

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

NOTICE IS HEREBY GIVEN that on Monday, December 8, 2014 at the hour of 6:00 p.m. in the upstairs court room of the Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho, an appeal hearing will be held on an approved Conditional Use Permit in a Agriculture (AG) Zone. Case Number: CUP-2014-11.

The Elmore County Planning and Zoning Commission (“Commission”), upon a 5-0 vote, approved a conditional use permit application, CUP-2014-11, from Idaho Country Concerts, LLC (“Applicant”), to permit 4 day annual music festivals that includes a primary stage, secondary small stage, children’s activity area, food and craft vendors, wine and beer vending, sponsor exhibits, tent and RV camping.

Tree Top Ranches, L.P. seeks to overturn the Commission’s decision. Grounds for appeal include the following:

1. The proposed use and Conditional Use Permit, as issued, will cause detrimental impacts to agriculture. Section 6-27-4(I) of the Elmore County Code relating to Conditional Use Permit Standards and Requirements provides that: “If abutting or within an Agricultural district, the proposed use shall not cause detrimental impacts to agriculture.”
2. The Conditional Use Permit does not contain the conditions necessary to mitigate potentially objectionable impacts as required by Section 6-27-4(J) of the Elmore County Code.
3. The Conditional Use Permit does not contain the conditions “necessary to protect the public health, safety and welfare and mitigate adverse effects on surrounding property” as required by Section 6-27-4(J)(4) of the Elmore County Code.
4. Idaho Country Concerts, LLC (hereinafter “Applicant”) has not fully complied with Section 6-27-4(C) requiring written approval if the use by the appropriate fire authority.
5. Applicant has not furnished evidence that dangerous characteristics of the use will be eliminated or minimized so as not to create a nuisance or be detrimental to the public health, safety or welfare as required by Section 6-27-4(G).
6. Findings of Fact numbers 8, 9, 10, 11, 12, and 14 and the Conclusions of Law number 3 are in error and not supported by substantial evidence.
7. The Conditional Use Permit, as issued, without the conditions necessary for compliance with the Elmore County Code, is not supported by substantial evidence and is an arbitrary decision based upon an abuse of discretion by the Planning and Zoning Commission.
8. Applicant’s use will essentially create the largest “city” in Elmore County in the middle of open rangeland during the height of rangeland fire season where hundreds of cattle will be grazing. Applicant’s plan utilizes rural dirt roads upon that rangeland for numerous trips of thousands of motor vehicles. The only available onsite water source is a well for stock watering to which TTR has a right to a portion of the water vital to its cattle ranching operations. Necessary conditions have not been imposed upon Applicant’s Conditional Use Permit as required by the law or the facts relevant to this application.

The site is located in portions of Sections 13, 14, 15, 22, 23, and 24, Township 1 South, Range 10 East, B.M. A common way of locating property is from Interstate 84 take exit 95, turn north on Hwy 20 for 33 miles, turn left on to South Pine-Featherville Road, the property is located on the right hand side of the road.

The record for this matter may be reviewed beginning on November 17, 2014 prior to the hearing in the Elmore County Land Use and Building Department, 520 E 2nd South, and at the Elmore County Clerk's Office, 150 South 4th East, 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**

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