

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

IN RE: CUP-2013-01)	
Amend Conditional)	
Use Permit to)	FINDINGS OF FACT
Operate a Dog Kennel/)	CONCLUSIONS OF LAW
Boarding Facility File #)	AND ORDER
CUP-2007-10)	
)	
)	
Applicant)	
Dennis Rooney)	
6421 S 18th East)	
Mountain Home, ID 83647)	

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 19th day of December, 2012, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit to amend a conditional use permit for a dog kennel/boarding facility. Property is located in Tax 1 and Tax 2, Section 22, Township 3 South, Range 6 East, B.M., and is zoned Interstate/Highway Commercial (C2). The Commission heard from the applicant in support of the application. The Commission heard other testimony 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 applicant has applied to amend a conditional use permit for a dog kennel/boarding facility in Tax 1 and Tax 2, Section 22, Township 3 South, Range 6 East, B.M.
2. Notice of public hearing has been given to agencies and property owners on November 23, 2012, publicized in Mountain Home Newspaper on November 28, 2012, and posted on the property on December 10, 2012.
3. The property is located within an Interstate/Highway Commercial (C2) Zone.
4. The surrounding land uses are interstate/highway commercial and agriculture.
5. The proposed amendment will be in accordance with goals and objectives of the Comprehensive Plan and with all the applicable provisions of the Zoning and Development Ordinance.
6. The proposed amendment will comply with all applicable County Ordinances.

7. The proposed amendment 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.
8. The proposed amendment will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets.
9. The proposed amendment 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.
10. The proposed amendment will not be hazardous or disturbing to existing or future neighboring uses.
11. The proposed amendment 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.
12. The proposed amendment 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.
13. The proposed amendment 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 to amend a conditional use permit for a dog kennel/boarding facility located in Tax 1 and Tax 2, Section 22,

Township 3 South, Range 6 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

- 1: Conditional Use Permit Amended and is granted to applicant Dennis Rooney and is nontransferable, it is not connected to the property.
- 2: Approval of 25 dogs for overnight boarding. If the need arises for an increase the applicant must resubmit an application.
- 3: Hours of operation for Daycare and Grooming will be 6:30 am – 9:30 pm Monday – Sunday.
- 4: Maintain a secure fence.

COMMISSION VOTE:

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



Patti Osborn, Chairperson

ATTEST:



Alan Christy, Director

DATED this 16th day of January 2013.

*Effective at 12:01 A.M. on the 26th day of January 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 Growth and Development Department or the Elmore County Clerk.