

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

Wednesday, July 20, 2016 at 7:00pm

Agenda

PLEASE SILENCE CELL PHONES

CALL TO ORDER

ESTABLISH QUORUM

- | | |
|---|--|
| <input type="checkbox"/> Chairperson Patti Osborn | <input type="checkbox"/> Vice-Chairman 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 HEARINGS

- **Elmore Development, LLC (Mirazim Shakoori) for a Zoning Change from Agriculture to Light Industrial and an Amendment to the Comprehensive Plan. Case Number: REZ-2016-01.** The site is located in portions of the Section 7 and 8, Township 4 South, Range 7 East, B.M. A common way of locating the property is from I-84 head east, take exit 90, turn right on Old Oregon Trail Rd. for approximately 2 miles.

- **Idaho Power for a Conditional Use Permit for a substation in the Light Industrial Zone and Mountain Home Area of City Impact. Case Number: CUP-2016-03.** The site is located in a portion of the W1/2, Section 22, Township 3 South, Range 6 East, B.M. A common way of locating the property is from US 30 head west on E 5th St North, road changes to W 5th St North, then north on N Haskett St, then west on NW Turner Rd, then north on NW Sawmill Rd, then west on W 10th St North and just past the intersection of N 18th West.

- **Frederick Watkins for an Appeal of administrative decision for the requirement of an accessory dwelling unit application in the Agriculture Zone. Case Number: ADD-2016-012.** The site is located in Lot 5, Riverside Acreage Subdivision. A common way of locating the property is from Interstate 84 take exit 112 and head south on Highway 78 to Old Highway 30. Head east on Old Highway 30 to intersection of S Hummherys Road and turn right. Head south on S Hummherys Road to the intersection of W. Osprey St. and turn left. Head east on W. Osprey St. and the site is on the right side of the road.

ITEMS FROM THE PUBLIC

INFORMATION ITEMS

- Upcoming P & Z Schedule

MEETING ADJOURN at 10:00 p.m.



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: 07/20/2016 **Date Report Compiled:** 07/13/2016

Agenda Item: Zoning Change from Agriculture to Light Industrial and Comprehensive Plan Amendment

Applicant: Elmore Development, LLC (Mirazim Shakoori)

Case Number: REZ-2016-01

Staff: Alan Christy; Director
Beth Bresnahan; Planner I

Location: Portions of the Section 7 and 8, Township 4 South, Range 7 East, B.M. A common way of locating the property is from I-84 head east, take exit 90, turn right on Old Oregon Trail Rd. for approximately 2 miles.

Zoning: Agriculture

Parcel Number: RP 04S07E082440 A, RP 04S07E084210 A, RP 04S07E071840 A, RP 04S07E056500 A, and RP 04S07E083040 A

BACKGROUND:

Application for a Comprehensive Plan Amendment and Zoning Change was submitted on November 24, 2015. Application was deemed complete on June 22, 2016. Letter was sent to applicant on June 23, 2016.

Public Hearing Notice was mailed to property owners within 1000' on June 23, 2016 and to agencies on June 23, 2016. Public Hearing Notice was published in the Mountain Home Newspaper on June 29, 2016. Public Hearing Notice was posted on the property on July 8, 2016.

Applicant is proposing a zone change from Agriculture to Light Industrial along with a Comprehensive Plan change to the Future Land Use Map.

Definitions from the Elmore County Zoning and Development Ordinance, Adopted March 21, 2012, Amended September 19, 2012, Amended July 23, 2014:

“General Agriculture: *The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is*

appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

Highway/Interstate Commercial: The purpose of the C2 district is to permit the establishment of general business and commercial uses that have direct access to State Highways and convenient access to the Interstate. Shopping centers will be encouraged and strip development shall be discouraged. This district may also be located on arterial thoroughfares or in areas where general commercial business is compatible with surrounding land uses. The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange.

Light Industrial/Manufacturing: The purpose of the M1 district is to provide for commercial and light industrial development and opportunities for employment of Elmore County citizens and area residents and reduce the need to commute to neighboring cities. The M1 district will encourage the development of manufacturing, wholesale, and distribution establishments which are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare and that are operated entirely or almost entirely within enclosed structures or fenced yards; to delineate areas best suited for industrial development because of location, topography, existing facilities, and relationship to other land uses. Uses within the M1 district require reasonable access to arterial roadways. Land uses in this category may require a mix of commercial or light industrial uses that consists of clean types of manufacturing, processing, warehousing, repair and general industrial uses."

The following are allowed uses in the Light Industrial Zone (please note that many of these uses have additional requirements in Chapter 8 of the Ordinance):

<i>Agriculture</i>	<i>Animal Boarding with outside runs</i>
<i>Animal Clinic, Grooming</i>	<i>Animal Clinic, Hospital or Veterinary</i>
<i>Auction Establishment</i>	<i>Auto Repair and Service Shops</i>
<i>Baking or Bakery Goods Store</i>	<i>Banks-Saving-Loans</i>
<i>Beverage Bottling Plant</i>	<i>Brewery or Distillery</i>
<i>Cabinet Making</i>	<i>Car Wash</i>
<i>Cleaning, Commercial Laundry</i>	<i>Cold Storage Plant, Non-Ag</i>
<i>Composting Facility, Commercial</i>	<i>Concrete Batch Plant</i>
<i>Contractor's Yard</i>	<i>Dairy Products Processing</i>
<i>Dance, Music, Voice Studio</i>	<i>Drive-In Theater</i>
<i>Drive-up Window Service</i>	<i>Equipment Rental Service Yard</i>
<i>Farm Implement Sales Yard</i>	<i>Food Processing and Packaging Plant</i>
<i>Freight or Truck Terminal</i>	<i>Frozen Food Lockers</i>
<i>Fuel Cell Operation</i>	<i>Fuel or Flammable Material Storage</i>
<i>Furniture Refinishing</i>	<i>Heavy Equipment Sales and/or Service</i>
<i>Highway Maintenance Shop</i>	<i>Industrial/Manufacturing Facility, Light</i>
<i>Laboratory, Medical, Dental, or Optical</i>	
<i>Laundromat</i>	<i>Laundry-Commercial Plant</i>
<i>Lumber Yard - Retail/Wholesale</i>	<i>Machine Shop</i>
<i>Office Building</i>	<i>Outdoor Storage Facility</i>
<i>Package and Letter Delivery/Shipping Service</i>	
<i>Pistol Range</i>	<i>Printing, Off-Set, Press, or Similar</i>

<i>Processing Plant for Agricultural or Dairy Products</i>	<i>Public Storage</i>
<i>Public Address System, Outdoor</i>	<i>Railroad Switching Yard</i>
<i>Public Agency Utility Yard or Shop</i>	
<i>Recycling Collection Containers, Small</i>	
<i>Recycling Plant or Processing Center</i>	
<i>Research and Development Facility</i>	
<i>Restaurant or Eating Place</i>	<i>Sawmill or Planing Mill</i>
<i>Shooting Range</i>	<i>Slaughterhouse</i>
<i>Soil or Water Remediation Site</i>	<i>Storage Facility, Self Service</i>
<i>Tennis Court, Public</i>	<i>Tower, Antenna or Structure, Commercial</i>
<i>Transit Facility</i>	<i>Trap or Skeet Club</i>
<i>Truck or Tractor Repair</i>	<i>Vehicle Impound Yard</i>
<i>Wireless Communication Facility</i>	<i>Wrecking Yard</i>

LETTERS FOR THE RECORD:

1. Elmore County Treasure/Assessor letter
2. Letter Idaho Department of Lands, Dean Johnson, dated June 30, 2016
3. Email 366 OSS, Byron Schmidt, dated July 6, 2016
4. Letter DEQ, Aaron Scheff, dated July 7, 2016
5. Letter from Tesoro-NW Pipeline, received July 13, 2016

ATTACHMENTS:

1. Comprehensive Plan Amendment to the Future Land Use Map.
2. Idaho Code
3. Application
4. Posting Photos

REQUIRED FINDINGS SECTION 6-8-9 D

- 1. The Zoning Ordinance Map Amendment complies with the regulations outlined for this Chapter; and**

Staff Response: A development agreement is required pursuant to Ordinance Section 6-8-9 B.2 and Ordinance Section 6-29-2 B. A development agreement has not been submitted with the applications. The Commission has the option to decide if a development agreement is needed or if this requirement can be waived pursuant to Ordinance Section 6-3-9. The Commission may also consider if a condition of approval is appropriate to require any new use(s) submit a development agreement prior to any changes.

- 2. The Zoning Ordinance Map Amendment shall not be materially detrimental to the public health, safety and welfare; and**

Staff Response: The applications have been signed by the Central District Health Department, Mountain Home Highway District and Mountain Home Rural Fire Department. At this time there has been no agency testimony stating the proposal would be detrimental to public health, safety and welfare. Furthermore additional uses in the light industrial zone require a zoning permit and/or conditional use permit.

- 3. The Zoning Ordinance Map Amendment request is in compliance with the Land Use/Zoning Ordinance Map Amendment Matrix; and**

Staff Response: The Land Use / Zoning Map Amendment Matrix (Table 6-8-10) allows for a rezone from Agriculture to Light Industrial.

4. The development agreement meets the requirements of this Title; and

Staff Response: A development agreement is required pursuant to Ordinance Section 6-8-9 B.2 and Ordinance Section 6-29-2 B. A development agreement has not been submitted with the applications. The Commission has the option to decide if a development agreement is needed or if this required can be waived pursuant to Ordinance Section 6-3-9. The Commission may also consider if a condition of approval is appropriate to require any new use(s) submit a development agreement prior to any changes.

5. That the approval by the Board, of a Zoning Ordinance Map Amendment request would not “impede”⁽¹⁾ the normal flow of development; and

Note: ⁽¹⁾ For the purpose of this Chapter and required finding (number 5 listed above), the definition of “Impede” shall be the interference with an existing or proposed activity that would delay or cause modification to the progress of normal development and/or development trends, or the causing of delays or interference with the normal flow of progress and/or development trends.

Staff Response: Currently the Comprehensive Plan Future Land Use Map has the area designated as C2 meaning the commercial uses are anticipated in this area with close proximity to Interstate 84.

6. The Zoning Ordinance Map Amendment is not in conflict with the Comprehensive Plan.

Staff Response: A Comprehensive Plan amendment has been submitted with the rezone application. The Comprehensive Plan amendment is to change the Future Land Use Map (Map 4) to Light Industrial.

Furthermore, the Comprehensive Plan defines the Commercial and Industrial Zones as:

“Highway/Interstate Commercial “C2”

The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange.

Light Industrial/Manufacturing “M1”

The Light Industrial/Manufacturing category is directed towards general industrial needs of the County. Land uses in this category may require a mix of commercial or light industrial uses that consists of clean types of manufacturing, processing, warehousing, repair and general industrial uses. In setting aside industrial areas, easy access to railroad and highway systems should be taken into consideration. Light Industrial/Manufacturing is needed for day-to-day services and sustained economic growth and diversity in the County; however, it must be planned so that it will not degrade the present quality of life.”

Staff believes the “M1” definition stating a mix of commercial or light industrial uses is consistent with the intent of the applications and current Future Land Use Map designation of C2.

REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENT

The Ordinance does not have set findings for a Comprehensive Plan Amendment. Idaho Code 67-6509 (attachment #2) gives the State of Idaho requirements for adoptions, amendment and repeal of the plan.

Staff believes the following portions of the Comprehensive Plan apply to an industrial zone in this area:

“Economic Objectives:

9. Establish appropriate industrial zones to further increase business and economic development in various communities and areas of Elmore County, particularly at appropriate locations near areas of city impact.

Land Use Objectives:

5. Encourage and support commercial and industrial development if it complies with County ordinances and guidelines to create jobs and expand the tax base. Maintain two industrial zones; heavy and light.

8. Review all commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.”

STAFF RECOMMENDATION

Staff recommends opening and conducting the public hearing. As a reminder the Commission is tasked with offering a recommendation to the Board for both the rezone and comprehensive plan amendment. The Commission may consider a condition of approval dealing with the Development Agreement requirement.

Received 6/28/16
BSB

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.elmorecountv.org



Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

Elmore County Assessor – Parcel Number: 04507E056040 04507E 056500
Comments: 04507E071840 04507E082440 04507E083040
Elmore County Treasurer – Taxes 1st Half _____ 2nd Half _____ 04507E084210
Late Charges: Yes ___ No ___ Comments: _____

2015 Taxes PIF
Cathy Smith
6-27-2016

Date: June 23, 2016
To: Whom It May Concern
Subject: Notice of Public Hearing
Applicant: Elmore Development, LLC (Mirazim Shakoori) – Zoning
Change from Agriculture to Light Industrial Zone and a
Comprehensive Plan Amendment
Case #: REZ-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, July 20, 2016 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. 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

SOUTHWEST
SUPERVISORY AREA
8355 West State Street
Boise ID 83714-6071
Phone (208) 334-3488
Fax (208) 853-6372



THOMAS M. SCHULTZ, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

received
7-1-16 BSB

STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D. Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

June 30, 2016

Alan Christy
Elmore County Growth and Development
520 E 2nd South Street
Mountain Home, Idaho 83647

Re: REZ-2016-01 Zoning change from Agriculture to Light Industrial Zone form Elmore Development, LLC.

Dear Mr. Christy,

Thank you for the opportunity to review and comment on the application for a Zoning change from Agriculture to Light Industrial Zone form Elmore Development, LLC.

As you may know, Idaho Department of Lands' mission is to manage Endowment Trust Lands in a manner that will maximize long-term financial returns to the Beneficiary Institutions. Endowment Lands are not public lands or "open space". These are working lands producing revenue. The mission of the Department of Lands is a constitutional mandate and is overseen by the State Board of Land Commissioners.

Idaho Department of Lands has reviewed the submitted materials for this proposal and finds that a portion of this proposed development site is situated on land in which there is a split estate ownership. The State of Idaho has retained the mineral rights. While this split estate does not preclude development of the land, mineral resources within this land may not be commercially used or sold without first obtaining a mineral lease or temporary mineral permit from the Idaho Department of Lands. This also means that the State of Idaho has the right to mine these minerals subject to compensation to the surface owner as provided for in Idaho Code 47-708.

Thank you again for the opportunity to review and comment on this application. Please feel free to contact me at (208)334-3488 if you have any questions.

Sincerely,


Dean Johnson
Lands Resource Supervisor

Beth Bresnahan

From: SCHMIDT, BYRON L GS-11 USAF ACC 366 OSS/OSOA
Sent: Wednesday, July 06, 2016 8:21 AM
To: Elmore County Growth and Development (PnZ) (achristy@elmorecounty.org)
Cc: HEDRICK, RICHARD C SR GS-13 USAF ACC 366 CES/CEN; Beth Bresnahan (bbresnahan@elmorecounty.org); ANNUNZIATA, VALERIE J Capt USAF ACC 366 OSS/OSO FLT CC
Subject: Rezone Request REZ-2016-01/ADD-2016-012

Alan,

With respect to the REZ-2016-01 request, and the ADD-2016-012, there are not any operational or land-use concerns for Mountain Home AFB associated with either county action at this time. I have spoken with Mr. Hedrick at our CE offices, and he also concurred. Call with any questions. Later.

Byron Schmidt, DAFC
Chief, Airspace Management
366 OSS/OSOA
Mountain Home AFB, Idaho 83648
Byron.Schmidt@us.af.mil
DSN 728-4722
COM 208-828-4722
FAX 208-828-4573



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

received
7-11-16 EW

DEQ Response to Request for Environmental Comment

Date: 07/07/2016
Agency Requesting Comments: Elmore County Land Use & Building Department
Date Request Received: 06/27/2016
Applicant/Description: REZ-2016-01 Zoning Change from Agricultural to Light Industrial Zone and a Comprehensive Plan Amendment

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieq/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. Air Quality

- *Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).*

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. Wastewater and Recycled Water

- *DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.*

All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.

3. Drinking Water

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

All projects for construction or modification of public drinking water systems require preconstruction approval.

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager at 373-0550.

4. Surface Water

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*
- *Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.*
- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

5. Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** *The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.*
- *No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.*
- **Water Quality Standards.** *Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).*

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

For questions, contact Dean Ehlert, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at 208-373-0550.

Sincerely,



Aaron Scheff
aaron.scheff@deq.idaho.gov
Regional Administrator
Boise Regional Office
Idaho Department of Environmental Quality



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
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Alan Christy
Director
Tell Riley
Building Official
Beth Bresnahan
Planner I
Kacey Ramsauer
Administrative Assistant

No Conflict with Tesoro - NW Pipeline
Clear to dig. Any questions, please call
Jesi Brock at 208-401-8221.

No Conflict with Tesoro
Logistics.

7-13-16

Date: June 23, 2016
To: Whom It May Concern
Subject: Notice of Public Hearing
Applicant: Elmore Development, LLC (Mirazim Shakoori) – Zoning Change from Agriculture to Light Industrial Zone and a Comprehensive Plan Amendment
Case #: REZ-2016-01

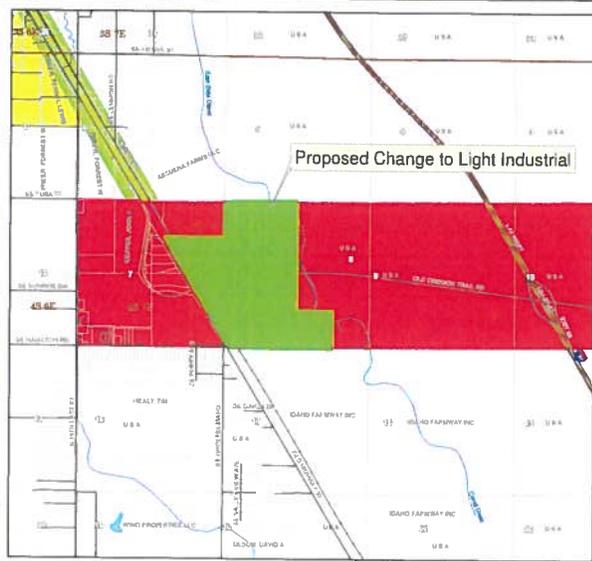
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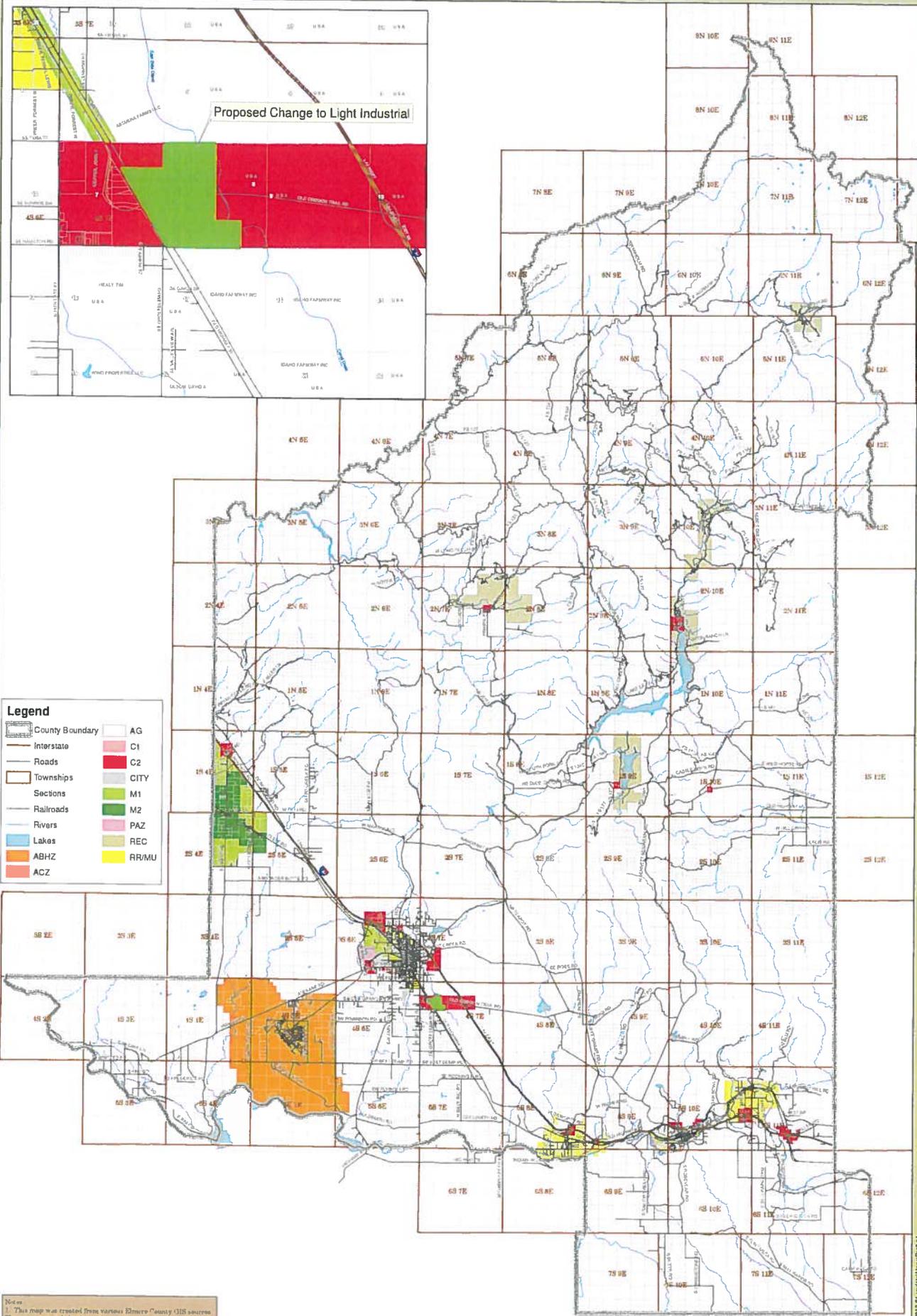
Sincerely,

Alan Christy
Director
Enclosures: Application
AC:bsb



Legend

	County Boundary		AG
	Interstate		C1
	Roads		C2
	Townships		CITY
	Sections		M1
	Railroads		M2
	Rivers		PAZ
	Lakes		REC
	ABHZ		RR/MU
	ACZ		



Notes:
 1. This map was created from various Elmore County GIS sources. This map is intended to be used as a reference only. Elmore County cannot assume liability with the accuracy of information portrayed on this map.



P:\Active Work\Projects\CDM\0812141 Update\MapDoc1



Idaho Statutes

TITLE 67 STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65 LOCAL LAND USE PLANNING

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

(b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.

(c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time, unless

the governing board has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

History:

[67-6509, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 3, p. 832; am. 1999, ch. 396, sec. 5, p. 1103; am. 2010, ch. 253, sec. 1, p. 643; am. 2014, ch. 93, sec. 5, p. 256.]



Elmore County Land Use & Building Department

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

Application for a Zoning and Development Ordinance Amendment and/or Zoning Change \$1,500.00

This application must be typed or filled out in ink. Please use additional sheets if necessary. The Land Use & Building Department does not accept faxed applications. Please refer to Section 6-8-9 of the Elmore County Zoning and Development Ordinance for Zoning Ordinance Map Amendments (Re-zones). Please refer to Section 6-3-9 for Zoning Ordinance Text Amendments.

Applicant:

Mirazim Shakoori
 Name _____ Phone/Fax/Email _____
2595 Old Oregon Trail, Mountain Home, ID 83647
 Street Address _____ City, State, Zip _____

Property Owner:

Elmore Development, LLC
 Name _____ Phone/Fax/Email _____
2595 Old Oregon Trail, Mountain Home, ID 83647
 Street Address _____ City, State, Zip _____

1. Specific zoning element to be changed/amended. Attach and reference a statement of all relevant factors and conditions pertaining to the request including why the amendment/change is necessary. State how the proposed amendment/change relates to the Comprehensive Plan, availability of public facilities, and compatibility with the surrounding area.

