

## ELMORE COUNTY BOARD OF COMMISSIONERS

Hearing for appeal of an approved Conditional Use Permit in a Agriculture (Ag) Zone.  
(10-14-14)

### *Preliminary Matters:*

- Call the meeting to order:

The Elmore County Planning and Zoning Commission ("Commission"), upon a 6-0 vote, approved a conditional use permit application, CUP-2014-10, for Red Baron Estates Pilot's and Homeowner's Association, Inc. (the "Association"), amending conditional use permit, CUP-2004-10, to allow guests of residents of the Association to use the private airstrip. The approval contained six (6) conditions of approval.

The Association seeks to overturn the Commission's decision on four of those conditions, which are listed as follows:

2. Conditional Use Permit will not be in effect until all outstanding fees and property taxes have been paid in full by all members of the Red Baron Estates Pilot's and Homeowner's Association.
3. Each homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.
4. Aircraft will not taxi to the runway from neighboring properties outside of Red Baron Estates unless approved through a separate Conditional Use Permit.
5. Conditional Use Permit will not be in effect until a recorded Memorandum of Understanding regarding the need for an avigation agreement or an avigation agreement, between Red Baron Estates Pilot's and Homeowner's Association and Soles Rest Creek Homeowner's Association.

The application for appeal did not contain the basis of the appeal.

- Roll call for commissioners.
- Open public hearing.
- The commissioners waive the notice requirement for the delivery of written testimony.
- Identify Land Use and Building Department employees, consultants, clerk and legal counsel participating in hearing.
- Rules for this public hearing – [Alan Christy, Elmore County Director of Land Use and Building Department]
- The public is encouraged to submit either written or verbal testimony or both
- Request persons desiring to speak at the public hearing to sign in; sign in should be as to those in favor, those opposed and those neutral; no swearing in for those desiring to testify at the hearing.

### *Hearing:*

- The Board will now accept written testimony for the record, if any.
- Land Use and Building Department Staff Report (questions following presentation)
- Presentation by the applicant (15 minutes) (questions following presentation)
- Public testimony:  
Groups include but are not limited to agencies, political subdivisions and homeowner's associations.
  - a. those in favor – groups (5 minutes)(questions following presentation)
  - b. those in favor – individuals (5 minutes) (questions following presentation)

- c. those neutral – groups (5 minutes)(questions following presentation)
- d. those neutral – individuals (5 minutes)(questions following presentation)
- e. those in opposition – groups (5 minutes)(questions following presentation)
- f. those in opposition – individuals (5 minutes)(questions following presentation)
- Request any additional written testimony to be presented, if not already submitted into the record
- Any additional questions for staff
- Applicant rebuttal (10 minutes) (questions following presentation)
- Close public hearing

*Post Hearing:*

- Board has the option to continue the public hearing if needed.
- Board may elect to take under advisement and set further dates and times for deliberation

*Notes:*

- Exhibits submitted by the applicant or people testifying will need to be entered into the record with name and number.

**ELMORE COUNTY**  
**Board of County Commissioners**

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Commissioners Room  
150 South 4<sup>th</sup> East  
Suite #3  
Mountain Home, Idaho

**RULES FOR PUBLIC RED BARON ESTATES PILOT'S AND HOMEOWNER'S  
ASSOCIATION, INC. HEARING**

1. This public hearing will be conducted in accordance with Idaho Code, the Elmore County Zoning and Development Ordinance and Elmore County Resolution 410-08, as amended herein.
2. The Applicant will be allotted up to fifteen (15) minutes of testimony. The Chairman may allot more time.
3. Agency and Political Subdivision representatives will be allotted up to ten (10) minutes of testimony. The Chairman may allot more time.
4. Individuals will be limited up to five (5) minutes of testimony. The Chairman may allot more time.
5. The applicant will be given up to ten (10) minutes of rebuttal time. The Chairman may allot more time based on the Public Hearing testimony.
6. Once the timer goes off, please stop your testimony.
7. The Board may ask questions of anyone at anytime.
8. Please be respectful while other people are testifying. Do not boo, hiss or applaud. Please refrain from non-verbal gestures. The "Golden Rule" will apply. Please treat people as you wish to be treated. The Board has the right to remove unruly individuals.
9. Please keep your testimony to the agenda item for the Public Hearing.
10. Please keep your testimony to you or your group's facts and opinions regarding the agenda item. The Board does not need to hear repetitive testimony. If you agree with previous testimony simply state that you agree.
11. Please state your name and address prior to your testimony.
12. This meeting is being recorded. Please speak loud enough so the Board and the recorders can hear you.
13. If you wish to submit written testimony, please give it to the Clerk of the Board to be entered into the record.
14. Once the Public Hearing is closed the Board has the option of continuing deliberations to a date certain.



# Elmore County Land Use and Building Department

520 East 2<sup>nd</sup> 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 Elmore County Board of County Commissioners

**Meeting/Hearing Date:** 10/14/14      **Date Report Compiled:** 10/6/14

**Agenda Item:** Appeal of approved Conditional Use Permit CUP-2014-10

**Applicant:** Red Baron Estates Pilots and Homeowners Association

**Case Number:** CUP-2014-10

**Staff:** Beth Bresnahan

**Location:** S1/2 NE1/4, NE1/4 SE1/4, Section 30, Township 1 South, Range 5 East, B.M. A common mean of locating the property is from Interstate 84 take exit 74, turn north on Simco Rd. to Desert Wind Rd., turn right on Desert Wind Rd., travel approximately 3.7 miles to Piper. Property is on the North side of Desert Wind Rd.

**Zoning:** All parcels Agriculture (Ag)/Wildfire Urban Interface (WUI) Overlay/ Oasis Community District Overlay

**Parcel(s):**

- RP 002770010010 A- Red Baron Estates Pilots and Homeowners Assoc.,
- RP 002770010020 A- Jody Bickle,
- RP 002770010030 A- Shawn Steffler,
- RP 002770010040 A- Allen Cannon,
- RP 002770010050 A- Jody Bickle,
- RP 002770010060 A- Richard Dixon,
- RP 002770010070 A- Nicholas Andros,
- RP 002770010080 A- Kenneth & Sheila Casper,
- RP 002770010090 A- Kenneth & Sheila Casper,
- RP 002770010100 A- Kenneth & Sheila Casper,
- RP 002770010110 A- Kenneth & Sheila Casper,
- RP 002770010120 A- Kenneth & Sheila Casper,
- RP 002770010130 A- Ruth Gyman,
- RP 002770010140 A- Kenneth & Sheila Casper,
- RP 002770010150 A- Joshua & Christina Platt,
- RP 002770010160 A- Kenneth & Sheila Casper,
- RP 002770010170 A- Kenneth & Sheila Casper,
- RP 002770010180 A- Francis & Marcelline Brady,

RP 002770010190 A- Blake Richardson,  
RP 002770010200 A- Kenneth & Sheila Casper,  
RP 002770010210 A- Kenneth & Sheila Casper,  
RP 002770010220 A- Red Baron Estates Pilots & Homeowners Assoc.,  
RP 002780010230 A- Kenneth & Sheila Casper,  
RP 002780010240 A- Kenneth & Sheila Casper,  
RP 002780010250 A- Matthew Misner,  
RP 002780010260 A- Gary Brown,  
RP 002780010270 A- Delta J. Enterprises LP,  
RP 002780010280 A- Giacalone Living Trust,  
RP 002780010290 A- Kenneth & Sheila Casper,  
RP 002780010300 A- Giacalone Living Trust,  
RP 002780010310 A- Red Baron Estates Pilots and Homeowners Assoc.,  
RP 002780010320 A- Kenneth Heller,  
RP 002780010330 A- Petrunia LLC,  
RP 002780010340 A- Giacalone Living Trust,  
RP 002780010350 A- Giacalone Living Trust,  
RP 002780010360 A- Bernd Wegner,  
RP 002780010370 A- Kenneth & Sheila Casper,  
RP 002780010380 A- Robert William Riegler Trust,  
RP 00278001039F A- Brian & Tina Dockstader,  
RP 00278001040D A- Bernd Wegner,  
RP 00278001040E A- Bernd Wegner,  
RP 002780010410 A- Red Baron Estates Pilots and Homeowners Assoc.,  
RP 002860010010 A- Kenneth & Sheila Casper,  
RP 002860010020 A- Kenneth & Sheila Casper,  
RP 002860010030 A- Kenneth & Sheila Casper,  
RP 002860010040 A- Kenneth & Sheila Casper,  
RP 002860010050 A- Kenneth & Sheila Casper,  
RP 002860010060 A- Kenneth & Sheila Casper,  
RP 002860010070 A- Red Baron Estates Pilots and Homeowners Assoc.,  
RP 01S05E301355 A- Robert & Cynthia Hunter,  
RP 01S05E301360 A- Kenneth & Sheila Casper,  
RP 01S05E301650 A- Ronald & Rosanna Castle,  
RP 01S05E301360 A- Michael Petersen,  
RP 01S05E301640 A- Judith O'Dell & Richard Taylor,  
RP 01S05E301740 A- Jonathan & Heather McDaniel,  
RP 01S05E301745 A- Raymond & Teresa Fitting,  
RP 01S05E301750 A- Red Baron Estates Pilots & Homeowners Assoc.

**Parcels Delinquent Property Taxes:**

RP 002770010080 A- Kenneth & Sheila Casper = \$507.20,  
RP 002770010090 A- Kenneth & Sheila Casper = \$507.20,  
RP 002770010100 A- Kenneth & Sheila Casper = \$507.20,  
RP 002770010110 A- Kenneth & Sheila Casper = \$507.20,  
RP 002770010120 A- Kenneth & Sheila Casper = \$507.20,

RP 002770010140 A- Kenneth & Sheila Casper = \$500.76,  
RP 002770010160 A- Kenneth & Sheila Casper = \$507.20,  
RP 002770010170 A- Kenneth & Sheila Casper = \$713.12,  
RP 002770010200 A- Kenneth & Sheila Casper = \$507.20,  
RP 002770010210 A- Kenneth & Sheila Casper = \$461.40,  
RP 002780010230 A- Kenneth & Sheila Casper = \$497.50,  
RP 002780010240 A- Kenneth & Sheila Casper = \$507.20,  
RP 002780010290 A- Kenneth & Sheila Casper = \$507.20,  
RP 002780010370 A- Kenneth & Sheila Casper = \$507.20,  
RP 002860010010 A- Kenneth & Sheila Casper = \$18.44,  
RP 002860010020 A- Kenneth & Sheila Casper = \$1,068.04,  
RP 002860010030 A- Kenneth & Sheila Casper = \$566.72,  
RP 002860010040 A- Kenneth & Sheila Casper = \$608.30,  
RP 002860010060 A- Kenneth & Sheila Casper = \$563.96,  
Total Properties with Delinquent Taxes: \$10,072.24, 19 properties (as of 10-6-14)

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#### **HEARING BACKGROUND:**

An Application for an appeal of an approved conditional use permit was submitted the Land Use and Building Department on August 28, 2014. The Elmore County Planning and Zoning Commission ("Commission"), upon a 6-0 vote approved a conditional use permit application, CUP-2014-10, from Red Baron Estates Pilot's and Homeowner's Association, Inc. ("Association") amending and existing conditional use permit, CUP-2004-10, to allow guests of residents of the Association to use the private airstrip. The approval contained the following six (6) conditions of approval:

- "1. Failure to comply with this amendment or any previously approved applicable conditions may result in revocation of the conditional use permit.*
- 2. Conditional Use Permit will not be in effect until all outstanding fees and property taxes have been paid in full by all members of the Red Baron Estates Pilot's and Homeowner's Association.*
- 3. Each homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.*
- 4. Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates unless approved through a separate Conditional Use Permit.*
- 5. Conditional Use Permit will not be in effect until a recorded Memorandum of Understanding regarding the need for an avigation agreement or an avigation agreement, between Red Baron Estates Pilot's and Homeowner's Association and Sole Rest Creek Home Owner's Association.*
- 6. Expansion will comply with all State and Federal Regulations."*

The application for appeal did not contain the basis of the appeal. The Association seeks to overturn the Commission decision on condition numbers 2,3,4,&5.

Notice of public hearing was sent to surrounding property owners on September 23, 2014 and was mailed to agencies on September 23, 2014. Notice of public hearing was published in Mountain Home Newspaper on September 24, 2014. Property was posted on October 6, 2014.

The Conditional Use Permit was approved by the Elmore County Planning and Zoning Commission on August 6, 2014. The FCO was signed on August 21, 2014.

### **APPLICATION HISTORY**

Application for amending an existing conditional use permit was turned into the Land Use and Building Department on May 6, 2014. Notice of public hearing was sent to surrounding property owners on May 19, 2014 and was mailed to agencies on May 19, 2014. Notice of public hearing was published in the Mountain Home Newspaper on May 28, 2014. Property was posted on June 9, 2014.

Applicants conducted the required neighborhood meeting on April 26, 2014.

Parcels are not located near any area of city impact.

Application to amend the existing conditional use permit is to add the word "Guests" to the conditional use permit, CUP-2004-06, that was approved March of 2004 and Amended October of 2004, with the following amended conditions:

- 1. The airpark will remain private for the use of current landowners and/or residents, or the Conditional Use Permit must be amended.*
- 2. No air-shows or air-rodeos will be permitted.*
- 3. Applicants will use form of dust abatement.*
- 4. There will be 125 foot setbacks from both sides of the center line of the airstrip.*
- 5. There will be absolutely no over-flights below 80 feet above adjoining neighboring property owners.*
- 6. Up to 500 gallons of fuel may be stored on property for private and emergency uses. Spill containment will be installed per Idaho Department of Environmental Quality regulations.*

This project originally was started in 2000 by Dan Hennis by applying for a CUP for a private ultralight landing strip, which was denied by the Planning and Zoning for not complying with standards, 2, 3, 4, and 7 of Section C.14-1, of the Elmore County Zoning and Development Ordinance adopted in 3/14/1994, amended 12/26/1995

In January of 2004 Ken Casper and Dan Hennis applied for a CUP for Oasis Airpark, a private air strip. The CUP was approved at this time with conditions: that the airpark

remain private and for the use of current landowners only, if any more than that use, then they must amend the CUP; no air-shows/rodeos would be permitted; use of dust abatement; 125' setback on either side of the runway, absolutely no-over-flights below 80' above adjoining neighboring property owners; up to 500 gallons fuel maybe stored on property for private and emergency uses with spill containment installed to DEQ requirements.

In August of 2004, Ken Casper requested to expand the CUP for Private Airpark. He wants to extend it 2700 ft., does not want a commercial runway, but would like to have rental hangers houses along the airstrip. At the September 15<sup>th</sup> meeting Ken Casper asked that the conditions be changed from owners to residents and would like the setback to be specified from the center of the runway. The CUP was amended with these changes.

In March of 2010, Ken & Sheila Casper applied to amend the CUP, CUP-2004-06. The proposed amendment would be "to allow private airpark may be used by landowners and their invitees and to impose the restrictions on the CUP as agreed with Rick Taylor and Judith O'Dell." This application was denied because it does not meet standards 7, 8 or 10 of the Elmore County Zoning and Development Ordinance. Commission felt if the airpark were to expand the use, it could cause a lot of other potential problems; it would be disturbing to neighbors and would not be harmonious with the surrounding area.

The roads and runway within the subdivision are paved and privately maintained. E Desert Wind Road is a paved public road that borders the subdivision.

The property is located within the Oasis Rural Fire District. The application was previously signed by a commissioner of the Oasis Rural Fire District and not the Fire Chief. The application was return to the applicant to obtain the signature of the Fire Chief.

\*Note: The FCO's from previous hearings and the analysis is found in the record for this appeal.

### **LETTERS FOR THE RECORD**

1. Elmore County Treasurer/Assessor- 19 parcels within the subdivision are delinquent on taxes. (see parcel numbers on page 1-3)
2. Email from Rosie Castle

### **ATTACHMENTS:**

1. Application for appeal
2. Posting photos and Public Hearing Notice
3. FCO CUP-2014-10
4. Minutes from the Public Hearing CUP-2014-10

5. Record for CUP-2014-10

**STAFF COMMENTS**

The process for appeals is found in section 6-3-2 of the Elmore County Zoning and Development Ordinance. Section 6-3-2.E states:

*“Appeals shall be based on one of the following:*

- 1. The decision was in violation of constitutional or statutory provisions; or*
- 2. In excess of statutory authority of the agency; or*
- 3. Made upon unlawful procedure; or*
- 4. Not supported by substantial evidence on the record as a whole; or*
- 5. Arbitrary, capricious, or an abuse of discretion.”*

Applicant did not provide basis for appeal.

