed appropriate by the Director. Notice of a neighborhood meeting shall be in addition to, and not in lieu of, mailed radius notices already required by this Title. Notice of neighborhood meeting must be mailed at least ten (10) days prior to the date of the neighborhood meeting.
- C. The purpose of the neighborhood meeting shall be to review the proposed project.
 - 1. The meeting shall be on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend.
 - 2. The meeting shall be held at one of the following locations, excluding Planned Community, Planned Unit Development, and Planned Unit Development District applications as specified in this Title:
 - a. On the subject property; or
 - b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
 - c. At an office space with suitable meeting facilities if such facilities are within a one-mile radius of the nearest public meeting place.
- D. The neighborhood meeting shall be conducted prior to acceptance of the application.
- E. The neighborhood meeting shall not be conducted more than six (6) months prior to acceptance of the application.
- F. The application materials shall include written verification of the neighborhood meeting on the forms provided by the Growth and Development Department.

September 21, 2015

To: Property Owner

You are invited to attend a neighborhood meeting at 656 NW Cedar Avenue in Mountain Home on Monday, Oct. 5th at 6:30 p.m. This meeting is to inform property owners of child care expansion. Your comments are greatly appreciated as we move forward with our application.

Sincerely,

Maricarmen Martinez
Maricarmen Martinez



Elmore County Land Use & Building Department

520 East 2nd South
Mountain Home, ID 83647
Phone: (208) 587-2142
Fax: (208) 587-2120

Pre Application Meeting Form

Date: 9.10.15 Meeting Location: Land Use & Building Dept.

Elmore County Staff: Alan Christy. Brian Reed, Fire Dept.

Applicant Name: Mari carmen Martinez

Applicant Email: maricarmenmartinez56@yahoo.com

Applicant Phone Number: 208-409-7076

Applicant Address: 656 NW Cedar Ave

Property Owner: Mari carmen Martinez

Property Address: 656 NW Cedar Ave

Parcel Number: RP00087003017B

Proposed Use/Application: wants to have increase to 25 kids for a few hours after school. Afternoons gets more.

Application(s) required: Conditional Use Permit. Is within the area of city impact "Daycare Center"

Notification distance: 1000'

Other requirements: _____

Additional Meeting Required: _____

Case Number: _____

Additional Notes: _____

- Brian can put occupancy at 29, safety features are in place.
- Will probably need additional staff
- Will need to change license with the state.

CAMPGROUND / RECREATIONAL VEHICLE PARK: A facility where camper/recreational vehicles may stop or park for short periods of time. An area or tract of land that accommodates one or more temporary residential uses, including, but not limited to, cabins, tents, campers, travel trailers, motor homes, and/or recreational vehicles and where sewer and water hook-ups are provided.

CARPOR: A covered shelter for no more than three (3) automobiles open on two (2) or more sides.

CAR WASH: An establishment or area that provides facilities for washing and cleaning vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and that may employ some hand labor. The facility may include vacuums and drying areas as accessory uses.

CEMETERY: Land used or intended to be used for the burial of the human and animal remains, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CERTIFICATION: Certification is the act whereby the Director verifies that an application is complete and complies with relevant ordinance requirements.

CERTIFICATE OF OCCUPANCY: A certificate issued by the building inspector to indicate that, after construction of the building has been completed or a change of use or alteration of an existing building is completed, that the building is in compliance with the terms of this Ordinance and applicable building code.

CHECK DAM: A structure erected perpendicular to the direction of flow of floodwaters in a foothill or other hillside tributary floodway, and which does not exceed ten (10') feet in height or fifty (50) acre-feet of storage capacity and is constructed for the purpose of reducing the velocity of floodwaters or reducing flood flows downstream or both. For the purposes of this ordinance, energy dissipating devices shall be considered check dams.

CHEMICAL MANUFACTURING: A use that creates products by transforming organic and inorganic raw materials with chemical processes.

CHILD / DAY CARE FACILITY: Any home, structure, or place where non-medical care, protection, or supervision is regularly provided to children under fourteen (14) years of age for periods of less than twenty-four (24) hours per day while parents or guardians are not on the premises. There are three (3) types of childcare facilities:

- A Family Child Care Home - A child care facility, which provides care for five (5) or fewer children throughout the day;
- B Group Child Care Home - A child care facility which provides care for six (6) to twelve (12) children throughout the day; and

C Child Care Center - A childcare facility, which provides care for more than twelve (12) children throughout the day.