2. Present Zoning: Agriculture - AG
 Proposed Zoning: Light Industrial - M1
 Current Land Use: Irrigated Agriculture
 Proposed Land Use: Light Industrial

3. Adjacent properties have the following Zoning and Land uses:

North zoning designation: AG Uses: Ag, BLM Dry Land
 East zoning designation: AG Uses: BLM Dry Land

South zoning designation: AG

Uses: Ag

West zoning designation: A.G

Uses: Ag, Rural Residential, VPRail

One out-parcel in the center: 10 acres, rural residential

Maps for items 4 through 16 may be combined provide clarity is maintained.

4. Are there any know hazards on or near the property (such as canals or watercourses, hazardous material spills, soil/water contamination, etc.)? yes no If ves, describe and provide exact location including map designating the site and identify hazard: Ditch on north side of

property; rail road main line on west boundary

5. Are there hazardous materials and/or or wastes involved in the existing operation, the proposed operation, and/or generated off site and brought onto the property? yes no If yes, describe and provide exact location including a map designating the site and identify materials and/or waste: Non

Known at this time.

6. Is any part of this property located within a floodway or floodplain? yes no

Floodplain map number: _____ Provide floodplain map with site indicated.

7. Is any part of this property located within an area of city impact? yes no If yes, include map designating the site.

8. Is any part of this property located within an airport hazard zone? yes no If yes, include map designating the site.

9. Are there any special conditions, such as hillside, area of critical concern, community development overlay, wildlife habitat, etc., associated with this property? yes no

10. Include 15 copies of a vicinity map at a scale of 1" = 100' and on 8.5" X 11" reduction that includes but is not limited to the following:

- _____ Closest identifiable community (Mountain Home, Hammett, etc) or landmark (river, mountain, etc.)
- _____ Property lines.
- _____ Thoroughfares.
- _____ Existing and proposed zoning.
- _____ Zoning of surrounding property.
- _____ Other items as required by the Director.

11. Include 15 copies of a contour map at a scale of 1" equals 100' and one 8½" x 11" reduction with contour lines at 5' intervals for 10% or less land sloping and at 2' intervals for 10% or more land sloping.

12. Include 15 copies of a complete site plan at a scale of 1" equals 100' and one 8½"x 11"reduction showing the following:

- _____ Scale; north; arrow; applicants and property owners names; plan preparer; project; legal description.
- _____ Length in feet of property boundary(ies) and size (acreage and square feet) of property.
- _____ All existing structures which will remain and proposed structures, labeled as to existing and proposed uses and structures identified (shop, barn, shed, etc).
- _____ Existing vegetation, labeled as to remain or be removed
- _____ Locations, widths, and surface types of all existing and proposed adjacent and on-site streets/roads.
- _____ Locations, widths, and names of rights-of-way, easements, watercourses, etc.

_____ Locations and sizes _____ existing and proposed loading areas, doc. _____ ramps, parking areas with stalls shown.

13. Submission with this application of an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) may be required at the discretion of the Planning and Zoning Commission (hereinafter referenced as Commission).

14. Any additional information as required by the Director or Commission.

15. Application shall include a list of property owners or purchasers of record and their addresses within a minimum 1000' radius of the entire property to be rezoned or for which the amendment will apply. Lists can be obtained from the Elmore County Assessor. The Director may extend the radius in sparsely populated areas. Said radius shall be 15 miles in the M2, Heavy Industrial, Zone (Simco Road industrial area). Said list shall be obtained from the jurisdictional county tax records.

*Radius extended to _____ miles/feet.

Agency Signatures

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 any public hearing. Elmore County Land Use & Building Staff will inform the applicant of the desired agency signatures prior to application submittal. The signature from the Highway District will only approve the access point for the private road. The Highway District may have additional requirements or comments for future development.

➤ **Central District Health Approval:** Marty Jones RGH

Date: 4-16-15 (580-6003)

Comments: Rezone only.

➤ **Highway District Approval:** [Signature]

Date: 4/6/15 (MHHD 587-3211) (GFHD 366-7744)

Comments: _____

➤ **Fire District Approval:** [Signature]

Date: 4/6/2015 (MHRFD 587-8986) (Oasis 796-2236) (GFFD 366-2689)

Comments: _____

The owner and/or applicant affirms:

- (1) This application is completed in its entirety to include all required information and the information contained herein is true and correct as of the date it is received in the Land Use & Building Department
- (2) This application must be submitted with a development agreement application.
- (3) The applicant also verifies that all information contained herein is true and correct and that the application is complete. _____ (initial) The applicant understands his/her/their, or a representative having authority to legally bind the applicant, attendance at any hearing/meeting for which their application is on an agenda is mandatory. The applicant understands failure to attend any such meeting/hearing may at best result in a delay in any decision or may cancel the public hearing.
- (4) A neighborhood meeting must be conducted prior to submitting the application. Requirements for neighborhood meetings are outline in the Elmore County Zoning and Development Ordinance Chapter 4 Section 6-4-3.
- (5) A public hearing will be scheduled once the Director accepts and deems the application complete. Incomplete applications will be returned to the applicant. The Land Use & Building Department will not hold applications indefinitely at the applicant's request. The applicant agrees to pay all current fees at the time the application is accepted and deemed complete by the director.
- (6) By signing this application the applicant agrees to pay all fees incurred by County consultants including but not limited to the County Engineer, County Surveyor and Legal Counsel.
- (7) By signing this application the applicant agrees to pay all extra fees incurred by the County for time, postage, mileage and publication of this application.

[Signature] 11/23/2015
Property Owner Signature Date

Applicant Signature Date

For Administrative Use Only

File Number: ZDA/REZ- 2016-01

Fee: \$1,500.00 Date Paid: 11-24-15

Receipt Number: 20-102100

Date Accepted: 6-22-16 By Director: *[Signature]*

Referral Needed: Y / N. If yes, what? _____

Close Reply Reply to All Forward Delete Spam Actions



rezone

July 9, 2015 2:42 PM

From: Alan Christy

To: Bonnie Harper

Bonnie,

I received approval from the Board on the fees for the zoning/comp plan map change. The total fee for the two applications will be \$1,500.00. If you have any questions please let me know.

Thanks,

Alan Christy

Director

Elmore County Land Use & Building Department

520 East 2nd South, Mountain Home, ID 83647

Ph: (208) 587-2142 ex. 269 | Fax: (208) 587-2120

achristy@elmorescounty.org | www.elmorescounty.org

Bonnie Layton

P.O. Box 332 • Mountain Home, ID 83617 • Phone: 208.724.2624
E-Mail: bonnie.harper12@gmail.com

Date: November 24, 2015

Mr. Alan Christy

Director

Elmore County Land Use & Development Department

520 East 2nd South

Mountain Home, ID 83617

RE: Future Land Use Map/Comprehensive Plan Amendment & Zone Change

Dear Mr. Christy:

On behalf of Elmore Development, LLC I am submitting this request for a Comprehensive Plan Amendment to change the future Land Use Map Designation from C2 - Commercial to M1 - Light Industrial for the property owned by Elmore Development located west of Exit 99 and adjacent to Old Oregon Trail Road just south of Mountain Home. Along with this plan amendment request we are applying for a Zoning Change of the property from AG - Agriculture to M1 - Light Industrial. We held a neighborhood meeting back on May 27, 2015 at the property. We had four neighboring property owners attend the meeting that evening.

We believe that due to the large amount of land available, good road infrastructure, and easy access to the interstate, a change in zoning designation to Light Industrial would help to attract potential commercial and light industrial businesses to our area. We believe there are some excellent opportunities to develop the property accordingly and bring much needed jobs to Elmore County.

Please feel free to contact me at 208.724.2624 if you have any questions.

Sincerely,

Bonnie Layton

Bonnie Layton

P.O. Box 332 • Mountain Home, ID 83647 • Phone: 208.724.2624
E-Mail: bonnie.harper12@gmail.com

Date: November 24, 2015

Mr. Alan Christy

Director

Elmore County Land Use & Development Department
520 East 2nd South
Mountain Home, ID 83647

Dear Mr. Christy:

On behalf of Elmore Development, LLC I am submitting this request for a Comprehensive Plan Amendment to change the future Land Use Map Designation from C2 - Commercial to M1 - Light Industrial for the property owned by Elmore Development located west of Exit 99 and adjacent to Old Oregon Trail Road just south of Mountain Home. Along with this plan amendment request we are applying for a Zoning Change of the property from AG - Agriculture to M1 - Light Industrial. We held a neighborhood meeting back on May 27, 2015 at the property. We had four neighboring property owners attend the meeting that evening.

We believe that due to the large amount of land available, good road infrastructure, and easy access to the interstate, a change in zoning designation to Light Industrial would help to attract potential commercial and light industrial businesses to our area. We believe there are some excellent opportunities to develop the property accordingly and bring much needed jobs to Elmore County.

Please feel free to contact me at 208.724.2624 if you have any questions.

Sincerely,



Bonnie Layton



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: 6:00pm

End Time of the Neighborhood Meeting: 7:30pm

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: Future Land Use Map/Comp Plan amendment
& Zone Change

Notice Sent to neighbors on: May 15, 2015

Date and time of the neighborhood meeting: May 28, 2015 @ 6:00 pm

Location of the neighborhood meeting: 2595 Old Oregon Trail Road

Applicant:

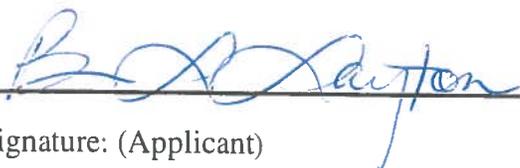
Name: Elmore Development, LLC

Address: 2529 Old Oregon Trail Rd.

City: Mountain Home State: ID Zip: 83647

Telephone: 208-724-2624 (Bonnie) 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.


 Signature: (Applicant)

11/24/15
 Date

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.

Neighborhood Meeting Template

Date

To: Property Owner

You are invited to attend a neighborhood meeting at ***location & time*** This meeting is to inform property owners of ***proposed application*** You comments are greatly appreciated as we move forward with our application.

Sincerely,

Name



Google earth

LEGAL DESCRIPTION

TRACT I:

The South Half of the Northwest Quarter, the Southwest Quarter of the Southeast Quarter and all of the Southwest Quarter of Section Eight; that part of the East Half of the Southeast Quarter and that part of the South Half of the Northeast Quarter, all in Section Seven, lying North and East of the Oregon Short Line Railroad Company right of way, all in Township Four South, Range Seven East, Boise Meridian, SAVING AND EXCEPTING and EXCLUDING the following described portions of said property, to wit:

(a) A tract of land in the Southwest Quarter of the Northwest Quarter of Section Eight, Township Four South, Range Seven East, Boise Meridian, bounded as follows:

Beginning at the north quarter corner of Section Eight, Township Four South, Range Seven East, Boise Meridian, and running thence
South 0°10'21" West a distance of 2574.76 feet to a brass right-of-way marker on the north right-of-way line of the Elmore County Road; thence
North 89°34'22" West along the northerly right-of-way line of the Elmore County Road a distance of 1379.60 feet to an iron pin, the true point of beginning
North 9°14'22" East 514 feet to an iron pin; thence
North 58°35'38" West 42.4 feet to an iron pin; thence
North 1°25'38" West 162.6 feet to an iron pin; thence
South 89°34'12" West 674.6 feet to an iron pin; thence
South 3°24'12" East 266.3 feet to an iron pin; thence
South 16°44'12" East 315.3 feet to an iron pin; thence
South 12°07'08" West 117.65 feet to an iron post on the northerly right-of-way line of the Elmore County Road a distance of 550.4 feet to an iron pin, the true point of beginning;

(b) That portion thereof taken by Eminent Domain proceedings by the State of Idaho, designated as Project No. F-FG-3022 (19) Highway Survey as shown on the plans thereof in the office of the Department of Highways of the State of Idaho, including Parcel No. 8; and Parcel No. 8A and Parcel No. 8-E-2, being a permanent easement for a ditch, and including the temporary easements described in said Eminent Domain proceedings.

(c) A parcel of land located in the SW1/4NE1/4 Section 7, Township 4 South, Range 7 East, Boise Meridian, Elmore County, Idaho, more particularly described as follows:
Commencing at the Intersection of the Easterly Right-of-Way of a County Road and the North boundary of the SW1/4NE1/4 Sec. 7, T4S, R7E, and running thence
East along said North Boundary a distance of 359 feet to a point; running thence
South 512 feet to a point of the East Right-of-Way of a County Road; running thence
Northwesterly along said Right-of-Way Boundary a distance of 625.3 feet to the REAL POINT OF BEGINNING.

(See Attached)

(d) Commencing at the Northeast corner of Section 7, Township 4 South, Range 7 East, Boise Meridian, thence
 South 0°06'28" West along the East line of said Section 7, a distance of 2632.86 feet to a point in a line parallel with and 25.0 feet Southeasterly from the centerline and bears South 14°26'24" East from Station 16+97.05 of the Bonecher Road and Bennett Road Connector Survey as shown on the plans of U.S. Highway No.'s 20, 26, and 30, Project No. F-FG-3022(19) Highway Survey and being the REAL POINT OF BEGINNING; thence
 South 75°33'36" West along said parallel line 538.50 feet to a point opposite Station 22+35.55 of said Bonecher Road and Bennett Road Connector Survey; thence
 South 75°33'36" West leaving said last parallel line 18.0 feet, more or less, to a point in the Southerly right of way line of existing Bennett Road; thence Westerly along said existing Southerly right of way line and the Southerly right of way line extended 704.0 feet, more or less, to a point of intersection with said Southerly right of way line extended and the Northeasterly right of way line of the Oregon Short Line Railroad; thence
 South 30°52'06" East along said Northeasterly Railroad right of way line 426.0 feet, more or less, to a point in a line parallel with and 100.0 feet Northwesterly from the centerline and bears
 North 30°52'06" West from Station 75+32.32 of said U.S. Highway No.'s 20, 26 and 30, Project No. F-FG-3022(19) Highway Survey; thence
 North 59°07'54" East along said parallel line 190.55 feet to a point opposite Station 77+22.87 of said Highway Survey; thence
 North 64°08'07" East 306.27 feet to a point that bears
 North 27°07'06" West 80.0 feet from Station 80+22.87 of said Highway Survey; thence
 North 68°13'25" East - 183.16 feet to a point in a line parallel with and 70.0 feet Northwesterly from the centerline and bears
 North 22°41'24" West from Station 82+00 of said Highway Survey; thence Northeasterly along said parallel line being a 2361.83 foot radius curve right 360 feet more or less, to a point in a line parallel with and 25.0 feet Westerly from the centerline of said Bonecher Road and Bennett Road Connector Survey, which point bears
 North 8°18'54" West 70.0 feet from Station 87+75.00 of said U.S. Highway No.'s 20, 26 and 30, Project No. F-FG-3022(19) Highway Survey; thence
 North 100 feet more or less, to the POINT OF BEGINNING.

(e) Commencing at the West Quarter corner of Section 8, thence
 North 75°33'36" East 72.73 feet; thence
 Southeasterly along a 75.0 foot radius curve 126.55 feet, thence
 South approximately 77° west 232.50 feet more or less, thence
 North 100 feet more or less to the POINT OF BEGINNING.

(See Attached)

TRACT II:

All that portion of the Southwest Quarter of the Southwest Quarter of Section 5 and of the North Half of the Northwest Quarter in Section 8, lying South and East of the Mountain Home Irrigation District Canal which runs through said property, all in Township 4 South, Range 7 East, Boise Meridian.

To more definitely describe the present location of the Mountain Home Irrigation District Canal, it now crosses the West boundary line of the Southwest Quarter of the Southwest Quarter of Section 5 at a point approximately 235 feet South of the Northwest Corner of said tract and it crosses the East boundary line of said Southwest Quarter of the Southwest Quarter of Section 5 at a point approximately 670 feet South of the Northeast Corner of said tract. Said canal crosses the North boundary line of the North Half of the Northwest Quarter of said Section 8 at a point approximately 290 feet East of the Northwest Corner of the Northeast Quarter of the Northwest Quarter and crosses the East boundary line of the Northeast Quarter of the Northwest Quarter of said Section 8 at a point approximately 760 feet South of the Northeast Corner of said tract.



Shakoori
Re-zone

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: 4.1.15 Meeting Location: L.U.B Office

Elmore County Staff: Alan Christy, Marty Jones CDAD

Applicant Name: Miraziam Shakoori

Applicant Email: _____

Applicant Phone Number: _____

Applicant Address: _____

Property Owner: Elmore Development LLC

Property Address: _____

Parcel Number: RP04507E092445 RP04507E056500
RP04507E084210, RP04507E071840, RP04507E083040,

Proposed Use/Application: Re-zone to light industrial

Application(s) required: Re-zone app

Notification distance: 1000'

Other requirements:

Additional Meeting Required:

Case Number:

Additional Notes: 1.5 miles to sewer

* Copy Bennie Harper with notification list

Date: June 22, 2016

Mr. Alan Christy

Director

Elmore County Land Use & Development Department

520 East 2nd South

Mountain Home, ID 83647

RE: Future Land Use Map/Comprehensive Plan Amendment & Zone Change

Dear Mr. Christy:

On behalf of Elmore Development, LLC I am submitting this request for a Comprehensive Plan Amendment to change the future Land Use Map Designation from C2 - Commercial to M1 – Light Industrial for the property owned by Elmore Development located west of Exit 99 and adjacent to Old Oregon Trail Road just south of Mountain Home. Along with this plan amendment request we are applying for a Zoning Change of the property from AG – Agriculture to M1 – Light Industrial. We held a neighborhood meeting on May 27, 2015 as well as on May 12, 2016 at the property. We had four neighboring property owners attend the meeting that evening.

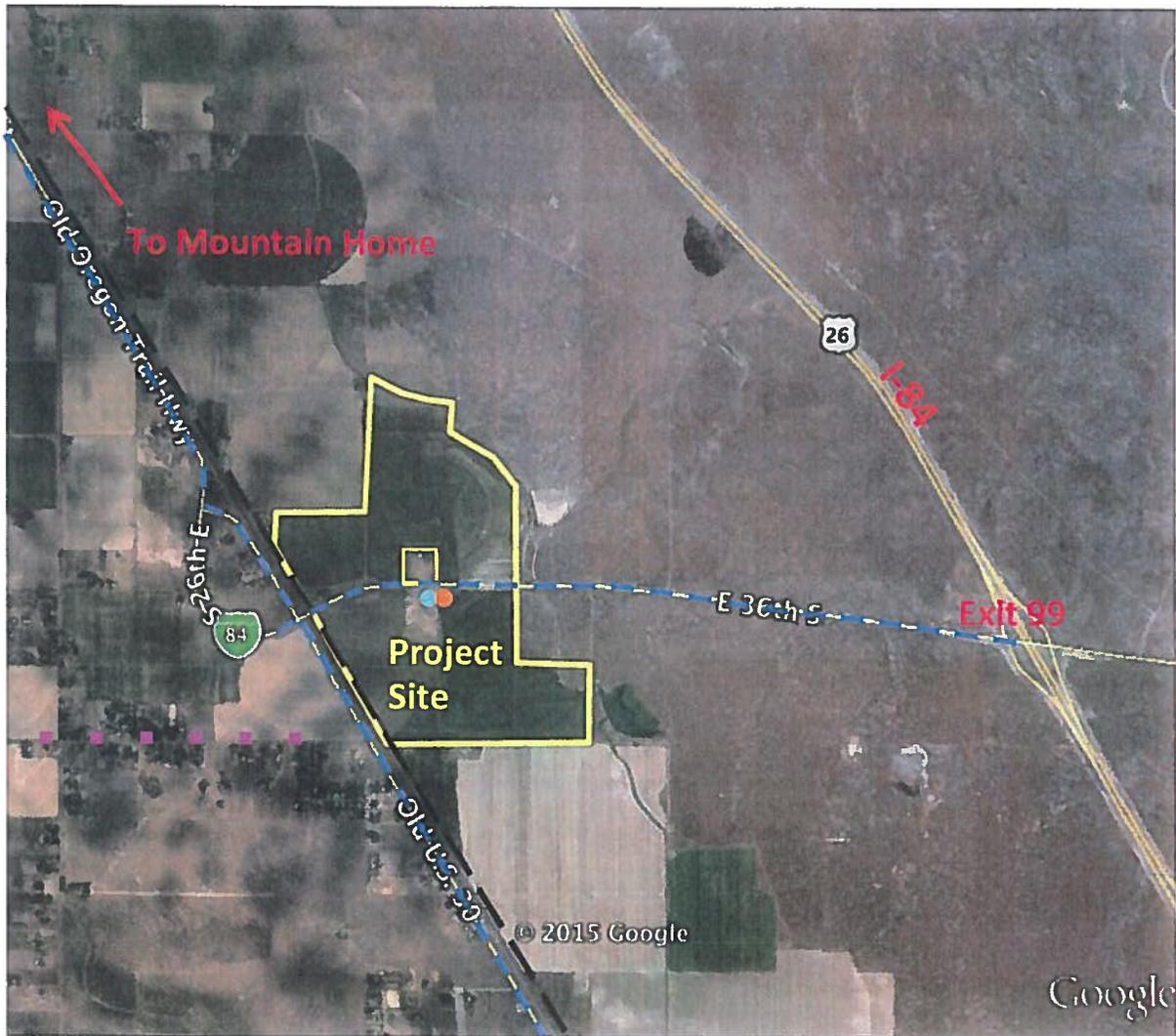
We believe that due to the large amount of land available, good road infrastructure, and easy access to the interstate, a change in zoning designation to Light Industrial would help to attract potential commercial and light industrial businesses to our area. We believe there are some excellent opportunities to develop the property accordingly and bring much needed jobs to Elmore County.

Please feel free to contact me at 208.724.2624 if you have any questions.