In order to approve a conditional use permit the following findings must be met:

- 1. “The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance;*
- 2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan and this Ordinance (Title 6);*
- 3. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter;*
- 4. The proposed use shall comply with all applicable County Ordinances;*
- 5. The proposed use shall comply with all applicable State and Federal regulations;*
- 6. The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;*
- 7. The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;*
- 8. The proposed use shall be served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;*
- 9. The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;*
- 10. The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;*

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

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

The Commission found that the application to amend the conditional use permit from the Association met the 12 conditions only with the additional conditions of approval.

Elmore County Assessor – Parcel Number: SEE ATTACHED  
Comments: PIF = Paid in full Del = Delinquent  
Elmore County Treasurer – Taxes 1<sup>st</sup> Half \_\_\_\_\_ 2<sup>nd</sup> Half \_\_\_\_\_  
Late Charges: Yes \_\_\_ No \_\_\_ Comments: See attached sheets  
9-24-14 ACS received 9-24-14

**BOARD OF ELMORE COUNTY COMMISSIONERS  
NOTICE OF APPEAL HEARING**

**NOTICE IS HEREBY GIVEN** that on Tuesday, October 14, 2014 at the hour of 2:00 p.m. in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4<sup>th</sup> East, Mountain Home, Idaho, an appeal hearing will be held on an approved Conditional Use Permit in a Agriculture (AG) Zone. Case Number: CUP-2014-10.

The Elmore County Planning and Zoning Commission (“Commission”), upon a 6-0 vote, approved a conditional use permit application, CUP-2014-10, from Red Baron Estates Pilot’s and Homeowner’s Association, Inc. (the “Association”), amending conditional use permit, CUP-2004-10, to allow guests of residents of the Association to use the private airstrip. The approval contained six (6) conditions of approval.

The Association seeks to overturn the Commission’s decision on four of those conditions, which are listed as follows:

2. Conditional Use Permit will not be in effect until all outstanding fees and property taxes have been paid in full by all members of the Red Baron Estates Pilot’s and Homeowner’s Association.
3. Each homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.
4. Aircraft will not taxi to the runway from neighboring properties outside of Red Baron Estates unless approved through a separate Conditional Use Permit.
5. Conditional Use Permit will not be in effect until a recorded Memorandum of Understanding regarding the need for an avigation agreement or an avigation agreement, between Red Baron Estates Pilot’s and Homeowner’s Association and Soles Rest Creek Homeowner’s Association.

The application for appeal did not contain the basis of the appeal.

The site is located in the S2NE4, NE4SE4, Section 30, Township 1 South, Range 5 East, B.M. A common way of locating property is from Interstate 84 take exit 74, turn north on Simco Rd. to Desert Wind Rd., turn right on Desert Wind Rd., travel approximately 3.7 miles to Piper Lane. Property is on the North side of Desert Wind Rd.

The record for this matter may be reviewed beginning on September 25, 2014 prior to the hearing in the Elmore County Land Use and Building Department, 520 E 2<sup>nd</sup> South, Mountain Home, Idaho, during regular business hours.

The Elmore County Clerk is responsible for ensuring compliance with the American Disabilities Act 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.

**BARBARA STEELE, CLERK  
BOARD OF COMMISSIONERS  
ELMORE COUNTY, IDAHO**

**1 Publication  
September 24, 2014  
4 inches by two columns**

6/20/2014  
8:12:56

U N I F O R M    A S S E S S M E N T    D E V E L O P M E N T  
S O F T W A R E    P M B 0 0 1  
N U M E R I C    R O L L

** PARCEL KEY	** STATUS	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
TYPE PARCEL NO	MAP NUMBER							
CODE OLD PARCEL NO								

RP 002770010010 A    RED BARON ESTATES PILOTS AND HOMEOWNERS ASSOCIATION INC  
 056-0000 RP0027700000000T    1950 E AERONCA COURT OASIS ID 83647

LOT 1 (ROADS)  
 BLK 1  
 RED BARON ESTATES #1

QCDD 410819  
 WD 397836  
 WD 357224  
 QCD 357882  
 QCD 357891

PROPERTY ADDR:  
 CAMA AREA #:

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P1F

RP 002770010020 A    BICKLE, JODY & ERICSON, ROBERT  
 056-0000 RP0027700000000T    15000 W SOLES REST CREEK ROAD OASIS ID 83647

LOT 2  
 BLK 1  
 RED BARON ESTATES #1

QCDD 369885  
 WD 357224  
 QCD 357882  
 QCD 357891  
 WD 365534

PROPERTY ADDR:  
 CAMA AREA #:

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P1F

RP 002770010030 A    STEFFLER, SHAWN R & STEFFLER, NICKY  
 056-0000 RP0027700000000T    10546 W CAROLINA DR BOISE ID 83709

LOT 3  
 BLK 1  
 RED BARON ESTATES #1

WD 374905  
 QCD 369885  
 WD 357224  
 QCD 357882  
 QCD 357891

PROPERTY ADDR:  
 CAMA AREA #:

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P1F

RP 002770010040 A    CANNON, ALLEN B & LUVISI-CANNON, ANITA P  
 056-0000 RP0027700000000T    4661 WHITMORE WAY BOISE ID 83709

LOT 4  
 BLK 1  
 RED BARON ESTATES #1

WD 374447  
 QCD 369885

PROPERTY ADDR:  
 CAMA AREA #:

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P1F

6/20/2014  
8:12:56

U N I F O R M    A S S E S S M E N T    D E V E L O P M E N T  
PMB001  
NUMERIC ROLL

\*\*    PARCEL KEY    \*\*  
TYPE    PARCEL NO    STATUS  
CODE    OLD PARCEL NO  
MAP NUMBER

WD 357224  
QCD 357882  
QCD 357891

PROPERTY ADDR:    1958    E    PIPER    83647    \*\*    \*\*\*  
CAMA AREA #:    1958    E    PIPER    83647    \*\*    \*\*\*

RP 002770010050 A    BICKLE, JODY  
056-0000 RP002770000000T    & ERICSON, ROBERT  
15000 W SOLES REST CREEK ROAD    ID 83647    LOT 5  
OASIS    ID 83647    BLK 1  
RED BARON ESTATES #1

QCD 369885  
WD 357224  
QCD 357882  
QCD 357891  
WD 365534

PROPERTY ADDR:    900    CAMA AREA #:    900    CAMA AREA #:  
LOCATION:    900    CAMA AREA #:

RP 002770010060 A    DIXON, RICHARD ALLEN  
056-0000 RP002770000000T    4998 N 18TH E    ID 83647    LOT 6  
MTN HOME    ID 83647    BLK 1  
RED BARON ESTATES #1

QCD 403658  
WD 370578  
QCD 369886  
WD 357224  
QCD 357882

PROPERTY ADDR:    1985    E    AERONCA CT    83647    \*\*    \*\*\*  
CAMA AREA #:    1985    E    AERONCA CT    83647    \*\*    \*\*\*

RP 002770010070 A    ANDROS, NICHOLAS J  
056-0000 RP002770000000T    & ANDROS, MELANIE L  
1975 E AERONCA COURT    ID 83647    LOT 7  
MTN HOME    ID 83647    BLK 1  
RED BARON ESTATES #1

QCD 442223  
WD 427428  
WD 402347  
TD 400505  
QCD 386725

PROPERTY ADDR:    1975    E    AERONCA CT    83647    \*\*    \*\*\*  
CAMA AREA #:    1975    E    AERONCA CT    83647    \*\*    \*\*\*

TYPE: RS    LOCATION:    900    PROPERTY ADDR:    1975    E    AERONCA CT    83647    \*\*    \*\*\*  
INSP YR:    2013    CAMA AREA #:

*P I F*

*P I F*

*P I F*





6/20/2014  
8:12:56

U N I F O R M    A S S E S S M E N T    D E V E L O P M E N T  
S O F T W A R E    S Y S T E M S  
PMB001  
NUMERIC ROLL

** PARCEL KEY **	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
TYPE PARCEL NO	STATUS						
CODE OLD PARCEL NO							
MAP NUMBER							

RP 002770010150 A PLATT, JOSHUA  
 056-0000 RP0027700000000T & PLATT, CHRISTINA  
 2719 EVERGREEN DR  
 GREAT FALLS MT 59404-3825

LOT 15  
 BLK 1  
 RED BARON ESTATES #1

*P1F*

WD 383129  
 QCD 369886  
 WD 357224  
 QCD 357882  
 QCD 357891

PROPERTY ADDR:  
 CAMA AREA #:

\*\* \*\*\*

RP 002770010160 A CASPER, KENNETH P  
 056-0000 RP0027700000000T & CASPER, SHEILA M  
 1910 E CASPER LANE  
 MTN HOME ID 83647

LOT 16  
 BLK 1  
 RED BARON ESTATES #1

*Roll 2012-13*

*455.70*

TD 377139  
 WD 370567  
 QCD 369886  
 WD 357224  
 QCD 357882

PROPERTY ADDR:  
 CAMA AREA #:

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RP 002770010170 A CASPER, KENNETH P  
 056-0000 RP0027700000000T & CASPER, SHEILA M  
 1910 E CASPER LANE  
 MTN HOME ID 83647

LOT 17  
 BLK 1  
 RED BARON ESTATES #1

*Roll 2012-13*

*710.60*

TD 377139  
 WD 370567  
 QCD 369886  
 WD 357224  
 QCD 357882

PROPERTY ADDR:  
 CAMA AREA #:

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RP 002770010180 A FRANCIS T & MARCELLINE BRADY  
 056-0000 RP0027700000000T 2000 LIVING TRUST  
 % BRADY, FRANCIS T  
 & BRADY, MARCELLINE  
 1950 E AERONCA COURT  
 OASIS ID 83647

LOT 18  
 BLK 1  
 RED BARON ESTATES #1

*P1F*

PROPERTY ADDR:  
CAMA AREA #:



6/20/2014  
8:12:56

U N I F O R M    A S S E S S M E N T    D E V E L O P M E N T  
S O F T W A R E    S Y S T E M S  
PMB001  
NUMERIC ROLL

PARCEL KEY TYPE CODE MAP	PARCEL NO OLD PARCEL NUMBER	STATUS NO	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
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RP	002770010220 A		RED BARON ESTATES PILOTS AND HOMEOWNERS ASSOCIATION INC	LOT 22 (RUNWAY)					
	056-0000	RP0027700000000T	1950 E AERONCA COURT OASIS ID 83647	BLK 1					
	QCD 410819			RED BARON ESTATES #1					
	WD 397836								
	WD 357224								
	QCD 357882								
	QCD 357891								

PROPERTY ADDR:  
CAMA AREA #:

*PIF*

NUMBER OF PARCELS-    22    TOTAL QUANTITY

\*\*\*\* PROMPT RESPONSES \*\*\*\*

LOCATION CODES INCLUDED    -ALL

PARCEL TYPES INCLUDED    -ALL

LIMITS    FROM    RP002770000000A    TO    RP0027799999999A



\*\* PARCEL KEY \*\*  
 TYPE PARCEL NO STATUS NAME/ADDRESS LEGAL DESCRIPTION CAT QUANTITY UNIT MARKET REVIEW  
 CODE OLD PARCEL NO MAP NUMBER NUMERIC ROLL YEAR YEAR

WD 357224  
 QCD 357882  
 TYPE: LOCATION: 900 PROPERTY ADDR: \*\*  
 INSP YR: 2014 CAMA AREA #: \*\*\*

RP 002780010270 A DELTA J ENTERPRISES LP LOT 27  
 056-0000 RP002780000000T 914 CESNA BLK 1  
 INDEPENDENCE OR 97351 RED BARON ESTATES #2  
 WD 375344  
 QCD 369886  
 WD 357224  
 QCD 357882  
 TYPE: LOCATION: 900 PROPERTY ADDR: PIF \*\*  
 INSP YR: 2014 CAMA AREA #: \*\*\*

RP 002780010280 A GIACALONE LIVING TRUST LOT 28  
 056-0000 RP002780000000T P O BOX 50231 BLK 1  
 BOISE ID 83705 RED BARON ESTATES #2  
 WD 377140  
 QCD 369886  
 WD 357224  
 QCD 357882  
 TYPE: LOCATION: 900 PROPERTY ADDR: PIF \*\*  
 INSP YR: 2011 CAMA AREA #: \*\*\*

RP 002780010290 A CASPER, KENNETH P LOT 29  
 056-0000 RP002780000000T & CASPER, SHELLA M BLK 1  
 1910 E CASPER LANE RED BARON ESTATES #2  
 MTN HOME ID 83647  
 QCD 369886  
 WD 357224  
 QCD 357882  
 WD 365534  
 TYPE: LOCATION: 900 PROPERTY ADDR: PIF \*\*  
 INSP YR: 2011 CAMA AREA #: \*\*\*

RP 002780010300 A GIACALONE LIVING TRUST LOT 30  
 PIF

PIF

Due 2012-13

Ass. 20

6/20/2014  
8:13:38

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PMB001  
NUMERIC ROLL

** PARCEL KEY **	** STATUS **	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
TYPE PARCEL NO	STATUS							
CODE OLD PARCEL NO								
MAP NUMBER								

056-0000	RP0027800000000T	P O BOX 50231	BLK 1 RED BARON ESTATES #2					
WD 377140		BOISE						
QCD 369886								
WD 357224								
QCD 357882								
QCD 357891								

PROPERTY ADDR:  
CAMA AREA #:

*P1F*

\*\* \*\*\*

RP 002780010310 A		RED BARON ESTATES PILOTS AND HOMEOWNERS ASSOCIATION INC	LOT 31 (ROAD)					
056-0000	RP0027800000000T	1950 E AERONCA COURT	BLK 1					
		OASIS	RED BARON ESTATES #2					

QCD 410819  
QCD 369886  
WD 357224  
QCD 357882  
QCD 357891

PROPERTY ADDR:  
CAMA AREA #:

*P1F*

\*\* \*\*\*

RP 002780010320 A		HELLER, KENNETH G & HELLER, LAURA J	LOT 32					
056-0000	RP0027800000000T	2401 S GEKELER LANE	BLK 1					
		BOISE	RED BARON ESTATES #2					

WD 375918  
QCD 369886  
WD 357224  
QCD 357882  
QCD 357891

PROPERTY ADDR:  
CAMA AREA #:

*P1F*

\*\* \*\*\*

RP 002780010330 A		PETRUNIA LLC	LOT 33					
056-0000	RP0027800000000T	P O BOX 175	BLK 1					
		BOISE	RED BARON ESTATES #2					

TD 439039  
WD 423620  
WD 376788  
QCD 369886  
WD 357224

*P1F*

\*\* \*\*\*

\*\* PARCEL KEY \*\*  
 TYPE PARCEL NO STATUS NAME/ADDRESS LEGAL DESCRIPTION CAT QUANTITY UNIT MARKET REVIEW  
 CODE OLD PARCEL NO MAP NUMBER YEAR YEAR

-----  
 TYPE: HW LOCATION: 900 PROPERTY ADDR: CAMA AREA #: \*\* \*\*\*  
 INSP YR: 2011

RP 002780010340 A GIACALONE LIVING TRUST LOT 34  
 056-0000 RP002780000000T P O BOX 50231 BLK 1  
 BOISE ID 83705 RED BARON ESTATES #2  
 WD 377141  
 QCD 369886  
 WD 357224  
 QCD 357882  
 WD 357891  
 TYPE: HW LOCATION: 900 PROPERTY ADDR: CAMA AREA #: \*\* \*\*\*  
 INSP YR: 2011

*P1F*

RP 002780010350 A GIACALONE LIVING TRUST LOT 35  
 056-0000 RP002780000000T P O BOX 50231 BLK 1  
 BOISE ID 83616 RED BARON ESTATES #2  
 QCD 369886  
 WD 357224  
 QCD 357882  
 WD 357891  
 TYPE: HW LOCATION: 900 PROPERTY ADDR: CAMA AREA #: \*\* \*\*\*  
 INSP YR: 2011

*P1F*

RP 002780010360 A WEGNER, BERND THOMAS LOT 36  
 056-0000 RP002780000000T & WEGNER, CARON M BLK 1  
 MTN HOME ID 83647 RED BARON ESTATES #2  
 WD 419445  
 WD 374846  
 QCD 369886  
 WD 357224  
 QCD 357882  
 WD 357891  
 TYPE: HW LOCATION: 900 PROPERTY ADDR: CAMA AREA #: \*\* \*\*\*  
 INSP YR: 2011

*P1F*

RP 002780010370 A CASPER, KENNETH P LOT 37  
 056-0000 RP002780000000T & CASPER, SHELLIA M BLK 1  
 1910 E CASPER LANE RED BARON ESTATES #2  
 TYPE: HW LOCATION: 900 PROPERTY ADDR: CAMA AREA #: \*\* \*\*\*  
 INSP YR: 2011