It should be noted that, in determining the type of childcare facility being operated, the total number of children at the facility at any one time may be regulated.

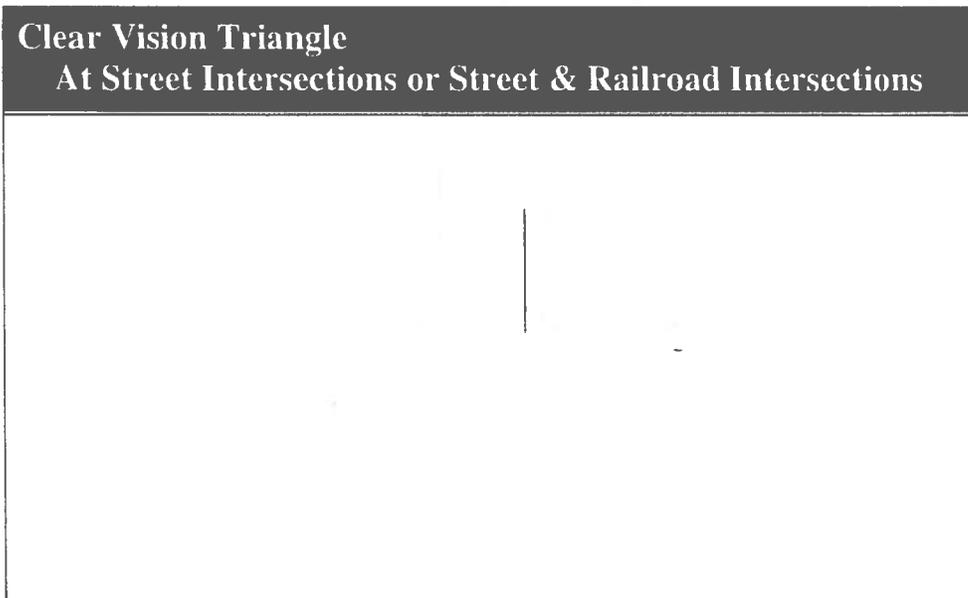
CHILDREN'S TREATMENT FACILITY: An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation for more than eight (8) juveniles under eighteen (18) years old, and b) provides treatment for substance abuse, mental illness, emotional disturbance, developmental disability, mental retardation, or juveniles who have been identified by the judicial system as requiring treatment, therapy, rehabilitation, or supervision. For purposes of this ordinance, this definition shall include group foster homes with more than thirteen (13) juveniles.

CHURCH: A building for public worship, and or a body or organization of religious believers. An establishment that by design and construction is primarily intended for the conducting of organized religious services, meetings, and associated activities.

CITY: An incorporated municipality.

CLEAR VISION TRIANGLE: An area at the intersection of two (2) streets that is clear of sight obstructions to motorists, defined as follows:

A. Clear Vision Triangle at Street Intersections or Street & Railroad Intersections: At a street intersection or street and railroad intersection shall be formed horizontally, by measuring forty (40') feet along the roadway edges or roadway and railroad track edges from the intersection of the roadway edges or roadway edge and railroad track and connecting those points, and vertically by measuring between three (3') feet and ten (10') feet above grade.



required for access and parking. The stacking lanes shall not be located within ten (10') feet of any residential district.

Section 6-8-63: Cemetery:

- A. For the purposes of this Subsection, the term "structures" shall include, but not be limited to, mausoleum, columbaria, and crypts. No structure, exclusive of fences or walls, shall be located within one hundred (100') feet from any existing dwelling other than the dwelling of the owner or caretaker. Structures shall conform to the height limitation and required yards for the applicable base zone.
- B. Graves and monuments shall not be located within fifteen (15') feet from any property line.
- C. All cemeteries shall be platted according to the regulations of Chapter 28 of this Title.
- D. If the cemetery is privately owned, the cemetery shall be established as a perpetual care cemetery in accordance with Idaho Code Section 27-401

Section 6-8-64: Chemical Manufacturing:

- A. There are no additional standards or requirements for this use.

Section 6-8-65: Chemical Storage:

- A. There are no additional standards or requirements for this use.

Section 6-8-66: Child and Adult Daycare Facility:

- A. General Standards for Childcare and Adult Daycare Facility:
 - 1. There shall be a minimum of thirty-five (35') square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.
 - 2. On site vehicle pick up and turnaround areas shall be provided to ensure safe discharge and pick up of clients.
 - 3. The decision making body shall specify the maximum number of allowable clients as a condition of approval, based on health and safety requirements, considerations of site and building design and capabilities, and recommendations from applicable government agencies.
 - 4. The decision making body shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such

uses. The decision making body may require additional conditions as are necessary to protect the public health, safety, and welfare of the clients.