Sincerely,

Bonnie Layton

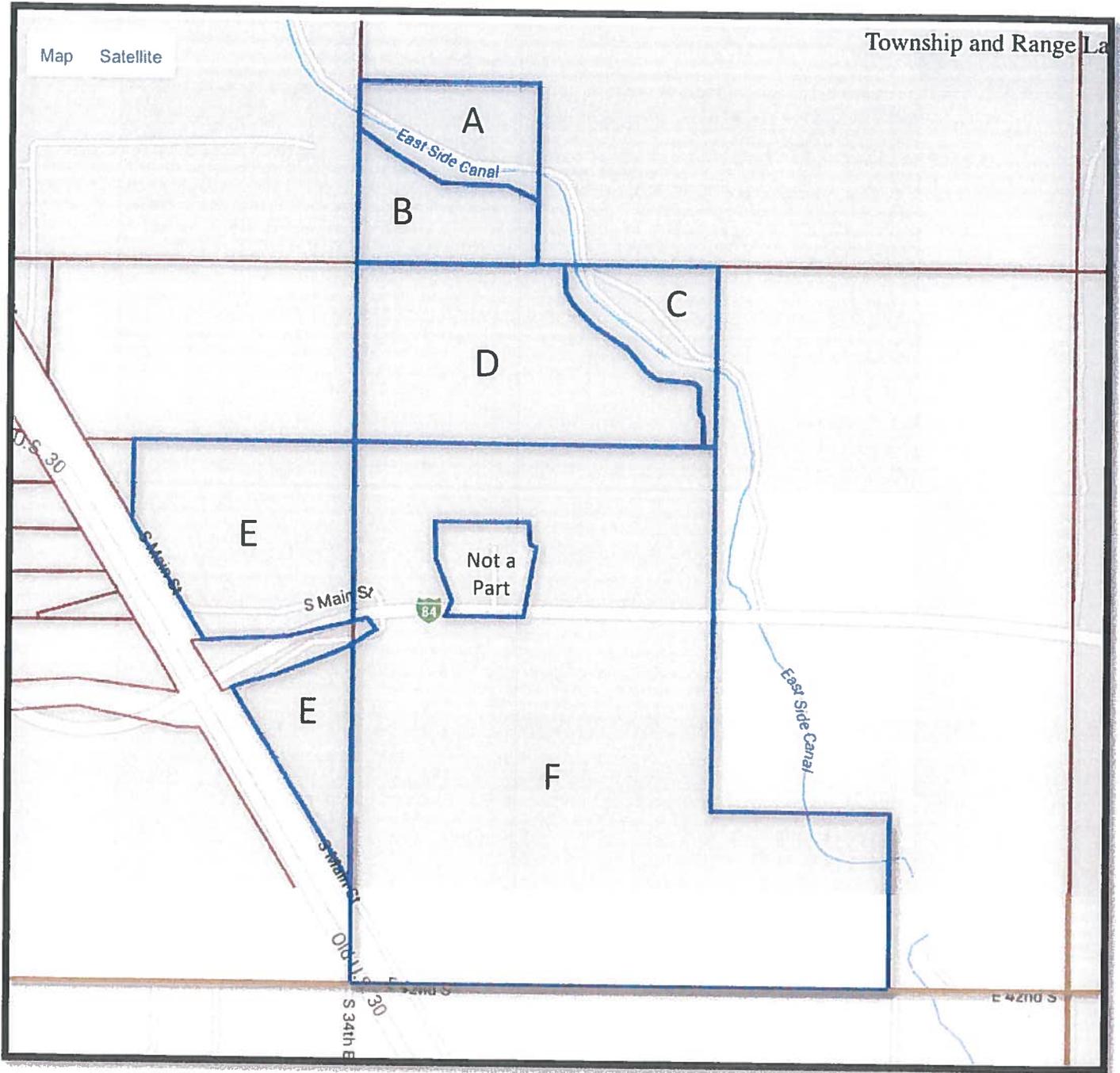
Elmore Development Rezone Application Vicinity Map



- 456 acres
- Irrigation Well on site
- 280 shares of Mountain Home Irrigation District water available
- Intermountain Gas has lines on the west side of the UP Rail Mainline
- Power on the property

- — — Primary Road Access
- — — Union Pacific Mainline
- ■ ■ ■ Natural Gas
- Irrigation Well
- Power

Elmore Development Rezone Application Parcel Map

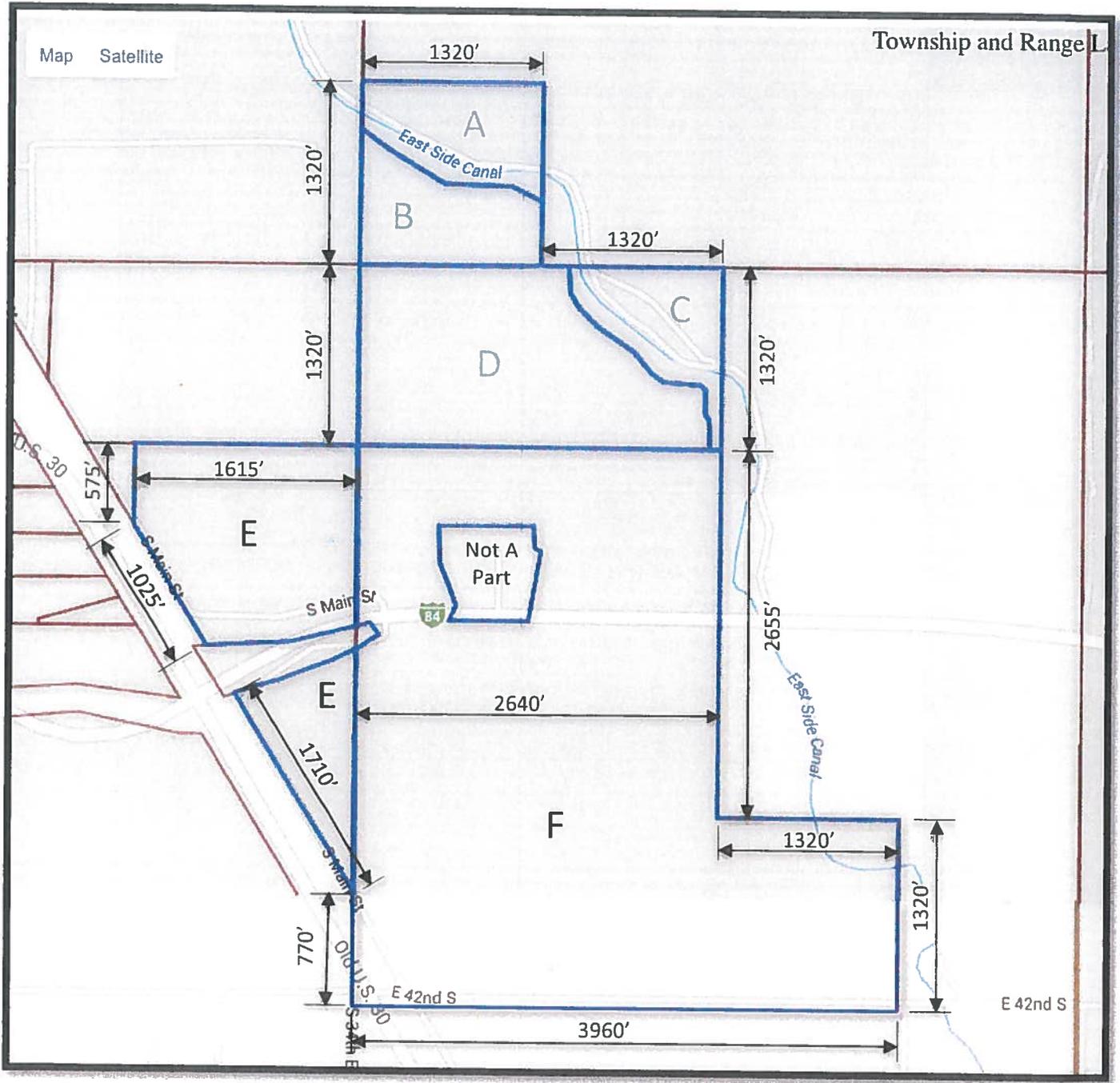


- A – Parcel No. RP04S07E056040; 20.05 acres
- B – Parcel No. RP04S07E056500; 20.07 acres
- C – Parcel No. RP04S07E082440; 17.80 acres
- D – Parcel No. RP04S07E083040; 61.77 acres
- E – Parcel No. RP04S07E071840; 64.85 acres
- F – Parcel No. RP04S07E084210; 271.65 acres

Total: 456.19 acres

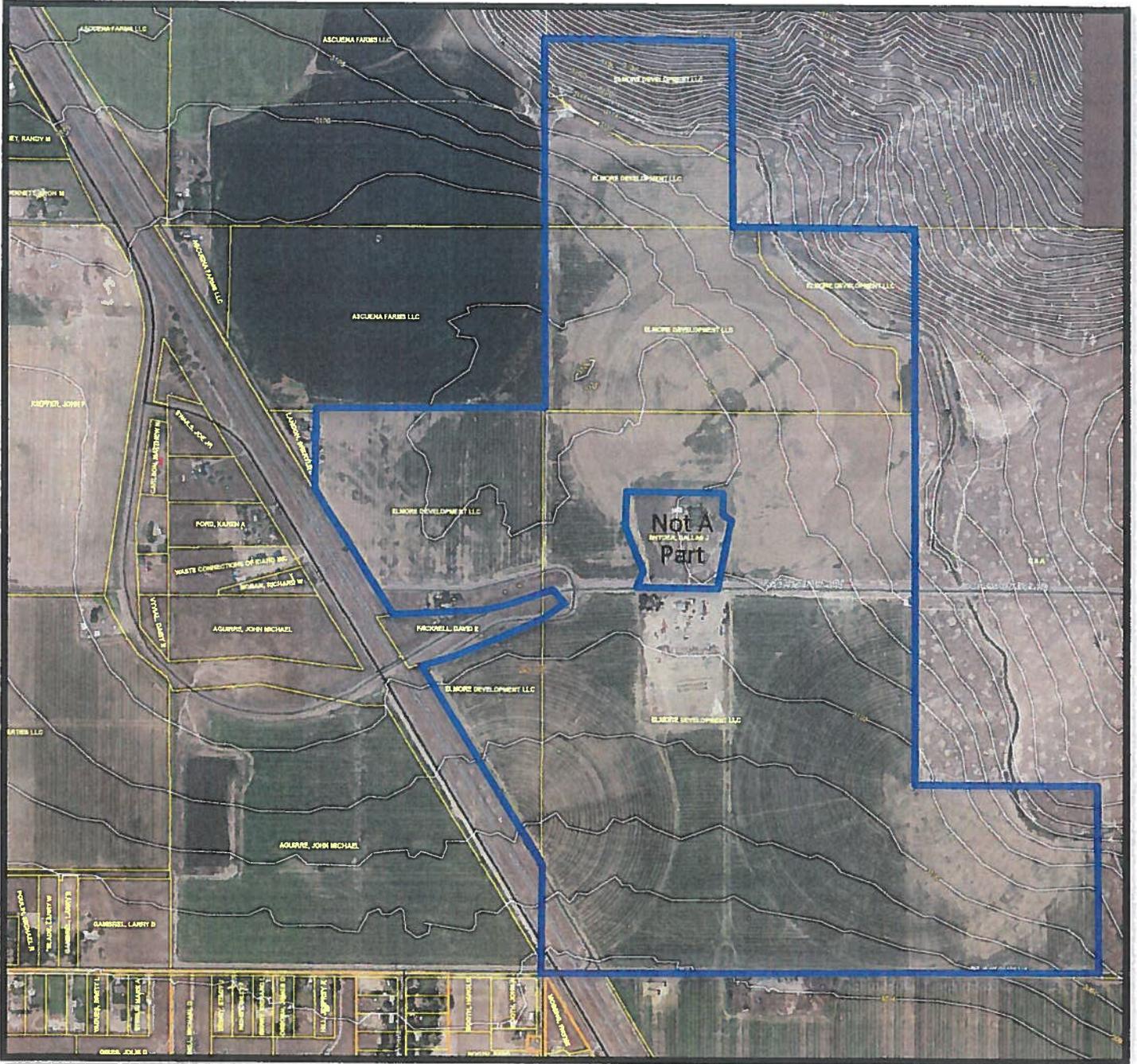


Elmore Development Rezone Application Parcel Map with Dimensions



Note: Dimensions are approximate

Elmore Development Rezone Application Topography Map



Note:
Contours shown at 2' intervals



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: 6pm 5/12/16

End Time of the Neighborhood Meeting: 7:30pm 5/12/16

Attendees:

	<u>Name</u>	<u>Address</u>
1.	Ruth Ascuena	4020 S. Main St. rascuena@gmail.com
2.	David Ascuena	4020 S. Main St.
3.	DALLAS J. SNYDER	2694 Old Oregon TRAIL ROAD (DJS2694@gmail.com)
4.	MAROA K. SNYDER	2694 Old Oregon TRAIL ROAD
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: Zone Change
Notice Sent to neighbors on: 4/28/16
Date and time of the neighborhood meeting: 5/12/16 @ 6pm
Location of the neighborhood meeting: 2595 Old Oregon Trail Rd, Mtn. Home

Applicant:

Name: Elmore Development
Address: 2595 Old Oregon Trail Rd
City: Mtn Home State: ID Zip: 83647
Telephone: (510) 432-5568 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.

Bonnie Leighten - for Elmore Dev.
Signature: (Applicant)

May 16, 2016
Date

MIRAZIM SHAKOORI

President
Elmore Development LLC

4313 Mansfield Dr
Danville CA 94506
510-432-5568

U.S.A

2234 Broadway Ave
Boise ID 83706
208-587-4827

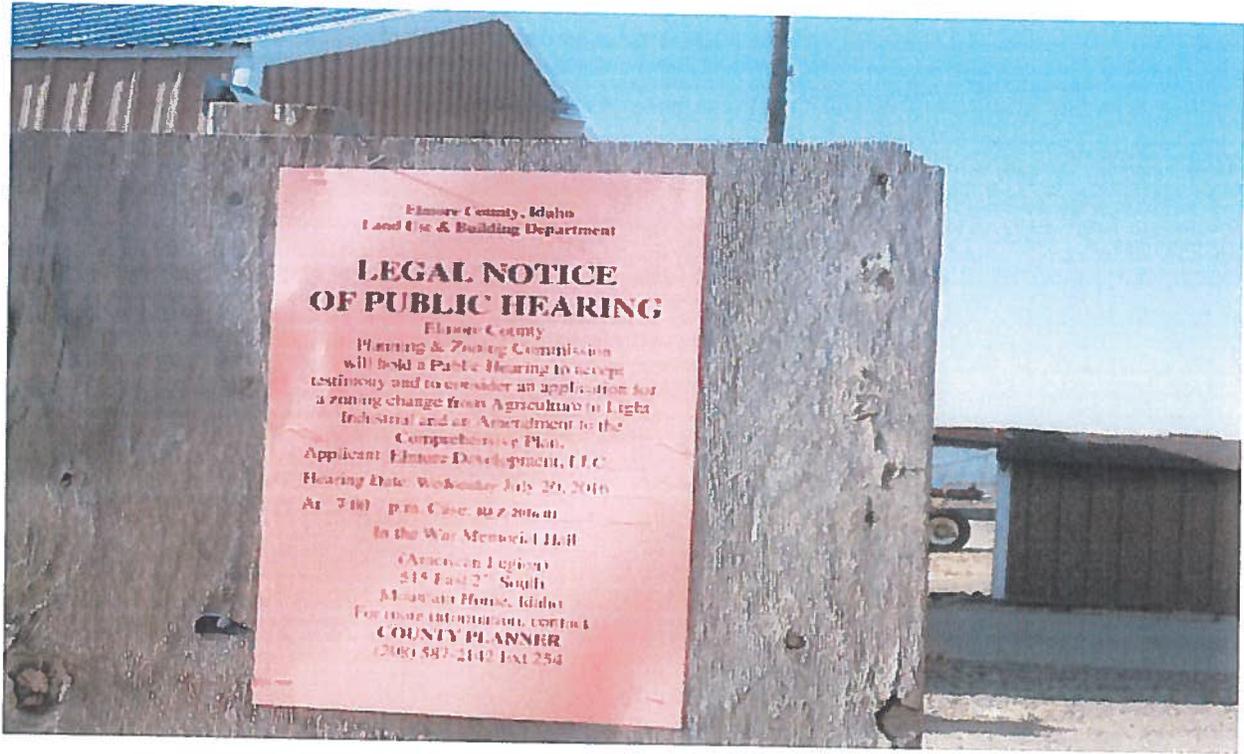


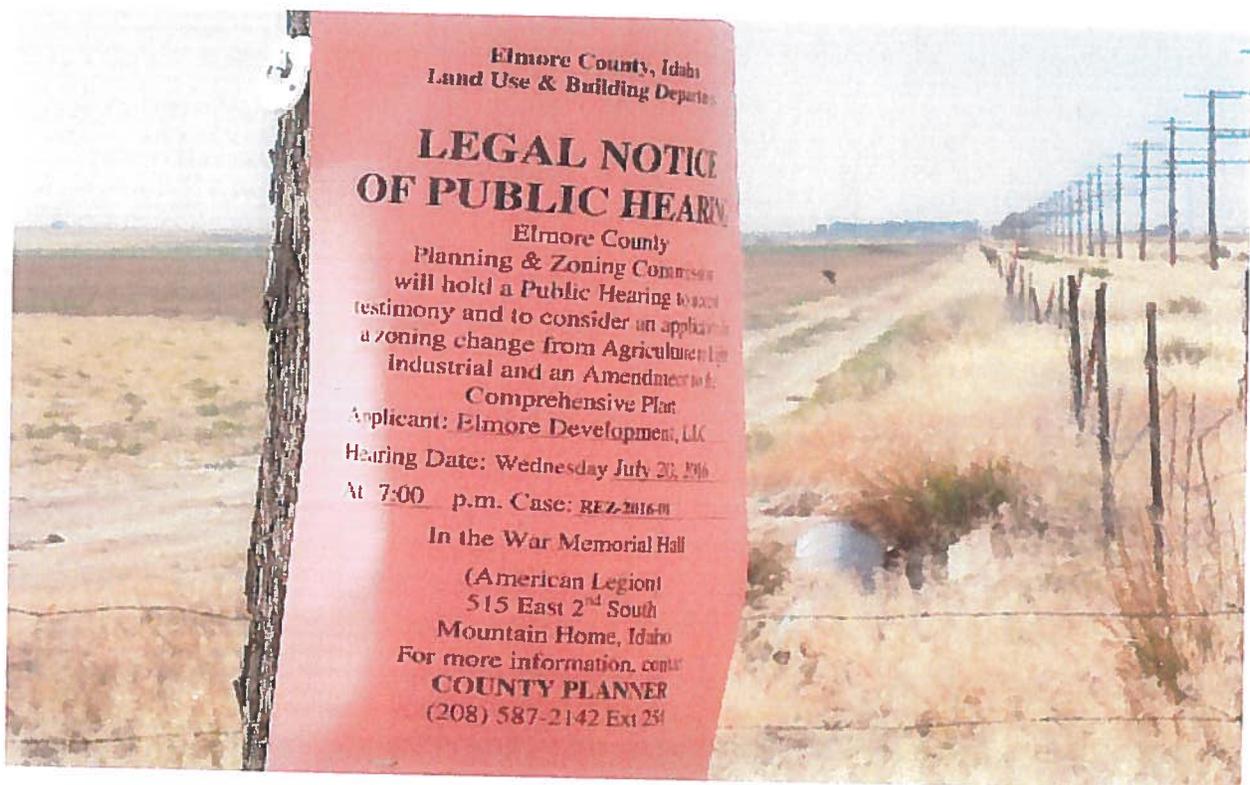
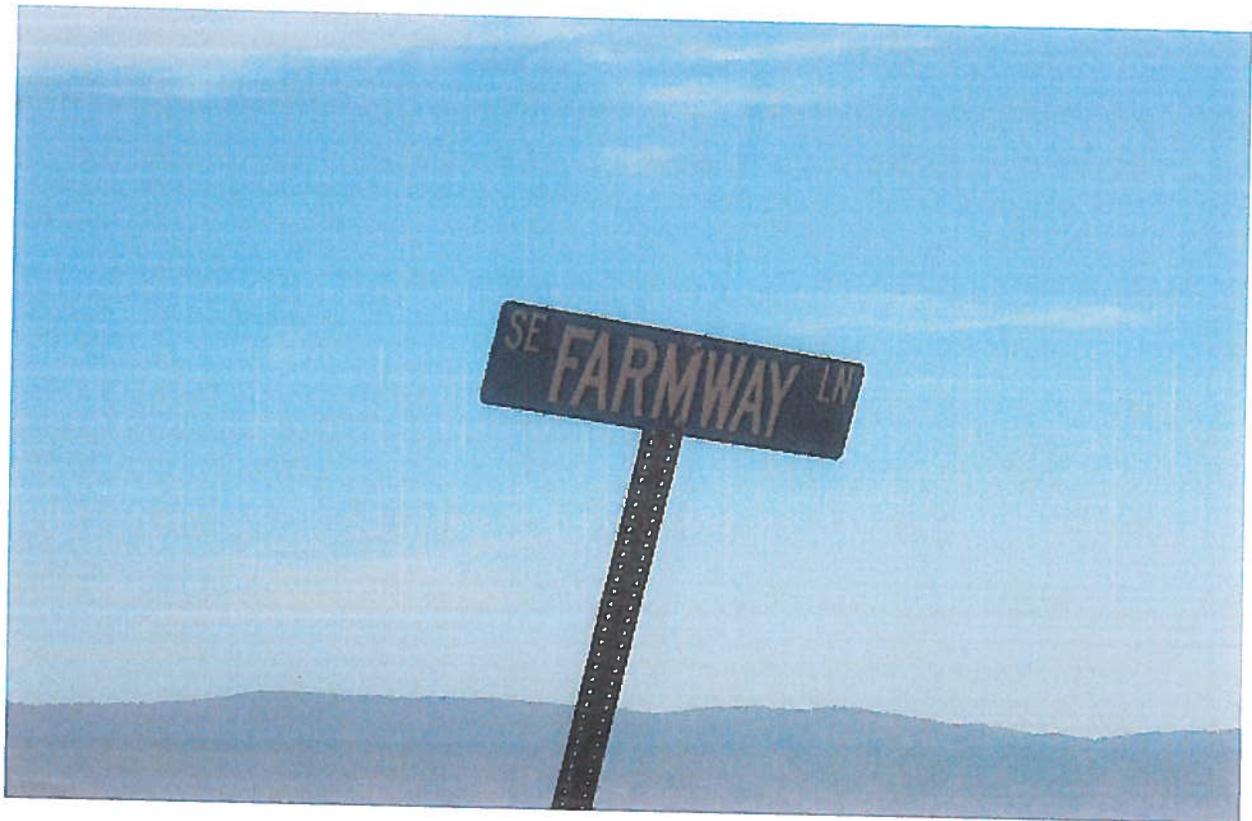
mirazimshakoori@yahoo.com













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

Date: June 23, 2016

To: Whom It May Concern

Subject: Notice of Public Hearing

Applicant: Elmore Development, LLC (Mirazim Shakoori) – Zoning
Change from Agriculture to Light Industrial Zone and a
Comprehensive Plan Amendment

Case #: REZ-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, July 20, 2016 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. 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

CC:

Atlanta Highway District
Atlanta Rural Fire District
Bliss School District #234
Dept of Environmental Quality Boise Reg
Boise Project Board of Control
Bonneville Power Administration/Department of Energy
Bruneau River Soil Conservation District
Bruneau Grand View School District #365
Bureau of Land Management
Central District Health Department
Century Link
Century Link
Tesoro Logistics NW Pipeline
City of Glens Ferry
City of Mountain Home
City of Mountain Home
City of Mountain Home Public Works
City of Mountain Home Development Services
Community Planning Association
Division of Building Safety
Division of Building Safety
Eastern Elmore County Rec District
Economic Development for Glens Ferry
Elmore Ambulance Service
Elmore County Extension Office
Elmore County Fair & Rodeo Board
Elmore County Sheriff
Elmore County Surveyor
St. Luke's Elmore Medical Center
Elmore Soil & Water Conservation District
EPA Idaho Operations Office
FAA Helena Airport District Office
Federal Bureau of Investigation
Caldwell Transportation
Glens Ferry Fire Dept
Glens Ferry Highway District
Glens Ferry Municipal Airport
Glens Ferry School District #192
Grandview Ambulance Service
Grandview Rural Fire District
Idaho Air National Guard
Idaho Army National Guard
Idaho Army National Guard
Idaho Dept of Aeronautics
Idaho Dept of Agriculture
Idaho Dept of Agriculture
Idaho Dept of Fish & Game
Idaho Dept of Fish & Game
Idaho Dept of Health & Welfare Div of Family & Community Services

