

**BEFORE THE PLANNING AND ZONING COMMISSION  
OF ELMORE COUNTY**

**IN RE: CUP- 2012-05 )  
Conditional Use Permit )  
For a metal recycling )  
Facility in a Commercial )  
Zone and in the Area of )  
City Impact. )**

**FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER**

**Applicant: )  
United Metal Recycling )  
PO Box 1219 )  
Caldwell, ID 83606 )**

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 27<sup>th</sup> day of June, 2012, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a proposed metal recycling facility in a Commercial Zone and in the Area of City Impact. Property is located in Section 35, Township 3 South, Range 6 East, B.M., and is zoned Commercial (C2). The Commission heard from the applicant and representatives in support of the application. The Commission heard other testimony in neutral of the application. The Commission received written testimony and information in regards to the application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to them. Based upon all this information, the Planning and Zoning Commission now makes the following Findings of Fact and Conclusions of Law and Order:

**FINDINGS OF FACT**

1. The applicant has applied for a Conditional Use Permit for a proposed metal recycling facility in a Commercial Zone and in the Area of City Impact in Section 35, Township 3 South, Range 6 East, B.M.
2. Notice of public hearing has been given to agencies and property owners on June 1, 2012, notice was publicized in Mountain Home Newspaper on June 6, 2012, and notice was posted on the property on June 18, 2012.
3. The property is located within a Commercial (C2) Zone and located in the Area of City Impact.
4. The surrounding land uses are Commercial and Junkyard.
5. 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 of the Elmore County Zoning and Development Ordinance.

6. 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.
7. The proposed use will comply with all applicable County Ordinances with conditions provided.
8. 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.
9. 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. ITD determined two new site accesses will be permitted on SH-67 (Airbase Road) and one of the existing accesses will remain open to the adjacent property for a total of three accesses for the two properties.
10. 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. There is an existing junkyard adjacent to this proposed site and the existing facility is located across the street.
11. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. The existing facility is currently located across the street and the property adjacent to the proposed site has an approved junkyard. The proposed use will be indoors.
12. 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. All improvements will be constructed at the applicant's expense.
13. 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. Some noise is anticipated, however, the hours of operation may mitigate this concern and the proposed use will be indoors.
14. 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 for a metal recycling facility located in Section 35, Township 3 South, Range 6 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

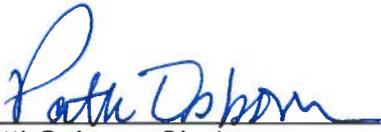
### **ADDITIONAL CONDITIONS**

1. The proposed use will comply with all the requirements of section 6-8-179 of the Elmore County Zoning and Development Ordinance.
2. All outstanding fees, if any, must be paid prior to the issuance of an Elmore County building permit.
3. Failure to comply with any of the conditions may result in revocation of the Conditional Use Permit.
4. The proposed use will be constructed in substantial conformance with the master site plan.
5. Hours of operation will be Monday – Saturday 8:00 am to 5:00 pm.
6. A landscaping plan must be submitted and approved prior to the issuance of building permit. The landscape plan shall comply with Chapter 19 of the Elmore County Zoning and Development Ordinance and the City of Mountain Homes letter dated June 14, 2012.
7. Applicant/developer must obtain a sewage permit from Central District Health Department before any site development can occur.
8. Applicant/developer must install a 30,000 gallon tank on site for fire protection.
9. Applicant/developer must meet Idaho Transportation Department requirements as stated in letter dated June 11, 2012.
10. Applicant/developer must meet Chapter 20 requirements for parking spaces.
11. Exterior scrap piles cannot be piled higher than the outside fence height.

**COMMISSION VOTE:**

CHAIRPERSON PATTI OSBORN  
VICE CHAIRPERSON K.C. DUERIG  
DEBBIE LORD  
SUSAN FISH  
BETTY VAN GHELUWE  
JIM MARTIN  
ED OPPEDYK  
JEFF BLANKSMA

VOTED AYE  
VOTED AYE  
ABSENT  
VOTED AYE  
ABSENT  
VOTED AYE  
VOTED AYE  
VOTED AYE

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

**ATTEST:**

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

DATED this 18<sup>th</sup> day of July 2012.

\*Effective at 12:01 A.M. on the 28<sup>th</sup> day of July 2012.

\*Note            A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal is submitted in writing to said Board within ten (10) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Growth and Development Department or the Elmore County Clerk.