5. The use shall comply with the flood hazard overlay as set forth in this Title.
6. No portion of the facilities used by clients shall be within three hundred (300') feet of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

B. Additional Standards for Child Daycare Facility:

1. The applicant or owner shall secure and maintain a basic daycare license from the state of Idaho Department of Health and Welfare Family and Children's Services Division.
2. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The minimum play area requirement may be waived if: a) there is greater or equal area of parks that abut the facility that can be used by the children, or b) the program design is such that the number of children using the play area at any one time conforms to the one hundred (100') square feet/child criteria.
 - a. All outdoor play areas shall be completely enclosed by minimum six (6) foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
 - b. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
3. The proposed use shall be located and designed to protect the health, safety, and welfare of the children.

Section 6-8-67: Church:

- A. Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

Section 6-8-68: Cleaning, Commercial Laundry:

- A. There are no additional standards or requirements for this use.

Section 6-8-81: Daycare Home, Group:

- A. The applicant or owner shall secure and maintain a basic daycare certification from the State of Idaho Department of Health And Welfare Family and Children's Services Division.
- B. If the proposed group daycare home results in more than ten (10) persons occupying a dwelling at any one time, the applicant shall concurrently apply for a change of occupancy as required by the Elmore County Building Code as set forth in this Title
- C. Off street parking shall be provided as outlined in this Title, in addition to the required off street parking for the dwelling.
- D. There shall be an off street client pick up area in addition to the required off street parking for the dwelling. On arterial or collector streets, a circular driveway or an off street turnaround (which does not involve any space from a required off street parking space) shall be provided for the client pick up area.
- E. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The Director may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.
- F. All outdoor play areas shall be completely enclosed by minimum six (6') foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
- G. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
- H. Hours of client pick up and/or drop off shall be set by conditional use permit.
- I. No portion of the facilities used by clients shall be within three hundred (300') feet of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

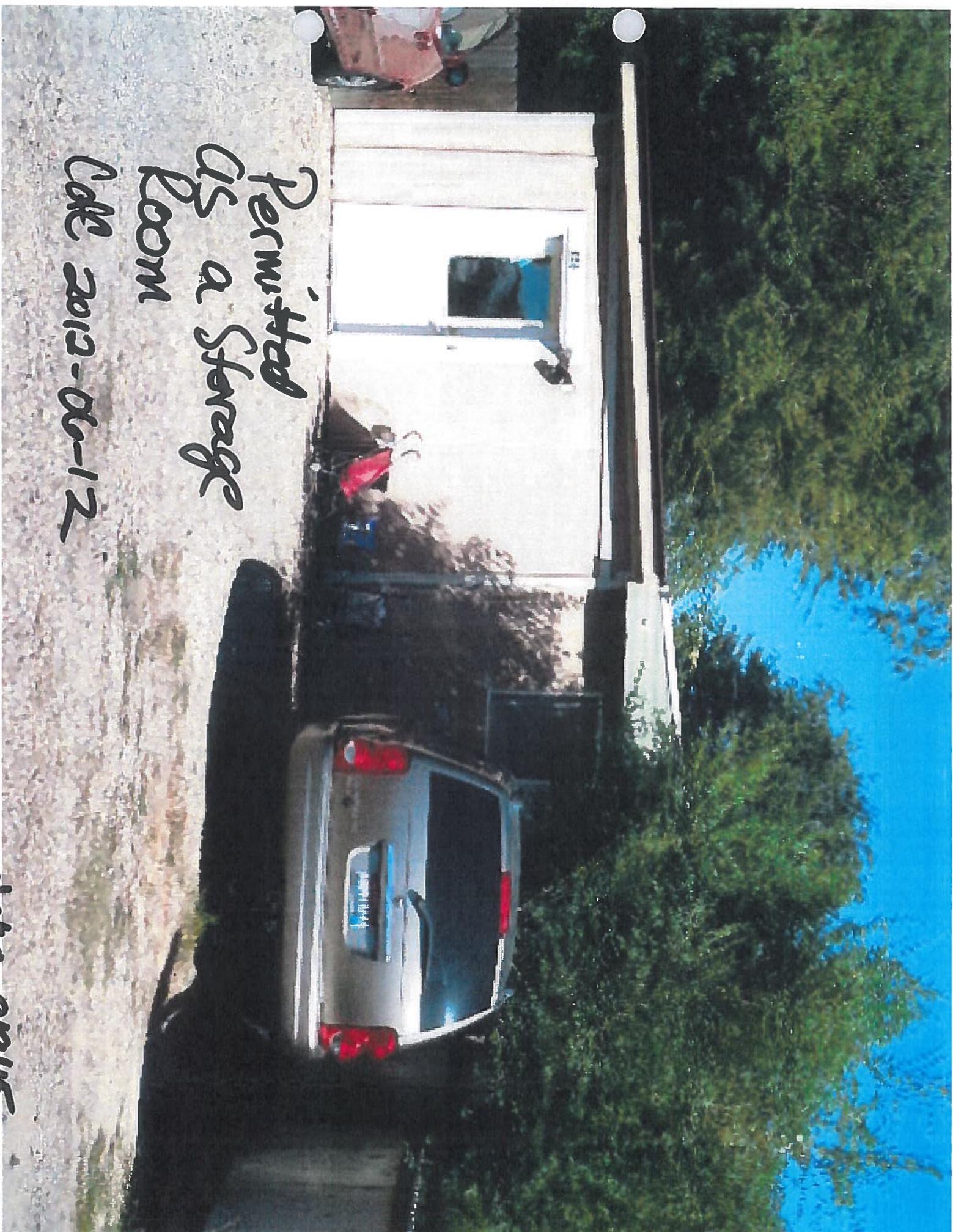
Section 6-8-82: Drive-In Theater:

- A. There are no additional standards or requirements for this use.

Permitted
As a Storage
Room

CAE 2012-06-12

1372 2012





byron oliver

10/06/15

PMO100 - PARCEL MASTER INQUIRY

10:50:15

PARCEL: RP 00087003017B F1=SL

F9=MS

F14=HO

F16=XP F17=DD

F24=LD

LEGAL DESCRIPTION

MARTINEZ, MARI CARMEN
& AGUILAR, ROGELIO MARTINEZ

*TREND _ LOTS 17-20
BLK 3
MELLEN SUB

P O BOX 954

CODE AREA 44-0000 OWNER CD

PARC TYPE RS LOC CODE 100

MTN HOME ID 83647

EFFDATE 3012009 EXPDATE

656 NW CEDAR AVE 83647

PREV PARCEL RP00087003017AT

X for parcel comments

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15 1	2015	262	AC	18142	18142	9071		

TOTALS 262 18142 18142 9071

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

WEITZ & COMPANY INC

WEITZ & COMPANY INC

Legend

Zoning

- AB02
- ABH2
- AG
- C2
- CITY
- M1
- M2
- PC-MT
- R

Other Features

- County Boundary
- Interstate
- Roads
- OLD HIGHWAY 30
- HIGHWAY 78
- HIGHWAY 87
- HIGHWAY 51
- HIGHWAY 20
- Townships
- Sections
- County Parcels

Daycare Site

27

26

WEITZ & COMPANY INC

WEITZ & COMPANY INC

CITY OF MOUNTAIN HOME

HAWKINS, JACK

CRISMAN, BRUCE L

PEDROZA, ERIKA C

HAWKINS, JACK

WHIPPLE, CHARLES F

FORD, ROBERT P

KVC LLC

WOOLSEY, ROBERT S

WINDMERE DR

WOOLSEY, ROBERT S

ELMCREST ST

HARMONY CT

VISION ST

NW PERECRINE DR

GARBETT

WINDMERE DR

BOGWOOD CIR

NW ELMCREST AVE

NW DATE AVE

NW CEDAR AVE

NW BIRCH AVE

NW WASH AVE

NW WOOD DUCK PL

NW HOLLY ST

W 5TH NORTH ST

W 3RD NORTH ST





View from entering the facility.



Place for the children to hang coats and place items.