Idaho Dept of Lands ECU Planning
Idaho Dept of Lands Eastern Supervisory Area Manager
Idaho Dept of Lands Southwest Area Manager
Idaho Dept of Transportation District 3
Idaho Dept of Water Resources Western Region
Idaho Governor's Office of Energy Resources
Idaho Power Corporate Real Estate
Idaho State Fire Marshall
Idaho State Historic Preservation Office
Idaho Waste Systems
Intermountain Gas Co.
King Hill Domestic Water Assoc.
King Hill Irrigation District
King Hill Rural Fire District
Mellen Subdivision Water District
USPS - Mountain Home
Mtn. Home Aviation
Mtn. Home Economic Development
Mtn. Home Fire Dept.
Mtn. Home Highway District
Mtn. Home Irrigation District
Mtn. Home Municipal Airport Board
Mtn. Home Rural Fire District
Mtn. Home School District #193
Oasis Volunteer Fire Department
Pine Ambulance Service
Prairie QRU and Fire, Inc.
Prairie Elementary District #191
Prairie Free Library District
Shared Vision Inc.
Rural Telephone
Southwest Idaho Rural Development
The Peregrine Fund/World Center for Birds of Prey
Union Pacific Railroad
US Army Corp of Engineers
US Dept of the Interior BLM Twin Falls District
US Fish and Wildlife Service
USFS Mtn Home Ranger District
West Side Sewer District
Western Elmore County Rec District
Williams NW Pipeline

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

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

NOTICE OF PUBLIC HEARING

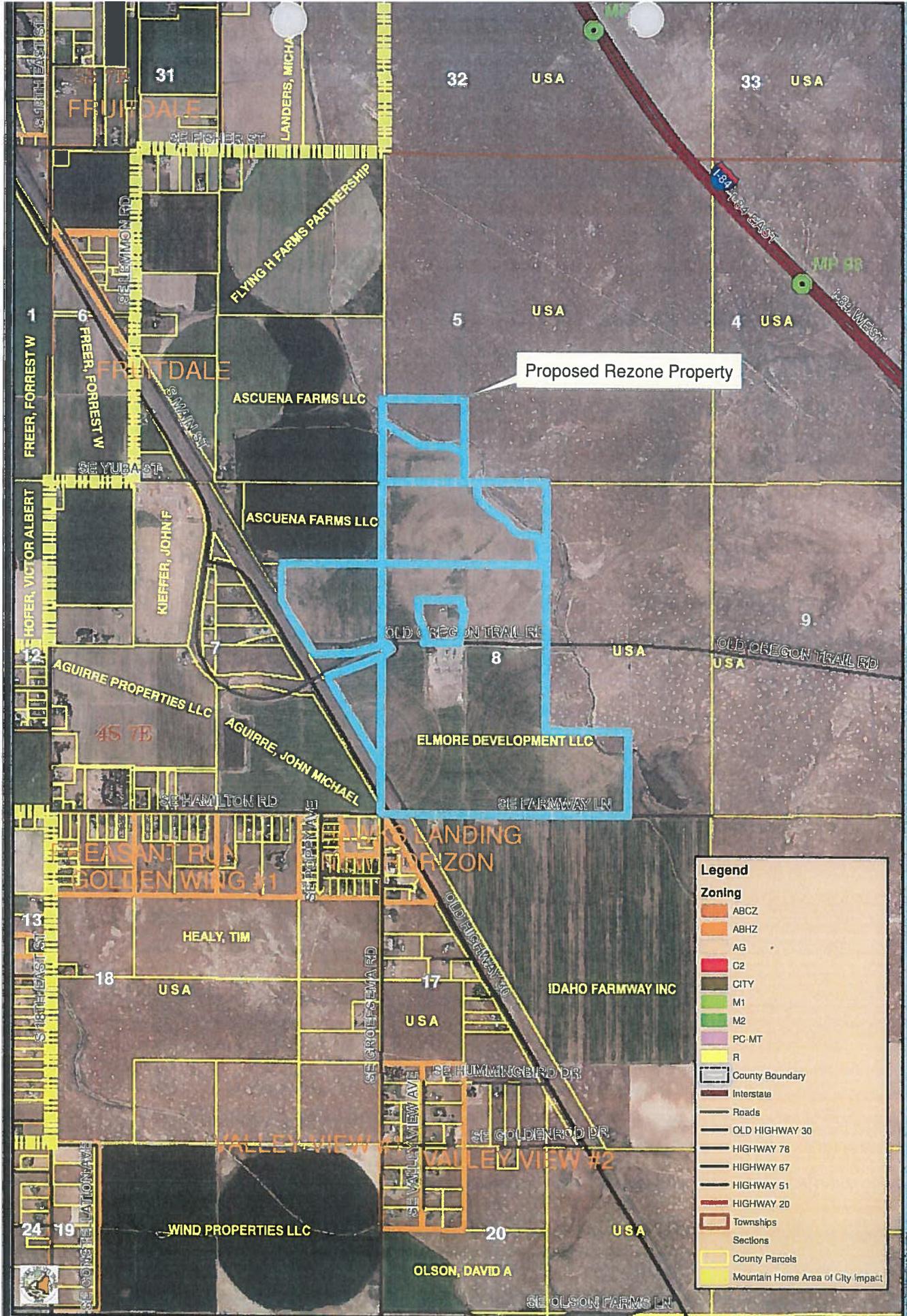
NOTICE IS HEREBY GIVEN pursuant to the laws of the State of Idaho and Ordinances of Elmore County, that the Elmore County Planning and Zoning Commission will hold a PUBLIC HEARING at 7:00 p.m. on Wednesday, July 20, 2016 in the War Memorial Hall (American Legion) 515 East 2nd South Street, Mountain Home, Idaho, to accept testimony and consider an application from Elmore Development, LLC (Mirazim Shakoori) for a Zoning Change from Agriculture to Light Industrial and an Amendment to the Comprehensive Plan. Case Number: REZ-2016-01. The site is located in portions of the Section 7 and 8, Township 4 South, Range 7 East, B.M. A common way of locating the property is from I-84 head east, take exit 90, turn right on Old Oregon Trail Rd. for approximately 2 miles.

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, the Elmore County Clerk is responsible ADA 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.

One publication: Wednesday, June 29, 2016

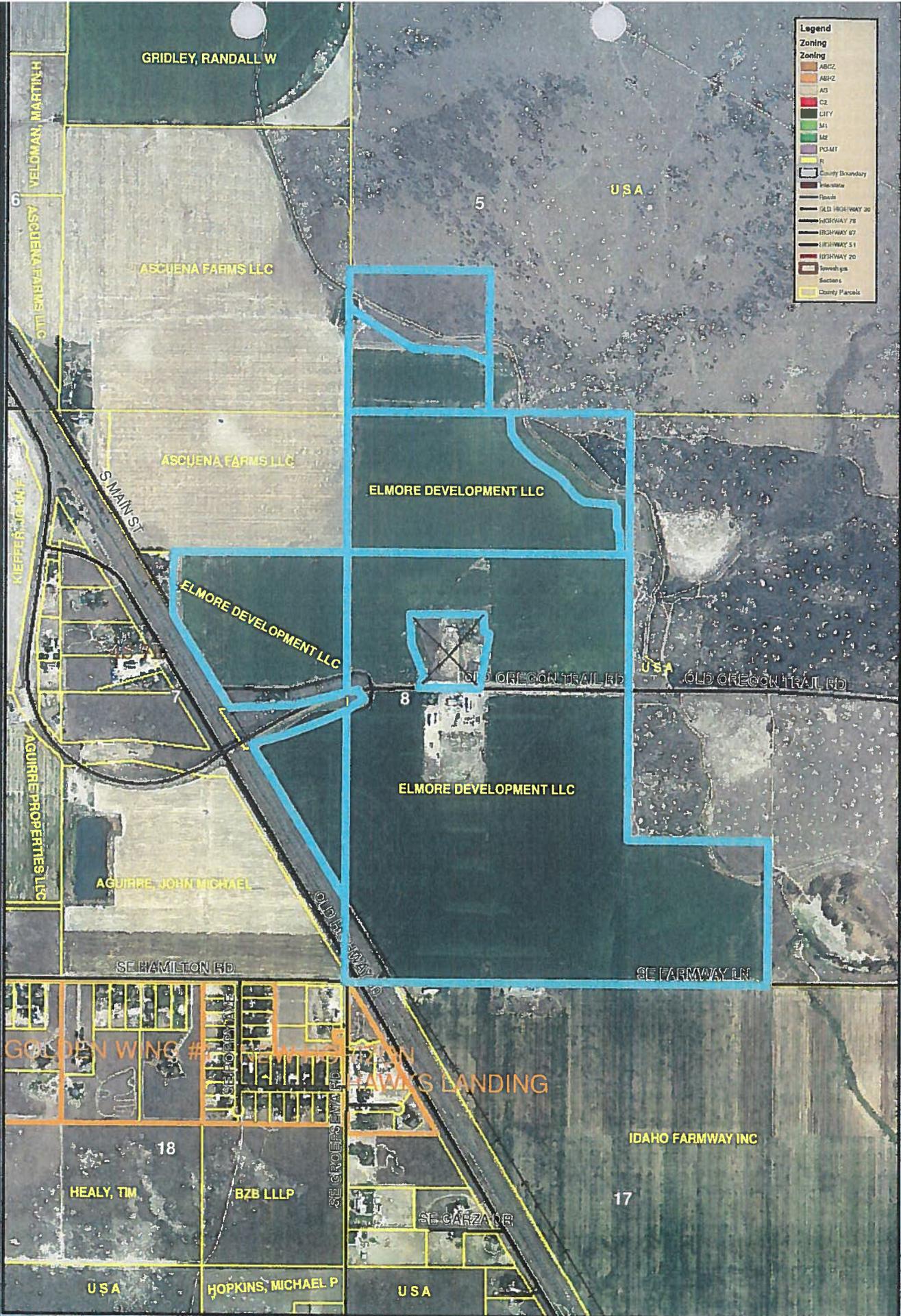

Alan Christy, Director
Elmore County Land Use and Building Department
AC:bsb



Legend	
Zoning	
[Orange Box]	ABCZ
[Light Orange Box]	ABHZ
[White Box]	AG
[Red Box]	C2
[Dark Brown Box]	CITY
[Light Green Box]	M1
[Green Box]	M2
[Purple Box]	PC-MT
[Yellow Box]	R
[Dashed Line]	County Boundary
[Thick Red Line]	Interstate
[Thin Black Line]	Roads
[Dashed Black Line]	OLD HIGHWAY 30
[Dashed Black Line]	HIGHWAY 78
[Dashed Black Line]	HIGHWAY 67
[Dashed Black Line]	HIGHWAY 51
[Dashed Black Line]	HIGHWAY 20
[Orange Outline]	Townships
[Yellow Outline]	Sections
[Yellow Outline]	County Parcels
[Yellow Outline]	Mountain Home Area of City Impact



Legend	
Zoning	
ABC2	ABC2
ABF2	ABF2
A3	A3
C2	C2
CITY	CITY
M1	M1
M2	M2
PCSMY	PCSMY
R1	R1
	County Boundary
	Interstate
	Floods
	OLD HIGHWAY 30
	HIGHWAY 78
	HIGHWAY 67
	HIGHWAY 51
	HIGHWAY 20
	Power gas
	Sections
	County Parcels



Elmore County, Idaho





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

June 23, 2016

Elmore Development, LLC
Atten: Mirazim Shakoori
2595 Old Oregon Trail
Mountain Home, ID 83647

To whom it may concern,

The purpose of this letter is to inform you that your application for a Zoning and Development Ordinance Amendment and Comprehensive Plan Amendment REZ-2016-01 has been accepted by the Elmore County Land Use and Building Department. The public hearing with Elmore County Planning and Zoning Commission has been scheduled for July 20, 2016 at 7:00 p.m. The hearing will be held at the War Memorial Hall (American Legion) 515 East 2nd South Street, Mountain Home, Idaho.

If you have any questions regarding this letter please let me know.

Thanks,

Alan Christy

Director
Elmore County Land Use and Building
520 East 2nd South
Mountain Home, ID 83647
Phone: (208) 587-2142 Ext. 269
Fax: (208) 587-2120
achristy@elmorecounty.org
<http://www.elmorecounty.org>



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
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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: 07/20/2016 **Date Report Compiled:** 07/11/2016

Agenda Item: Conditional Use Permit for a substation in the Light Industrial Zone and the Mountain Home Area of City Impact

Applicant: Idaho Power

Case Number: CUP-2016-03

Staff: Beth Bresnahan

Location: Portion of the W1/2, Section 22, Township 3 South, Range 6 East, B.M. A common way of locating the property is from US 30 head west on E 5th St North, road changes to W 5th St North, then north on N Hasket St, then west on NW Turner Rd, then north on NW Sawmill Rd, then west on W 10th St North and just past the intersection of N 18th West.

Zoning: Light Industrial and Mountain Home Area of City Impact

Parcel Number: RP 03S06E229620 A

BACKGROUND:

The applicant had a pre-application meeting with staff on January 29, 2016. The applicant conducted a neighborhood meeting on March 7, 2016. The Applicant submitted an application for Conditional Use Permit for a substation on April 12, 2016. The application was deemed complete on April 20, 2016.

Public Hearing Notice was mailed to property owners within 1000' on June 23, 2016 and to agencies on June 23, 2016. Public Hearing Notice was published in the Mountain Home Newspaper on June 29, 2016. Public Hearing Notice was posted on the property on July 8, 2016.

The project is located within the Mountain Home Area of City Impact in the Light Industrial Zone. Surrounding land uses are agriculture, light industrial, residential, and Union Pacific railroad.

The proposed substation is in need for the Mountain Home Solar project CUP-2015-14, approved on December 2, 2015.

LETTERS FOR THE RECORD:

1. Elmore County Treasurer/Assessor Letter
2. Email, Ethan Morton, Idaho State Historic Preservation Office, June 27, 2016
3. Email from Scott Eaton, FAA, dated July 5, 2016
4. Letter from Aaron Scheff, DEQ, dated July 7, 2016
5. Letter from Tesoro-NW Pipeline, received July 13, 2016

ATTACHMENTS:

1. Application
2. Posting Photos

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: Section 6-8-170 E.3 states “Power Distribution Facilities: “3. Electric transmission lines and substations shall require conditional use approval.” Public or Quasi Public Use requires a conditional use permit Table 6-8-11 (C) of the Elmore County Zoning and Development Ordinance.

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: Staff has been unable to find any conflict with the Elmore County Comprehensive Plan and Ordinance.

Staff believes the proposed use is in compliance with the following items in the Comprehensive Plan:

Land Use Objective 5: Encourage and support commercial and industrial development if it complies with County Ordinances and guidelines to create jobs and expand the tax base. Maintain two industrial zones: heavy and light.

Land Use Objective 8: Review all commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas.

Land Use Objective 17: Evaluate all development proposals in terms of land use and environmental compatibility. Discourage development proposals, which negatively impact land use patterns and negatively impact the human and natural environment.

Private Property Rights Objective 10: Property owners acknowledge and expect that Elmore County will preserve private property rights and values by enforcing regulations that will ensure against incompatible and detrimental neighboring land uses.

Soils Objective 2: Encourage commercial, industrial, and residential growth into areas where soils are of least value for agriculture.

Water Objective 1: Encourage land management and development of soil and water resources for economic growth of the County.

Air Quality Objective 1: Encourage types of economic development in the County, which can manage pollution to ensure a clean environment.

Public Service Objective- Electrical Power 5: Recognize other types and sources of energy beyond the existing electrical infrastructure have a role to play in the future of Elmore County (e.g. solar, wind, gas).

Military Installation Objective 6: Development proposals shall be reviewed to determine their propensity to cause hazards for aircraft take offs and landings as well as in flight, including: uses that release any substance such as steam, dust and smoke into the air which would impair pilot visibility; uses that produce light emissions, glare or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting; sources of electrical emissions which would interfere with aircraft communications or navigation; and uses which directly or indirectly attract birds or waterfowl to the extent that they would pose a danger to aircraft operation in the vicinity of Gowen Field, Orchard Training Area ("OTA"), Mountain Home AFB or the Mountain Home Range Complex.

Military Installation Objective 8: Provide notifications to the Idaho National Guard and Mountain Home AFB for review and comment on County discretionary land use actions to include, but not limited to, Comprehensive/Specific Plan amendments or updates, zone changes, tract maps, parcel maps, master plans, and conditional/special use permits.

Military Installation Objective 18: All new development and substantial redevelopment in the County shall conform to FAR Part 77 height limits and developed to not pose a safety hazard to air operations in the region.

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 that this is a compatible use with existing industrial operations. The purpose of the M1 district is to provide for commercial and light industrial development and opportunities for employment of Elmore County citizens and area residents and reduce the need to commute to neighboring cities. The M1 district will encourage the development of manufacturing, wholesale, and distribution establishments which are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare and that are operated entirely or almost entirely within enclosed structures or fenced yards; to delineate areas best suited for industrial development because of location, topography, existing facilities, and relationship to other land uses. Uses within the M1 district require reasonable access to arterial roadways. Land uses in this category may require a mix of

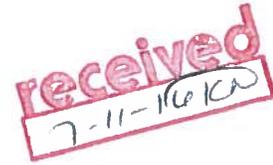
- any construction or alteration located on a public use airport or heliport regardless of height or location.

Scott Eaton
Community Planner
Helena Airports District Office
Federal Aviation Administration
Helena, MT
(406) 449-5291

powered by phpFormGenerator.



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550



DEQ Response to Request for Environmental Comment

Date: 07/07/2016
Agency Requesting Comments: Elmore County Land Use & Building Department
Date Request Received: 06/24/2016
Applicant/Description: CUP-2016-03
Idaho Power Co. Substation

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. Air Quality

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. Wastewater and Recycled Water

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.

All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.

3. Drinking Water

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

All projects for construction or modification of public drinking water systems require preconstruction approval.

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager at 373-0550.

4. Surface Water

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

5. Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

For questions, contact Dean Ehlert, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.

Sincerely,



Aaron Scheff
aaron.scheff@deq.idaho.gov
Regional Administrator
Boise Regional Office
Idaho Department of Environmental Quality



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.elmorecount...

Alan Christy
Director

Toll Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

No Conflict with Tesoro - NW Pipeline
Clear to dig. Any questions, please call
Jesi Brock at 208-401-8221.

No conflict with
Tesoro Logistic

7-13-16

Date: June 15, 2016

To: Whom It May Concern

Subject: Notice of Public Hearing

Applicant: Idaho Power Company - Conditional Use Permit for a
substation in the Agriculture Zone

Case #: CUP-2016-03

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, July 20, 2016 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, July 8, 2016, 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 Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
Phone: (208) 587-2142 ext. 254
Fax: (208) 587-2120
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Staff Report to the Planning and Zoning Commission

Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

Meeting/Hearing Date: 07/20/2016

Date Report Compiled: 07/11/2016

Agenda Item(s): Frederick Watkins appeal hearing for the requirement of an accessory dwelling unit application

Case #: ADD-2016-012

Applicant/Appellant: Frederick Watkins
3042 Monterey St
Oxnard, CA 93033

Staff: Alan Christy, Director; Tell Riley, Building Official

Zoning: Agriculture

BACKGROUND:

Frederick Watkins (the "Applicant") submitted building plans on May 23, 2016. Upon review of the plans the Director of the Elmore County Land Use and Building Department (the "Director") determined that an accessory use application was needed for "mother-in-law/in-law" quarters that were identified on the plans. The applicant was contacted by email on June 7, 2016 by the Administrative Assistant, Kacey Ramsauer, the need for an accessory use, definitions from the Elmore County Zoning and Development Ordinance (the "Ordinance"). The information was sent by the Administrative Assistant, Kacey Ramsauer, on June 3, 2016 and June 7, 2016. The information was sent by the Building Official, Tell Riley, on June 10, 2016 and June 15, 2016. Information regarding the appeal process was sent also on these dates.

The Applicant submitted an application to appeal the Director's decision for the need of an accessory dwelling application based on misinterpretation of IRC codes and the Ordinance: 1) not a mother-in-law quarter by definition, 2) not a dwelling unit by definition, 3) not a separate building by definition, and 4) see explanation on attached sheets to appeal.

Public Hearing Notice was mailed to agencies on June 23, 2016. Public Hearing Notice was published in the Mountain Home Newspaper on June 29, 2016. Public Hearing Notice was posted on the property on July 8, 2016.

LETTERS FOR THE RECORD

1. Elmore County Treasurer/Assessor Letter
2. Email from 366 OSS, Byron Schimdt, dated July 6, 2016
3. Letter from Tesoro-NW Pipeline, received July 13, 2016

ATTACHMENTS

1. Appeal Applications.
2. Hearing Notices.
3. Zoning and Property Map.
4. Building Official's emails to Applicant.
5. Administrative Assistant emails to Applicant.
6. Planner I email to Applicant
7. Posting Photos
8. Letter dated July 11, 2016 from Director
9. Copy of plans with notes from Department

DIRECTOR'S RESPONSE TO APPEAL APPLICATIONS

The following are items from the Ordinance and duly adopted building codes.

Ordinance Section 6-3-3-A states:

"Duty of Director: It shall be the duty of the Director to enforce these regulations and to issue citations and fines as necessary to enforce this Title. The Director shall also coordinate as necessary with the Prosecuting Attorney to enforce any violations or lack of compliance herewith. The Elmore County Sheriff, and his or her authorized representatives, shall have the authority to enforce this Title and assist the Director in enforcement actions as set forth in Idaho Code and this Title."

Ordinance Section 6-3-5 A states:

"...It shall be the duty of the Director of the Growth and Development Department and/or the Building Official, or their authorized agent(s), to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, addition, location, or razing of any building or structure..."

Ordinance Section 6-5-1 B-C states:

"The Director has full authority to make and offer interpretations of how this Ordinance will be implemented and administered."

The Director may assign specific duties as required by this ordinance to staff or qualified persons as deemed appropriate by the Director."

Chapter 2 of the Ordinance states the following:

"MOTHER-IN-LAW QUARTERS: Refers to separate living quarters for family members. See the definitions of Dwelling, Secondary Attached and Detached."

As previously communicated, there are two "dwellings" identified on the set of plans that were submitted. Pursuant to the Ordinance the Director and Building Official have the authority and determined that there are two separate dwellings only attached by a carport.

Furthermore Dwelling, Secondary Attached and Detached is defined as:

"DWELLING, SECONDARY ATTACHED: A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling."

In addition and for clarification Dwelling is defined as:

“DWELLING OR DWELLING UNIT: Any structure, or portion thereof, providing independent living facilities for one "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.”

The plans submitted to the Department show two separate dwellings that contain living, sleeping, eating/cooking and sanitation facilities. Furthermore there are two separate water heating and cooling systems. The plans indicate on page W2 that a carport separates the two units although they share a common roof and there are separate entrances.

The detail for the mother-in-law area references a kitchen that includes a sink, a refrigerator, a microwave and cabinets typical in kitchens. On page P2 of the plans a two burner stove top is drawn in the electrical detail. The area contains a bedroom with proper egress. Also included is a laundry room complete with a washer and dryer. The bathroom contains a toilet, sink and shower.

Ordinance section 6-40-1 identifies the current building codes and states:

“Code Adoption: That the approved editions of the following nationally recognized codes are adopted as the official building codes of the County of Elmore, except as provided in Section 6-40-2: the 2012 version of the International Building Code; the 2009 version of the International Residential Code, Parts I-IV and IX; the 2009 version of the International Energy Conservation Code; The adopted versions of the foregoing codes shall be effective upon adoption. The foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the State of Idaho effective on the 1st day of January of the year following the date any such codes are made effective for the state, unless a different date is required by state statute. The Board may, by resolution, confirm the building codes in effect in Elmore County.”

The Elmore County Board of Commissioners (the “Board”), on December 8th, 2014, passed resolution number 561-14 confirming the current building code as (see attachment 6):

“As of January 1, 2015 the following building codes recognized by Elmore County:

- The 2012 Version of the International Building Code*
- The 2012 Version of the International Residential Code, Appendices A,B,C and D, Mechanical Parts V and VI*
- The 2012 Version of the International Energy Conservation Code.....”*

Therefore the 2012 International Residential Code (The “Code”) section R104.1 states:

“The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.”