*Q2 2012-13*

*05.12*

6/20/2014  
8:13:38

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S O F T W A R E    P M B 0 0 1  
N U M E R I C R O L L

** PARCEL KEY	** STATUS	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW
TYPE	CODE	OLD PARCEL NO	MAP NUMBER					YEAR

QCD 369886								
WD 357224		MTN HOME	ID 83647					
QCD 357882								
QCD 357891								
WD 365534								

PROPERTY ADDR:  
CAMA AREA #:

TYPE: LOCATION: 900  
INSP YR: 2011

PROPERTY ADDR:  
CAMA AREA #:

RP 002780010380 A  
056-0000 RP0027800000000T

ROBERT WILLIAM RIEGLER TRUST  
P O BOX 158  
APPLEGATE CA 95703

LOT 38  
BLK 1  
RED BARON ESTATES #2

TAX 33 & TAX 35 IN LOT 39  
LESS TAX 36 IN LOT 40 BLK 1  
RED BARON ESTATES #2

QCD 386370  
QCD 386371  
WD 372312  
QCD 386369  
WD 377223

DOCKSTADER, BRIAN L  
& DOCKSTADER, TINA L  
1335 S HEIDI PLACE  
MERRIDIAN ID 83642

PROPERTY ADDR:  
CAMA AREA #:

TYPE: LOCATION: 900  
INSP YR: 2013

PROPERTY ADDR:  
CAMA AREA #:

RP 00278001040D A  
056-0000 RP00278001040CT

WEGNER, BERND T  
& WEGNER, CARON M  
1956 E BONANZA COURT  
MTN HOME ID 83647

TAX 34 IN LOT 40 LESS TAX 35  
IN LOT 39 BLK 1  
RED BARON ESTATES #2

WD 427924  
QCD 427923  
WD 414319  
DLF 413053  
DLF 413052

PROPERTY ADDR:

QIF

QIF

QIF

6/20/2014  
8:13:38

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S O F T W A R E    P M B 0 0 1  
N U M E R I C    R O L L

** PARCEL KEY	** STATUS	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW
TYPE PARCEL NO	CODE OLD PARCEL NO	MAP NUMBER						YEAR

TYPE: HW    LOCATION: 900    CAMA AREA #:

INSP YR: 2011

RP 00278001040E A	056-0000	RP00278001039CT	WEGNER, BERND T & WEGNER, CARON M 1956 E BONANZA COURT MTN HOME ID 83647					
WD 427924	OCDD 427923	WD 414315					TAX 36 IN LOT 40	
DLF 413053	DLF 413052						BLK 1	
							RED BARON ESTATES #2	

PROPERTY ADDR: *PIF*

CAMA AREA #:

TYPE: HW    LOCATION: 900

INSP YR: 2011

RP 002780010410 A	056-0000	RP002780000000T	RED BARON ESTATES PILOTS AND HOMEOWNERS ASSOCIATION INC 1950 E AERONCA COURT OASIS ID 83647				LOT 41 (FUTURE ROAD)	
OCDD 410819	WD 357224	OCDD 357882					BLK 1	
OCDD 357891	WD 365534						RED BARON ESTATES #2	

PROPERTY ADDR: *PIF*

CAMA AREA #:

TYPE: INSP    LOCATION: 900

INSP YR: 2011

NUMBER OF PARCELS- 20    TOTAL QUANTITY

\*\*\*\* PROMPT RESPONSES \*\*\*\*

LOCATION CODES INCLUDED -ALL

PARCEL TYPES INCLUDED -ALL

LIMITS    FROM    TO

RP002780000000A    RP002789999999A

6/20/2014  
8:14:51

U N I F O R M   A S S E S S M E N T   D E V E L O P M E N T  
S O F T W A R E   S T E M S   P M B 0 0 1  
N U M E R I C   R O L L

** PARCEL KEY **	TYPE	PARCEL NO	STATUS	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
RP 002860010010 A	056-0000	RP0028600000000T		CASPER, KENNETH & CASPER, SHELLA 1910 E CASPER LANE MTN HOME ID 83647	LOT 1 (PRIVATE ROADS) BLK 1 RED BARON ESTATES #3					
QCD 418334	QCD 368300	QCD 333663	QCD 362474	BSD 330499						
PROPERTY ADDR: CAMA AREA #:										
TYPE: HW LOCATION: 900										
INSP YR: 2012										

18.50

DL 2012-13

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RP 002860010020 A	056-0000	RP0028600000000T		CASPER, KENNETH & CASPER, SHELLA 1910 E CASPER LANE MTN HOME ID 83647	LOT 2 BLK 1 RED BARON ESTATES #3					
QCD 418334	QCD 368300	QCD 333663	QCD 362474	BSD 330499						
PROPERTY ADDR: CAMA AREA #:										
TYPE: HW LOCATION: 900										
INSP YR: 2014										

11.00

DL 2012-13

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RP 002860010030 A	056-0000	RP0028600000000T		CASPER, KENNETH & CASPER, SHELLA 1910 E CASPER LANE MTN HOME ID 83647	LOT 3 BLK 1 RED BARON ESTATES #3					
QCD 418334	QCD 368300	QCD 333663	QCD 362474	BSD 330499						
PROPERTY ADDR: CAMA AREA #:										
TYPE: HW LOCATION: 900										
INSP YR: 2012										

15.00

DL 2012-13

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RP 002860010040 A	056-0000	RP0028600000000T		CASPER, KENNETH & CASPER, SHELLA 1910 E CASPER LANE MTN HOME ID 83647	LOT 4 BLK 1 RED BARON ESTATES #3					
QCD 418334	QCD 368300									
PROPERTY ADDR: CAMA AREA #:										
TYPE: HW LOCATION: 900										
INSP YR: 2012										

81.00

DL 2012-13

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8:14:51

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S O F T W A R E    S Y S T E M S  
PMB001  
NUMERIC ROLL

** PARCEL KEY **	** STATUS **	NAME/ADDRESS	LEGAL DESCRIPTION	CAT	QUANTITY	UNIT	MARKET	REVIEW YEAR
OCD 333663								
OCD 362474								
BSD 330499								

PROPERTY ADDR:  
CAMA AREA #:

TYPE: HW    LOCATION: 900  
INSP YR: 2012

RP 002860010050 A  
056-0000 RP0028600000000T

CASPER, KENNETH  
& CASPER, SHELLA  
1910 E CASPER LANE  
MTN HOME    ID 83647

LOT 5  
BLK 1  
RED BARON ESTATES #3

*P1F*

PROPERTY ADDR: 1910    E    CASPER LN    83647

TYPE: HW    LOCATION: 900  
INSP YR: 2013

RP 002860010060 A  
056-0000 RP0028600000000T

CASPER, KENNETH  
& CASPER, SHELLA  
1910 E CASPER LANE  
MTN HOME    ID 83647

LOT 6  
BLK 1  
RED BARON ESTATES #3

*Due 2012-13*

*592.20*

PROPERTY ADDR:  
CAMA AREA #:

TYPE: HW    LOCATION: 900  
INSP YR: 2012

RP 002860010070 A  
056-0000 RP0028600000000T

RED BARON ESTATES PILOTS AND  
HOMEOWNERS ASSOCIATION INC  
1950 E AERONCA COURT  
OASIS    ID 83647

LOT 7 (PRIVATE RUNWAY)  
BLK 1  
RED BARON ESTATES #3

PROPERTY ADDR:  
CAMA AREA #:

*P1F*

TYPE: HW    LOCATION: 900  
INSP YR: 2012

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6/20/2014  
8:14:51

U N I F O R M    A S S E S S M E N T    D E V E L O P M E N T  
S O F T W A R E    S Y S T E M S  
PMB001  
NUMERIC ROLL

\*\*    PARCEL KEY    \*\*  
TYPE    PARCEL NO    STATUS    NAME/ADDRESS    LEGAL DESCRIPTION    CAT    QUANTITY    UNIT    MARKET    REVIEW  
CODE OLD PARCEL NO    MAP NUMBER

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NUMBER OF PARCELS -    7    TOTAL QUANTITY

\*\*\*\*    PROMPT RESPONSES    \*\*\*\*  
LOCATION CODES INCLUDED    -ALL  
PARCEL TYPES INCLUDED    -ALL  
LIMITS    FROM    TO  
          RP002860000000A    RP0028699999999A

## Beth Bresnahan

---

**From:** Kacey Ramsauer <kramsauer@elmorecounty.org>  
**Sent:** Monday, September 29, 2014 9:21 AM  
**To:** 'Beth Bresnahan'; achristy@elmorecounty.org  
**Subject:** FW: Please see attached document  
**Attachments:** Red Baron\_Appeal\_Additional Conditions.docx

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**From:** Ron C [<mailto:ron@castlewoodproducts.com>]  
**Sent:** Friday, September 26, 2014 4:13 PM  
**To:** Kacey Ramsauer  
**Subject:** Please see attached document

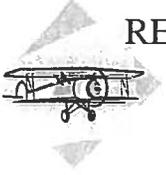
Thank you Kacey for clarification this morning on the orange lines.

Please find attached an answer to an e-mail Beth sent me on September 18, 2014. I was going to bring it in, but the day got away from me.

Thank you,

Rosie Castle

Received 9-29-14  
via email BB



RED BARON ESTATES PILOTS and HOME OWNERS ASSOCIATION  
1950 E AREONICA  
OASIS, IDAHO 83647-5104

Per e-mail from Beth Bresnahan date September 19, 2014

**Section 6-3-2: Appeals to the Board on Decisions of the Commission:**

**'G' Notice of Appeal:** *The notice of appeal shall state the date and the substance of the decision appealed and the grounds for the appeal.*

The amended CUP -2004-10 was Approved with the following conditions. The date the conditions were placed by the Planning and Zoning members was August 6, 2014. The conditions were approved at the August 20, 2014 meeting, signed August 21, 2014 and became effective on August 31, 2014. However, I might add that the FOC I received by mail on September 19, 2014 reads differently on two (2) conditions than what I was faxed on August 21<sup>st</sup>. Also the minutes that were posted from the August 20<sup>th</sup> meeting read differently than those I received.

**Additional Conditions**

#2 ".....will not be in effect until all outstanding fees and property taxes have been paid in full by all members....."

We believe this is based on 'E' 1 - 5.

#3 ".....allowed no more than one (1) aircraft invitees at one time."

We believe this is based on 'E' 1 - 5.

#4 "Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates....."

We believe this is a non-issue and should be stricken from the conditions, so as not to convolute issues further.

#5 ".....not be in effect until a recorded MoU regarding....avigation agreement or an avigation agreement, between Red Baron Estates Pilot's and HOA and Soles Rest Creek HOA.

We believe this is based on 'E' 1 - 5.

The above conditions are the "Additional Conditions" that we, as an association, wish to appeal.

Thank You

Rosie Castle



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT  
 520 E 2<sup>nd</sup> South – Mountain Home, ID 83647 – (208) 587-2142  
[www.elmorecounty.org](http://www.elmorecounty.org)  
 Appeal of Elmore County Planning and Zoning Commission Decision  
 \$800

Please attach additional sheets of paper if necessary. Do not fax! Please complete in INK.

Name: Red Baron Estates Pilots and Homeowners Association, Inc.

Address: 1950 E. Arconica, OASIS, ID 83647-5104

Email / Phone: (208) 796-2167 (208) 368-0142  
fbrady5303@yahoo.com & row@castlewoodproducts.com

Subject of Appeal & Case #: Amend an existing Conditional Use Permit

CUP-2004-06 & CUP 2010-02. New Case # CUP 2014-10

Basis for objection: Conditions # 2, # 3, # 5, # 4

Signature: Rosanna (Rosie) Castle

Printed Name: ROSANNA (ROSIE) CASTLE

**For Administrative Use Only**

File Number: CUP 2014-10 (appeal)

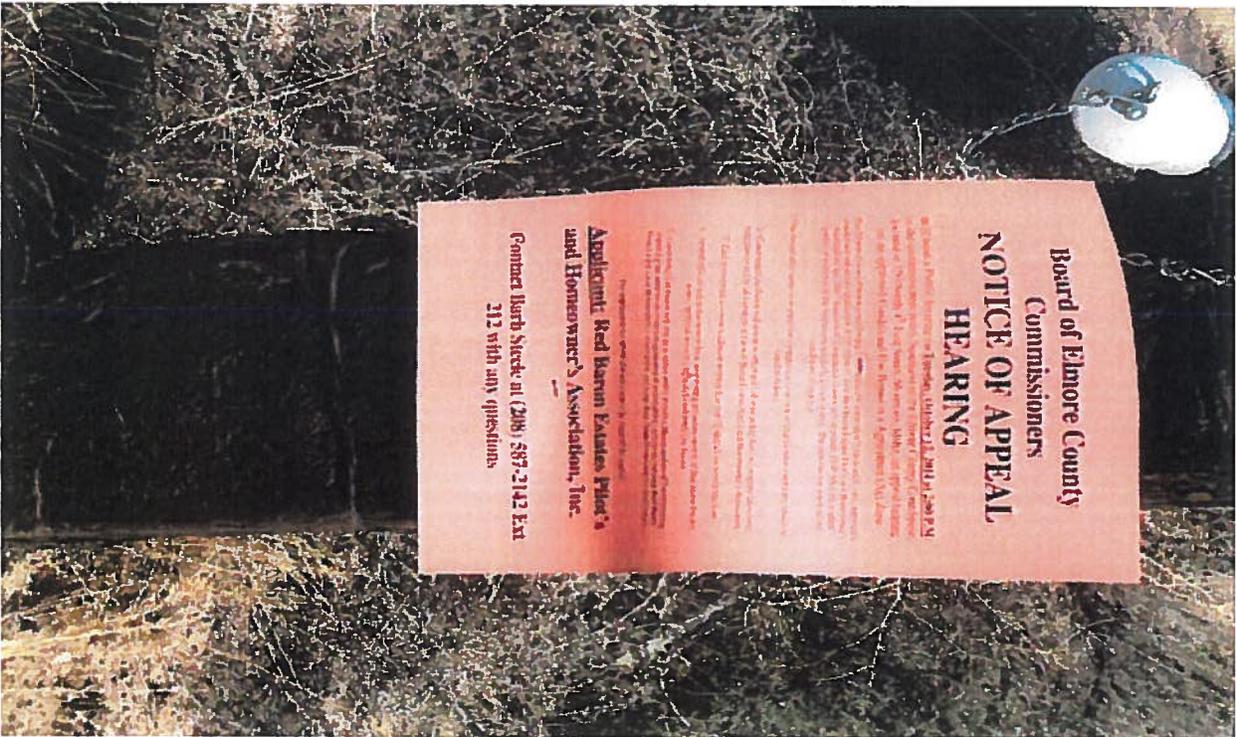
Fee: \$800 Date Paid: 8/28/2014

Receipt Number: 30-09972

Date Accepted: 8/28/2014 By: KR



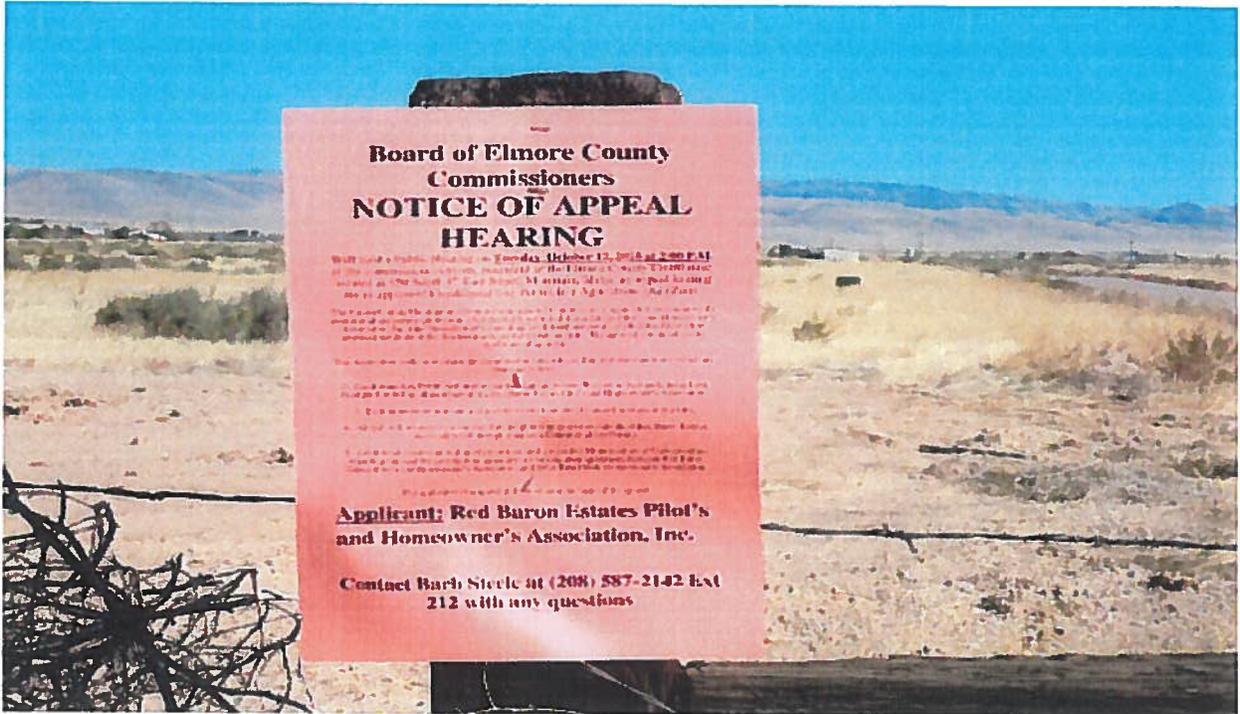
Posting on entrance to Red Baron.