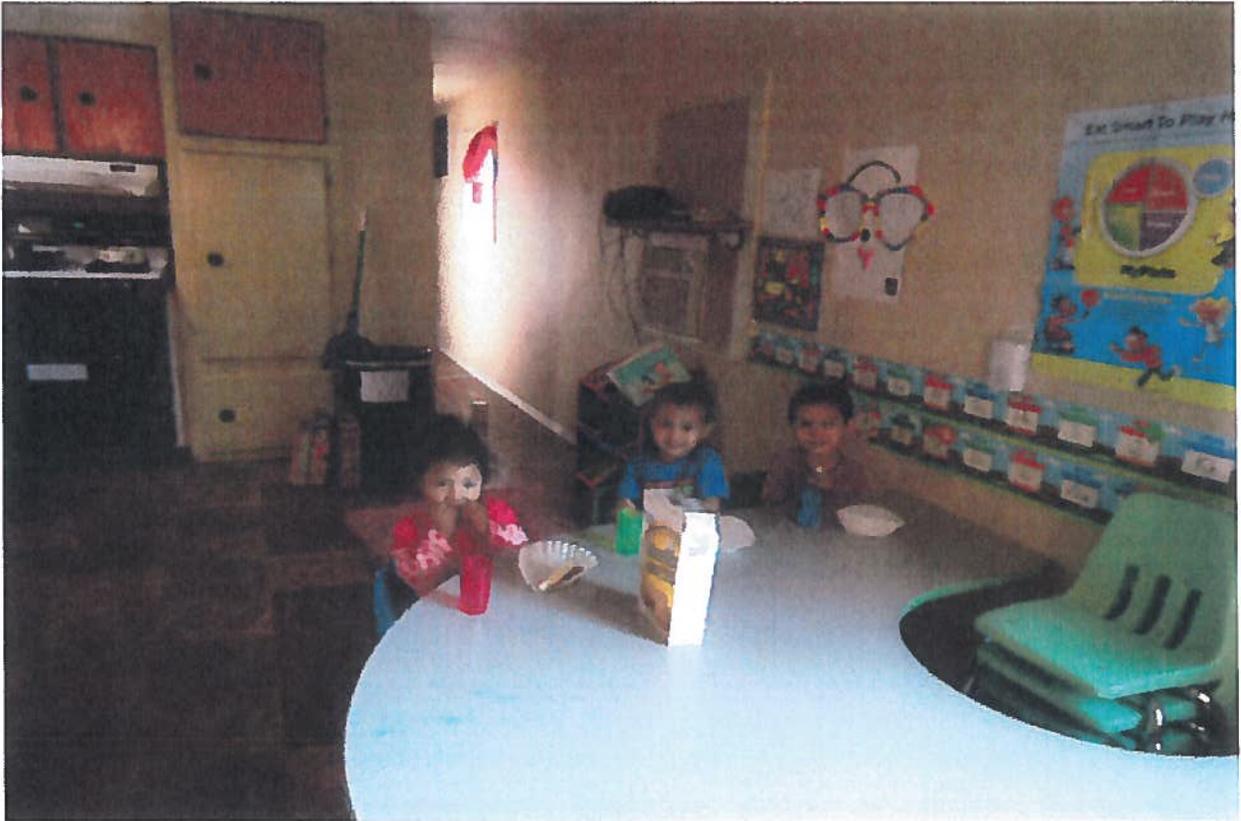
Along the left wall.



Upon entering to the right.







Inside the trailer, kitchen area.



Sleeping area with 2 infants.



Outside play area.





View of playground from front corner of property.



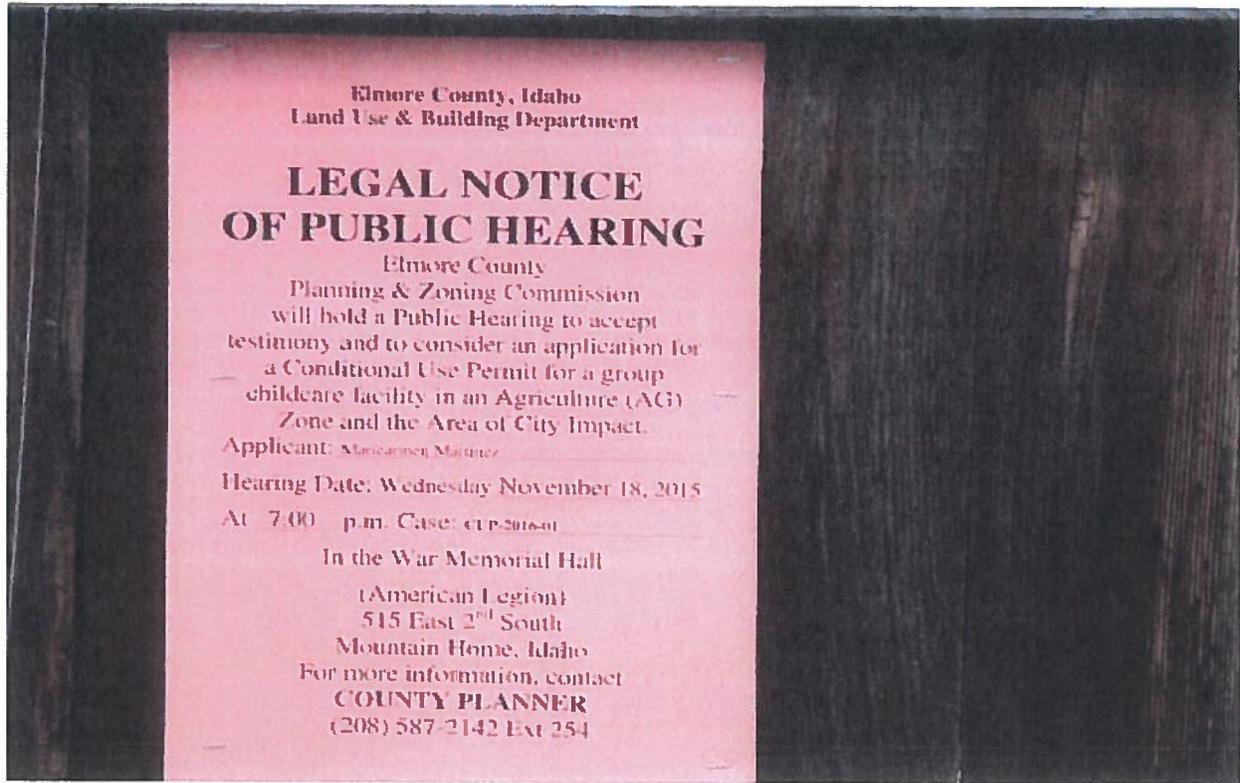
Shelter area in back of trailer.