Section R202 of the Code states:

“Dwelling. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.”

"Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation."

Attachment #10 top this report is a reduced size copy of the plans with Department notes. The plans clearly show two separate kitchens, separated living area with bedroom, bath and laundry. The plans also show separate mechanical and plumbing units. The Director believes the following needs to be completed in order to be compliant with the Ordinance:

Complete and submit the accessory dwelling unit application (Note: It is the Director's opinion that this is a fairly easy administrative application.) or revise the building drawings to only include one dwelling.

RECOMMENDATION

Staff recommends that the Commission open and conduct the public hearing. If additional information is required the Commission can continue the hearing and/or deliberations to a date certain. After the hearing is conducted the Commission can do the following:

- Uphold the Director's Decision.
- Modify the Director's Decision.
- Overturn the Director's Decision.



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

Received 6/29/16
BSB

Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

Elmore County Assessor – Parcel Number: <u>001510000250</u>
Comments: _____
Elmore County Treasurer – Taxes 1 st Half _____ 2 nd Half _____
Late Charges: Yes _____ No _____ Comments: _____

2015 Taxes PTF
Cathy Smith
6-27-2016

Date: June 21, 2016

To: Whom It May Concern

Subject: Notice of Public Hearing

Applicant: Frederick Watkins – Appeal an administrative decision for the requirement of an accessory dwelling unit application in the Agriculture Zone

Case #: ADD-2016-012

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, July 20, 2016 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, July 8, 2016, 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

Beth Bresnahan

From: SCHMIDT, BYRON L GS-11 USAF ACC 366 OSS/OSOA
Sent: Wednesday, July 06, 2016 8:21 AM
To: Elmore County Growth and Development (PnZ) (achristy@elmorecounty.org)
Cc: HEDRICK, RICHARD C SR GS-13 USAF ACC 366 CES/CEN; Beth Bresnahan (bbresnahan@elmorecounty.org); ANNUNZIATA, VALERIE J Capt USAF ACC 366 OSS/OSO FLT CC
Subject: Rezone Request REZ-2016-01/ADD-2016-012

Alan,

With respect to the REZ-2016-01 request, and the ADD-2016-012, there are not any operational or land-use concerns for Mountain Home AFB associated with either county action at this time. I have spoken with Mr. Hedrick at our CE offices, and he also concurred. Call with any questions. Later.

Byron Schmidt, DAFC
Chief, Airspace Management
366 OSS/OSOA
Mountain Home AFB, Idaho 83648
Byron.Schmidt@us.af.mil
DSN 728-4722
COM 208-828-4722
FAX 208-828-4573



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

Tall Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

No conflict with
Tesoro Logistics.

[Handwritten signature]
7-13-16

No Conflict with Tesoro - NW Pipeline
Clear to dig. Any questions, please call
Jesi Brock at 208-401-8221.

Date: June 21, 2016
To: Whom It May Concern
Subject: Notice of Public Hearing
Applicant: Frederick Watkins – Appeal an administrative decision for the requirement of an accessory dwelling unit application in the Agriculture Zone
Case #: ADD-2016-012

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, July 20, 2016 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, July 8, 2016, 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,

[Handwritten signature: Alan Christy]
Alan Christy
Director
Enclosures: Application
AC:bsb



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT
520 E 2nd South – Mountain Home, ID 83647 – (208) 587-2142

www.elmorecounty.org

Appeal of Elmore County Land Use & Building Department Director Decision
\$800

Please attach additional sheets of paper if necessary. Appeal shall comply with Elmore County Zoning and Development Ordinance Section 6-3-1. Do not fax! Please complete in INK.

Name: Frederick C. Watkins

Address: mailing: 3042 Monterey Street, Oxnard, CA 93033
8675 West Osprey, Hammett, ID 83627

Email / Phone: fred243@juno.com / (805) 744-7370

Subject of Appeal & Case #: misinterpretation of IRC codes and County ordinance definitions.

Basis for objection: (1) Not a mother-in-law quarter by defination.

(2) Not a dwelling unit by defination.

(3) Not a separate building by defination.

(4) Please see explanation on attached two sheets.

Signature: *Frederick C. Watkins*

Printed Name: Frederick C. Watkins

For Administrative Use Only

File Number: ADD-2016-012 Appeal

Fee: \$800 Date Paid: 6-20-16

Receipt Number: 20-10395

Date Accepted: 6-20-16 By: BJB

Post-it [®] Fax Note	7671	Date	<u>7-6-16</u>	# of pages	<u>26</u>
To	<u>Dorian Dutton</u>	From	<u>Beth</u>		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	<u>377-4960</u>	Fax #			

ATTACHED SHEETS TO APPEAL

1. This building was designed as a single family dwelling with garages. There is only one kitchen (it has three stoves: one gas with 6 burners, and two ovens. The electrical has 4 burners and one oven. The other one is an old fashion wood burning kitchen stove with water kettle. This is the only permanent cooking facilities.

NOTE: Any and all dwellings must have permanent cooking facilities, not 15/20 amp receptacles for plugging in rice cooker and slow pot cooker or teapot. Per NEC, permanent facilities would have to be hard wired.

The Idaho Adopted International residential code states a dwelling unit is a single unit providing completed independent live facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

This matches your county definitions chapter 2 of the Zoning and Development Ordinance.

A dwelling secondary attached shares a common wall or walls with a principal dwelling. There is only one dwelling. Therefore, it does not apply.

Dwelling secondary detached is subordinate to the principal. There is only one complete dwelling. Detached (hallways, tunnels, breezeways and porches, and similar connections shall not constitute and attachment to the principal dwelling). There is only one dwelling.

2. There is a carport between my mother-in-law's bedroom and lounge (no permanent cooking facilities). There is no common walls. However, a shear wall that supports the whole building is a common wall to the building. A roof and roof decks are continuous for the residential building. It is not an accessory dwelling as there is only one dwelling per code for both State and County.

3. All of the electrical services go through the mother- in-law's bedroom, attic. All of the well water goes through the mother-in-law's bedroom attic. Half of the heating for the building is in that part of the dwelling as well as one half of the air conditioning, one third of solar cells are on that roof. Half of the solar water heating for the green houses are on that roof. You might call two green houses accessory buildings.

Shear walls prevent racking of a building.

It is definitely part of this single family dwelling: my mother, my mother-in-law are part of my family and all of us have a room in our one dwelling unit. It is not just an abode.

There is no place on the plans calling it mother-in-laws quarters, we call it a mother-in-laws' bedroom and lounge (yes).

The three of us disabled seniors and my wife thought we would have a good house in my home state with a commercial washing machine for cleaning messy bedding, a kitchen large enough to share. ADA bath rooms to use. solar to save money. green houses to grow food. attic to store food. an emergency generator on mother-in-law roof deck for power outages.

The carport is a good place to unload a van and the power wheel chairs and charge them. out of the weather.

4. Per Webster's dictionary:

QUARTER: a rack and place to sleep (military), mercy granted to a surrendering foe.
¼ of something.

MOTHER IN-LAW: my mother or my wife's mother.

Therefore, it is a place for one of them to sleep.

DWELLING: is per your code and the IRC and IBC, state and county by law and your county's definition that match.

Your county states, to see definition of dwelling both attached and detached which neither of them apply. The dwelling does not apply. There is no permanent cooking facilities in the lounge, bedroom, bathroom, or laundry room. It does not comply with the definition of detached. Please provide us with the reason we are going through this.

5. Attached correspondent emails.



[Print Message](#) | [Close](#)

From : "fred243@juno.com" <fred243@juno.com>
To : triley@elmorecounty.org
Cc : fred243@juno.com
Subject : Re: corrections
Date : Wed, Jun 15, 2016 08:58 AM

Hi Mr. Riley:

I understand that this is your boss final decision but can I ask you a few questions?

Could you please tell me:

(1) Which wall from the primary residence attach to the mother in law bedroom as you mentioned that our plan shows it but I did not see it after I looked several times.

(2) Also a dwelling unit must have permanent cooking facilities and we did not have any. Do we have to add one to make it dwelling facility?

(3) Are there any more corrections?

Please clarify. Thanks.

TJ

[Print Message](#) | [Close](#)

From : Tell Riley <triley@elmorecounty.org>
To : fred243@juno.com
Cc : Alan Christy <achristy@elmorecounty.org>, Beth Bresnahan <bbresnahan@elmorecounty.org>, Kacey Ramsauer <kramsauer@elmorecounty.org>
Subject : Applications
Date : Wed, Jun 15, 2016 06:29 AM

Attachment(s) : 2 file(s)/document(s) | Total File Size 225K

Fred,

Â

The Director of the Land Use and Building Department has reviewed the plans and determined the detached living unit as an accessory dwelling. The Director of the Elmore County Land Use & Building Department has the authority to make an Administrative Decision under section 6-4-6 of the Elmore County Zoning and Development Ordinance (the "Ordinance"). The Director of the Elmore County Land Use & Building Department has full authority to make and offer interpretations of how the Zoning and Development Ordinance will be implemented and administered.

Â

The plans clearly show a separate and functional living area defined as a "mother in law quarters." The Ordinance defines mother in law quarters as:

"MOTHER-IN-LAW QUARTERS: Refers to separate living quarters for family members." See the definitions of Dwelling, Secondary Attached and Detached.

Furthermore Dwelling, Secondary **Attached** and Detached is defined as:

"DWELLING, SECONDARY ATTACHED: A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling."

Your plans clearly fall within this definition. Because the mother in law quarters is under 900 square feet you can apply for an administrative approval for an accessory dwelling unit. If it was over 900 square feet you would have to apply for a conditional use permit. These requirements are found in Table 6-8-11(C) of the Ordinance. An application for the accessory dwelling unit is attached to this email.

I have spoken with the Director and he has determined this to be his final decision. If you wish appeal this decision to the Elmore County Planning and Zoning please see the attached appeal application. If you wish to continue as an accessory dwelling unit please see the attached application for the administrative decision. Once the application has been received and a decision made, the plan review process may begin for building permits. If you have any questions please let me know.

Â

Thanks,

Â

Tell Riley

Building Official

Elmore County Land Use and Building Department

208-587-2142 ext 255/208-590-0414

triley@elmorecounty.org / www.elmorecounty.org

Â

Files & Documents

 Help



Open this File

2017 Application for
... (118KB)



Open this File

2017 Application for
... (107KB)

 Attachments Scanned - No Virus Detected ([Learn More](#))



[Print Message](#) | [Close](#)

From : Kacey Ramsauer <kramsauer@elmorecounty.org>
To : fred243@juno.com
Subject : <http://www.elmorecounty.org/Land%20Use/Z&DOrdinance.html>
Date : Tue, Jun 14, 2016 12:07 PM

You can find our entire ordinance on our website www.elmorecounty.org under the Land Use and Building Department page. I've attached the link in the subject line.

Â

Kacey Ramsauer

Administrative Assistant

Elmore County Land Use and Building Department

520 E 2nd S

Mountain Home ID 83647

PH:208-587-2142 ex 254 Fax:208-587-2120

kramsauer@elmorecounty.org

Â



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[Print Message](#) | [Close](#)

From : "fred243@juno.com" <fred243@juno.com>
To : triley@elmorecounty.org
Bcc : fred243@juno.com
Subject : Re: Applications
Date : Sat, Jun 11, 2016 01:53 PM
Attachment(s) : 1 file(s)/document(s) | Total File Size: 40K

Hi Mr. Riley:

1. Thank you for sending the information.
2. Mother in law's room and lounge does not qualify as dwelling per definition IRC nor IBC. There is no permanent cooking facilities
Mother in laws: one is 85 and one 92 do not need permanent cooking facilities (fire department is not close enough! dementia)
3. What is the definition of wall in your ordinance? Are all basements and second stories that are not split level required to get a permit for a second accessory unit or dwelling?
4. If the planning commission and building official will override or modify the restriction and covenants to allow an accessory unit, I will be happy to pay for a second permit.
5. It would be nice to unload two elderly women in a carport, out of the rain, snow and wind beside getting groceries in without getting them wet. The mother's bedroom and lounge is only 551 square feet.
6. Per plans the mother in law bedrooms shares two 5 tons AC units, water heaters, electrical systems, floor heating system, well and septic system. Will these have to change?
7. Is there any thing else? Please give me all the correction at once.

Attached please find **RESTRICTIVE COVENANTS**.

Thank you.

Fred

Files & Documents

 Help



Open this File

(40KB)



[Print Message](#) | [Close](#)

From : "fred243@juno.com" <fred243@juno.com>
To : kramsauer@elmorecounty.org
Subject : RE: Applications
Date : Tue, Jun 07, 2016 09:58 AM

Hi Ms. Kacey:

The so call mother in law quarter, is not a dwelling unit because it does not have a permanent cooking facilities. What do you want us to do to make it considered as one dwelling which it is (we will not allow mothers in law to cook). We will try to comply. The track conditions state only one dwelling.

What is your interpretation of a dwelling? I use IRC interpretation.

Help and thank you.

Fred



[Print Message](#) | [Close](#)

From : "fred243@juno.com" <fred243@juno.com>
To : kramsauer@elmorecounty.org
Bcc : fred243@juno.com
Subject : RE: Applications
Date : Sun, Jun 05, 2016 05:54 AM

Hi Ms. Kacey:

Could you please tell us why the in-law bedroom is an accessory dwelling. It would be appreciated if you will send us the county ordinance that apply and code sections that we are violation of.

Thank you

Fred



[Print Message](#) | [Close](#)

From : "fred243@juno.com" <fred243@juno.com>
 To : achristy@elmorecounty.org
 Bcc : fred243@juno.com
 Subject : application for accessory structure & permit
 Date : Thu, Jun 02, 2016 05:01 PM

Mr. Alan Christy
 Director
 Elmore County Land Use and Building Department

Dear Mr. Christy:

I was informed by Ms. KC to apply for accessory structure for the in-law bedroom.

CC & R'S

RIVERSIDE ACRES FRUITLAND SUBDIVISION
 RECORDED NOVEMBER 7, 1977
 INSTRUMENT NO. 177240

AGREEMENT FOR RESTRICTIVE COVENANTS FRUITLAND SUBDIVISION

EXHIBIT "A"
 # 2

ONLY ONE DETACHED SINGLE- FAMILY DWELLING WITH PRIVATE GARAGE AND A SHED FOR FIVE HEAD OF LIVE STOCK FOR EACH 2 1/2 ACRES.

Per the above an accessory structure would not be permitted, other than agricultural use. My submittal was for one dwelling unit per international residential code definitions.

I understand the county may change the CC & R'S but in order for a second unit for so called accessory structure other than agricultural use, I will need to see an approved amendment to the CC & R'S, restrictions allowing a second unit.

Please advise:

If an accessory dwelling is permitted, does it require its own heating system, electrical system, plumbing system, septic system and well?

Thank you.

Frederick Watkins



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

Date: June 21, 2016

To: Whom It May Concern

Subject: Notice of Public Hearing

Applicant: Frederick Watkins – Appeal an administrative decision for the requirement of an accessory dwelling unit application in the Agriculture Zone

Case #: ADD-2016-012

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, July 20, 2016 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, July 8, 2016, 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

CC:

Atlanta Highway District
Atlanta Rural Fire District
Bliss School District #234
Dept of Environmental Quality Boise Reg
Boise Project Board of Control
Bonneville Power Administration/Department of Energy
Bruneau River Soil Conservation District
Bruneau Grand View School District #365
Bureau of Land Management
Central District Health Department
Century Link
Century Link
Tesoro Logistics NW Pipeline
City of Glenns Ferry
City of Mountain Home
City of Mountain Home
City of Mountain Home Public Works
City of Mountain Home Development Services
Community Planning Association
Division of Building Safety
Division of Building Safety
Eastern Elmore County Rec District
Economic Development for Glenns Ferry
Elmore Ambulance Service
Elmore County Extension Office
Elmore County Fair & Rodeo Board
Elmore County Sheriff
Elmore County Surveyor
St. Luke's Elmore Medical Center
Elmore Soil & Water Conservation District
EPA Idaho Operations Office
FAA Helena Airport District Office
Federal Bureau of Investigation
Caldwell Transportation
Glenns Ferry Fire Dept
Glenns Ferry Highway District
Glenns Ferry Municipal Airport
Glenns Ferry School District #192
Grandview Ambulance Service
Grandview Rural Fire District
Idaho Air National Guard
Idaho Army National Guard
Idaho Army National Guard
Idaho Dept of Aeronautics
Idaho Dept of Agriculture
Idaho Dept of Agriculture

Idaho Dept of Fish & Game
Idaho Dept of Fish & Game
Idaho Dept of Health & Welfare Div of Family & Community Services
Idaho Dept of Lands BSU Planning
Idaho Dept of Lands Eastern Supervisory Area Manager
Idaho Dept of Lands Southwest Area Manager
Idaho Dept of Transportation District 3
Idaho Dept of Water Resources Western Region
Idaho Governor's Office of Energy Resources
Idaho Power Corporate Real Estate
Idaho State Fire Marshall
Idaho State Historic Preservation Office
Idaho Waste Systems
Intermountain Gas Co.
King Hill Domestic Water Assoc.
King Hill Irrigation District
King Hill Rural Fire District
Mellen Subdivision Water District
USPS - Mountain Home
Mtn. Home Aviation
Mtn. Home Economic Development
Mtn. Home Fire Dept.
Mtn. Home Highway District
Mtn. Home Irrigation District
Mtn. Home Municipal Airport Board
Mtn. Home Rural Fire District
Mtn. Home School District #193
Oasis Volunteer Fire Department
Pine Ambulance Service
Prairie QRU and Fire, Inc.
Prairie Elementary District #191
Prairie Free Library District
Shared Vision Inc.
Rural Telephone
Southwest Idaho Rural Development
The Peregrine Fund/World Center for Birds of Prey
Union Pacific Railroad
US Army Corp of Engineers
US Dept of the Interior BLM Twin Falls District
US Fish and Wildlife Service
USFS Mtn Home Ranger District
West Side Sewer District
Western Elmore County Rec District
Williams NW Pipeline

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

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

NOTICE OF PUBLIC HEARING

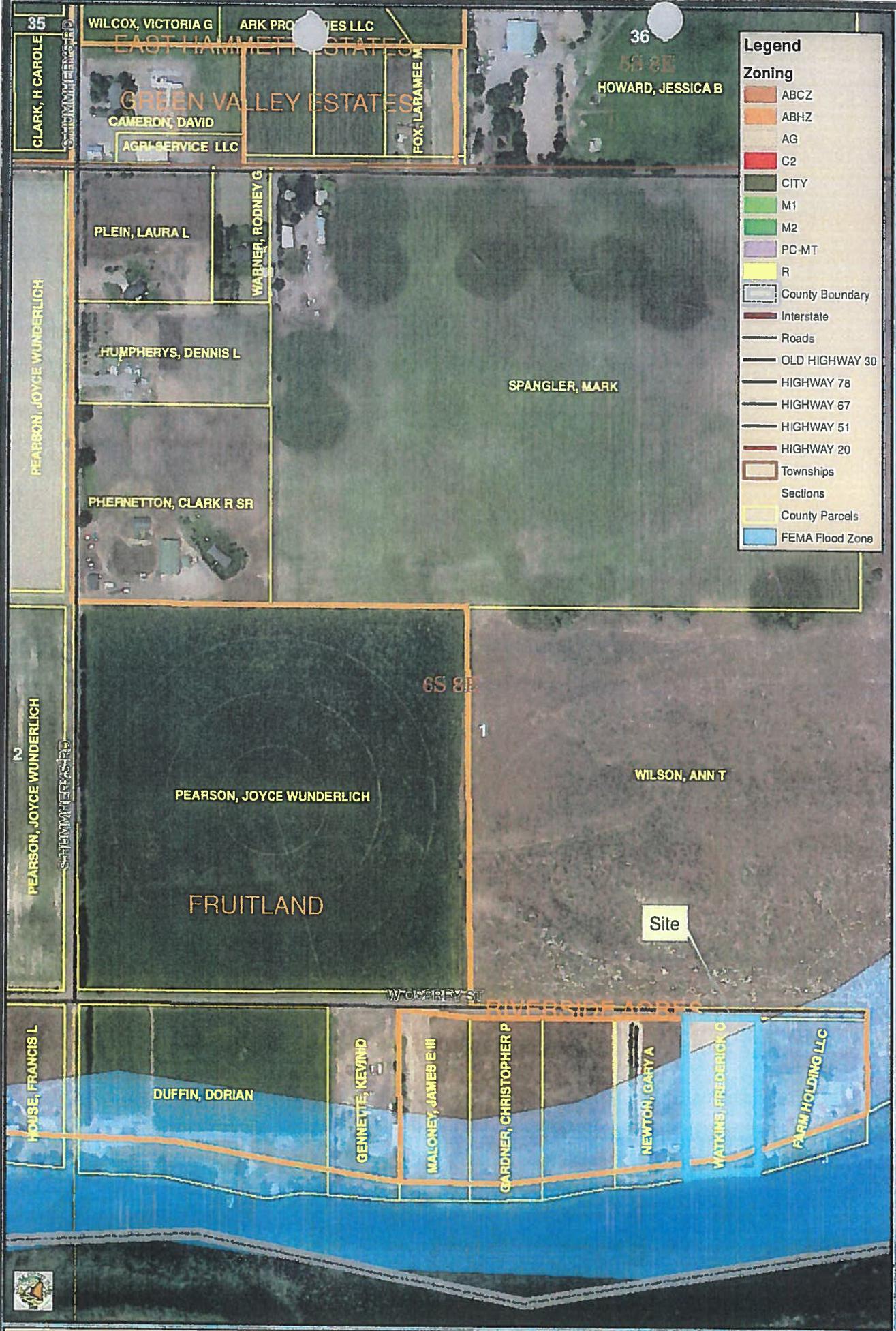
NOTICE IS HEREBY GIVEN pursuant to the laws of the State of Idaho and Ordinances of Elmore County, that the Elmore County Planning and Zoning Commission will hold a PUBLIC HEARING at 7:00 p.m. on Wednesday, July 20, 2016 in the War Memorial Hall (American Legion) 515 East 2nd South Street, Mountain Home, Idaho, to accept testimony and consider an application from Frederick Watkins for an Appeal of administrative decision for the requirement of an accessory dwelling unit application in the Agriculture Zone. Case Number: ADD-2016-012. The site is located in Lot 5, Riverside Acreage Subdivision. A common way of locating the property is from Interstate 84 take exit 112 and head south on Highway 78 to Old Highway 30. Head east on Old Highway 30 to intersection of S Hummherys Road and turn right. Head south on S Hummherys Road to the intersection of W. Osprey St. and turn left. Head east on W. Osprey St. and the site is on the right side of the road.