Looking at Red Baron from the Entrance.





Posting near the mailboxes of Red Baron.



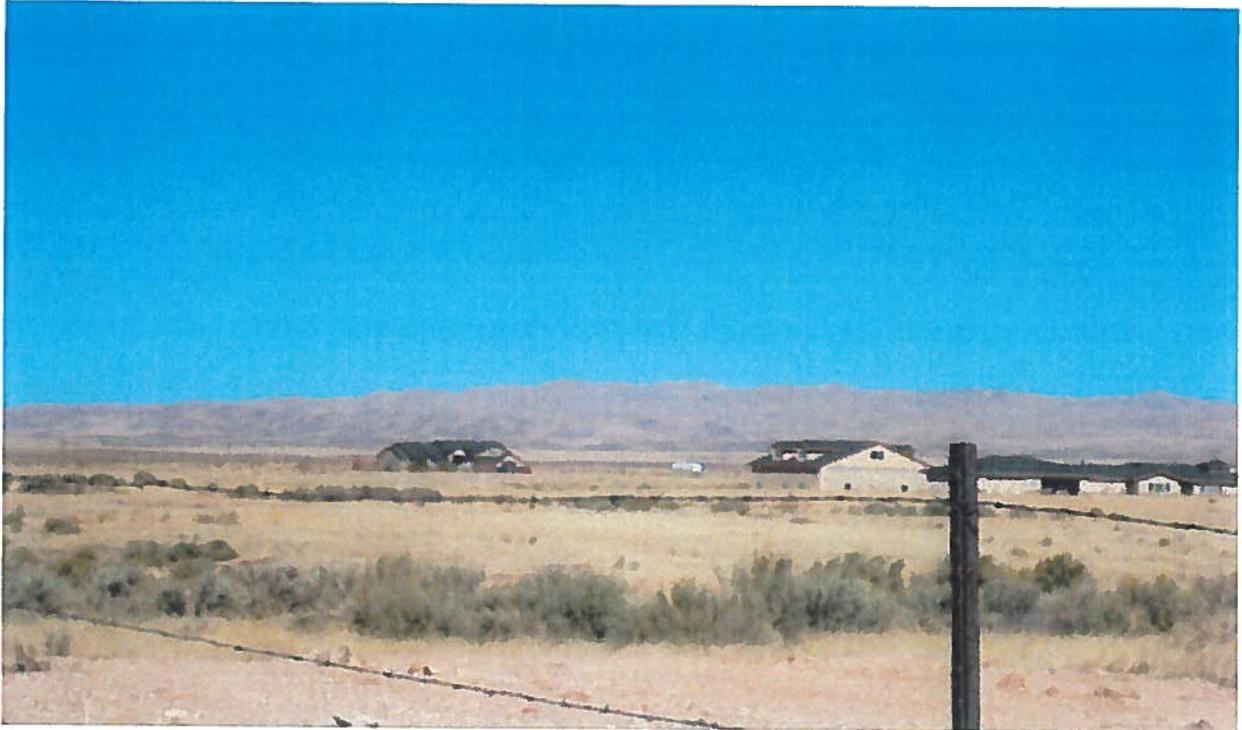


Fence line of Red Baron at the entrance.





Homes at Red Baron.

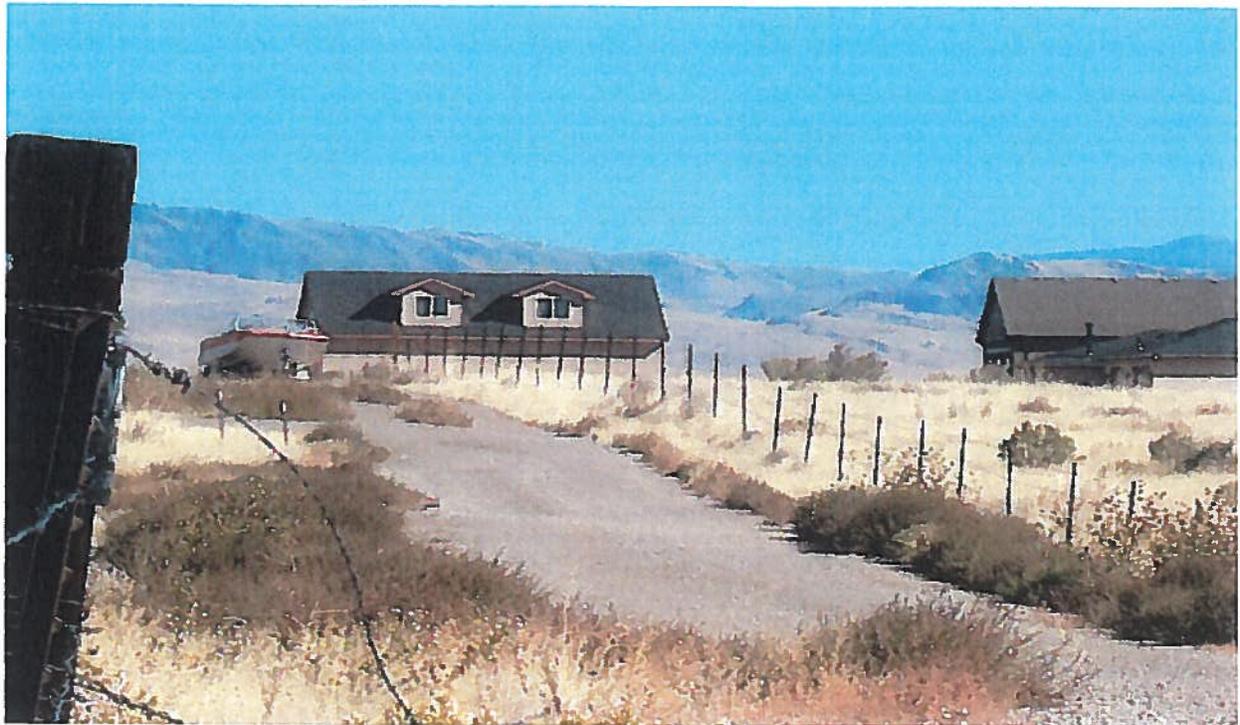


Looking at Sols Rest and Rancho del Sol



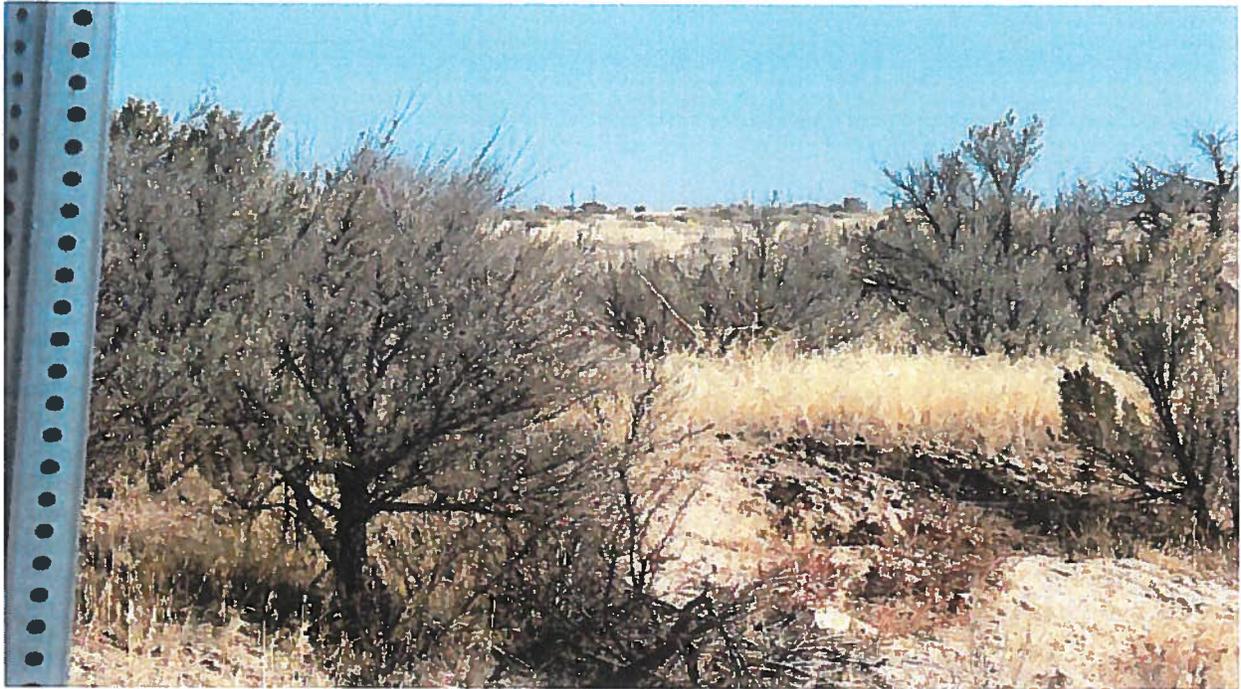
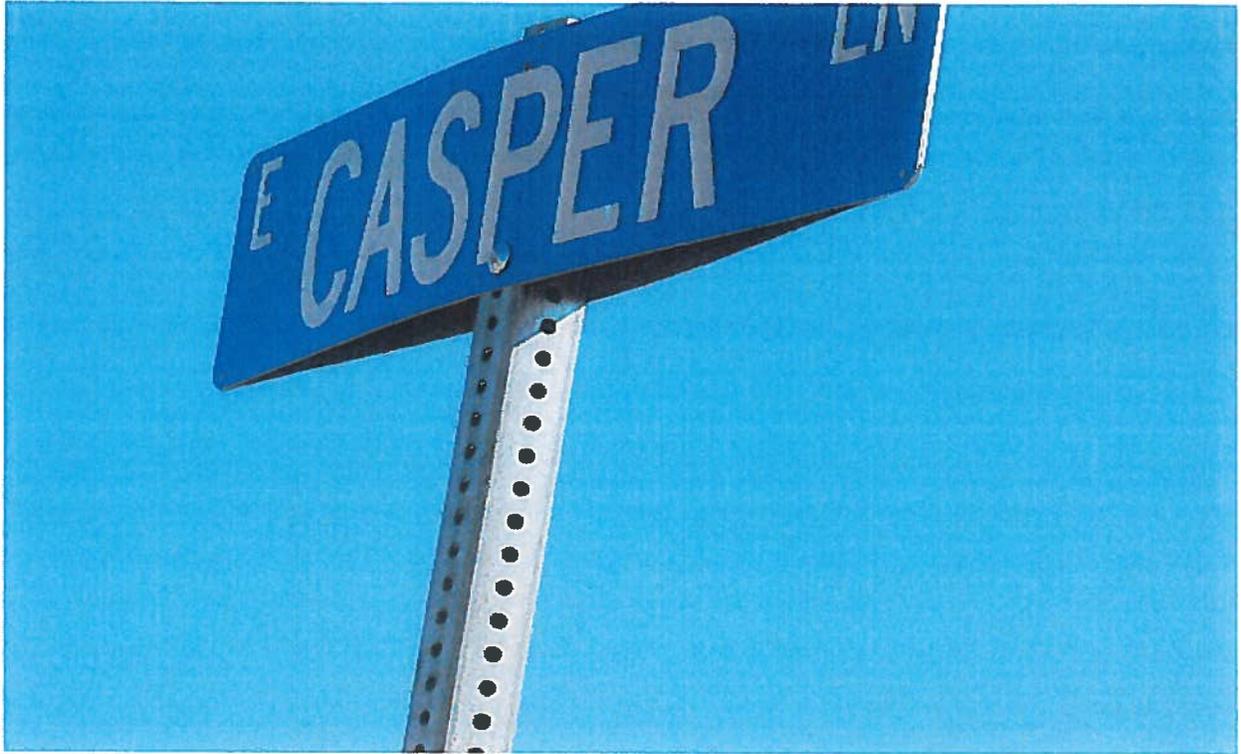