View from back corner of property.



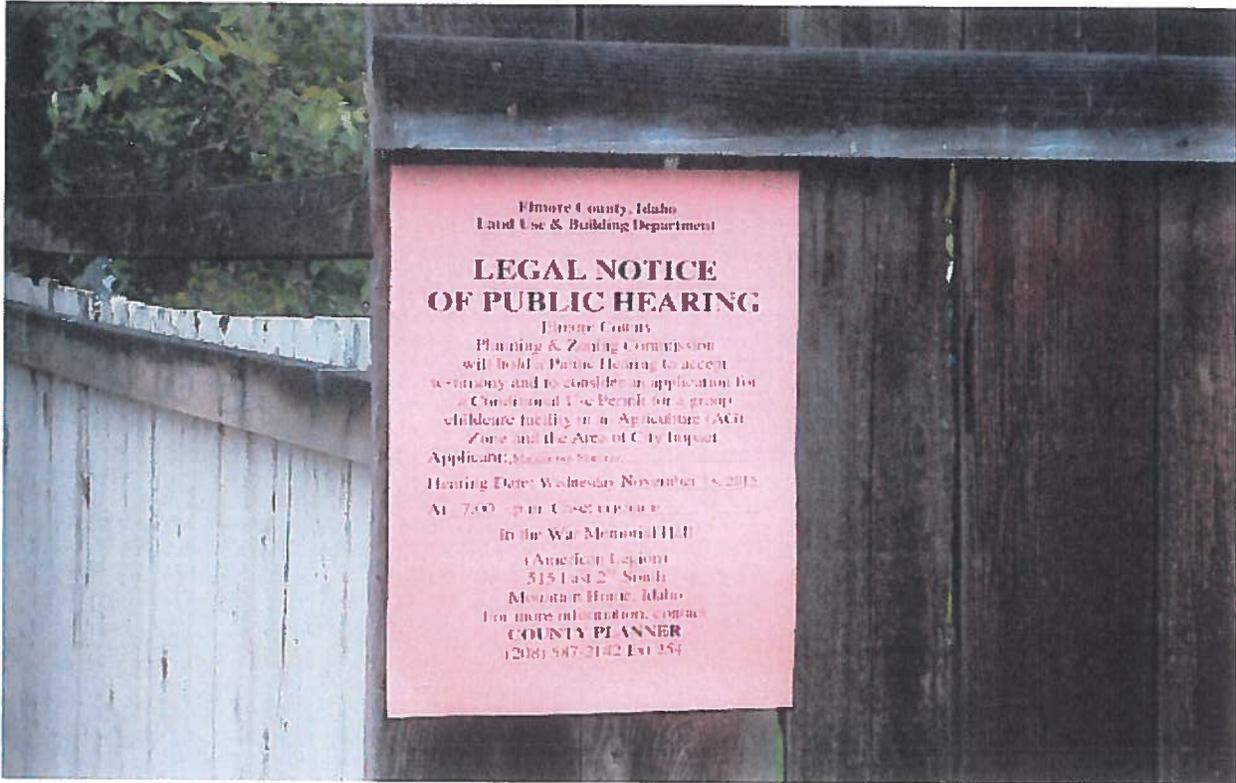
Posting of sign on front fence.



