

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

**IN RE: CUP-2011-06**

A conditional use permit for  
a four (4) lot subdivision in  
an Agriculture Zone.

**Applicant:**

John A. Booth  
5695 SE Groefsema Rd  
Mountain Home, ID 83647

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

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 1<sup>st</sup> day of February, 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 4 (four) lot platted subdivision. Property is located in Section 18, Township 4 South, Range 7 East, B.M., and is zoned Agriculture (Ag). The Commission heard from the applicant in support 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:

**FINDINGS OF FACT**

1. The property is located within an Agriculture Zone.
2. There are two existing residences on the property.
3. Subdivisions are required to have a Conditional Use Permit under Chapter 8, Table 6-8-11 (C) of the Elmore County Zoning and Development Ordinance.
4. The proposed use is in harmony with and in accordance with the Elmore County Comprehensive Plan and this Ordinance (Title 6). There are existing subdivisions surrounding the property on three sides.
5. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in Chapter 8 in that "Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agriculture operations."
6. The proposed use will comply with all applicable County Ordinances.
7. The proposed use will comply with all applicable State and Federal regulations.
8. The proposed use will 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 because no new building permits will be issued. There are 52 parcels with ¼ mile of the proposed subdivision, 41 of the parcels are smaller than the average size of the proposed subdivision, 30 parcels are smaller than 1 acre within ¼ mile. Approximately 47 of 52 parcels have

residences. This proposed subdivision will only decrease the average lot size within ¼ mile from 20.30 acres to 19.20 acres.

9. The proposed use will not create excessive additional requirements at public cost for public facilities and service because no improvements are required and the addition of only two (2) new residences.
10. The proposed use will not be detrimental to the economic welfare of the County because no improvements are required.
11. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, smoke, fumes, glare or odors.
12. The site will utilize existing publically maintained roads, Hamilton and Groefsmas.
13. Notice was sent to neighbors and agencies on 1/6/12. Notice of public hearing was posted in the Mountain Home News on 1/11/12. Property was posted on 1/24/12.
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 Elmore County Zoning and Development Ordinance Chapter 27.

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

#### **ORDER**

The application for a Conditional Use Permit for 4 (four) lot platted subdivision located in Section 18, Township 4 South, Range 7 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

#### **ADDITIONAL CONDITIONS**

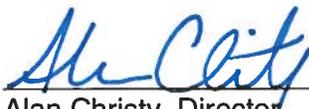
1. Failure to comply with any of the conditions will result in revocation of the conditional use permit.
2. The property will be platted and have no more than four (4) lots.
3. No new residential building permits are allowed on the parcels that have the existing dwellings unless approved through a separate conditional use permit (CUP) or accessory dwelling unit (ADU) application.
4. The development shall be platted per Chapter 28 of the Elmore County Zoning and Development Ordinance.
5. The Idaho Right to Farm Act shall be noted on the final plat.
6. All required improvements, if any, shall be completed or bonded prior to the recording of the final plat.

**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
JIM MARTIN	VOTED AYE
ED OPPEDEYK	VOTED AYE
JEFF BLANKSMA	VOTED AYE

  
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Patti Osborn, Chairperson

**ATTEST:**

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

DATED this 15th day of February 2012.

\*Effective at 12:01 A.M. on the 25th day of February 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.