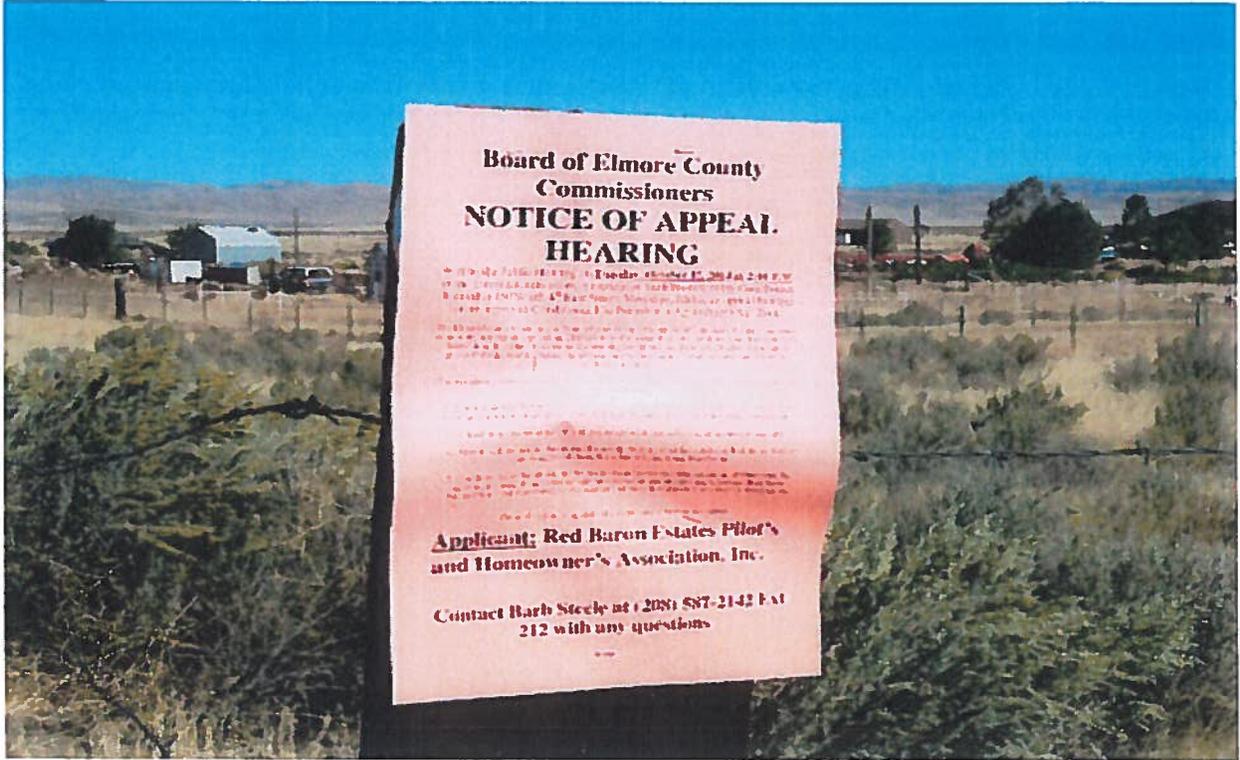
Posting at E. Casper Ln



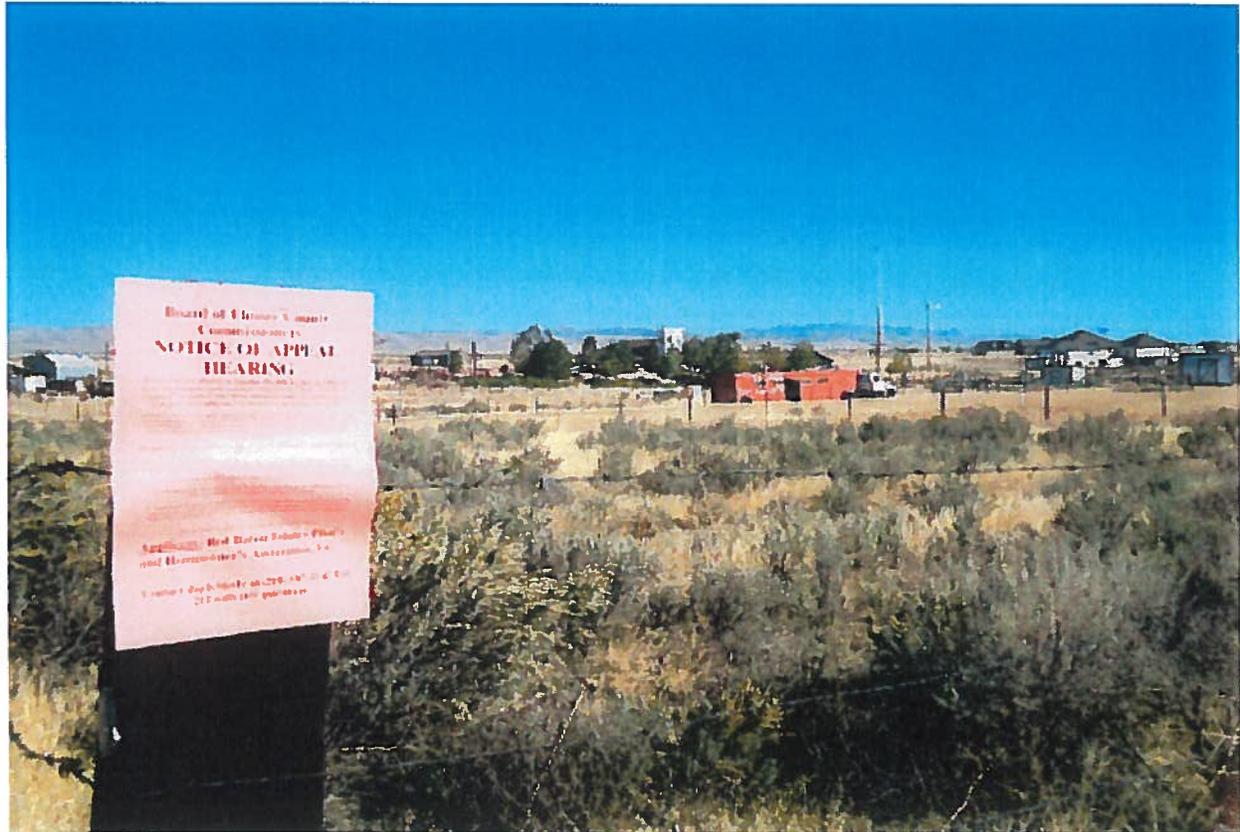
Posting at the E. Casper Ln







Posting at E. Tailspin Ln





**BOARD OF ELMORE COUNTY COMMISSIONERS  
NOTICE OF APPEAL HEARING**

**NOTICE IS HEREBY GIVEN** that on Tuesday, October 14, 2014 at the hour of 2:00 p.m. in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4<sup>th</sup> East, Mountain Home, Idaho, an appeal hearing will be held on an approved Conditional Use Permit in a Agriculture (AG) Zone. Case Number: CUP-2014-10.

The Elmore County Planning and Zoning Commission (“Commission”), upon a 6-0 vote, approved a conditional use permit application, CUP-2014-10, from Red Baron Estates Pilot’s and Homeowner’s Association, Inc. (the “Association”), amending conditional use permit, CUP-2004-10, to allow guests of residents of the Association to use the private airstrip. The approval contained six (6) conditions of approval.

The Association seeks to overturn the Commission’s decision on four of those conditions, which are listed as follows:

2. Conditional Use Permit will not be in effect until all outstanding fees and property taxes have been paid in full by all members of the Red Baron Estates Pilot’s and Homeowner’s Association.
3. Each homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.
4. Aircraft will not taxi to the runway from neighboring properties outside of Red Baron Estates unless approved through a separate Conditional Use Permit.
5. Conditional Use Permit will not be in effect until a recorded Memorandum of Understanding regarding the need for an avigation agreement or an avigation agreement, between Red Baron Estates Pilot’s and Homeowner’s Association and Soles Rest Creek Homeowner’s Association.

The application for appeal did not contain the basis of the appeal.

The site is located in the S2NE4, NE4SE4, Section 30, Township 1 South, Range 5 East, B.M. A common way of locating property is from Interstate 84 take exit 74, turn north on Simco Rd. to Desert Wind Rd., turn right on Desert Wind Rd., travel approximately 3.7 miles to Piper Lane. Property is on the North side of Desert Wind Rd.

The record for this matter may be reviewed beginning on September 25, 2014 prior to the hearing in the Elmore County Land Use and Building Department, 520 E 2<sup>nd</sup> South, Mountain Home, Idaho, during regular business hours.

The Elmore County Clerk is responsible for ensuring compliance with the American Disabilities Act 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.

**BARBARA STEELE, CLERK  
BOARD OF COMMISSIONERS  
ELMORE COUNTY, IDAHO**

**1 Publication  
September 24, 2014  
4 inches by two columns**



4. Public Hearing was held on June 18, 2014, hearing was tabled until July 16, 2014 in order to establish if the applicant has the legal authority to ask for the amendment.
5. Public Hearing was held on July 16, 2014, hearing was continued until August 6, 2014 for deliberations.
6. Public Hearing was held on August 6, 2014 for deliberations.
7. The property is located within an Agriculture (Ag) Zone, Wildfire Urban Interface (WUI) Overlay and Oasis Community District Overlay.
8. The surrounding land uses are residential, agricultural grazing and wrecking yard.
9. The Commission found the proposed use will, in fact, constitute an allowed conditional use in that zone, as determined by the Land Use Matrix and Zoning District regulations Chapter 8, Table 6-8-11 (C) and section 6-27-2 B of the Elmore County Zoning and Development Ordinance.
10. With the additional conditions the Commission found the proposed use will be in accordance with goals and objectives of the Comprehensive Plan and with all the applicable provisions of the Zoning and Development Ordinance.
11. With the additional conditions the Commission found the proposed use will comply with all applicable County Ordinances.
12. With the additional conditions the Commission found the proposed use will be served adequately by existing essential public facilities and services such as highways, streets, schools, police and fire protection, drainage structures, refuse disposal, water and sewer or the person responsible for the establishment of the proposed conditional use shall adequately provide any such services. A water tank for fire suppression has been installed.
13. The proposed use will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets. There will be no new approaches needed or constructed.
14. With the additional conditions the Commission found the proposed use will be designed, constructed, operated and maintained to be harmonious with the existing or the intended character of the general vicinity and such use will not change the essential character of the same area.
15. With the additional conditions the Commission found the proposed use will not be hazardous or disturbing to existing or future neighboring uses. The Commission found that an agreement would be necessary with neighboring property.
16. With the additional conditions the Commission found the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Any improvement will be at the cost of the applicant.
17. With the additional conditions the Commission found the proposed use will not involve uses, activities, processes, materials, equipment or conditions

of operation that will be detrimental to any persons, property or the general welfare by reason of the environment, or excessive production of traffic, noise, smoke, fumes, glare, or odors.

18. The proposed use will not result in destruction, loss or damage of a natural or scenic feature of major importance.

Based on the foregoing **FINDINGS OF FACT**, the Elmore County Planning and Zoning Commission hereby makes the following:

### **CONCLUSIONS OF LAW**

1. The requirements of Idaho Code Section §67-6509 have been met.
2. The action taken herein does not violate Chapter 80 of Title 67 of the Idaho Code.
3. The applicant has met the requirements of the Zoning and Development Ordinance Chapter 27 for a Conditional Use Permit as shown above in the findings of fact.

Based on the forgoing **CONCLUSIONS OF LAW**, the Elmore County Planning and Zoning Commission hereby enters the following:

### **ORDER**

The application for a Conditional Use Permit to amend an existing Conditional Use Permit CUP-2004-10 located in the S2NE4, NE4SE4, Section 30, Township 1 South, Range 5 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

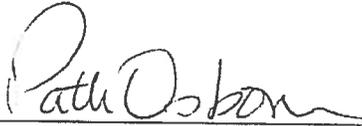
### **ADDITIONAL CONDITIONS**

1. Failure to comply with this amendment or any previously approved applicable conditions may result in revocation of the conditional use permit.
2. Conditional Use Permit will not be in effect until all outstanding fees and property taxes have been paid in full by all members of the Red Baron Estates Pilot's and Homeowner's Association.
3. Each homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.
4. Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates unless approved through a separate Conditional Use Permit.

5. Conditional Use Permit will not be in effect until a recorded Memorandum of Understanding regarding the need for an avigation agreement or an avigation agreement, between Red Baron Estates Pilot's and Homeowner's Association and Sole Rest Creek Home Owner's Association.
6. Expansion will comply with all State and Federal Regulations.

**COMMISSION VOTE:**

CHAIRPERSON PATTI OSBORN	VOTED AYE
VICE CHAIRPERSON K.C. DUERIG	VOTED AYE
DEBBIE LORD	VOTED AYE
SUSAN FISH	ABSENT
BETTY VAN GHELUWE	VOTED AYE
SHANE ZENNER	VOTED AYE
ED OPPEDYK	ABSENT
JEFF BLANKSMA	VOTED AYE

  
 \_\_\_\_\_  
 Patti Osborn, Chairperson

**ATTEST:**

  
 \_\_\_\_\_  
 Alan Christy, Director

DATED this 21st day of August 2014.

\*Effective at 12:01 A.M. on the 31st day of August 2014.

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

\*Note            A request for reconsideration on a Commission decision may be made within ten (10) calendar days of the Commission action. The Commission shall only consider such reconsideration once good cause includes but is not limited to:

1. The party requesting reconsideration has new or additional relevant information; and

2. The relevant information was not previously presented and is in response to something brought up at the previous hearing; and
3. The information was not previously available.

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, June 18, 2014 at 7:00 pm**

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

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

**Servando and Josefina Tapia for a Conditional Use Permit to subdivide property into a 2-lot subdivision in a Agriculture (Ag) Zone. Case Number: CUP-2014-09. The site is located in the NW1/4 NW1/4 Section 10, Township 4 South, Range 6 East, B.M.** A common means of locating the property is from Air Base road turn south on to Highway 51, turn right on to Old Grandview Highway, approximately ¼ mile turn right on to SW Corona Dr., property is located at 3355 SW Corona Dr.

Bresnahan gave staff report and background.

The applicant did not wish to testify.

There was no one signed in to testify.

Osborn closed this public hearing.

**Commission action:**

Lord stated that there is BLM land on 2 sides of this property and she would recommend a condition that the perimeter be fenced to keep livestock out.

Oppedyk moved to approved with the condition requiring fencing to keep livestock out.

Van Gheluwe seconded.

Motion carries unanimously.

**Red Baron Estates Pilot's and Homeowner's Association to Amend an existing Conditional Use Permit CUP-2004-10 in a Agriculture (AG) Zone. Case Number: CUP-2014-10. The site is located in the S1/2 NE1/4, NE1/4 SE1/4, Section 30, Township 1 South, Range 5 East, B.M.** A common means of locating the property is from Interstate 84 take exit 74, turn north on Simco Rd. to Desert Wind Rd., turn right on Desert Wind Rd., travel approximately 3.7 miles to Piper St. Property is on the North side of Desert Wind Rd.

Christy stated that staff received some additional information from attorney Phil Miller. He stated that at this time staff would recommend tabling this application to a date certain in an attempt to

have the applicants provide additional information and give staff and legal counsel time to review any submitted documentation.

Miller stated that after reviewing the staff report and looking at the past history and the conditional use permits in this case they are under the name of Hennis and Casper; and Hennis, Casper, and the pilots association. He stated that this application for amending the conditional use permit is by The Red Baron Estates Pilot's and Homeowner's Association. He stated that usually the developer gets a conditional use permit and the permit runs with the property. He stated that at this point from the materials in front of him he cannot tell exactly what the relationship with Homeowner's and Pilot's Association is with the developers. He stated that he did notice that in the packet there is some information about a lawsuit which lists the Homeowner's and Pilot's Association as a nonprofit corporation. He stated to the best of his knowledge the commission members have not had time to review the bylaws or any documents which set up the Pilot's Association to make sure it actually has the legal authority to act as the permittee for the conditional use permit. He stated that in addition normally on something like this the corporation or the homeowner's association have some formalities that they go through. He stated that the application was signed by the secretary and we do not know at this point whether the secretary had the authorization to do that, whether the directors have the authority within their bylaws to ask for amendments, and to manage the airport out there. He stated that we don't know under the bylaws if it would require a vote of the members or anything like that. He stated that before they can get to any factual issues involved in this amendment his recommendation is to back up and look at some of the basic facts and to make sure that the pilot's association has the legal authority to ask for this amendment.

Osborn asked if there were any questions for Miller regarding his recommendation.

There were no questions.

Christy stated that there is a regular meeting for the P&Z on July 16, 2014. He asked Miller what the notification requirements would be for tabling this.

Miller stated that the case law says for a public hearing if you table or continue to a date certain that acts as notification. He stated that the commission can request that staff re-notice the public hearing.

Duerig stated that it would be advantageous to re-notice because this may be a contentious issue.

Duerig moved to table this public hearing to a date certain of July 16, 2014.

Oppedyk seconded.

Motion carried unanimously.

Due to some confusion in the crowd Miller re-stated what information was needed and why the public hearing was tabled.

Osborn stated that there would be a 5 minute recess to allow people to leave the meeting.

Osborn called the meeting to order after the recess.

## **PUBLIC MEETING**

### **Preliminary Plat for SUB-2014-02 Elk Valley Subdivision #2**

Christy gave staff report and background.

Duerig moved to approve with the following conditions:

Approved

Approved

1. All improvements, including road turnarounds must be completed or bonded prior to recording of final plat. If turnarounds are not constructed a full 60' easement must be recorded for all roads on the final plat.

2. Final Plat must be recorded within 2 years.

Fish seconded.

Motion carried unanimously.

## **Minutes**

Minutes from 05-21-2014

Lord moved to approve.

Duerig seconded.

Motion carried with Van Gheluwe abstaining as she was not present at this meeting.

## **NEW BUSINESS**

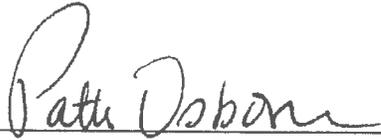
Upcoming P & Z Schedule

Christy stated that July 16, 2014 is the next scheduled meeting due to the Fourth of July holiday. He stated the comprehensive plan meeting will be held August 6, 2014.

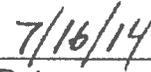
**MEETING ADJOURNED**

Approved

Approved

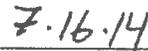


Patti Osborn, Chairperson



Date:

Attest:   
Alan Christy, Director



Date:

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, July 16, 2014 at 7:00 pm**

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

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

**Continuation for Red Baron Estates Pilots and Homeowners Association to Amend an existing Conditional Use Permit CUP-2004-10 in a Agriculture (AG) Zone. Case Number: CUP-2014-10. The site is located in the S1/2 NE1/4, NE1/4 SE1/4, Section 30, Township 1 South, Range 5 East, B.M.** A common means of locating the property is from Interstate 84 take exit 74, turn north on Simco Rd. to Desert Wind Rd., turn right on Desert Wind Rd., travel approximately 3.7 miles to Piper St. Property is on the North side of Desert Wind Rd.

Osborn read the rules for this public hearing.

Bresnahan gave staff report and background.

Miller stated that the bottom line is with the additional information, specifically the conveyance documents and the notarized minutes from the Red Baron Pilot's Association, that the pilot's association does have the legal authority and interest in the property to request an amendment to the conditional use permit.

Rosanna (Rosie) Castle is the secretary/treasurer for the Red Baron Pilot's and Homeowner's Association. She stated that she has given documentation to prove she has the legal authority to present and also to apply for this conditional use permit (CUP). She stated that she is submitting a letter that she would like to address particularly with Miller concerning the amended staff report that she received this morning via email. She stated that she did not have prior notice of this and therefore was not able to respond to Miller's letter. She stated that she has 2 copies made for Miller and Osborn as she was crunched for time. She stated that this is covering the taxes for Red Baron because Miller's letter to Christy did state that Idaho Code Section 63-103 states that when taxes are delinquent the County has a perpetual lien on the property until they are paid and that after 3 years the county may issue a tax deed. The Elmore county planning and development ordinance 6-3-4b says that zoning permits which include conditional use permits issued is in violation of state and federal law are invalid. Section 6-27-7a (5) requires the development to comply with all state and federal regulations in this section. The only fair reading that includes tax law and regulations; therefore, when a property is tax delinquent it is not in conformance with Idaho law and regulation and under that the zoning permit and amendment cannot be issued. She stated that in her response to this she has written a letter stating I would like to address the tax issue with Mr. Miller first. The way that I am

reading this says that if we do not get this tax issue settled first then there would be no need to continue the meeting. Mr. Miller I have copied your letter dated July 11 emailed to Christy and highlighted the areas of concern. You cited Idaho code 63-902 which goes over taxes and the duties of the tax collector. Next you cited sections 53-1003 of the Idaho State Statutes which are revenue and taxation/revenue and delinquencies on real properties, personal, and operating property. As you read through this it contains verbiage like "property described, levied on such property, all real and personal property of the owner." As I read this I find no mention of anything regarding property owned by an individual within a homeowner's or subdivision. As I read through the Elmore county ordinance you cited 6-3-4b, 6-27-4a (5) and I still find no reference to an individual property owner within an association or subdivision. Mr. Miller your verbiage in the last paragraph states "therefore when a property is delinquent." You used a single verbiage "a property." The association applied for an amended CUP, yes Mr. Casper, Mr. Plat, Delta J, Ringler Trust, and Mr. Peterson, property owners, are within the confines of the association; however, they are not the ones requesting the amendment to the CUP. Please explain because neither I nor anyone else who has read this understands the reasoning behind this. The association does not own these properties.

