

4. Public Hearing was held on June 18, 2014, hearing was tabled until July 16, 2014 in order to establish if the applicant has the legal authority to ask for the amendment.
5. Public Hearing was held on July 16, 2014, hearing was continued until August 6, 2014 for deliberations.
6. Public Hearing was held on August 6, 2014 for deliberations.
7. The property is located within an Agriculture (Ag) Zone, Wildfire Urban Interface (WUI) Overlay and Oasis Community District Overlay.
8. The surrounding land uses are residential, agricultural grazing and wrecking yard.
9. The Commission found 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) and section 6-27-2 B of the Elmore County Zoning and Development Ordinance.
10. With the additional conditions the Commission found 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.
11. With the additional conditions the Commission found the proposed use will comply with all applicable County Ordinances.
12. With the additional conditions the Commission found 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. A water tank for fire suppression has been installed.
13. 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 will be no new approaches needed or constructed.
14. With the additional conditions the Commission found 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.
15. With the additional conditions the Commission found the proposed use will not be hazardous or disturbing to existing or future neighboring uses. The Commission found that an agreement would be necessary with neighboring property.
16. With the additional conditions the Commission found 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. Any improvement will be at the cost of the applicant.
17. With the additional conditions the Commission found 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.

18. 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 to amend an existing Conditional Use Permit CUP-2004-10 located in the S2NE4, NE4SE4, Section 30, Township 1 South, Range 5 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. Failure to comply with this amendment or any previously approved applicable conditions may result in revocation of the conditional use permit.
2. Conditional Use Permit will not be in effect until all outstanding fees and property taxes have been paid in full by all members of the Red Baron Estates Pilot's and Homeowner's Association.
3. Each homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.
4. Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates unless approved through a separate Conditional Use Permit.

5. Conditional Use Permit will not be in effect until a recorded Memorandum of Understanding regarding the need for an avigation agreement or an avigation agreement, between Red Baron Estates Pilot's and Homeowner's Association and Sole Rest Creek Home Owner's Association.
6. Expansion will comply with all State and Federal Regulations.

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
SHANE ZENNER	VOTED AYE
ED OPPEDYK	ABSENT
JEFF BLANKSMA	VOTED AYE



 Patti Osborn, Chairperson

ATTEST:



 Alan Christy, Director

DATED this 21st day of August 2014.

*Effective at 12:01 A.M. on the 31st day of August 2014.

*Note A decision made by the Elmore County Planning and Zoning Commission may be appealed by any affected or aggrieved party to the Board of Elmore County Commissioners provided the appeal application and fee is submitted 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.

*Note A request for reconsideration on a Commission decision may be made within ten (10) calendar days of the Commission action. The Commission shall only consider such reconsideration once good cause includes but is not limited to:

1. The party requesting reconsideration has new or additional relevant information; and

2. The relevant information was not previously presented and is in response to something brought up at the previous hearing; and
3. The information was not previously available.