

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

**IN RE: CUP-2013-07)
Conditional Use Permit for a)
Dude Ranch, Archery Range,)
Boarding House, Campground)
Public or Private, Club, Lodge,)
Or Social Hall, Pistol Range,)
Recreation Facilities, Rodeo)
Arenas, Shooting Range,)
Stable/Riding Arena or School)
Commercial in a Agriculture)
Zone.)**

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

**Applicant:
Willa Rose
8894 W. Martha Ave.
Oasis, ID 83647**

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 7th day of August and the 21st day of August, 2013, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a proposed Dude Ranch, Archery Range, Boarding House, Campground Public or Private, Club, Lodge, or Social Hall, Recreation Facilities, Pistol Range, Rodeo Arenas, Shooting Range, Stable/Riding Arena or School Commercial. Property is located in Section 1, Township 2 South, Range 5 East, B.M., and is zoned Agriculture (Ag). The Commission heard from the applicant in support of the application. The Commission heard other testimony in support of the application and in neutral to 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 applicant has applied for a Conditional Use Permit for a proposed Dude Ranch, Archery Range, Boarding House, Campground Public or Private, Club, Lodge, or Social Hall, Pistol Range, Recreation Facilities, Rodeo Arenas, Shooting Range, Stable/Riding Arena or School Commercial in Section 1, Township 2 South, Range 5 East, B.M.

2. Pre-application meeting was held May 2013, on June 7, 2013 property owners within 1,000 feet were notified by USPS of a neighborhood meeting, and a neighborhood meeting was conducted on June 19, 2013.
3. Notice of public hearing has been sent by email and USPS to agencies on July 12, 2013 and property owners with 1,000 feet on July 12, 2013, publicized in Mountain Home Newspaper on July 17, 2013, and posted on the property on July 29, 2013.
4. The property is located within an Agriculture (Ag) Zone, Wildfire Urban Overlay (WUI) and Oasis Community Development Overlay.
5. The surrounding land uses are grazing and residential.
6. 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) of the Elmore County Zoning and Development Ordinance.
7. The proposed use will be in accordance with goals and objectives of the Comprehensive Plan from the Oasis Community Design Concept:5. Land Use: Encourage new development to comply with the County Comprehensive Plan. Require dust control and dust abatement in all land use decisions within the community. Create a road improvement standard for new development within the Oasis Community to prevent dust problems and better manage dust issues. 10. Recreation: Support a multipurpose community facility to include a fire station, park and community center. 14. Implementation: Continue to plan community activities that are needed for growth but also protects the "quality of life" in Oasis. and with all the applicable provisions of the Zoning and Development Ordinance.
8. The proposed use will comply with all applicable Federal, State and County Ordinances.
9. 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. Any additional services that may be required will be paid for by applicant.
10. 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 is an existing approach off of W. Martha Ave.
11. 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. The use in the vicinity is residential and agriculture.
12. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
13. 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.
14. 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.
 15. 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 Dude Ranch, Archery Range, Boarding House, Campground Public or Private, Club, Lodge, or Social Hall, Pistol Range, Recreation Facilities, Rodeo Arenas, Shooting Range, Stable/Riding Arena or School Commercial located in Section 1, Township 2 South, Range 5 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. Proposed use will comply with sections 6-8-43: Archery Range, Indoors, 6-6-44: Archery Range, Outdoors, 6-8-56: Boarding House, 6-8-61: Campground Public or Private, 6-8-70: Club, Lodge, or Social Hall, 6-8-85: Dude Ranch, 6-8-163: Pistol Range, 6-8-175: Recreation Facilities (Outdoor), 6-8-187: Rodeo Arenas, 6-8-195: 6-8-195: Shooting Range, and 6-8-198: Stable/Riding Arena or School Commercial of the Elmore County Zoning and Development Ordinance.
2. Failure to comply with any condition may result in the revocation of the conditional use permit.

3. All outstanding taxes and fees must be paid.
4. Building permits will be required for all new structures.
5. Property will be developed in substantial conformance with the application.
6. All event areas will be closed mowed in addition to a 50' perimeter or as agreed to with the Oasis Fire District.
7. The applicant will provide thirty (30) day notice prior to any public event to surrounding property owners. The list of property owners will be provided by the Land Use and Building Department.
8. The applicant will provide thirty (30) day notice to Central District Health to ensure all, if any food vendors comply with applicable requirements.
9. The applicant will provide sufficient portable sanitation units for public events as required by the Central District Health Department.
10. The applicant will provide the Land Use and Building Department thirty (30) day notices of the planned public events. The applicant will comply with any additional requests and requirements from the department.
11. The applicant shall enter into a memorandum of understanding with the Elmore County Sheriff to ensure the public safety. The applicant shall provide the sheriff thirty (30) day notice prior to an event.
12. The decibel levels on adjoining properties shall not exceed 58Db.
13. The site shall be kept in an orderly manner as to not create a public nuisance or public health hazard.
14. Access roads and parking shall comply with Chapter 17: Public and Private Roads and Chapter 20: Off-Street Parking and Loading Requirements of the Elmore County Zoning and Development Ordinance.
15. The applicant and all persons utilizing the facility with comply with all local, state and federal laws.
16. The applicant shall enter into a Memorandum Of Understanding (MOU) with the Oasis Volunteer Fire Department to ensure the safety. The applicant will provide a thirty (30) day notice of any public event to Oasis Volunteer Fire District and will comply with any additional requests and requirements from the department.
17. The applicant shall submit a biannual report to the Land Use and Building Department for the progress of the Dude Ranch.
18. The Conditional Use Permit is approved to the property.
19. Housing is limited to the current ordinance allowance.
20. The Firing Range and Pistol Pits will be built to County, State and/or Federal Regulations and will need to be inspected and approved by the county.

COMMISSION VOTE:

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

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



Patti Osborn, Chairperson

ATTEST:



Alan Christy, Director

DATED this 18th day of September 2013.

*Effective at 12:01 A.M. on the 28th day of September 2013.

*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 Land Use and Building Department or the Elmore County Clerk.