Miller stated that under that interpretation any of the private properties within the subdivision could be in violation of any state, local, and federal law and you could amend the CUP in any way if the homeowner's association was doing it and that's obviously not the intent of the ordinance, it's a residential subdivision. He stated that under your reading of that interpretation if somebody was running a business out of one of those lots which is not allowed by the ordinance or the CUP, the county would not be able to take that into consideration. He stated that he thinks that's big problem. He stated that suppose the developer is applying for the CUP or for an amendment and he owned most of the lots and other people owned some of the lots, under Castle's interpretation some of those other persons lots could be totally out of compliance with the law and the county could still grant the amendment, that's not the way the ordinance is intended to be set up. He stated that he thinks she is reading the term property too narrowly. He stated that he thinks that when you look at the zoning ordinance, the language that the property referred to is simply the property within the CUP area. He stated that if any one of the lots is in violation that is part of the property within the CUP. Miller stated that if this can't be resolved that one of staff's suggestions in the staff report is a requirement that taxes be paid as a condition in the CUP.

Castle stated that the person who owes the most taxes in the subdivision has been trying desperately to catch up on taxes and he is not 3 years delinquent and neither are any of the property owners in the subdivision. She stated that she has not gone so far as to research this but she does not believe that they are, otherwise the taxing agency would have taken their tax remedy solutions and that has not been done.

Miller states that they really cannot do anything until 3 years has passed but they do have a lien on the property.

Castle stated that they do have a lien on the property but the provisions in the Idaho Code that Miller has quoted in his letter says that they are in the parameters of the state statute and this is her point that if they were behind at that point the county would have legal remedy to take care of this situation. She stated that she does not believe that the association as a whole should be held hostage for the situation of delinquent tax.

Miller stated that someone is out of compliance with the law and it is set up so that there is a 3 year grace period even though they are out of compliance with the law for paying taxes. He stated that he believes the property referred to in the ordinance is the entire property within the area covered by the CUP.

Castle stated this is not clear in state or county codes.

Miller stated that it talks about the development and the land use and so forth.

Castle stated that it also states that "individual". She stated that she is not responsible nor is anyone in the association for others delinquent taxes.

Miller stated that you have to pay, but his position is that he believes that the county can look at what is going on in the subdivision to determine whether all laws are being followed when a CUP amendment is requested.

Castle stated that she would like to know whether to proceed with this because Miller's exact verbiage says cannot, it does not say should not or maybe, it says cannot be issued. She stated that she is not up here to play let's make a deal, she is standing here to present and to make a valid point.

Miller stated that nobody here can tell them what to do and he cannot predict what the commission will decide but whatever the decision is the right to appeal is always there.

Castle stated that she would like to ask the people in attendance from the association if they would like to proceed.

Christy suggested a brief recess to allow the applicant to discuss their options.

Castle said they would like to do that.

Osborn called a 10 minute recess.

Osborn reopened the public hearing.

Castle stated that the decision unanimously is to go ahead and proceed.

Christy for the record that the items presented today and given to the commission are entered into the record as applicant exhibits 1, 2, and 3.

Castle handed out a letter to the commission members and staff explaining what she would be presenting. She stated that she and her husband own a parcel of land within the Red Baron Estates. She stated that they have asked for the word guest to be added to the existing CUP. She stated that she received the voluminous staff report by email and that time has been crunched for her to prepare so she hopes this all makes sense. She stated that she would like to ask the P&Z members 6 questions. She asked how many members of the commission have been to Red Baron Estates with a show of hands.

Miller stated that he cannot tell her that she cannot ask questions of the commission but they cannot go out to view the property individually prior to a CUP hearing.

Castle says she understands this but there has been many opportunities when the Red Baron Estates has been before the P&Z with many issues and a lot of the members do not understand where they are located and have not seen the facility nor the homes and airstrip so this is an important question. She stated that we know these questions are not criteria; granted, but she thinks it's important.

Miller stated that if the P&Z did so, then their vote may not count if they have gone out there during appealing application. He stated that Idaho Supreme Court has stated that the P&Z cannot go out and individually view properties that have permits being applied for and if some kind of a viewing is requested it has to be a public meeting and records kept.

Castle stated that she does not want to sway anyone vote so she will withdraw that particular question. She asked how many members have ever ridden in a small airplane.

5 or 6 raised their hands.

She asked how many members were afraid of planes in general.

None of the commission members raised their hands.

She asked how many members have ever lived in proximity to an airport.

3 members raised their hands.

She asked how many members and staff have lived outside of city limits 15 miles plus from the closest town.

4 raised hands.

Castle stated she pulled this information out of the very first report that she received in June. She stated that the 125 foot setback is being adhered to with exception of one property. She stated that there are no overflights under 80 feet with the exception of takeoff and landings. She stated that there are properties outside of the platted subdivision and they can use the runway if they join the association and pay the dues to help maintain the runway and currently only 2 property owners have exercised this right. She stated she does not understand what staff is saying on the report when it says they are utilizing properties that were not part of the receptive approvals. She stated that she needs clarification on this. She stated that she does not know what is being referred to here. She stated that the question of the roads and runway being engineered is a moot point as the preliminary and final plat had all the required signatures, building permits issued, and homes built. She stated if the building department did this incorrectly that is not Red Barons problem. She stated that all existing CUP requirements have been met. She stated that they are in compliance with the Federal Aviation Administration (FAA), the Idaho Department of Transportation (IDOT), and the Division of Aeronautics. She stated that in the most current staff report that she does have letters from the base stating there are no issues with the airspace. She stated that staff has concerns with the potential number of aircraft utilizing the runway. She stated that there is the potential for 46 aircraft but this was a known issue at the time the CUP was issued; however not every property owner will have or does have an aircraft and it is not a requirement to own property at Red Baron Estates. She stated that currently there are 9 homes in the subdivision and there is only 1 pilot and 1 aircraft and one hangar with a plane on the non-platted portion of the subdivision. She stated that one plane has not flown in 2 years or better. She stated that this leaves us with a 2 to 10 ratio on homes, hangars, and pilots. She stated that not everyone who owns homes in the subdivision have friends that fly which leaves a scenario that there will never be 46 planes flying in and out all at the same time or even in the same day as this issue has been blown way out of proportion. She stated this is private property and nobody can regulate the amount of guest's that come into someone's home. She stated that staff's condition of approval regarding keeping logs of flight activity and those being turned into the Land Use and Building Department once per year is far reaching. She stated every pilot does keep a log of activity but it is not a requirement. She asked why require a person on a private airstrip to document every single takeoff and landing and turn it into the P&Z once a year? They are not an aircraft agency, so what is the purpose of this requested condition? She stated as far as she knows Elmore County is not under Marshall Law at this point and she is sure it is not in the job description. She stated that the residents of Red Baron have no intent of violating anyone's property rights. She stated that the immediate area has been the flight pattern for many aircraft that do not belong to the residents of Red Baron nor are they even acquaintances of the property owners. She stated that pilots still fly today as they did many years ago and there is no way any of us will change that. She stated that some pilots fly lower than others and there is no way to judge that distance from the ground with a camera. She stated that just because an airplane flies over does not mean that it is associated with the Red Baron Estates. She stated that the pilots do not fly over home in the Soles Rest Subdivision nor the Taylor/O'Dell property. She stated that there is one mile between Red Baron airstrip and Soles Rest and the pilots stay away from any homes upon takeoff or landing. She stated that the most noise that an aircraft will make will be upon takeoff and is not any louder than a group of motorcycles going down Desert Wind Road. She stated as far as

fumes, smoke, glare, and odor is concerned that is not a realistic concern as the fuel that an aircraft burns is cleaner and creates less fumes than we are required to burn in vehicles. She stated that the engines in airplanes are maintained very well and pilots have more respect for their aircraft than probably anyone in the room does for their vehicles. She stated that since the airstrip is not lighted flying time is limited. She stated that at any time if an emergency were to happen and an aircraft was in need they would be allowed to use the airstrip at any time as this is an FAA rule and regulation.

She stated that in conclusion she believes some common sense should be used in making a decision to allow guests. She stated that quite frankly this should not even be an issue.

Christy stated that the airstrip utilizes 2 approved CUP's and staff's concern is that there are 2 separate approvals on different years and the runway is kind of using those 2 approvals and the major concern is whether this amendment could apply to both CUPs and it seems the answer is yes it can. He stated that the conditions of approval are what have been done on the previous applications and they are there to provide information for the commission on what the maximum use is out there. He asked Castle how many aircraft she thinks could use the site on a busy weekend.

Castle did not provide an answer for this question but that at maximum build out the runway could handle the traffic.

Christy asked Castle to describe the log book used by the pilots.

Castle stated that 99% of them use to put down a start time, where they flew to, hours in the air, and when they landed.

Osborn asked if there was any information on how the runway was built and the time of use before maintenance is necessary.

Castle stated she does not have that information but she stated that they try to do maintenance every year and they have plans for filling and sealing the cracks on the runway because it is all asphalt and in time will crack. She stated that her husband built the runway and he goes above and beyond standards.

Lord stated that all the documentation that she has seen says this is a dirt runway and wondered if there are different regulations for a paved runway as opposed to a dirt one and if this runway has been paved are there any documents regarding this.

Castle stated that she can get records from the paving company that paved the runway. She stated that it was not required to be paved but they wanted a nice runway.

Miller asked when the runway was paved.

Castle stated that it was in 2006.

There were no further questions.

Osborn moved on to public testimony

Ken Casper signed up in support but did not wish to testify.

Sheila Casper signed up in support but did not wish to testify.

Bob Hunter signed up in support. He owns property in the subdivision and owns an aircraft. He stated that he gets the feeling that people perceive these airplanes as big heavy aircraft coming in and pounding the pavement and that is not the case. He stated his plane weighs 750 lbs. and holds 26 gallons of fuel. He stated that the impact on the pavement is insignificant. He stated that all of these issues and concerns have been blown way out of proportion. He stated that they have no desire to fly over anyone's house and no pilot wants to do that. He stated that low flying will not promote long life in a pilot although it does happen but it's not good practice. He stated that he flies a teardrop pattern to the approach just so that he avoids getting close to any houses. He stated that a good pilot will always keep the plane in a place that they can get it

down without hurting anyone in an emergency. He stated that there is just a lot of rumors about this and nobody knows what they are talking about.

Donna Jackson signed up in support and lives in Red Baron. She stated that her family has lived in Idaho for many years. She stated that her husband's grandfather owned one of the first private planes at the Boise airport. She stated that they moved out to Oasis years ago because of the airport. They enjoy the planes but it is a rare occurrence when they do fly in. She stated that it would be a treat to be able to have their pilot friends fly to their home as landing at the Boise airport isn't doable. She stated that she hopes this will pass.

Frank Brady is the president of the Red Baron Pilot's and Homeowner's Association. He stated that this runway is the only one that he has ever landed on that does not have cross cracks in it. He stated that it is very well built and they are entertaining the idea of seal coating the runway as well.

Lord asked if there is a different set of rules with the FAA for a paved versus non paved runway.

Brady stated that the FAA cannot dictate what happens on the runway, only the aircraft when it's in the air.

Jolene Hobdey is signed up in neutral and is representing the Oasis Rural Fire District. She stated that a 10,000 gallon water tank for fire protection was installed and the fire chief did inspect it. She stated that it does need to be filled with water and a Memorandum of Understanding (MOU) will be written between the homeowner's association and the fire district. She stated that if the change to the CUP is granted the fire district would like to be notified of public events.

Judy O'Dell signed in as neutral. She lives next to the Red Baron Subdivision. She read a letter to the commission members that was submitted to the P&Z.

Barbara Jameson signed in as neutral. She stated that she does not know much about the history of this. She stated that they have two 120,000 gallon tanks. It's a private airstrip at this point but they want to go commercial. She stated that if they are commercial they will have much tighter inspection system for those tanks. She asked for an estimated number of weekend flights. She stated she understands from testimony that there cannot be any changes to the CUP if there are unpaid taxes so this should not be approved as everyone else has to pay taxes and so should they.

Bob Ruth is signed up as opposed. He stated that the Soles Rest Creek Homeowner's Association has asked him to speak upon their behalf. He stated that they submitted a packet to the commission with photos and concerns. He stated that he wanted to address the main issue with this CUP and that is adding the word guests and that could mean either one plane or potentially unlimited. He stated that Soles Rest is roughly 1300 feet from the end of that runway. He stated they had a meeting previously with members of Red Baron expressing their concern about aircraft flying over the subdivision. He stated that they were told at that time when Red Baron formed a pilot's association that Soles Rest would get an aviation agreement that would require a northerly flight turnout on takeoff and landing. He stated that they were never given that. He stated that they have asked 3 different times for an agreement and every time they are turned down very abruptly. He stated that they aren't anti-airplane in Soles Rest but when the planes are flying over their homes it's very worrisome.

Van Gheluwe asked the reason they weren't given the aviation agreement when they asked for it.

Ruth stated that they have never been given a good reason they just won't.

Osborn asked if they had ever written up the agreements.

Ruth stated that they had 2 written up that were never agreed upon. He stated that he is willing to come to an agreement with them.

Dawn McClure signed up in opposition and is the president of the Soles Rest Homeowner's Association. She stated that she wanted to submit a letter from the Soles Rest Homeowner's Association giving Bob Ruth permission to speak on their behalf.

Christy entered the letter into the record as opposition exhibit # 1.

Jennifer Sturgill signed up in opposition. She lives in the Soles Rest subdivision. She stated that the reason they brought the property is because the traffic from Red Baron was light. She stated that they don't want unlimited invited guests flying over their home.

There was no further testimony.

Osborn called a 10 minute recess to give the applicant's time to prepare the rebuttal.

Osborn called the meeting back to order.

Castle gave the rebuttal to the public testimony. She stated that she does have in her letter that the Oasis Fire District will be notified of events. She stated that the aviation agreement between O'Dell/Taylor and Red Baron has been submitted to the county and recorded long ago despite the fact that they testified that it wasn't. She stated they do not fly over people's homes and they have no control over aircraft not involved in Red Baron. She stated they abide by FAA rules and regulations and fly 1,000 feet above any homes which does include Soles Rest and that they have never flown 80 feet over their homes. She stated that they have a posted traffic pattern as well as the sectional charts that are submitted with the FAA. She stated that they are not commercial nor have they ever confessed or requested to be. She stated that that whenever a piece of property is sold within the Red Baron Estates the title company makes the buyers aware of the aviation agreement and it goes with the piece of property although she hasn't checked it out personally. She stated as far as the 120,000 gallon tanks is concerned the only ones she knows about are on the Taylor/O'Dell properties. She stated that they have no tanks other than the water tank. She stated they do not fly nor have they ever flown over Soles Rest and that this the reason an aviation agreement has not been signed with their homeowner's association because there is no need for one. She stated that even if all properties were sold there would be a 2-10 ratio of pilots to homeowners and/or planes. She stated that those in Soles Rest know there was an airstrip in Red Baron prior to buying their homes. She stated that she doesn't think that they should have to notify their neighbors of they are planning any get together's in Red Baron. She stated that being made to keep records of any and all people flying in and out of Red Baron is too much of an imposition and if Red Baron is made to do that then every private airstrip in Idaho should be made to do the same.

Van Gheluwe asked if they would be willing to have an aviation agreement with Soles Rest.

Castle stated that she speaks for the association when she says there is no need to have one when one is not necessary as Soles Rest is 1320 feet from the end of the runway.

Duerig asked about the catalog in the packet regarding airparks and the publishing of flight patterns.

Christy stated that this was something submitted by Soles Rest.

Bob Hunter stated that they don't even need to be published because the standard traffic pattern is left hand, 800 feet above the ground, any airport anywhere. Only if that pattern is modified do you publish it. He stated on any map if it's a right handed pattern you will see RP right beside the field elevation.