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, June 29, 2016


Alan Christy, Director
Elmore County Land Use and Building Department
AC:bsb



Legend

Zoning

- ABCZ
- ABHZ
- AG
- C2
- CITY
- M1
- M2
- PC-MT
- R

County Boundary

Interstate

Roads

OLD HIGHWAY 30

HIGHWAY 78

HIGHWAY 67

HIGHWAY 51

HIGHWAY 20

Townships

Sections

County Parcels

FEMA Flood Zone

35
CLARK, H CAROLE

WILCOX, VICTORIA G
EAST HAMMETT STATES
GREEN VALLEY ESTATES
CAMERON, DAVID
AGRI SERVICE LLC

ARK PROPERTIES LLC
FOX, LARAMEE M

36
HOWARD, JESSICA B

PEARSON, JOYCE WUNDERLICH

PLEIN, LAURA L
HUMPHERYS, DENNIS L
PHERNETTON, CLARK R SR

WARNER, RODNEY G
SPANGLER, MARK

PEARSON, JOYCE WUNDERLICH

FRUITLAND
PEARSON, JOYCE WUNDERLICH

65 8E
1
WILSON, ANN T
Site

HOUSE, FRANCIS L

DUFFIN, DORIAN

GENNETTE, KEVIN D
MALONEY, JAMES E III

GARDNER, CHRISTOPHER P

NEWTON, GARY A
WATKINS, FREDERICK C

FARM HOLDING LLC

W OSPREY ST WINTERSIDE RD

366th CES/CENP
Atten: Samuel Shearman
1030 Liberator St
Mtn Home AFB ID 83648
ADD-2016-012

366th OSS/OSOA
Atten: Byron Schmidt
1050 Desert Street, Bldg 2215, Suite 159
Mtn Home AFB ID 83648
ADD-2016-012

Aspen Engineers, Chartered
Lance Warnick
PO Box 205, 485 W. Main St, Suite B
Kuna ID 83634
ADD-2016-012

QRU of Atlanta
Alan Lake
80 E. Alturas Dr.
Atlanta ID 83716
ADD-2016-012

Atlanta Highway District
Ronald Sherer
31 W China Basin Rd
Atlanta ID 83601
ADD-2016-012

Atlanta Rural Fire District
Attn: Ron Seewald
4226 N. Cole Lane
Boise ID 83704
ADD-2016-012

Bliss School District #234
Attn: Michele Elliot
PO Box 115
Bliss ID 83314
ADD-2016-012

Dept of Environmental Quality Boise Reg
Atten: Danielle Robbins
1445 Orchard Ave.
Boise ID 83706
ADD-2016-012

Boise Project Board of Control
Tim Page
2465 Overland Rd
Boise ID 0
ADD-2016-012

Bonneville Power
Administration/Department of Energy
Joe Cottrell
2211 N Commerical Ave
Pasco WA 99301
ADD-2016-012

Bruneau River Soil Conservation District
PO Box 590
Bruneau ID 83604
ADD-2016-012

Bruneau Grand View School District #365
Dennis Wilson
39678 State Hwy 78
Bruneau ID 83604
ADD-2016-012

Bureau of Land Management
Jeremy Bluma
3948 Development Avenue
Boise ID 83705
ADD-2016-012

Central District Health Department
Attn: Marty Jones
520 East 8th North St.
Mtn Home ID 83647
ADD-2016-012

Century Link
Shad Bowers-Area Operations Manager
1315 W Amity
Boise ID 83705
ADD-2016-012

Century Link
Cory Beyerlin
1915 N. Blvd
Idaho Falls ID 83401
ADD-2016-012

Tesoro Logistics NW Pipeline
Warren Ujjiye
201 N. Phillippi
Boise ID 83706
ADD-2016-012

City of Glens Ferry
Lori Jeffrey, P&Z Administrator
PO Box 910
Glens Ferry ID 83623
ADD-2016-012

City of Mountain Home
Attn: Mayor
PO Box 10
Mtn Home ID 83647
ADD-2016-012

City of Mountain Home
Attn: Nina Patterson
PO Box 10
Mtn Home ID 83647
ADD-2016-012

City of Mountain Home Public Works
Wayne Shepherd
PO Box 10
Mtn Home ID 83647
ADD-2016-012

City of Mountain Home Development
Services
Michael McCain
PO Box 10
Mtn Home ID 83647
ADD-2016-012

Community Planning Association
Tom Laws
700 NE 2nd Street, Suite 200
Meridian ID 83642
ADD-2016-012

Division of Building Safety
Electrical Bureau Inspector, Mick Williams
1090 E Watertower St, Ste 150
Meridian ID 83642
ADD-2016-012

Division of Building Safety
Plumbing Bureau Inspector, John Nielsen
1090 E Watertower St, Ste 150
Meridian ID 83642
ADD-2016-012

Eastern Elmore County Rec District
Karen Hall
PO Box 249
Glens Ferry ID 83623
ADD-2016-012

Economic Development for Glens Ferry
Bonnie Layton
PO Box 910
Glens Ferry ID 83623
ADD-2016-012

Elmore Ambulance Service
PO Box 1270
Mtn Home ID 83647
ADD-2016-012

Elmore County Extension Office
Mir Seyedbagheri
525 East Jackson St
Mtn Home ID 83647
ADD-2016-012

Elmore County Fair & Rodeo Board
Rena Kerfoot
PO Box 764
Mtn Home ID 83647
ADD-2016-012

Elmore County Sheriff
Rick Layher
2255 E 8th North
Mtn Home ID 83647
ADD-2016-012

Elmore County Surveyor
Gilbert Walker
14840 N. Spring Creek Way
Boise ID 83714
ADD-2016-012

St. Luke's Elmore Medical Center
Attn: Administrator
895 N 6th E
Mtn Home ID 83647
ADD-2016-012

Elmore Soil & Water Conservation District
Stefanie Kazyaka
795 South Haskett St.
Mtn Home ID 83647
ADD-2016-012

EPA Idaho Operations Office
950 W Bannock, Suite 900
Boise ID 83702
ADD-2016-012

FAA Helena Airport District Office
Scott Eaton, Airport Planner
FAA Building, Ste 2, 2725 Skyway Dr.
Helena MT 59602-1213
ADD-2016-012

Federal Bureau of Investigation
877 W. Main St.
Boise ID 83702
ADD-2016-012

Caldwell Transportation
Karen Azman
1050 Sunset Strip Suite A
Mtn Home ID 83647
ADD-2016-012

Glenns Ferry Fire Dept
Derik Janousek
PO Box 910
Glenns Ferry ID 83623
ADD-2016-012

Glenns Ferry Highway District
Attn: Linda Jensen, Sec.
PO Box 66
Glenns Ferry ID 83623
ADD-2016-012

Glenns Ferry Municipal Airport
City Hall- Justin Wootan
Glenns Ferry ID 83623
ADD-2016-012

Glenns Ferry School District #192
Tess Mitchell
800 Old Highway 30
Glenns Ferry ID 83623
ADD-2016-012

Grandview Ambulance Service
Donna Bennett
PO Box 191
Grandview ID 83624
ADD-2016-012

Grandview Rural Fire District
Bob Swenson
PO Box 54
Grand View ID 83624
ADD-2016-012

Idaho Air National Guard
4200 W Ellsworth St
Boise ID 83705
ADD-2016-012

Idaho Army National Guard
Lt Col Kyle Carpenter
4715 S. Byrd St., Bldg. 518
Boise ID 83705
ADD-2016-012

Idaho Army National Guard
Lt Col Farin Schwartz
4715 S. Byrd St.
Boise ID 83706
ADD-2016-012

Idaho Dept of Aeronautics
Mark Lessor
3483 Rickenbacker St
Boise ID 83707
ADD-2016-012

Idaho Dept of Agriculture
Brian Oakley
PO Box 790
Boise ID 83701
ADD-2016-012

Idaho Dept of Agriculture
Dairy Bureau, Attn. John Bilderback
2270 E. Old Penitentiary Rd.
Boise ID 83712
ADD-2016-012

Idaho Dept of Fish & Game
Jerome Hansen
324 South 417 East Suite 1
Jerome ID 83338
ADD-2016-012

Idaho Dept of Fish & Game
Attn: Rick Ward
3101 S. Powerline Rd
Nampa ID 83686
ADD-2016-012

Idaho Dept of Health & Welfare Div of
Family & Community Services
Paul Spahnknebel
450 W. State St, 10th Floor
Boise ID 83720
ADD-2016-012

Idaho Dept of Lands BSU Planning
Julianne Shaw
PO Box 83720
Boise ID 83720
ADD-2016-012

Idaho Dept of Lands Eastern Supervisory
Area Manager
Pat Brown
3563 Ririe Highway
Idaho Falls ID 83401
ADD-2016-012

Idaho Dept of Lands Southwest Area
Manager
Bob Pietras
8355 W. State St
Boise ID 83714
ADD-2016-012

Idaho Dept of Transportation District 3
Jim Morrison
PO Box 8028
Boise ID 83707
ADD-2016-012

Idaho Dept of Water Resources Western
Region
Regional Manager
2735 Airport Way
Boise ID 83704
ADD-2016-012

Idaho Governor's Office of Energy
Resources
John Chatburn
304 N. 8th St, Suite 250
Boise ID 83720
ADD-2016-012

Idaho Power Corporate Real Estate
Easement Specialist Rachael Butterworth
PO Box 70
Boise ID 83707
ADD-2016-012

Idaho State Fire Marshall
Knut Sandahl
700 W. State St. 3rd Floor
Boise ID 83720
ADD-2016-012

Idaho State Historic Preservation Office
Jamee Fiore
210 Main
Boise ID 83702
ADD-2016-012

Idaho Waste Systems
Ronda Avery
PO Box 1386
Mtn Home ID 83647
ADD-2016-012

Intermountain Gas Co.
Kathy Stites
PO Box 7608
Boise ID 83707
ADD-2016-012

King Hill Domestic Water Assoc.
KC Duerig
5573 E. Main St
King Hill ID 83633
ADD-2016-012

King Hill Irrigation District
Katherine Pruett
4183 N Meridian St
King Hill ID 83633
ADD-2016-012

King Hill Rural Fire District
Derik or Mary Janousek
PO Box 472
Glenns Ferry ID 83623
ADD-2016-012

Mellen Subdivision Water District
Janet Donahue
PO Box 1086
Mtn Home ID 83647
ADD-2016-012

USPS - Mountain Home
Dan Day
350 N 3rd E
Mtn Home ID 83647
ADD-2016-012

Mtn. Home Aviation
Arnie Borreson
2610 Airbase Road
Mtn Home ID 83647
ADD-2016-012

Mtn. Home Economic Development
Paula Riggs
150 S. 3rd E. St.
Mtn Home ID 83647
ADD-2016-012

Mtn. Home Fire Dept.
Fire Chief
220 S. 2nd East
Mtn Home ID 83647
ADD-2016-012

Mtn. Home Highway District
Penny Meyers
PO Box 756
Mtn Home ID 83647
ADD-2016-012

Mtn. Home Irrigation District
Stefanie Kazyaka
140 South 3rd East Street
Mtn Home ID 83647
ADD-2016-012

Mtn. Home Municipal Airport Board
Chairman Gene Dockstader
1645 N. 8th E.
Mtn Home ID 83647
ADD-2016-012

Mtn. Home Rural Fire District
Nannette Blonshire
PO Box 793
Mtn Home ID 83647
ADD-2016-012

Mtn. Home School District #193
Superintendent
PO Box 1390
Mtn Home ID 83647
ADD-2016-012

Oasis Volunteer Fire Department
Jim Hobdey
10844 W Hobdey Lane
Oasis ID 83647
ADD-2016-012

Pine Ambulance Service
Alan Kiester
16 E. Trish Drive
Pine ID 83647
ADD-2016-012

Prairie QRU and Fire, Inc.
Mary Hansen
1255 W. Long Gulch Rd
Prairie ID 83647
ADD-2016-012

Prairie Elementary District #191
Elaine Faddis
73 Smith Creek Rd
Prairie ID 83647
ADD-2016-012

Prairie Free Library District
Kathy Mashburn
71 Smith Creek Rd
Prairie ID 83647
ADD-2016-012

Shared Vision Inc.
Dave Torrell
6199 N Bellecreek Ave
Boise ID 83713
ADD-2016-012

Rural Telephone
Lucinda Walker
892 W. Madison Ave
Glenns Ferry ID 83623
ADD-2016-012

Southwest Idaho Rural Development
Bonnie Layton
PO Box 332
Mountain Home ID 83647
ADD-2016-012

The Peregrine Fund/World Center for Birds
of Prey
Cindy Thiel
5668 W Flying Hawk Lane
Boise ID 83709
ADD-2016-012

Union Pacific Railroad
Pete Kenney
1400 Douglas St, Stop 1690
Omaha NE 68179
ADD-2016-012

US Army Corp of Engineers
Lucky Peak Dam and Lake
9723 E Hwy 21
Boise ID 83716
ADD-2016-012

US Dept of the Interior BLM Twin Falls
District
Brian Davis
2536 Kimberly Road
Twin Falls ID 83301
ADD-2016-012

US Fish and Wildlife Service
Jeri Wood
1387 S. Vinnell Way, # 368
Boise ID 83709
ADD-2016-012

USFS Mtn Home Ranger District
Stephaney Kerley
3080 Industrial Way
Mtn Home ID 83647
ADD-2016-012

West Side Sewer District
Don Gost
Box 717
Mtn Home ID 83647
ADD-2016-012

Western Elmore County Rec District
Betty Ashcraft
245 E 6th South
Mtn Home ID 83647
ADD-2016-012

Williams NW Pipeline
Gordon Hamilton
1301 S. Locust Grove Road
Meridian ID 83642
ADD-2016-012

Tell Riley

From: fred243@juno.com
Sent: Wednesday, February 03, 2016 11:16 AM
To: triley@elmorecounty.org
Subject: land in Hammett
Attachments: county%20elevation(4).pdf; survayor%20letter%20river(5).pdf; county ok on building.pdf

Hi Mr. Riley:

Thank you for calling us this morning. Attached, is the survey, the letter from the surveyor, and letter from the Planning and Zoning Dept.

If we build 3 feet above BFE do we need flood insurance? And if we do, how about build 4 feet does this give us a lower rate or eliminate flood insurance? The surveyor said that if we build 2 feet above BFE we will be ok. What is ok means?

Thank you for your help.

TJ and Fred

Protect what matters

Knowing your flood risk and being prepared can help keep your family safe ...
<https://ad.doubleclick.net/ddm/clk/296043991;123049086;>

Tell Riley

From: Tell Riley
Sent: Thursday, February 04, 2016 8:09 AM
To: 'fred243@juno.com'
Subject: RE: land in Hammett
Attachments: mt_ez_complete_rev_06_2012_.pdf

TJ and Fred,
Attached is the paperwork to file for a Letter of Map Amendment. The instructions are included and the form.

Thanks,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

From: fred243@juno.com [<mailto:fred243@juno.com>]
Sent: Wednesday, February 03, 2016 11:16 AM
To: triley@elmorecounty.org
Subject: land in Hammett

Hi Mr. Riley:

Thank you for calling us this morning. Attached, is the survey, the letter from the surveyor, and letter from the Planning and Zoning Dept.

If we build 3 feet above BFE do we need flood insurance? And if we do, how about build 4 feet does this give us a lower rate or eliminate flood insurance? The surveyor said that if we build 2 feet above BFE we will be ok. What is ok means?

Thank you for your help.

TJ and Fred

Protect what matters

Knowing your flood risk and being prepared can help keep your family safe ...
<https://ad.doubleclick.net/ddm/clk/296043991;123049086;l>

Tell Riley

From: fred243@juno.com
Sent: Thursday, February 04, 2016 10:34 AM
To: triley@elmorecounty.org
Subject: RE: land in Hammett

Good Morning Mr. Riley:

Thank you very much You are so helpful. Hope to see you when we get there.

Fred & TJ

Protect what matters

Knowing your flood risk and being prepared can help keep your family safe ...
<https://ad.doubleclick.net/ddm/clk/296043991;123049086;1>

Tell Riley

From: fred243@juno.com
Sent: Thursday, February 04, 2016 10:57 AM
To: triley@elmorecounty.org
Subject: Fw: Re: Hello
Attachments: Re: Hello (16.0 KB)

Good Morning Mr. Riley:

Thanks for the application form. We just got this letter from our lender, saying that we don't have to pay for flood insurance since we are not in the flood zone.

Fred & TJ

Please note: forwarded message attached

From: Michelle_Ramsey@navyfederal.org
To: "fred243@juno.com" <fred243@juno.com>
Subject: Re: Hello
Date: Wed, 3 Feb 2016 16:54:41 -0600

Citi Simplicity® Card

No Late Fees, No Penalty Rate, and No Annual Fee, Ever.

https://ad.atdmt.com/c/go;p=11042209007770;a=11042209015503;ev.a=1;idfa=;idfa_lat=;aaid=;aaid_lat=;cache=

Tell Riley

From: Tell Riley
Sent: Friday, February 05, 2016 8:29 AM
To: 'fred243@juno.com'
Subject: RE: Re: Hello

Our office was never contacted by your lender. The County still considers this a flood zone and will require the necessary flood elevation certificates or the letter of map amendment to satisfy FEMA regulations. If you have further questions please feel free to contact me.

Thanks,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

From: fred243@juno.com [<mailto:fred243@juno.com>]
Sent: Thursday, February 04, 2016 10:57 AM
To: triley@elmorecounty.org
Subject: Fw: Re: Hello

Good Morning Mr. Riley:

Thanks for the application form. We just got this letter from our lender, saying that we don't have to pay for flood insurance since we are not in the flood zone.

Fred & TJ

Please note: forwarded message attached

From: [Michelle Ramsey@navyfederal.org](mailto:Michelle_Ramsey@navyfederal.org)
To: "fred243@juno.com" <fred243@juno.com>
Subject: Re: Hello
Date: Wed, 3 Feb 2016 16:54:41 -0600

Citi Simplicity® Card

No Late Fees, No Penalty Rate, and No Annual Fee, Ever.

https://ad.atdmt.com/c/go;p=11042209007770;a=11042209015503;ev.a=1;idfa=:idfa_lat=:aaid=:aaid_lat=:cache=

Tell Riley

From: fred243@juno.com
Sent: Friday, February 05, 2016 9:04 AM
To: triley@elmorecounty.org
Subject: RE: Re: Hello

Thank you Mr. Riley.

Fred & TJ

Citi® Double Cash Card

Earn Cash Back Twice on Purchases Earn 1% When You Buy, 1% As You Pay

https://ad.atdmt.com/c/go;p=11042209007766;a=11042209015528;ev.a=1;idfa=;idfa_lat=;aaid=;aaid_lat=;cache=

Tell Riley

From: fred243@juno.com
Sent: Wednesday, February 10, 2016 3:17 PM
To: triley@elmorecounty.org
Subject: RE: Re: Hello

Hi Mr.Riley:

I just talked to the survey company (Critser Land Survey) and he said that if we build 2 feet above the BFE as instructed by the Planning and Zoning, we should be out of flood zone. Is this correct? Please advise.

Thank you.

TJ

Fast. Secure. NetZero 4G Mobile Broadband. Try it.

Tell Riley

From: Tell Riley
Sent: Wednesday, February 10, 2016 3:47 PM
To: 'fred243@juno.com'
Subject: RE: Re: Hello

If you build 2 feet above BFE you will be compliant with the requirements of building in the A flood zone. This does not take you out of the flood zone. You can file a LOMA (Letter of Map Amendment) (the form which I sent in my last email) with FEMA that can potentially take the structure (in this case your home) out of the flood zone. If you have any more questions feel free to contact me.

Thanks,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

From: fred243@juno.com [<mailto:fred243@juno.com>]
Sent: Wednesday, February 10, 2016 3:17 PM
To: triley@elmorecounty.org
Subject: RE: Re: Hello

Hi Mr.Riley:

I just talked to the survey company (Critser Land Survey) and he said that if we build 2 feet above the BFE as instructed by the Planning and Zoning, we should be out of flood zone. Is this correct? Please advise.

Thank you.

TJ

Fast. Secure. NetZero 4G Mobile Broadband. Try it.

Tell Riley

From: fred243@juno.com
Sent: Wednesday, February 10, 2016 6:03 PM
To: triley@elmorecounty.org
Subject: RE: Re: Hello

Hi Mr. Riley:

I guess we will have to do the LOMA. Do we have to wait until we get our permit, get our address and complete our foundation first or we should start LOMA application now? I just want to find out how high we have to build above BFE to get out of the flood zone?

Thank you Mr. Riley.

TJ

Travel Guard® Insurance

Get Travel Insurance Coverage for Your Vacation!

https://ad.doubleclick.net/clk;271002789;110021277;s;pc=TPAS_ID

Tell Riley

From: Tell Riley
Sent: Thursday, February 11, 2016 7:44 AM
To: 'fred243@juno.com'
Subject: RE: Re: Hello

Good morning! I believe you can start the LOMA paperwork now. I believe this is based off of the existing dirt grade with no fill. Exactly how your lot sits right now.

Thank you,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

From: fred243@juno.com [<mailto:fred243@juno.com>]
Sent: Wednesday, February 10, 2016 6:03 PM
To: triley@elmorecounty.org
Subject: RE: Re: Hello

Hi Mr. Riley:

I guess we will have to do the LOMA. Do we have to wait until we get our permit, get our address and complete our foundation first or we should start LOMA application now? I just want to find out how high we have to build above BFE to get out of the flood zone?

Thank you Mr. Riley.

TJ

Travel Guard[®] Insurance

Get Travel Insurance Coverage for Your Vacation!
https://ad.doubleclick.net/clk;271002789;110021277;s;pc=TPAS_ID

Tell Riley

From: fred243@juno.com
Sent: Monday, February 29, 2016 6:40 PM
To: triley@elmorecounty.org
Subject: open attachment

Hi Mr. Triley:

Hope you are doing ok and are not working too hard. Were you be able to open our attachment? We should zip it first before sending it to you. Do you know your dad's email address so that we can send him email?

Thank you.

Fred & TJ

Affordable Wireless Plans

Set up is easy. Get online in minutes.

Starting at only \$9.95 per month!

www.netzero.net

Tell Riley

From: Tell Riley
Sent: Tuesday, March 01, 2016 7:36 AM
To: 'fred243@juno.com'
Subject: RE: open attachment

Hello,

I did receive your emails over the weekend. I have not had time to look over the plans. I will skim over them today and give you some feedback.

Thank you,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

From: fred243@juno.com [<mailto:fred243@juno.com>]
Sent: Monday, February 29, 2016 6:40 PM
To: triley@elmorecounty.org
Subject: open attachment

Hi Mr. Triley:

Hope you are doing ok and are not working too hard. Were you be able to open our attachment? We should zip it first before sending it to you. Do you know your dad's email address so that we can send him email?

Thank you.

Fred & TJ

Affordable Wireless Plans

Set up is easy. Get online in minutes.
Starting at only \$9.95 per month!
www.netzero.net

Tell Riley

From: fred243@juno.com
Sent: Tuesday, March 01, 2016 9:42 AM
To: triley@elmorecounty.org
Subject: additional plans
Attachments: green house.zip; elevator (2).zip; ELECTRIC STOVE.docx; Heartland Oval Wood Cook Stove with Reservoir.docx; Wolf stove 48 in Gas Range 6 Burners and Infrared Gridle GR 486G.docx; milnor dryer.pdf; milnor washer.pdf

Hi Mr. Tiley, Tell:

Attached, please find more additional information.

We tried to call your dad again this morning and left him a message for his email. All we get was is the answering machine. We wondered he is on vacation.

Thank you.

Fred & TJ

Affordable Wireless Plans

Set up is easy. Get online in minutes.

Starting at only \$9.95 per month!

www.netzero.net

Tell Riley

From: fred243@juno.com
Sent: Monday, March 14, 2016 2:02 PM
To: triley@elmorecounty.org
Subject: RE: open attachment

Hi Mr. Riley:

Please let us know specifically what do I really need to fix from my ROUGH plan before submitting. What size of paper do I need, etc.?

I believe I had already follow the international code.

Thank you very much.

Fred

Affordable Wireless Plans

Set up is easy. Get online in minutes.

Starting at only \$9.95 per month!

www.netzero.net

Tell Riley

From: Tell Riley
Sent: Monday, March 14, 2016 3:58 PM
To: 'fred243@juno.com'
Subject: RE: open attachment
Attachments: 20151347_Williams_Res_Final_9-23-15.pdf; 20151347_manuals.pdf; Zoning Permit Rev-2015-06-17.pdf

Fred and TJ,

Here is a copy of what we typically see for new construction. These sizes generally range from 18"x24" to 24"x36". Sorry for taking so long. We are extremely busy right now and I am stretched on several projects. If you have any other questions please email me at this address to better serve you in a timely manner.

