BEFORE THE PLANNING AND ZONING COMMISSION OF ELMORE COUNTY

IN RE: CUP-2013-04	)	
Conditional Use Permit for an	)	
Auto Repair and Service Shop	)	**FINDINGS OF FACT**
In an Agriculture Zone and in	)	**CONCLUSIONS OF LAW**
The Area of City Impact	)	**AND ORDER**
	)	
	)	
	)	
Applicant:	)	

Will Hawley
205 SW Hamilton Road
Mountain Home, ID 83647

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 19th day of June, 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 auto repair and service shop. Property is located in Section 13, Township 4 South, Range 6 East, B.M., and is zoned Agriculture (Ag). 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 auto repair and service shop in Section 13, Township 4 South, Range 6 East, B.M.
2. Neighbors with 300 feet were notified on April 12, 2013, via U.S. Mail, of a neighborhood meeting and a neighborhood meeting was conducted on April 26, 2013.
3. Notice of public hearing has sent to agencies on May 15, 2013, by U.S. Mail and email, property owners within 300 feet on May 29, 2013, by U.S. Mail, publicized in Mountain Home Newspaper on May 29, 2013, and posted on the property on June 10, 2013.
4. The property is located within an Agriculture (Ag) Zone, Mountain Home City Area of Impact and Wildfire Urban Interface Overlay.
5. The surrounding land uses are residential, agriculture, city sewer lagoons.
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 and with all the applicable provisions of the Zoning and Development Ordinance.
8. The proposed use will comply with all applicable 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 SW Hamilton and no new approaches will be required.
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 of 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 improvement 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.
16. Received no comments from the City of Mountain Home.

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 auto repair and service shop located in Section 13, Township 4 South, Range 6 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. Proposed use will comply with section 6-8-48 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. Hours of operation will be Monday through Friday 8:00 am – 6:00 pm and Saturday from 8:00 am – 12:00 pm.

COMMISSION VOTE:

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

Patti Osborn

Patti Osborn, Chairperson

ATTEST:

Alan Christy

Alan Christy, Director

DATED this 17th day of July 2013.

*Effective at 12:01 A.M. on the 27 day of July 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.