Osborn asked who publishes it.

Hunter stated that the airport publishes it on the sectional map if the traffic pattern differs from the standard.

Fish asked how many planes they anticipate coming in and out of the airport as she skirted around this question when asked previously.

Castle stated that she cannot honestly answer that because she has no idea. She stated a weekend or holiday might be better suited for company than a weekday.

There was no further testimony.

Osborn closed this public hearing.

Miller stated that it would be a good idea to have the P&Z take this under advisement since there was a fairly lengthy document submitted by the applicants.

Commission consensus is to defer the discussion portion of the public hearing to a date certain.

Duerig moved to defer discussion of this hearing to August 6, 2014.

Fish seconded.

Motion carries unanimously.

### **FCO's and Minutes**

FCO for Case Number: CUP-2014-09.

Van Gheluwe moved to approve.

Lord seconded.

Motion carries unanimously.

Minutes from 06-18-2014

Duerig moved to approve.

Lord seconded.

Motion carried unanimously.

### **NEW BUSINESS**

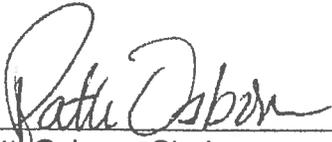
Upcoming P & Z Schedule

Christy stated that the next public hearing will be held August 6, 2014.

### **MEETING ADJOURNED**

Approved

Approved



Patti Osborn, Chairperson

8/6/14

Date:



Attest: Alan Christy, Director

8.6.14

Date:

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, August 6, 2014 at 7:00 pm**

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairperson K.C. Duerig, Shane Zenner, Jeff Blanksma, Betty Van Gheluwe, and Debbie Lord. Also present were Attorney of Record Phillip Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

**Deliberations for Red Baron Estates Pilot's and Homeowner's Association to Amend an existing Conditional Use Permit CUP-2004-10 in a Agriculture (AG) Zone. Case Number: CUP-2014-10. The site is located in the S1/2 NE1/4, NE1/4 SE1/4, Section 30, Township 1 South, Range 5 East, B.M.**

Osborn stated the she would like to address Miller's letter regarding the taxes.

Duerig stated that the applicant is the Red Baron Pilot's Association and they don't owe taxes so he does not see this as an issue.

Lord stated that she has an issue with the fact that they won't sign an avigation agreement with the Soles Rest Homeowner's Association.

Van Gheluwe stated that putting together an avigation agreement would make it harmonious with both sides.

Osborn stated that she disagrees with Duerig on the tax issue because it was testified to later in the hearing by Castle that they wanted the wording to say guests instead of guest because it was as a whole meaning all of the homeowner's which includes everyone in there. She stated that they are all individually equally responsible for the taxes in the homeowner's association.

Miller stated that the permit can be conditioned on having the taxes paid.

Blanksma stated that there was a very similar amendment to this conditional use permit in 2010 that was denied. He asked if this falls under the new ordinance or are there any conditions that will apply now that did not apply then and what makes this application different than the one applied for previously.

Christy stated that the ordinance was amended and restated in 2012 and there were a number of changes with that. He stated that there is a section in the ordinance that allows applicants to reapply one year after a denial. He stated that there have been 3 amendments to the ordinance since then.

Duerig stated that one of the recommended conditions is that all outstanding fees and taxes must be paid in full. He stated that he believes this a broad statement. He asked Miller if that condition could be worded as such that the taxes and fees by all members of the association be paid in full.

Miller stated that this can be done.

Commission consensus was that that they wanted an avigation agreement between Red Baron and Soles Rest Subdivisions.

Lord stated that she has a concern that this may not get done after the approval and this would lead to more issues.

Osborn asked Miller what the options were at this point.

Miller stated that they could simply deny the amendment, they could table it, or it can be included in the conditions that an avigation agreement has to be submitted to Planning and Zoning within a certain period of time. That will give a little bit of certainty on this.

Duerig stated he would be comfortable with the permit not being valid until those taxes are taken care of. He stated that they are still going to have their original conditional use permit to comply with.

Miller stated that if they want to write it that way then once that the county sees the taxes paid and the avigation agreement then the director could write a letter to them saying the conditions have been met and then start executing the amended permit.

Lord moved to approve this application as it meets the 12 standards for a CUP with the following additional conditions:

- Failure to comply with this amendment or any previously approved applicable conditions may result in revocation of the conditional use permit.
- Conditional Use Permit will not be in effect until all outstanding fees and taxes have been paid in full by all members of the Red Baron Estates Pilot's and Homeowner's Association.
- Each Homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.
- Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates unless through a separate conditional use permit.
- Conditional Use Permit will not be in effect until an agreement is in place between Red Baron Estates Pilot's and Homeowner's Association and Soles Rest Creek Homeowner's Association.
- Expansion will comply with all State and Federal Regulations.

Van Gheluwe seconded.

Osborn took a roll call vote:

Zenner-AYE

Van Gheluwe-AYE

Blanksma-AYE

Lord-AYE

Duerig-AYE

Osborn-AYE

Motion carried unanimously.

## Minutes

Minutes from 07-16-2014.

Duerig moved to approve.

Van Gheluwe seconded.

Motion carried unanimously.

Approved

Approved

Upcoming P & Z Schedule

Christy stated that the next public hearing will be held August 20, 2014. He stated due to the Labor Day Holiday there will be only one meeting in September and that will be on September 17, 2014.

**MEETING ADJOURNED**

Approved

Approved

Patti Osborn  
Patti Osborn, Chairperson

Aug 21, 2014  
Date:

Attest: Alan Christy  
Alan Christy, Director

8.21.14  
Date:

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**  
**Wednesday, August 20, 2014 at 7:00 pm**

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

**PLEDGE OF ALLEGIANCE**

**PUBLIC MEETING**

**FCO and Minutes**

FCO for Case Number: CUP-2014-10 Red Baron Estates Pilot's and Homeowner's Association.

Oppedyk and Fish abstained from voting as they were not present at the previous meeting.

Osborn stated she has 2 additions. She stated that in the additional conditions item number 2 states that it will not be in effect until all outstanding taxes have been paid in full by all members. She stated that she would like this to define property taxes.

Commission consensus was to change the wording.

Osborn stated that on item 5 stated that the conditional use permit will not be in effect until an agreement is in place between Red Baron Estates Homeowners Association and Soles Rest Creek Homeowners association. She stated that she would like the agreement to be recorded and this language be added to the conditions.

Commission consensus was for the wording to state that a recorded agreement or a memorandum of understanding that no such agreement is needed.

Duerig moved to approve with changes stated above.

Blanksma seconded.

Motion carries unanimously with Oppedyk and Fish abstaining.

Minutes from 08-06-2014.

Blanksma moved to approve.

Duerig seconded.

Motion carries unanimously with Oppedyk and Fish abstaining.

**INFORMATION ITEMS**

**Memo for Recreational Vehicles**

Bresnahan stated that staff has been getting complaints about RV's in the Pine/Featherville areas. She stated that in looking through the ordinance it states that an RV park is having 2 or more RV's on one piece of property. She stated that staff has sent letters to property owners in

Approved

Approved

the area that are out of compliance. She stated that staff would like to amend the ordinance because there is no definition between personal and a commercial type of a situation. She stated staff would recommend having a public meeting in Pine regarding this to get input from the residents.

Commission consensus was to have this public meeting on September 30, 2014 at the Pine Senior Center at 1:30 pm.

Upcoming P & Z Schedule

Bresnahan handed out CD's of the Comprehensive Plan and the public hearing for this is scheduled for September 17, 2014.

**MEETING ADJOURNED**

Approved

Approved



Patti Osborn, Chairperson

9/17/14

Date:

Attest:   
Alan Christy, Director

9.17.14

Date:



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

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

www.elmorecounty.org

Conditional Use Permit Application
Amended CUP Application

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

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

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

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

- 1. Name of applicant: Red Baron Estates Pilots & Homeowners Association
2. Address of applicant: 709 Desert Wind Rd, Boise, Id, 83716
3. Daytime telephone number of applicant: 208-368-0142
4. Email Address: ron@castlewoodproducts.com
5. Name, address, and daytime telephone number of developer: Kenneth Casper
1910 Casper Ln., Mtn. Home 83647
6. Address of subject property: Piper & Desert Wind Rd
7. Name, address, and daytime telephone number of property owner (if different from applicant):
Manager
Rosie Castle 709 Desert Wind Rd, Boise, Id 83716 (For Association)
8. Attach Legal Description and acreage of property and legal description and acreage of part that CUP is to encompass: See Attached Map

Attach at least one of the following:

- Deed Proof of Option Earnest Money Agreement Lease Agreement Assessor's Parcel Master Inquiry

RP# See Attached Map

9. Common directions of how to get to the proposed Conditional Use Permit property from a known beginning point: I-84 West to Exit 74, Turn North on Simco Rd to Desert Wind Rd. T.R. ON Desert Wind 3.7 miles to Piper; N. Side of Desert Wind to enter property

10. a. Current zoning: See Existing C.U.P. b. Current district (if applicable): \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

13. ADJACENT PROPERTIES have the following uses:

North \_\_\_\_\_ East \_\_\_\_\_

South \_\_\_\_\_ West \_\_\_\_\_

14. EXISTING USES and structures on the property are as follows: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

17. Proposed Use(s): \_\_\_\_\_ Hours of Operation: \_\_\_\_\_  
Days of Operation: \_\_\_\_\_ Maximum Number of Patrons: \_\_\_\_\_  
Sewage disposal: municipal / individual septic Water: municipal supply / community well / individual well  
Number of employees during largest shift: \_\_\_\_\_ Proposed number of parking spaces: \_\_\_\_\_

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

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

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

EIS Required:  Yes  No Director Initial AL

Department Note: \_\_\_\_\_

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

\*\*Radius extended to: 1000' <sup>Ag zone</sup>  feet  mile(s) Date: 3.13.14 Initial AL

21. Is this application submitted with any additional applications? \_\_\_\_\_

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

PLEASE SEE ATTACHMENT

- A. How does the proposed land use constitute a conditional use as determined by the land use matrix?  
\_\_\_\_\_  
\_\_\_\_\_
- B. How will the proposed land use be in harmony and accordance with the Comprehensive Plan and the Ordinance?  
\_\_\_\_\_  
\_\_\_\_\_
- C. How will the proposed land use comply applicable base zone and with the specific standards as set forth in the Ordinance?  
\_\_\_\_\_  
\_\_\_\_\_
- D. How does the propose land use comply with all applicable County Ordinance?  
\_\_\_\_\_  
\_\_\_\_\_
- E. How does the propose land use comply with all applicable State and Federal regulation?  
\_\_\_\_\_  
\_\_\_\_\_
- F. What about the proposed land use's design, construction, operation and maintenance makes it harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how will it not change the essential character of said area?  
\_\_\_\_\_  
\_\_\_\_\_
- G. Why or how will the proposed land use not be hazardous or disturbing to existing or future neighboring uses?  
\_\_\_\_\_  
\_\_\_\_\_
- H. How will the proposed land use be served adequately by available public facilities/services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer or how will these public services be provided by the applicant/developer?  
\_\_\_\_\_

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

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

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

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

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

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

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

**Agency signature sheet on page 7 of this application.**

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

The Planning and Zoning Commission shall hold at least one public hearing on an application for a Conditional Use Permit. A public hearing will be scheduled within sixty (60) days after acceptance of the application. The Land Use & Building Department will mail hearing notices to the surrounding property owners and to any agency that may have an interest in the proposal. The Land Use & Building Department will place a Notice of Public Hearing in the Mountain Home News at least fifteen (15) days prior to said hearing. The Land Use &

Elmore County Land Use & Building Department

520 E. 2<sup>nd</sup> South

Mtn. Home, ID 83647

**Amended C.U.P. Application**

**Red Baron Estates Pilots & HOA**

This application is being submitted to request a one word change in the present/ existing Conditional Use Permit for the Red Baron Estates Pilots and Home Owners Association. We are requesting that the word "Guests" be added to our C.U.P.

All information in this Amendment request 1-21 remains the same. The exception to this is the basic contact information has changed, but that is temporary, at this point.

With this being said, I will address #22.

- A. This request will not change the "Land Uses Matrix".
- B. This request does not change the "land use" and currently is in accordance with the "Comprehensive Plan", existing C.U.P.
- C. There is no change proposed to the land use currently in place.
- D. The "land use" has already been approved and has existing C.U.P.
- E. The "land use" is not changing and currently complies with State & Federal regulations; existing C.U.P.
- F. The Red Baron Estates currently exists and existing Conditional Use permit. The homes that do exist on the estates are high end home and well maintained. The request for "Guests" will not change this fact. The only construction that will be taking place in the future will, hopefully, be new homes on vacant properties, but will still maintain the standards of the estates.
- G. The proposed "guest" wording will not change the future land use. The "Estates" & "Oasis Airstrip" are currently permitted for the intended use. The word "Guest" will allow the property owner to have company from time to time who fly. It will not be hazardous or disturbing to existing or future neighboring uses.
- H. The proposed wording will not affect any current or additional public services.
- I. This proposed wording change does not affect land use.
- J. This is not a land use change. The word "Guest" will not be detrimental in any way to the general public, or neighbors. It will entail a property owner, of the Red Baron Estate's, to have a guest that fly's an aircraft, which is a legal mode of transportation in the U.S. It is no different than a car, motor cycle, pickup, and semi -trucks etc.
- K. Land use does not change and aircraft land on the existing Oasis Airstrip which is for aircraft, not vehicles, unless doing maintenance on runway.
- L. Land use has not changed. The Oasis Airstrip is currently permitted and the aircraft do not land anywhere except for the runway.

The purpose of the request as stated in the above portion is not to change any of the land uses for which a C.U.P has been issued. The only intent is to add the word "Guests".

The association would continue to abide by all of the conditions in the existing Conditional Use permit. By adding the word guest it would allow us as property owners the ability to have an occasional guest, by way of our invitation, fly in to the estates to visit or show/ sell a property for sale.

Currently, we as property owners are not able to have a friend, family members or a real estate company visit that fly.

We, as Elmore County citizen and tax payers would like to be afforded the same rights and opportunity as every other citizen of this county; to have equal visitation rights no matter the mode of legal transportation.

Refer to J. An aircraft lands and takes off. It does not create a traffic issue; it does not hurt a person or their property. It does not create excessive noise, smoke, fumes, glare or odor.

Refer to the lifestyle of the area. We have traffic all day long up and down Desert Wind RD. We have motorcycles, lines of them every summer. We have semi training trucks all the time for days at a time and also people having work done on their properties building or remodeling that entail the use of equipment (loaders, tractors, cement trucks etc.) We have road graders grading roads, farmers plowing, planting, installing irrigation systems; homeowners installing irrigation, tilling for gardens and posies. There are animals of all shapes, sizes and species. There are home owners and guests, property owners, ranchers and guests, construction people up and down the roads throughout the immediate area on a continual basis. There are folks who stop looking for properties, Fed Ex & UPS trucks, folk's looking for directions to wherever. Some people are just out for a drive with a friend or family. There should no difference be made between the mode of transportation. We most certainly can't tell these folks that there vehicle is unacceptable in our area. All modes of transportation bring something offensive to someone. Boise North endsers don't like cars in general.

An occasional aircraft from time to time throughout the year should be no different. They cause no more pollutants than any of the other modes of transportation or sources of doing business.

Another point I would like to address is the economic hardship the word "guests" has placed on the Red Baron Estates. There have been several losses of sales on vacant properties due to the fact we have been denied guests. Folks who purchase property on an airstrip expect to able to have guests fly in. Not only is this an economic hardship on the Red Baron, it also effect's the County in as much as it takes building permits sales and county tax's away from the county. This is an existing permitted subdivision that cannot sell properties due to one word, "Guests". In retrospect a person in a subdivision is told when buying a home in town that they will not be allowed to have any guest because only one vehicle per residence is allowed. That's basically the restraints the county has placed on the Red Baron because of the mode of transportation.

We respectfully request that you add the word "GUESTS" to our existing C.U.P.

Thank you for your time.

Rosie Castle

Acting President

Secretary/Treasure

Red Baron Estates Pilots & HOA

Building Department will post notice of the hearing on the premises not less than seven (7) days prior to the hearing.