Thanks,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

From: fred243@juno.com [mailto:fred243@juno.com]
Sent: Monday, March 14, 2016 2:02 PM
To: triley@elmorecounty.org
Subject: RE: open attachment

Hi Mr. Riley:

Please let us know specifically what do I really need to fix from my ROUGH plan before submitting. What size of paper do I need, etc.?

I believe I had already follow the international code.

Thank you very much.

Fred

Affordable Wireless Plans

Set up is easy. Get online in minutes.
Starting at only \$9.95 per month!
www.netzero.net

Tell Riley

From: fred243@juno.com
Sent: Monday, March 14, 2016 5:34 PM
To: triley@elmorecounty.org
Subject: RE: open attachment

Thank you very much Mr. Riley.

Fred

Affordable Wireless Plans

Set up is easy. Get online in minutes.

Starting at only \$9.95 per month!

www.netzero.net

Tell Riley

From: Frederick C. Watkins
Sent: Tuesday, March 15, 2016 1:51 PM
To: 520 East 2nd South Mountain Home, Idaho 83647
Cc: fred243@juno.com
Subject: REScheck-Web Compliance Report
Attachments: REScheck-Web_compliance_report_20160315_122015_976.PDF; REScheck-Web_compliance_data_20160315_122017_480.rxl

The attached PDF compliance certificate has been automatically transmitted to 520 East 2nd South Mountain Home, Idaho 83647 by REScheck-Web on behalf of Frederick C. Watkins of owner.

An XML file containing data used to create the PDF compliance certificate may be attached to this message. This file is provided for building departments having the capability to import the compliance data into their databases.

Notes:

Hi Mr. Riley:

As request.

Fred

Please reply to: fred243@juno.com

Tell Riley

From: Tell Riley
Sent: Tuesday, March 15, 2016 2:43 PM
To: 'fred243@juno.com'
Subject: Res-Check

Fred,
The res-check compliance report will need to be submitted with the building permit submittal package.

Thank you,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

Tell Riley

From: Tell Riley
Sent: Monday, May 02, 2016 10:25 AM
To: fred243@juno.com
Subject: Design information
Attachments: DESIGN GUIDELINES 2013.docx

Fred,

Please see the attached document for design criteria for Elmore County. Your Property is located below Tollgate, which puts you in the 30psf snow load area. If you have any further questions please let me know.

Thank you.

Tell Riley

Building Official

Elmore County Land Use and Building Department

208-587-2142 ext 255/208-590-0414

triley@elmorecounty.org / www.elmorecounty.org

Tell Riley

From: Tell Riley
Sent: Tuesday, May 10, 2016 7:50 AM
To: fred243@juno.com
Subject: Plans
Attachments: Floodplain devel Rev 2015-08-05.pdf; Zoning Permit Rev-2015-11-23.pdf

Fred,

I believe some of the confusion I had with the plans may have been due to I can only print pages 1,3 and 5. So I am missing some information. Also attached is the application. We require the Health Department signature (208-580-6003) for the septic system approval, the fire department signature (208-366-2689) and the Highway District signature (208-366-7744). These signatures are on page 2 of the application. They will need to be completed before the application can be submitted with the plans, RES-Check, Manuals J,D, and S. All of this information is listed on the Zoning Permit Application. Also we will need the elevation certificate, and flood plain development application.

If you have any other questions feel free to call the office at 208-587-2142 ext 254.

Thank you,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

Tell Riley

From: Tell Riley
Sent: Friday, June 10, 2016 10:03 AM
To: fred243@juno.com
Cc: Alan Christy; Kacey Ramsauer; Beth Bresnahan
Subject: Applications

Fred,

The Director of the Land Use and Building Department has reviewed the plans and determined the detached living unit as an accessory dwelling. The Director of the Elmore County Land Use & Building Department has the authority to make an Administrative Decision under section 6-4-6 of the Elmore County Zoning and Development Ordinance (the "Ordinance"). The Director of the Elmore County Land Use & Building Department has full authority to make and offer interpretations of how the Zoning and Development Ordinance will be implemented and administered.

The plans clearly show a separate and functional living area defined as a "mother in law quarters." The Ordinance defines mother in law quarters as:

"MOTHER-IN-LAW QUARTERS: Refers to separate living quarters for family members. See the definitions of Dwelling, Secondary Attached and Detached."

Furthermore Dwelling, Secondary **Attached** and Detached is defined as:

"DWELLING, SECONDARY ATTACHED: A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling."

Your plans clearly fall within this definition. Because the mother in law quarters is under 900 square feet you can apply for an administrative approval for an accessory dwelling unit. If it was over 900 square feet you would have to apply for a conditional use permit. These requirements are found in Table 6-8-11(C) of the Ordinance. An application for the accessory dwelling unit is attached to this email.

I have spoken with the Director and he has determined this to be his final decision. If you wish appeal this decision to the Elmore County Planning and Zoning please see the attached appeal application. If you wish to continue as an accessory dwelling unit please see the attached application for the administrative decision. Once the application has been received and a decision made, the plan review process may begin for building permits. If you have any questions please let me know.

Thanks,

Tell Riley

Building Official

Elmore County Land Use and Building Department

208-587-2142 ext 255/208-590-0414

triley@elmorecounty.org / www.elmorecounty.org

Tell Riley

From: fred243@juno.com
Sent: Saturday, June 11, 2016 2:53 PM
To: triley@elmorecounty.org
Subject: Re: Applications
Attachments: CCR.doc

Hi Mr. Riley:

1. Thank you for sending the information.
- 2, Mother in law's room and lounge does not qualify as dwelling per definition IRC nor IBC. There is no permanent cooking facilities. Mother in laws: one is 85 and one 92 do not need permanent cooking facilities (fire department is not close enough! dementia)
3. What is the definition of wall in your ordinance? Are all basements and second stories that are not split level required to get a permit for a second accessory unit or dwelling?
4. If the planning commission and building official will override or modify the restriction and covenants to allow an accessory unit, I will be happy to pay for a second permit.
5. It would be nice to unload two elderly women in a carport, out of the rain, snow and wind beside getting groceries in without getting them wet. The mother's bedroom and lounge is only 551 square feet.
6. Per plans the mother in law bedrooms shares two 5 tons AC units, water heaters, electrical systems, floor heating system, well and septic system. Will these have to change?
7. Is there any thing else? Please give me all the correction at once.

Attached please find RESTRICTIVE COVENANTS.

Thank you.

Fred

Blazeray

Deemed: One Household Item Everyone Should Have In Any Emergency
<http://thirdpartyoffers.juno.com/TGL3132/575c7a9ca96d27a9c2163st01vuc>

Tell Riley

From: fred243@juno.com
Sent: Tuesday, June 14, 2016 11:01 AM
To: triley@elmorecounty.org
Cc: achristy@elmorecounty.org; kramsauer@elmorecounty.org;
bbresnahan@elmorecounty.org
Subject: Re: Applications

Hi Mr. Riley:

I have not seen the attachment for the appeal. Please send us the form for the appeal, and, or the procedure.

Thank you.

Fred

Los Angeles Post

This Father and Son Took the Same Photo 28 Years in a Row, Last One is ...
<http://thirdpartyoffers.juno.com/TGL3132/5760389f26c09389e10bfst02vuc>

Tell Riley

From: Tell Riley
Sent: Wednesday, June 15, 2016 7:29 AM
To: fred243@juno.com
Cc: Alan Christy; Beth Bresnahan; Kacey Ramsauer
Subject: Applications
Attachments: ADU Application-Rev-2015-11-03.pdf; Appeal of Director Decision Rev 2015-10-20.pdf

Fred,

The Director of the Land Use and Building Department has reviewed the plans and determined the detached living unit as an accessory dwelling. The Director of the Elmore County Land Use & Building Department has the authority to make an Administrative Decision under section 6-4-6 of the Elmore County Zoning and Development Ordinance (the "Ordinance"). The Director of the Elmore County Land Use & Building Department has full authority to make and offer interpretations of how the Zoning and Development Ordinance will be implemented and administered.

The plans clearly show a separate and functional living area defined as a "mother in law quarters." The Ordinance defines mother in law quarters as:

"MOTHER-IN-LAW QUARTERS: Refers to separate living quarters for family members. See the definitions of Dwelling, Secondary Attached and Detached."

Furthermore Dwelling, Secondary **Attached** and Detached is defined as:

"DWELLING, SECONDARY ATTACHED: A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling."

Your plans clearly fall within this definition. Because the mother in law quarters is under 900 square feet you can apply for an administrative approval for an accessory dwelling unit. If it was over 900 square feet you would have to apply for a conditional use permit. These requirements are found in Table 6-8-11(C) of the Ordinance. An application for the accessory dwelling unit is attached to this email.

I have spoken with the Director and he has determined this to be his final decision. If you wish appeal this decision to the Elmore County Planning and Zoning please see the attached appeal application. If you wish to continue as an accessory dwelling unit please see the attached application for the administrative decision. Once the application has been received and a decision made, the plan review process may begin for building permits. If you have any questions please let me know.

Thanks,

Tell Riley

Building Official

Elmore County Land Use and Building Department
208-587-2142 ext 255/208-590-0414
triley@elmorecounty.org / www.elmorecounty.org

Tell Riley

From: fred243@juno.com
Sent: Wednesday, June 15, 2016 9:58 AM
To: triley@elmorecounty.org
Cc: fred243@juno.com
Subject: Re: corrections

Hi Mr. Riley:

I understand that this is your boss final decision but can I ask you a few questions?

Could you please tell me:

- (1) Which wall from the primary residence attach to the mother in law bedroom as you mentioned that our plan shows it but I did not see it after I looked several times.
- (2) Also a dwelling unit must have permanent cooking facilities and we did not have any. Do we have to add one to make it dwelling facility?
- (3) Are there any more corrections?

Please clarify. Thanks.

TJ

Affordable Wireless Plans

Set up is easy. Get online in minutes.
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www.netzero.net

Kacey Ramsauer

From: fred243@juno.com
Sent: Thursday, June 02, 2016 9:41 PM
To: kramsauer@elmorecounty.org
Subject: Re: Applications

Hi Ms. Kacey:

Is the zoning permit application for the green houses? If so, do we have to do two application for two green houses or just one application is enough?

The ADD application is for the in-law bedroom?

Thank you.

Fred

TenAfterFive

80 Celebrity Children Who Look Exactly Like Their Parents
<http://thirdpartyoffers.juno.com/TGL3132/5750fc7f382f77c7e1e69st03vuc>

Kacey Ramsauer

From: Kacey Ramsauer
Sent: Friday, June 03, 2016 8:06 AM
To: 'fred243@juno.com'
Subject: RE: Applications

Good morning Fred,

Yes the ZP is for the green houses. I will attach another app if you need me to. And the ADD is for the assessor dwelling.

Let me know if you have any more questions,

Kacey

From: fred243@juno.com [mailto:fred243@juno.com]
Sent: Thursday, June 02, 2016 9:41 PM
To: kramsauer@elmorecounty.org
Subject: Re: Applications

Hi Ms. Kacey:

Is the zoning permit application for the green houses? If so, do we have to do two application for two green houses or just one application is enough?

The ADD application is for the in-law bedroom?

Thank you.

Fred

TenAfterFive

80 Celebrity Children Who Look Exactly Like Their Parents
<http://thirdpartyoffers.juno.com/TGL3132/5750fc7f382f77c7e1e69st03vuc>

Kacey Ramsauer

From: fred243@juno.com
Sent: Saturday, June 04, 2016 11:11 AM
To: kramsauer@elmorecounty.org
Subject: RE: Applications

Hi Ms. Kacey:

Can we mail in the applications?

Thank you.

Fred

Affordable Wireless Plans

Set up is easy. Get online in minutes.
Starting at only \$9.95 per month!
www.netzero.net

Kacey Ramsauer

From: fred243@juno.com
Sent: Sunday, June 05, 2016 6:54 AM
To: kramsauer@elmorecounty.org
Subject: RE: Applications

Hi Ms. Kacey:

Could you please tell us why the in-law bedroom is an accessory dwelling. It would be appreciated if you will send us the county ordinance that apply and code sections that we are violation of.

Thank you.

Fred

PlayNetwork

Retail Is The New Radio

<http://thirdpartyoffers.juno.com/TGL3132/5754212f53e4b212e3bbfst02vuc>

Kacey Ramsauer

From: Kacey Ramsauer
Sent: Tuesday, June 07, 2016 10:22 AM
To: 'fred243@juno.com'
Cc: 'achristy@elmorecounty.org'; Tell Riley
Subject: RE: Applications

Fred,

Your plans have a mother in law quarters drawn on them. The definitions of mother in law quarters and assessorly structures are in chapter 2 of the zoning and development ordinance state:

MOTHER-IN-LAW QUARTERS: Refers to separate living quarters for family members. See the definitions of Dwelling, Secondary Attached and Detached.

DWELLING, SECONDARY ATTACHED: A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling.

DWELLING, SECONDARY DETACHED: A dwelling unit that is located in a completely separate structure from the principal dwelling and is subordinate to the principal dwelling.

ACCESSORY STRUCTURE: A detached structure in that is incidental and subordinate to the principal structure and is located upon the same property. (Hallways, tunnels, breezeways, porticos, and similar connections shall not constitute an attachment to the principal permitted dwelling.) The term accessory structure shall include, but not be limited to, the following: private garage, storage structure, workshop, greenhouse, and/or a structure that houses a detached secondary dwelling. The term shall not include additional structures for approved public, commercial, or industrial uses.

ACCESSORY USE: A use that is incidental and subordinate to the principal or approved conditional use or other approval, and is conducted upon the same property. For the purposes of this ordinance, temporary uses specified in this ordinance shall be deemed accessory uses.

Section 6-8-28: Accessory Structure:

A. General Standards:

1. A principal permitted dwelling with a valid certificate of occupancy, or a principal permitted dwelling under construction with a valid building permit, shall be present on the subject property.
2. The structure shall not be used as an additional dwelling, except as provided for by this Title.
3. The structure shall not be used for commercial or industrial purposes, or to store commercial vehicles except as provided for by this Title.
4. All accessory structures shall be included in the maximum coverage calculations for a particular property.

B. Location Standards: The location of accessory structures shall be restricted as follows:

1. Accessory structures shall not be located in any required setbacks or on any publicly dedicated easements.
2. Accessory structures in the front yard shall not impede connection of the dwelling to a municipal wastewater collection and treatment system.
3. Accessory structures located in the front yard shall not block the view of the main entrance to the principal permitted dwelling.

C. Size Standards: The size of accessory structures shall be restricted as follows:

1. Accessory structures in the front yard shall not exceed fifty percent (50%) of the square footage of the footprint of the principal permitted dwelling or one thousand five hundred (1,500') square feet, whichever is less.

D. Height Standards: The height of an accessory structure shall be restricted as follows:

1. An accessory structure shall not exceed a height of the principal dwelling or twenty- four (24') feet, whichever is less restrictive.
2. In a residential base zone, accessory structures located in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen (15') feet behind the front wall of the principal permitted dwelling, shall not exceed the height of the principal permitted dwelling.

E. Design Standards:

1. All accessory structures shall meet all of the following design standards:
 - a. The roofing and finish materials shall be similar in color to the principal permitted dwelling; and
 - b. The roof shall have a similar pitch to that of the principal permitted dwelling.

2. Accessory structures equal to or greater than one thousand five hundred (1,500') square feet, located in residential base zone, in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen (15') feet behind the front wall of the principal permitted dwelling, shall meet the following additional standards:

- a. The accessory structure shall portray the architectural character of the principal permitted dwelling.

Our zoning and development ordinance is located on our website at www.elmorecounty.org. Because your mother in law quarters is less than 900 square feet an administrative application for an accessory dwelling unit may be permitted. I have cleared this with the Director and you may appeal this decision to the planning and zoning commission. This application is available on our website.

Feel free to call with any questions,

Kacey Ramsauer

From: fred243@juno.com [mailto:fred243@juno.com]

Sent: Sunday, June 05, 2016 6:54 AM

To: kramsauer@elmorecounty.org

Subject: RE: Applications

Hi Ms. Kacey:

Could you please tell us why the in-law bedroom is an accessory dwelling. It would be appreciated if you will send us the county ordinance that apply and code sections that we are violation of.

Thank you.

Fred

PlayNetwork

Retail Is The New Radio

<http://thirdpartyoffers.juno.com/TGL3132/5754212f53e4b212e3bbfst02vuc>

Kacey Ramsauer

From: fred243@juno.com
Sent: Tuesday, June 07, 2016 10:58 AM
To: kramsauer@elmorecounty.org
Subject: RE: Applications

Hi Ms. Kacey:

The so call mother in law quarter, is not a dwelling unit because it does not have a permanent cooking facilities. What do you want us to do to make it considered as one dwelling which it is (we will not allow mothers in law to cook). We will try to comply. The track conditions state only one dwelling.

What is your interpretation of a dwelling? I use IRC interpretation.

Help and thank you.

Fred

Living Tips

\$3 Teeth Whitening Has Dentists Furious

<http://thirdpartyoffers.juno.com/TGL3132/5756fd814a5dc7d806b90st03vuc>

Kacey Ramsauer

From: Kacey Ramsauer
Sent: Tuesday, June 14, 2016 11:09 AM
To: 'fred243@juno.com'
Subject: RE: Applications
Attachments: Appeal of Director Decision Rev 2015-10-20.pdf

I have attached the appeal application. If you have any questions please give us a call.

Kacey

From: fred243@juno.com [mailto:fred243@juno.com]
Sent: Tuesday, June 14, 2016 11:01 AM
To: triley@elmorecounty.org
Cc: achristy@elmorecounty.org; kramsauer@elmorecounty.org; bbresnahan@elmorecounty.org
Subject: Re: Applications

Hi Mr. Riley:

I have not seen the attachment for the appeal. Please send us the form for the appeal, and, or the procedure.

Thank you.

Fred

Los Angeles Post

This Father and Son Took the Same Photo 28 Years in a Row, Last One is ...
<http://thirdpartyoffers.juno.com/TGL3132/5760389f307c8389e2937st01vuc>

Kacey Ramsauer

From: fred243@juno.com
Sent: Tuesday, June 14, 2016 12:04 PM
To: kramsauer@elmorecounty.org
Subject: RE: Applications

Thank you Ms. Kacey for the application. Could you please also send us Elmore County Zoning and Development Ordinance Section 6-3-1.

Fred

Los Angeles Post

This Father and Son Took the Same Photo 28 Years in a Row, Last One is ...
<http://thirdpartyoffers.juno.com/TGL3132/5760475eed529475e3fb9st02vuc>

Kacey Ramsauer

From: fred243@juno.com
Sent: Tuesday, June 14, 2016 12:32 PM
To: kramsauer@elmorecounty.org
Subject: RE: Applications

Hi Ms. Kasey:

Thank you for the appeal form. We also need the Ordinance Section 6-3-1 of Elmore County Zoning and Development.

Thank you.

Fred

Los Angeles Post

This Father and Son Took the Same Photo 28 Years in a Row, Last One is ...
<http://thirdpartyoffers.juno.com/TGL3132/57604dc99a0ce4dc903bbst01vuc>

Kacey Ramsauer

From: Kacey Ramsauer
Sent: Tuesday, June 14, 2016 1:07 PM
To: 'fred243@juno.com'
Subject: <http://www.elmorecounty.org/Land%20Use/Z&DOrdinance.html>

You can find our entire ordinance on our website www.elmorecounty.org under the Land Use and Building Department page. I've attached the link in the subject line.

Kacey Ramsauer

Administrative Assistant
Elmore County Land Use and Building Department
520 E 2nd S
Mountain Home ID 83647
PH:208-587-2142 ex 254 Fax:208-587-2120
kramsauer@elmorecounty.org



Beth Bresnahan

From: Beth Bresnahan
Sent: Friday, June 24, 2016 3:11 PM
To: 'fred243@juno.com'
Cc: Alan Christy; Tell Riley; Kacey Ramsauer
Subject: Call to County Commissioner
Attachments: Fee_Schedule_6-11-2012.pdf

Mr. and Mrs. Watkins,

It has been brought to my attention that you have placed a call to Mr. Bud Corbus, Chairman of the Elmore County Board of County Commissioners. Mr. Corbus cannot contact you in regards to the matter of the appeal for the accessory use application. This matter may have to be brought in front of the Board of County Commissioner for a public hearing in the future so he will not be returning your call.

I will try to answer your question in regards to why you had to pay \$800 for the appeal. You submitted building plans that were marked with "mother-in-law/in-law" quarters on them. The Director had made the determination the mother-in-law/in-law quarters were a separate dwelling and that an accessory dwelling use application, \$250, was needed to be submitted. Any decision that is made in this office by the Director can be appealed and this process goes before the Elmore County Planning and Zoning Commission. You submitted an application for an appeal of the decision for an accessory dwelling use application. Our fee schedule that was adopted on June 11, 2012, which I have attached for you, shows the fess for the appeal and the accessory use application.

Please let me know if there are any other questions that I can answer for you.

Beth Bresnahan

Planner

Elmore County Land Use and Building Department

520 E 2nd South

Mountain Home, ID 83647

(208) 587-2142 ext 256

bbresnahan@elmorecounty.org



Elmore County Growth and Development Department

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

Fee Schedule

Effective June 11, 2012

APPLICATIONS TO THE PLANNING AND ZONING COMMISSION

Conditional Use Permit (CUP)	\$ 800.00
Development Agreement	\$ 500.00 + \$500.00 Deposit + Consultant Fees
Extensions of Approval	\$ 500.00
Variance	\$ 800.00
Vacation (Subdivision or Roadway)	\$ 800.00 + 10.00 per lot
Final Plat	\$ 400.00 + Deposit + Consultant Fees
Preliminary Plat Subdivision	\$ 900.00 + 10.00 per lot + Consult/Attorney Fees
Cancellation of meeting/public hearing	Same as application.

CAFO'S

CAFO, Registering Existing	\$ 300.00
CAFO, Sitting Permit, Amend	\$ 1000.00 + 0.25AU +P.P.
CAFO, Sitting Permit, New	\$ 1000.00 + 0.25AU +P.P.
CAFO, Transfer Permit	\$ 100.00

APPEALS

Administrative Decision to Planning and Zoning Commission	\$ 800.00
Appeal for reconsideration to the Planning and Zoning Commission	\$ 800.00
Planning and Zoning Commission to County Commissioners	\$ 800.00
Appeal for reconsideration to the Board of County Commissioners	\$ 800.00
Contesting Revocation	Current cost of application

AMENDING

Comprehensive Plan	\$ 1,500.00 + Additional Consultant Fees
Zoning and Development Ordinance	\$ 1,500.00 + Additional Consultant Fees
Amend application	Current cost of application

APPLICATIONS FOR ADMINISTRATIVE DECISIONS

Accessory Dwelling Unit Application	\$ 250.00
Administrative Decision Application	\$ 250.00
Farm Development Right Application	\$ 500.00
Administrative Waiver Application	\$ 100.00
Grandfather Rights Application	\$ 250.00
One Time Split	\$ 500.00
Boundary Line Adjustment	\$ 250.00

Temporary Dwelling Unit (Hardship)	\$ 250.00
Grading Permit	\$ 50.00 + \$500.00 Deposit + Consultant Fees
Private Road	\$ 100.00 + \$500.00 Deposit + Consultant Fees
Tower Collocation	\$ 800.00

BUILDING FEES

All structures over 200 square feet are required to have an Elmore County Building Permit. The building permit fee is calculated by the Elmore County Building Official per construction drawing review. The permit fee is based upon the valuation of the structure in accordance with Section 109 of the International Building Code and the International Code Council Building Valuation Data which is updated every six months. The Elmore County Building Official requires two sets of construction drawings. Building permits are valid for 180 days.