Sign on front fence.



Front view of trailer



Sign posted on fence near front door.



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 ext.254
Fax: (208) 587-2120

Alan Christy
Director

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

June 3, 2013

Mari Carmen Martinez & Rogelio Martinez Aguilar
PO Box 954
656 NW Cedar Ave
Mountain Home, ID 83647

Re: Administrative Decision for a group daycare. Case # ADD-2013-02

To Whom It May Concern:

The purpose of this letter is to provide background, findings, decision and conditions for a daycare located on property within Elmore County.

The application was submitted on April 8, 2013 and all fees have been paid.

This file may be reviewed at the Elmore County Land Use and Building Department Monday through Friday 8:00a.m. to 5:00p.m. **Any decision by the Elmore County Land Use and Building Department Director may be appealed to the Elmore County Planning and Zoning Commission.** All fees for appeals must be paid with the Elmore County Land Use and Building Department.

Based upon all the information that has been provided and under section 6-4-6 of the Elmore County Zoning and Development Ordinance I make the following Finding of Fact:

Findings:

1. The property is zoned Agriculture.
2. The surrounding properties in question are Rural Residential and Agriculture.
3. The Future Land Use Map of Elmore County has this area designated as Rural Residential.
4. Property has an existing access to NW Cedar Ave.
5. The use will not create a hardship on the surrounding properties.
6. The property is located inside of the Mountain Home Area of City Impact.
7. The parcel is .262 acres in size.
8. A conditional use permit is not required at this time.
9. The use will take place in an existing house.
10. On-site parking is adequate. Any expansion in use may require additional parking.

Based upon the foregoing Findings of Fact, the Land Use and Building Department Director makes the following:

Conclusions of Law:

1. An administrative decision is required per table 6-8-11 (c) of the Elmore County Zoning and Development Ordinance.

Attachment #5

Based on the forgoing Conclusions of Law, the Land Use and Building Department Director makes the following order:

The application for an Administrative Decision for a group daycare is hereby **approved** with the following conditions:

1. **The owner will notify the Land Use and Building Department and Central District Health Department of any change or expansion in use.**
2. **The use will comply with section 6-8-82 of the Elmore County Zoning and Development Ordinance.**
 - A. **The applicant or owner shall secure and maintain a basic daycare certification from the State of Idaho Department of Health And Welfare Family and Children's Services Division.**
 - B. **If the proposed group daycare home results in more than twelve (12) persons occupying a dwelling at any one time, the applicant shall concurrently apply for a change of occupancy as required by the Elmore County Building Code as set forth in this Title**
 - C. **Off street parking shall be provided as outlined in this Title, in addition to the required off street parking for the dwelling.**
 - D. **There shall be an off street client pick up area in addition to the required off street parking for the dwelling. On arterial or collector streets, a circular driveway or an off street turnaround (which does not involve any space from a required off street parking space) shall be provided for the client pick up area.**
 - E. **The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The Director may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.**
 - F. **All outdoor play areas shall be completely enclosed by minimum six (6') foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.**
 - G. **Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.**
 - H. **Hours of client pick up and/or drop off shall be set by [approved conditions] conditional use permit.**
 - I. **No portion of the facilities used by clients shall be within three hundred (300') feet of explosive or hazardous material storage including, but not limited to,**

the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

3. The use will comply with all applicable State of Idaho laws and regulations for a daycare, notably certification from Department of Health and Welfare Family and Children's Services division.
4. A fire inspection must be completed prior to using as a daycare.
5. Hours of operation will run between 7:00a.m. and 7:00p.m.
6. There shall be no more than 12 children at the daycare at any time.



Alan Christy

Director

City of Boise, Idaho

6.3.13

Date



Previous Owners
Purchased 1/1/2007



**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES
Wednesday, November 4, 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, Sue Fish, Jeff Blanksma, Ed Oppedyk, Shane Zenner and Dave Holland. Also present were Director Alan Christy and staff member Beth Bresnahan.

PLEDGE OF ALLEGIANCE

PUBLIC MEETING

Ordinance Work Session

Christy stated that he handed out a new memo to the commission members this evening. He stated that the memo that was sent out last week had the wrong chapter included which was chapter 12 and that was already reviewed at the October 21st meeting. He stated that the correct red lines were sent for chapters 15 and 16 but not the clean versions and those have been attached to the memo given this evening.

