

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

**IN RE: CUP-2014-06 )  
Conditional Use Permit )  
to subdivide property )  
into a two (2) lot )  
subdivision in an )  
Agriculture (Ag) Zone )  
)  
)  
)  
Applicant: )  
Marie Carlon )  
506 W 3<sup>rd</sup> N )  
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 5<sup>th</sup> day of February, 2014, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit to subdivide property into a proposed two (2) lot subdivision. Property is located in Section 34, Township 3 South, Range 6 East, B.M., and is zoned Agriculture (Ag). The Commission heard from the applicant's representative 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 for a Conditional Use Permit to subdivide property into a proposed two (2) lot subdivision in Section 34, Township 3 South, Range 6 East, B.M.
2. Pre-application meeting was held July 16, 2013. Neighbors within 1,000 feet were notified of a neighborhood meeting by applicant on August 2, 2013, via U.S. Mail and a neighborhood meeting was conducted on August 14, 2013.
3. Notice of public hearing was sent to agencies on January 10, 2014, via U.S. Mail and email, property owners within 1,000 feet on January 9, 2014, via U.S. Mail, publicized in Mountain Home Newspaper on January 15, 2014, and posted on the property on January 28, 2014.
4. The property is located within an Agriculture (Ag) Zone and adjacent to Mountain Home Area of City Impact.
5. The surrounding land uses are residential and agriculture.

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) and Chapter 27 of the Elmore County Zoning and Development Ordinance.
7. The proposed use will be in accordance with goals and objectives of the Comprehensive Plan; Land Use Objective #6- Encourage orderly development of subdivisions and individual land parcels, #11- Encourage and support land use proposals that are consistent with the community design objectives of all communities and districts within the County, 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, such as the road, will be at the expense of the 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. Parcels will have access off of Smith Rd and a private road will need to be constructed at applicant's expense.
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. There are 11 platted subdivisions within 1 mile, 706 parcels within 1 mile with an average size of 5.32 acres and 621 parcels are under 5.0 acres in size in the vicinity.
12. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. There are a number of residential homes and platted subdivisions in the vicinity.
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.
16. Property is adjacent to Mountain Home Area of City Impact.

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 subdivide property into a proposed two (2) lot subdivision in Section 34, Township 3 South, Range 6 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

**ADDITIONAL CONDITIONS**

- 1. **Proposed use will comply with Chapter 28 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. **All improvements must be completed or bonded prior to recording the final plat.**

**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                   | VOTED AYE |
| ED OPPEDYK                   | ABSENT    |
| JEFF BLANKSMA                | ABSENT    |

Patti Osborn  
Patti Osborn, Chairperson

**ATTEST:**

Alan Christy  
Alan Christy, Director

DATED this 5th day of March 2014.

\*Effective at 12:01 A.M. on the 15th day of March 2014.

\*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.