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

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

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

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

Joanna Castle 5.6.14  
Property Owner Signature Date  
manager

3rd Baron Estates Pilots & HOA  
Applicant Signature Date May 3, 2014  
By Joanna K. Castle  
Secretary/Treasurer

ADMINISTRATIVE USE ONLY	
Date of Acceptance	<u>5/6/14</u>
Accepted by	<u>JK</u>
CUP FEE:	\$800.00
Fee \$ <u>800.00</u> ( <input checked="" type="checkbox"/> Pd) Receipt #	<u>20-09879</u>
Date Paid:	<u>5/6/14</u>
Case# CUP-	<u>2014-10</u>

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

Agency Signatures

Marty Jones MSH 5-6-14  
 Central District Health (or other Sewer District) Sewer Permit (580-6003) Initial Date

Comment: \_\_\_\_\_

Paul Phares MHHD CP 5-5-14  
 Roadway Jurisdiction Project (MHHD 587-3211) (GFHD 366-7744) Initial Date

Comment: \_\_\_\_\_

N/A in city  
 Assessor's Office (Verify Legal Description OR Tax Status if Manufactured Home) (ext 247) Initial Date

Comments: \_\_\_\_\_

Jan X. Brady DISTRICT 1 COMMISSIONER  
 Fire District (MHRFD 587-8986) (Oasis 796-2236) (GFFD 366-2689) Initial Date

Comments: \_\_\_\_\_

This application is:  Approved  Approved pending approval of other permit  Denied

Remarks: \_\_\_\_\_

\_\_\_\_\_  
 Approval of Land Use & Building Authority Date



# ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

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

Fax: (208) 587-2120 • [www.elmorecounty.org](http://www.elmorecounty.org)

## Neighborhood Meeting Sign Up Sheet

Start Time of Neighborhood Meeting: 10:30 A.M., April 26, 2014

End Time of the Neighborhood Meeting: 11:30 A.M., April 26, 2014

### Attendees:

Please Add Parcel Number  
if you know it.

<u>Name</u>	<u>Address</u>	<u>Phone</u>
1. <u>BRIAN JACKSON</u>	<u>2792 Desert Wind Rd <sup>Oasis,</sup> ID</u>	<u>208 659 1882</u>
2. <u>Donna Jackson</u>	<u>2792 Desert Wind Rd Oasis</u>	<u>208 854-2117</u>
3. <u>Judy O'Dell</u>	<u>2785 Desert Wind Rd Oasis</u>	<u>—</u>
4. <u>Ken Cooper</u>	<u>1910 NE Casilla Lane</u>	<u>208-796-2844</u>
5. <u>Nick Andros</u>	<u>1975 E Axonca Ct</u>	<u>208-724-8800</u>
6. <u>Rosie Castle</u>	<u>709 Desert Wind Rd, Boise 83716</u>	<u>368-0142</u>
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: To Amend C.U.P to ADD the word "Guests"

Notice Sent to neighbors on: April 14, 2014

Date and time of the neighborhood meeting: April 26, 2014 @ 10:30 AM.

Location of the neighborhood meeting: 1975 E. Aeronca Ct., Mt. Home, Id 83647

**Applicant:**

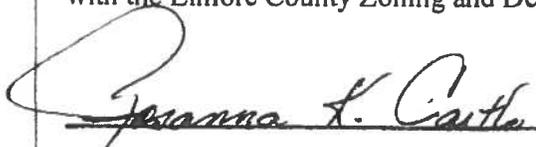
Name: Red Baron Estates Pilots & HOA

Address: 1950 E. Aeronca Ct.,

City: Oasis State: Idaho Zip: 83647

Telephone: 796-2167 or 368-0142 Fax: 368-7943

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)

April 26, 2014

Date

Red Baron Estates Pilots & HOA

Neighborhood Meeting 4/26/14

10:30 A.M.

Comments

Name: BRIAN JACKSON Address: 2795 Desert Wind Rd  
Oasis, ID 83647

My Family is excited to live on this  
runway and fully supports all aviation  
activities. We have lived here about six years.

Allowing guests and visitors to land  
and any other ideas to increase the  
use of the runway is an enhancement to  
the neighborhood.

The reason we moved here is to enjoy the  
airfield and someday use it ourselves. All of  
my five children are interested in becoming  
pilots. Right now we still run to the windows or  
to the back porch to see an airplane land or  
take-off.

Also, I hope more neighbors move into the  
area and bring more planes since the runway is  
barely used these past several years.

Neighborhood Meeting List

FILE COPY

Non-Alphabetical

	Bernd T. Wegner	1956 E. Bonanza CT., Mtn. Home, ID 83647
	Brian Dockstader	1335S.Heidi PL., Meridian, ID 83642
	Robert William Riegler Trust	P.O. Box 158, Applegate, CA 95703
	Giacalone Living Trust	P.O. Box 50231, Boise, ID
	Kenneth G. Heller - Wrong Address Returned	2901 Jordan ST., Boise, ID 83702
	Delta J Enterprises LP	914 Cessna, Independence, OR 97351
	Gary D. Brown	915 Skyraider DR., Independence, OR 97351
	Matthew C. Misner - Wrong Address Returned	825 S. Haskett ST., Mtn. Home, ID 83647-3310
out of U.S.	Francis T. Brady	1950 E. Aeronca CT., Oasis, ID 83647
	Blake E. Richarson	1960 E. Aeronca CT., Oasis, ID 83647
	Kenneth P. Casper	1910 E. Casper LN., Mtn, Home, ID 83647
E-mailed	Nicholas J. Andros	1975 E. Aeronca CT., Mtn. Home, ID 83647
	Richard Allen Dixon	4998 N. 18 <sup>th</sup> E., Mtn. Home, ID 83647
	Jody Bickle or Spike Ericson	15000 W. Soles Rest Creek RD., Oasis, ID 83647
	Allen B. Cannon	4661 Whitmore Way, Boise, ID 83709
	Robert E. Hunter	15 Nores Creek Circle, Boise, ID 83716
	Jonathan T. McDaniel	5295 W. Hidden Springs RD., Boise, ID 83714
	Bryan Jackson	2792 Desert Wind RD., Mtn. Home, ID 83647-5020
	Michael E. Petersen	P.O. Box 1625, Great Falls, MT., 59403
id Not send to US	Ronald B Castle	709 Desert Wind RD., Boise, ID 83716
	Raymond C. Fitting	1811 Tailspin LN., Mtn. Home, ID 83647

Richard A. Taylor & Judith M. O'Dell	2785 Desert Wind RD., Oasis, ID 83647
Betty Pettibone	2715 Desert Wind RD., Oasis, ID 83647
Larue Pettibone	2017 Penninger DR., Boise, ID 83709
John Kingrey	10065 W. Calico ST., Boise, ID 83709
Ruth Gyman	5534 Ridgeview Circle, Stockton, CA. 95219
BLM Idaho State Office	1387 S. Vinnell Way, Boise, ID 83709
Shawn R. Steffler	10546 W. Carolina DR., Boise, ID 83709
Marsha A. Obenchain	170 McGinnis DR., Weiser, ID 83672
Donald S. Cryder	7320 Offats Point Circle, Galveston, TX 77551
Joshua Platt	2719 Evergreen DR., Great Falls, MT 59404
Oasis Fire Dept. C/O Ben Kelly	19795 N. Cairns PL., Mtn. Home, ID 83647

RED BARON ESTATES PILOTS and HOME OWNERS ASSOCIATION  
1950 E AREONICA  
OASIS, IDAHO 83647-5104

FILE COPY

April 13, 2014

Re: Neighborhood Meeting

Hello neighbor,

You are cordially invited to the above named association's neighborhood meeting. This will be an informative meeting to discuss an amendment to the association's C.U.P. that will be submitted, to the county, in the near future.

This amendment will request that "guests" will be allowed for all owners/tenants of the Red Baron Estates #1, 2 & 3 to include the non-plated portion of the Red Baron Estates.

Date: Saturday April 26, 2014

Time: 10:30 A.M to 11:30 A.M.

Location: 1975 E. Areonica CT, Mtn. Home ID (Red Baron Estates)

Questions? Call 368-0142 or e-mail [ron@castlewoodproducts.com](mailto:ron@castlewoodproducts.com)

Thanks for your time.

Rosie Castle

*Secretary/Treasurer*

**Subject:** Fw: Red Baron CUP  
**From:** frank brady (fbrady5303@yahoo.com)  
**To:** ron@castlewoodproducts.com;  
**Date:** Monday, April 28, 2014 3:45 PM

On Monday, April 28, 2014 11:37 AM, Hobdey <jhobdey@rtci.net> wrote:

Alan,

I have received calls from concerned residents of Oasis who didn't know about the informational meeting held by the Red Baron Assn. to address changes to the CUP for the Red Baron Air Strip. The Oasis Fire Dept. was not notified of this meeting. It is my understanding that anyone in the Oasis District that is considering a new or changes to a CUP must send a written notice to any public or government entity in the Oasis District. Doesn't that mean the fire department? OVFD received no such notice. Are we on any list you give to applicants in this district? We do not want another outcry from the public like what happened with the Event Center. Please help the fire department keep on top of issues concerning the Oasis District.

Thank you, Jim Hobdey, Fire Chief

Jolene Hobdey, Secretary/Treasurer

**Subject:** Fw: Neighborhood meeting April 26th  
**From:** Ron C (ron@castlewoodproducts.com)  
**To:** achrity@elmorecounty.org;  
**Date:** Wednesday, April 30, 2014 1:03 PM

Dear Alan,

I thought I had best forward this to you to let you know that I did send the notification to the Oasis Fire Dept.

I think I got Ms. Hobdey's name wrong here. It should have been Jolene, oop's. Anyway just wanted to let you know the notification was sent and hope she accepted this apology.

Thank you for your time.

Rosie Castle

----- Forwarded Message -----  
**From:** Ron C <ron@castlewoodproducts.com>  
**To:** "jhobdey@rtci.net" <jhobdey@rtci.net>  
**Sent:** Monday, April 28, 2014 5:50 PM  
**Subject:** Neighborhood meeting April 26th

Dear Jody,

I received a forward concerning a neighborhood meeting held at the Red Baron Estate on Saturday April, 26, 2014.

I am sure that somewhere along the way that some wires were crossed.

I did send written notification to the Oasis Fire Department C/O Ben Kelly. When I inquired who the acting chief was I was told Ben Kelly. All I can do is send the letter and I am sorry I received misinformation, but notification was sent in good faith. It was not my intent to leave the department out.

Thank you for your time,

Rosie Castle

Red Baron Estates Pilots & HOA  
Acting President, Secretary/Treasure

**Subject:** Re: Neighborhood meeting April 26th  
**From:** Ron C (ron@castlewoodproducts.com)  
**To:** jhobdey@rtci.net;  
**Date:** Thursday, May 1, 2014 7:39 AM

Good morning,

Thanks much for the update. I made note of it.

Rosie

---

**From:** Hobdey <jhobdey@rtci.net>  
**To:** 'Ron C' <ron@castlewoodproducts.com>  
**Cc:** Ben Kelly <oasisbenk@gmail.com>  
**Sent:** Wednesday, April 30, 2014 10:16 PM  
**Subject:** RE: Neighborhood meeting April 26th

Rosie,

For your information: Fire Chief, Jim Hobdey, 10844 W Hobdey Dr. Oasis ID 83647 208 796-2115  
Mailing address for OVFD is 15165 W Soles Rest Creek Rd, Oasis ID 83647  
Jolene Hobdey, Secretary/Treasurer

---

**From:** Ron C [mailto:ron@castlewoodproducts.com]  
**Sent:** Monday, April 28, 2014 5:50 PM  
**To:** jhobdey@rtci.net  
**Subject:** Neighborhood meeting April 26th

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Thank you for your time,

Rosie Castle

Red Baron Estates Pilots & HOA  
Acting President, Secretary/Treasure

Notification distance: 1000' / 3,500' from the runway parcel.

Application(s) required: C.U.P.

on earlier.

to add guests. Expansion outside for & prepares part of

Proposed Use/Application: Amend C.U.P. ~~App~~ for Red Baron, condition

Parcel Number: Various R0007860016970

Property Address: Various

Property Owner: Various

Applicant Address: 709 Desert Wind Road

Applicant Email: ronal@castlewoodproducts.com 368.0142

Applicant Name: Homeowner of Pilot Association (Rosie Castle) - secretary/treasurer

Elmore County Staff: Alan Clwisty

Date: 3.13.14 Meeting Location: L.U.B.D.

### Pre Application Meeting Form

Elmore County Land Use & Building Department  
520 East 2nd South  
Mountain Home, ID 83647  
Phone: (208) 587-2142  
Fax: (208) 587-2120



Red Baron

Lined area for notes or text.

no. of members.

Applicant should prove why it is not harmful to  
Additional Notes: - This amendment was denied once before.

Case Number:

Additional Meeting Required: Not at this time

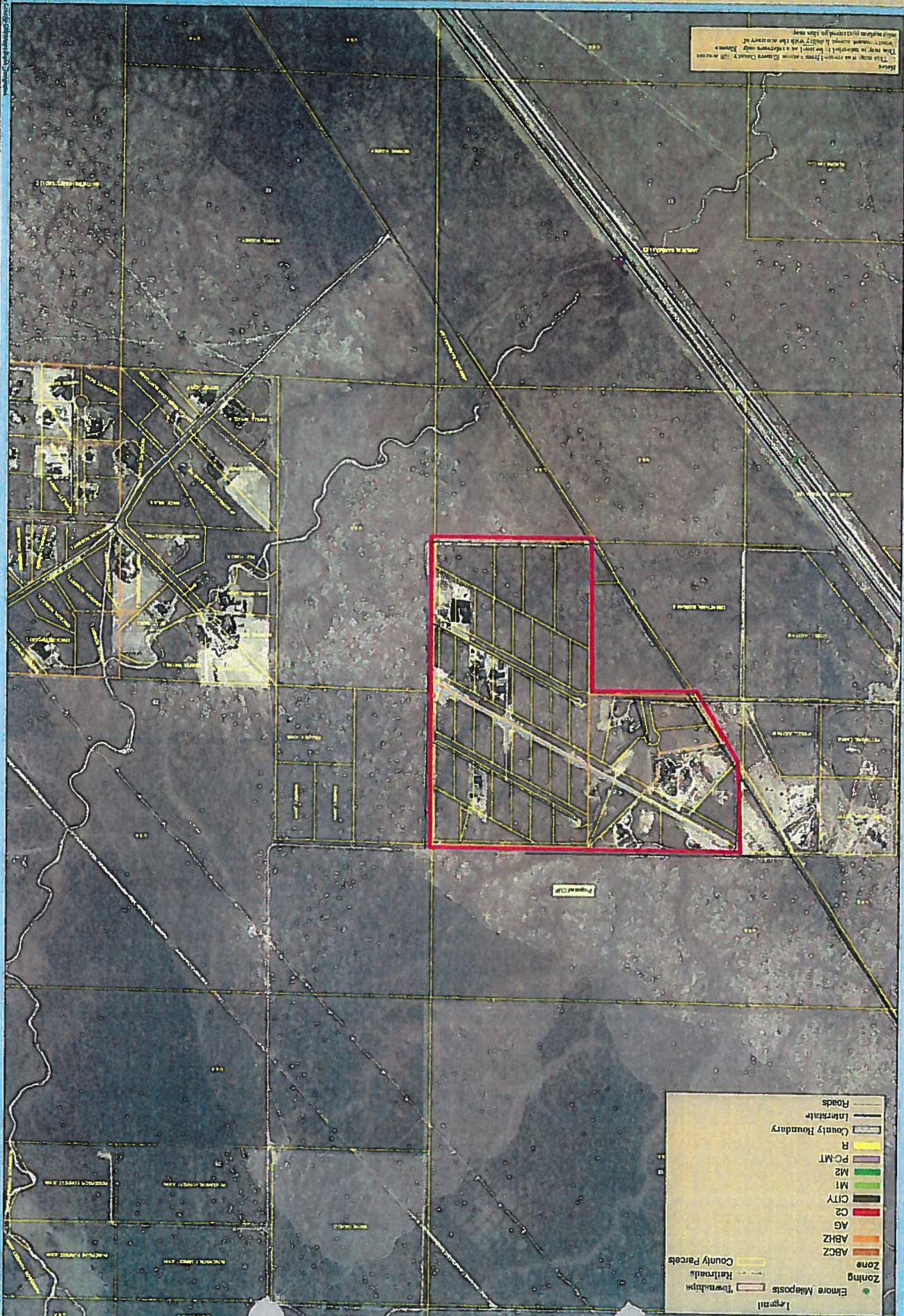
& previous approvals.

sub. Possibly amending several documents

Other requirements: - Get me who the members outside the platted



This map is prepared from aerial photography. It is not a survey map. It is not intended to be used as a legal document. It is not intended to be used as a basis for any legal action. It is not intended to be used as a basis for any legal action.



**Legend**

- Emore Mileposts
- Townships
- County Parcels
- Zoning
  - ABCZ
  - ABHZ
  - AG
  - CZ
  - CITY
  - M1
  - M2
  - P-C-MT
  - R
- County Boundary
- Interstate
- Roads