Zoning permit (ZP) application is required for all Elmore County Building Permits and all building permit fee amounts will be rounded up to the next dollar for \$.50 and above and will be dropped for \$.49 or less.

Zoning Permit (aka "ZP")	\$ 50.00
Agriculture Exempt Building	\$ 150.00
Floodplain Development Permit	\$ 250.00
Mobile Home Court Construction Permit	\$ 750.00 + 10.00 per space
Mobile Home Court License	\$ 100.00

Manufactured Homes/Trailers	
Foundations and Installation*	\$ 150.00/section + ZP Fee
Installation only*	\$ 150.00/section + ZP Fee
Moving Only (out of county/within county)	\$ 100.00/section + ZP Fee
*must include all costs; concrete; excavation, decks, patios and stairs	
Roofing Repairs / Re-roofs	\$ 50.00 permit + ZP Fee
New Woodstove/Fireplace Installation	\$ 50.00 permit + ZP Fee
Daycare Fire Safety Inspection	\$ 100.00 permit + ZP Fee
Blasting Permit	\$ 100.00
Demolition Permit	\$ 50.00
Sign Permit	ZP Fee

BUILDING PERMIT DEPOSITS

Deposits are required to ensure final inspection is completed. The deposit applies to all residential, industrial and commercial permits.

Building Permit Fee:	
<\$500	\$100.00
\$500 - \$1,000	\$250.00
\$1,000 - \$2,000	\$500.00
\$2,000 - \$3,000	\$750.00
\$3,000 - \$4,000	\$1,000.00
>\$4,000	25% of Building Permit Fee

The deposit is refundable (less a \$50.00 administration fee) after Final Inspection is completed and Certificate of Occupancy / Compliance is issued. Deposits are refunded twice a month by the Board of County Commissioners. Payment Vouchers must be in the Elmore County Clerk's office the preceding Monday in order for Board of County Commissioners to issue the deposit.

GIS / MAPS

- Color Maps
- A-Size \$2.00
- B-Size \$5.00
- C-Size \$7.50
- D-Size \$10.00
- E-Size \$15.00
- Larger – Negotiable

Growth and Development shapefiles (zoning & future land use) are available on CD for \$50
Custom shapefiles – price negotiable depending on time and complexity

MISCELLANEOUS

Copies	\$0.25 per 8.5 X 11" page
Copies CD Format	\$10.00
Zoning & Development Ordinance	Current Cost to Produce
Comprehensive Plan	Current Cost to Produce

PLANNED COMMUNITIES

Pre-Application	\$20,000.00
Application	\$80,000.00
Annual\Biannual review	\$5,000.00
Wildlife Mitigation review	\$5,000.00
Subsequent Revisions	\$20,000.00

For the fees listed above the Growth and Development Department will track actual hours at the following rates:

Director	\$40.00
Planner	\$28.00
Admin	\$23.00

Actual hours will be charged against the fees listed above. The applicant will be billed for any addition fees that may be required during the application and hearing process. Fees not utilized during application and hearing process will be refunded.

Required county consultant and their fees are not associated with the fees listed above. County consultant fees will be billed at actual cost. The county reserves the right to determine what consultants are required. Bills will be sent every month. Applications will be put on hold indefinitely if there are any unpaid bills.

The following fees are to be utilized within approved planned communities.

- o Appeal Administrative Decision to Planning and Zoning Commission \$ 800.00
- o Appeal for reconsideration to the Planning and Zoning Commission \$ 800.00
- o Appeal Planning and Zoning Commission to County Commissioners \$ 800.00
- o Appeal for reconsideration to the Board of County Commissioners \$ 800.00
- o Administrative Decision Application \$ 250.00
- o Conditional Use Permit (CUP) \$ 800.00
- o Extensions of Approval \$ 500.00
- o Variance \$ 800.00
- o Vacation (Subdivision or Roadway) \$ 800.00 + 10.00 per lot
- o Preliminary Plat Subdivision \$ 1500.00 + 10.00 per lot
+ Consult/Attorney Fees
\$ 700.00 + 10.00 per lot
+ Consult/Attorney Fees
Same as application
- o Final Plat Subdivision
- o Cancelation of meeting/public hearing

Any planned community fee not listed under this section will have the same price as a similar application located outside of a planned community.

There will be no change in planned communities to the way building permits are calculated.

Planned Unit Developments (PUD's)

Pre-Application	\$6,000
Application	\$10,000
Annual\Biannual review	\$2,000
Wildlife Mitigation review	\$2,000
Subsequent Revisions	\$10,000

For the fees listed above the Growth and Development Department will track actual hours at the following rates:

Director	\$40.00
Planner	\$28.00
Admin	\$23.00

Actual hours will be charged against the fees listed above. The applicant will be billed for any addition fees that may be required during the application and hearing process. Fees not utilized during application and hearing process will be refunded.

Required county consultant and their fees are not associated with the fees listed above. County consultant fees will be billed at actual cost. The county reserves the right to determine what consultants are required. Bills will be sent every month. Applications will be put on hold indefinitely if there are any unpaid bills.

The following fees are to be utilized within approved planned unit developments:

- o Appeal Administrative Decision to Planning and Zoning Commission \$ 800.00
- o Appeal for reconsideration to the Planning and Zoning Commission \$ 800.00
- o Appeal Planning and Zoning Commission to County Commissioners \$ 800.00
- o Appeal for reconsideration to the Board of County Commissioners \$ 800.00
- o Administrative Decision Application \$ 250.00

- o Conditional Use Permit (CUP) \$ 800.00
- o Extensions of Approval \$ 500.00
- o Variance \$ 800.00
- o Vacation (Subdivision or Roadway) \$ 800.00 + 10.00 per lot
- o Preliminary Plat Subdivision \$ 1500.00 + 10.00 per lot
+ Consult/Attorney Fees
- o Final Plat Subdivision \$ 700.00 + 10.00 per lot
+ Consult/Attorney Fees
- o Cancelation of meeting/public hearing Same as application

Any planned unit development fee not listed under this section will have the same price as a similar application located outside of a planned unit development.

There will be no change in planned unit developments to the way building permits are calculated.

Planned Unit Development Districts (PUDD's)

Pre-Application	\$10,000
Application	\$50,000
Annual\Biannual review	\$5,000.00
Wildlife Mitigation review	\$5,000.00
Subsequent Revisions	\$10,000

For the fees listed above the Growth and Development Department will track actual hours at the following rates:

Director	\$40.00
Planner	\$28.00
Admin	\$23.00

Actual hours will be charged against the fees listed above. The applicant will be billed for any addition fees that may be required during the application and hearing process. Fees not utilized during application and hearing process will be refunded.

Required county consultant and their fees are not associated with the fees listed above. County consultant fees will be billed at actual cost. The county reserves the right to determine what consultants are required. Bills will be sent every month. Applications will be put on hold indefinitely if there are any unpaid bills.

The following fees are to be utilized within approved planned unit development districts:

- o Appeal Administrative Decision to Planning and Zoning Commission \$ 800.00
- o Appeal for reconsideration to the Planning and Zoning Commission \$ 800.00
- o Appeal Planning and Zoning Commission to County Commissioners \$ 800.00
- o Appeal for reconsideration to the Board of County Commissioners \$ 800.00
- o Administrative Decision Application \$ 250.00
- o Conditional Use Permit (CUP) \$ 800.00
- o Extensions of Approval \$ 500.00
- o Variance \$ 800.00
- o Vacation (Subdivision or Roadway) \$ 800.00 + 10 00 per lot

- o Preliminary Plat Subdivision \$ 1500.00 + 10.00 per lot
+ Consult/Attorney Fees
- o Final Plat Subdivision \$ 700.00 + 10.00 per lot
+ Consult/Attorney Fees
- o Cancelation of meeting/public hearing Same as application

Any planned unit development district fee not listed under this section will have the same price as a similar application located outside of a planned unit development district.

There will be no change in planned unit development districts to the way building permits are calculated.

OTHER

Complex projects incurring extra costs such as multiple public hearings, professional meeting recordation/transcripts, consultants, meeting facilitators, building rental, security services, attorney fees, or any other expense incurred while processing the application will be billed at cost on a monthly basis. The Growth and Development Department will make every effort to inform applicants of extra costs. The Growth and Development Department will not know exact cost of these items until they have been incurred.

Fees can only be waived or reduced by the Elmore County Board of Commissioners

Items and fees not listed in this notice are subject to cost to process.

Beth Bresnahan

From: fred243@juno.com
Sent: Tuesday, June 28, 2016 5:31 PM
To: bbresnahan@elmorecounty.org
Subject: Re: Call to County Commissioner

Good Afternoon Ms. Bresnahan:

We did not write "mother in law quarter on the plan". We only write mother in law. As we have explained to Ms. Kasey that we need help how to change this only to what you want. It does not qualify as a dwelling per the Idaho amended IRC nor, Elmore county amendment. We only have one building and one dwelling unit in it. What words do you want us to change or fix? We would like to have all the corrections so we can fix them at once. There is only one family going to live there.

Thank you very much.

Frederick Watkins

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Beth Bresnahan

From: fred243@juno.com
Sent: Thursday, June 30, 2016 3:07 PM
To: bbresnahan@elmorecounty.org
Cc: achristy@elmorecounty.org; triley@elmorecounty.org; kramsauer@elmorecounty.org
Subject: Re: Call to County Commissioner

Hi Ms. Bresnahan:

On the Hearing Day on July 20, please arrange to have a copy of Idaho amendment IBC and IRC and IRC volume 1 interpretation manual. NEC (National Electric Code) definition of permanent and definition of kitchen.

Thank you.

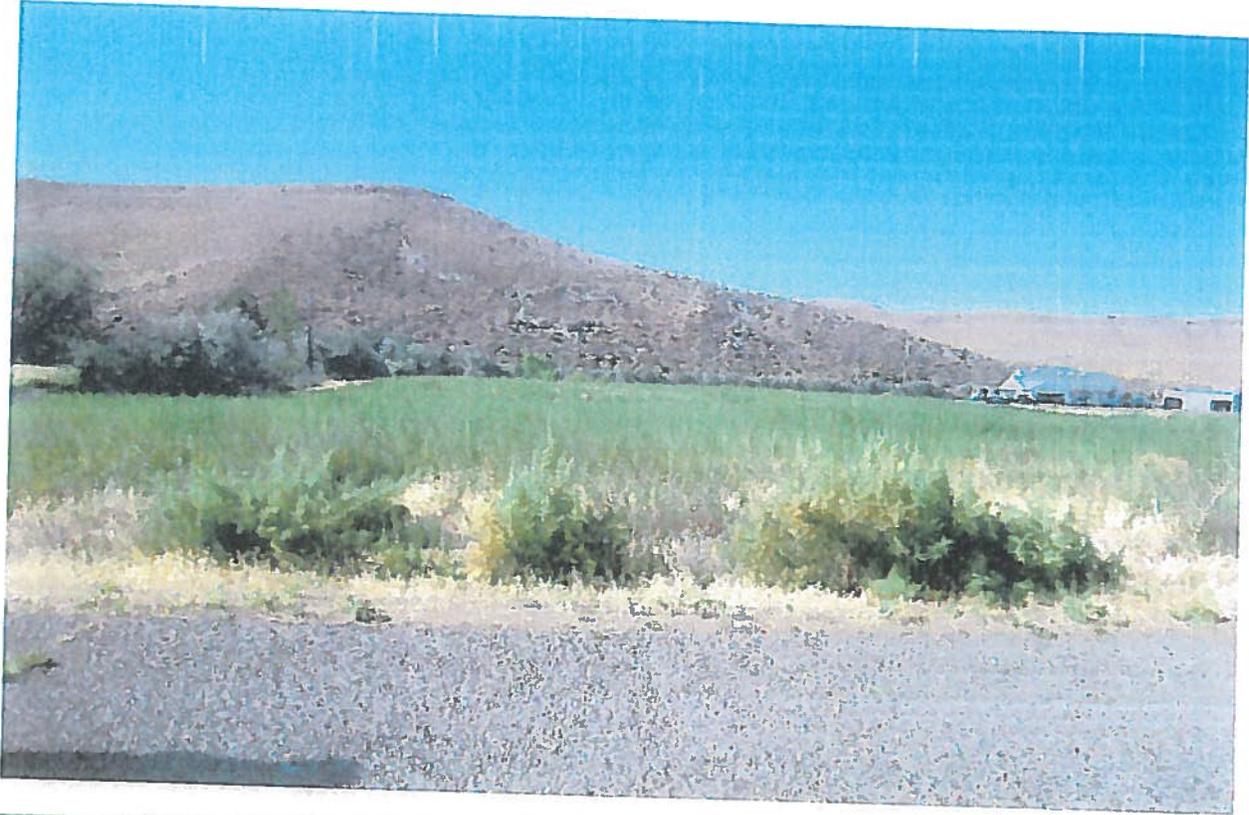
Fred

Affordable Wireless Plans

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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

July 11, 2016

Frederick Watkins
(sent via email)

Re: Building Permit, Floodplain Development Permits, Dwelling Units, Appeal, etc.

Mr. Watkins:

The purpose of this letter is to go over all of the development proposals for property you recently purchased in the Hammett area. This letter will ultimately be the Elmore County Land Use and Building Department (the "Department") determination. Department staff has spent a great deal of time and County resources in repeatedly addressing development items with your property. Department staff does not have the time to address the same questions and arguments over and over. You have filed an appeal and you may present your arguments to the Elmore County Planning and Zoning Commission (the "Commission") during your scheduled appeal hearing on July 20, 2016.

Background

Listed below are facts that the Elmore County Land Use and Building Director (the "Director"), has determined about your property:

1. The property has an Elmore County parcel number of RP001510000050A.
2. The property is zoned Agriculture pursuant to the adopted Elmore County zoning map. (Elmore County Ordinance 2013-02.)
3. The property is approximately 2.56 acres in size.
4. The legal description of the property is Lot 5, Riverside Acres.
5. The majority of the property is located within a Zone A Flood Zone.
6. There are no structures on the property.

Listed below is a timeline of communications the Department has had regarding the development proposals.

February 3, 2016 - Email communication began with Tell Riley (the "Building Official") regarding building in the flood plain, flood insurance and a survey that was performed by a surveyor.

February 4, 2016 – Email from the Building Official regarding a Letter of Map Amendment.

February 4, 2016 – Email from you - stating Mr. Riley was very helpful.

February 4, 2016 – Email from you - stating letter from lender, not in a flood zone.

February 5, 2016 – Email from the Building Official – stating “County still considers this a flood zone and will require the necessary flood elevation certificates or the letter of map amendment..”

February 5, 2016 – Email from you – thank you.

February 10, 2016 – Email from you- “survey company said if we build 2 feet above the BFE as instructed by the Planning and Zoning we should be out of the flood zone. Is this correct?...”

February 10, 2016 – Email from Building Official - explaining the requirements of building in the A flood zone and it does not take you out of the flood zone. Can file a LOMA with application that was sent to potentially take home out of the flood zone

February 10, 2016 – Email from you- will do LOMA, questions on timeline for doing LOMA and BFE.

February 11, 2016 – Email from Building Official- Answered questions.

February 29, 2016 – email from you- questions regarding an attachment you sent to the Building Official.

March 1, 2016 – Email from the Building Official – responding to email regarding attachment sent

March 1, 2016 – Email from you – asking information about Mr. Bill Riley.

March 14, 2016 – Email from you – questions concerning ROUGH plan submitted.

March 14, 2016 – Email from the Building Official – answered questions regarding size of paper for plans to be submitted.

March 14, 2016 – Email from you – thanking the Building Official.

March 15, 2016 – Email from you – submitted Res Check to the Building Official.

March 15, 2016 – Email from the Building Official – explaining that Res Check needs to be submitted with the building permit package.

May 2, 2016 – Email from the Building Official – design criteria for your property.

May 10, 2016 – Email from the Building Official – missing pages of plans, Attached Zoning Permit Application and Floodplain Development Permit Application. Listed signatures need and other information that is required for the building permit.

June 2, 2016 – Email from you to Kacey Ramsauer (the “Administrative Assistant”) question concerning application for greenhouses and ADD application for in-law bedroom.

June 3, 2016 – Email from the Administrative Assistant – explaining the need for the ZP for green houses and the accessory dwelling.

June 4, 2016 – Email from you – question on mailing applications.

June 5, 2016 – Email from you- question concerning in-law bedroom as accessory dwelling.

June 7, 2016 – Email from the Administrative Assistant - explaining accessory dwelling.

June 7, 2016 – Email from you - questioning accessory dwelling.

June 10, 2016 – Email from the Building Official – explaining accessory dwelling.

June 11, 2016 – Email from you – questioning definitions and explanations of accessory dwelling. Attachment of CCRS.

June 14, 2016 – Email from you – requesting appeal application.

June 14, 2016 – Email from the Administrative Assistant – Appeal Application attached.

June 14, 2016 – Email from you – Thanking the Administrative Assistant for the Appeal Application and asking for the Ordinance.

June 14, 2016 – Email from you - Thanking the Administrative Assistant for the Appeal Application and asking for the Ordinance.

June 14, 2016 – Email from the Administrative Assistant – explaining the Ordinance is online.

June 15, 2016 – Email from the Building Official – explaining the mother-in-law quarters, attaching the ADU application and the Appeal Application.

June 15, 2016 – Email from you – asking questions regarding the mother in law bedroom.

June 24, 2016 – Email from Beth Bresnahan (the “Planner”) - explaining the phone call made to the Chairman of the Board of County Commissioners.

June 28, 2016 – Email from you – response to email from the Planner.

June 30, 2016 – Email from you – asking to have a copy of Idaho amendment IBC and IRC and IRC volume 1 interpretation manual. NEC (National Electric Code) definition of permanent and definition of kitchen available for the Public Hearing on July 20th.

The following are items from the Elmore County Zoning and Development Ordinance (the “Ordinance) and duly adopted building codes.

Ordinance Section 6-3-3-A states:

“Duty of Director: It shall be the duty of the Director to enforce these regulations and to issue citations and fines as necessary to enforce this Title. The Director shall also coordinate as necessary with the Prosecuting Attorney to enforce any violations or lack of compliance herewith. The Elmore County Sheriff, and his or her authorized representatives, shall have the authority to enforce this Title and assist the Director in enforcement actions as set forth in Idaho Code and this Title.”

Ordinance Section 6-3-5 A states:

“...It shall be the duty of the Director of the Growth and Development Department and/or the Building Official, or their authorized agent(s), to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, addition, location, or razing of any building or structure...”

Ordinance Section 6-5-1 B-C states:

“The Director has full authority to make and offer interpretations of how this Ordinance will be implemented and administered.

The Director may assign specific duties as required by this ordinance to staff or qualified persons as deemed appropriate by the Director.”

Chapter 2 of the Ordinance states the following:

“MOTHER-IN-LAW QUARTERS: Refers to separate living quarters for family members. See the definitions of Dwelling, Secondary Attached and Detached.”

As previously communicated, there are two “dwellings” identified on the set of plans that were submitted. Pursuant to the Ordinance the Director and Building Official have the authority and determined that there are two separate dwellings and only attached by a carport.

Furthermore Dwelling, Secondary Attached and Detached is defined as:

“DWELLING, SECONDARY ATTACHED: A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling.”

In addition and for clarification dwelling is defined as:

“DWELLING OR DWELLING UNIT: Any structure, or portion thereof, providing independent living facilities for one "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.”

The plans submitted to the Department show two separate dwellings that contain living, sleeping, eating/cooking and sanitation facilities. Furthermore there are two separate water heating and cooling systems. The plans indicate on page W2 that a carport separates the two units although they share a common roof and there are separate entrances.

The detail for the mother-in-law area references a kitchen that includes a sink, a refrigerator, a microwave and cabinets typical in kitchens. On page P2 of the plans a two burner stove top is drawn in the electrical detail. The area contains a bedroom with proper egress. Also included is a laundry room complete with a washer and dryer. The bathroom contains a toilet, sink and shower.

Ordinance section 6-40-1 identifies the current building codes and states:

“Code Adoption: That the approved editions of the following nationally recognized codes are adopted as the official building codes of the County of Elmore, except as provided in Section 6-40-2:

the 2012 version of the International Building Code;
the 2009 version of the International Residential Code, Parts I-IV and IX;
the 2009 version of the International Energy Conservation Code;

The adopted versions of the foregoing codes shall be effective upon adoption. The foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the State of Idaho effective on the 1st day of January of the year following the date any such codes are made effective for the state, unless a different date is required by state statute. The Board may, by resolution, confirm the building codes in effect in Elmore County.”

The Elmore County Board of Commissioners (the “Board”), on December 8th, 2014, passed resolution number 561-14 confirming the current building code as (see attachment 6):

“As of January 1, 2015 the following building codes recognized by Elmore County:

- The 2012 Version of the International Building Code*
- The 2012 Version of the International Residential Code, Appendices A,B,C and D, Mechanical Parts V and VI*
- The 2012 Version of the International Energy Conservation Code.....”*

Therefore the 2012 International Residential Code (The “Code”) section R104.1 states:

“The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.”

Section R202 of the Code states:

“Dwelling. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.”

"Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation."

Items required by the Department for compliance.

1. Complete and submit the accessory dwelling unit application. (Note: It is the Director's opinion that this is the easiest option. This is a simple application and administrative process. The Department has processed dozens of these applications with the current Ordinance.)
2. Complete all required flood development applications and elevation certificates. All buildings require a separate flood development application and elevation certificate. No flood development applications have been accepted by the Department at this time.
3. Resubmit plans with only one dwelling as defined by the Ordinance and recognized by the Director and Building Official.

Conclusion

Based on all the information provided in this letter I believe the Department has been more than accommodating to your development proposals. I have determined that there are two dwellings on the submitted plans and the Department has been more than accommodating with the Ordinance process to allow this. As I stated earlier in this letter the Department does not have the time or resources to endlessly debate and argue the requirements that have been established. Please be advised that if you wish to continue your appeal hearing and not meet the requirements listed above, the appeal hearing will be July 20, 2016 at 7:00 p.m. at the American Legion Hall, 515 East 2nd South Street, Mountain Home, ID. Thank you for your attention to this matter.

Sincerely,

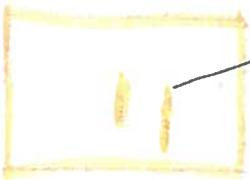

Alan Christy

Director
Elmore County Land Use & Building Department
520 East 2nd South, Mountain Home, ID 83647
Ph: (208) 587-2142 ex. 269 \ Fax: (208) 587-2120
achristy@elmorecounty.org \ www.elmorecounty.org



Accessory
dwelling





491 Sq ft.



Equipped with:
Kitchen,
Bedroom,
Baths,
Laundry.

Main house & mechanical/plumbing units.

Accessory Dwelling has separate mechanical/plumbing

UNIT NO. 101
MARKS IN CURB
PLUMBING
ELECTRICAL
FIRE ALARMS
ELEVATORS

Generated by **Electrical World Software**
Compliance Certificate

Project: [Faded]
Address: [Faded]
Inspector: [Faded]
Date: [Faded]

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Inspection Checklist

Inspector: [Faded]
Date: [Faded]

Generated by **Electrical World Software**
2013 NEC Load
Frequency Distribution

Frequency	Percentage
1	100%

1. The following information is provided for your information:
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 y. The following information is provided for your information:
 z. The following information is provided for your information:



Accessory Dwelling
 showing a Burner
 stove top.



Accessory Dwelling
 kitchen, Bath, Laundry
 Bedroom.

		CONSULT THE DESIGN & ENGINEERING BOARD (DESB)	FIRE PREVENTION AND SAFETY		P. 2
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