Christy stated that chapter 15 deals with the one time division of property. He stated that the summary of the changes includes formatting and language issues and correcting the record date. He stated that in the update there is a section for the verification that taxes be paid and the county commissioners adopted an ordinance at the request of the county treasurer that all taxes be paid on any property splits. He stated that some definitions have been moved to chapter 2. He stated that a section has been added for required public improvements.

Christy stated in chapter 16 is the process for boundary line adjustments and one time divisions. He stated that they made changes for consistency and formatting as well. He stated that a finding for boundary line adjustments and road right of ways was added as well.

Christy stated that chapter 13 is still being reviewed by FEMA and the Idaho Department of Water Resources. He stated that chapters 14 and 17 are being reviewed by the county engineer. He stated that chapter 17 has been sent out to the highway districts as well for comment.

Christy stated that they will have a few more work sessions before the end of the year.

ITEMS FROM THE PUBLIC

Douglas Jones is present on behalf of Cat Creek Energy. He stated that he is a resident of Meridian and he has business cards with his current mailing address he'd like to present to the commission members. He went on to explain what Cat Creek Energy was.

Christy stated that Cat Creek Energy has a pending application with the Land Use and Building Department and any conversation at this time is an ex parte communication regarding those

applications. He stated that the public has not been notified that this information is going to be heard at tonight's public meeting.

Jones stated that he served on the Twin Falls P&Z and was in the legislature for 20 years so he's very aware of open meeting and ex parte. He stated that he wishes to introduce himself to the the board because they will hear the appeals they filed shortly, and he wants to explain who they are and who he is and why he is here this evening.

Osborn stated that she is not sure they need the why. She stated that she wants to keep everything incredibly clean, pristine, and that there be no perception of potential ex parte whether it be his opinion or the opinion of the commission. She stated any opinion could be considered ex parte communication and that this not a road that she will choose to go down. She stated that Jones is more than welcome to speak to who he is but why he is here specific to an active application will not be heard at this time.

Jones stated the he does understand that. He introduced himself again to the commission members and staff and stated that he does represent Cat Creek Energy and that they are proposing to develop an energy project in north Elmore County. He stated that they do have 5 conditional use permit applications that were filed last February. He stated that they received a letter from Christy recently stating some additional conditions were needed.

Osborn stopped him stating that he is going down a road that she will not go down.

Jones stated that all he was going to say is that they have chosen to appeal those.

Osborn thanked Jones for his conversation but she will not discuss why he is at this public meeting tonight.

Jones stated that he is not going to explain why they appealed.

Osborn stated again that she wants to keep this clean from ex parte conversation until it comes before this commission and the public has been notified and they have the opportunity to comment. She stated that she appreciates his time and introduction.

Jones asked if he could offer the board an opportunity. He stated that when he served on the Twin Falls county planning and zoning board they had a standard operating procedure that when anything was going to come before the board the county administrator took the county van and any board members that were available on a field trip.

Osborn stated that they do not have that process in Elmore County.

Jones stated that they can offer that opportunity.

Osborn thanked Jones for the potential. She stated that legal counsel had guided this commission over the last few years that any conversations that occur on a public item has to occur here at the American legion hall or it must be noticed and minutes taken and the whole legal open meeting process has to apply.

Jones stated that it should be a 48 hour notice and it should be a public meeting.

Osborn stated that she believes its more than 48 hours.

Jones stated that he believes the ordinance says 48 hours but irregardless it should be a public meeting with any member of the public invited to participate along with staff and legal counsel.

Osborn stated that's part of the reason she's keeping this so tight.

Jones stated that they would be happy to work with Christy to make that happen for the beneficiation of the board to make its decisions going forward.

NEW BUSINESS

MINUTES

Minutes from 10-21-2015

Duerig moved to approve.

Oppedyk seconded.

Motion carried with Fish abstaining as she was absent for this meeting.

INFORMATION ITEMS

Upcoming P&Z Schedule

Christy stated that the next regularly scheduled meeting is on November 18th. He stated that there will be two applications being heard and also this will be the annual meeting for the planning and zoning commission so they will discuss bylaws and will vote for Chairman and Vice Chairman.

MEETING ADJOURNED at 7:18 pm.

Patti Osborn, Chairperson

Date:

Attest: _____

Alan Christy, Director

Date: