

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

<b>IN RE: CUP-2014-11</b>	)	
<b>Conditional Use Permit</b>	)	
<b>for an annual</b>	)	
<b>music festival, vendors,</b>	)	<b>FINDINGS OF FACT</b>
<b>and campgrounds.</b>	)	<b>CONCLUSIONS OF LAW</b>
	)	<b>AND ORDER</b>
	)	
	)	
	)	
<b>Applicant:</b>	)	
<b>Idaho Country Concerts, LLC</b>	)	
<b>PO Box 23638</b>	)	
<b>Eugene, OR 97402</b>	)	

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 2<sup>nd</sup> day of October, 2014, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a proposed 4 day annual music festival that includes a primary stage, secondary small stage, children’s activity area, food and craft vendors, wine and beer vending, sponsor exhibits, tent and RV camping. Property is located in portions of Sections 13, 14, 15, 22, 23, 24, Township 1 South, Range 10 East, B.M., and is zoned Agriculture (Ag). The Commission heard from the applicant and representatives in support of the application. The Commission heard other testimony in support, neutral and in opposition 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 4 day annual country music festival that includes a primary stage, secondary small stage, children’s activity area, food and craft vendors, wine and beer vending, sponsor exhibits, tent and RV camping in portions of Sections 13, 14, 15, 22, 23, 24, Township 1 South, Range 10 East, B.M.
2. Notice of public hearing has been given to agencies and property owners on September 15, 2014, publicized in Mountain Home Newspaper on September 17, 2014 and September 24, 2014, and posted on the property on September 23, 2014.
3. Neighborhood meeting was held on September 9, 2014.

4. The property is located within the Agriculture (Ag) Zone and Wildland Urban Interface Overlay.
5. The surrounding land uses are grazing and agriculture.
6. The proposed use(s) will, in fact, constitute an allowed conditional use in that zone, as determined by the Land Use Matrix and Zoning District regulations Chapter 8 of the Elmore County Zoning and Development Ordinance. The uses include campground, club or social hall, public address system, outdoor recreation facility and fairground
7. The Commission could find no conflict with the adopted comprehensive plan.
8. As presented and with the conditions of approval the use(s) will comply with all applicable County Ordinances.
9. As presented and with the conditions of approval the proposed use(s) will be served adequately by existing essential public facilities. Highways and streets are publically maintained and access the site. Schools are not necessary for the proposed use(s). Police and fire protection are required as conditions of approval. Drainage structures, refuse disposal, water and sewer are required as conditions of approval. All other services needed for the use(s) will be provided.
10. As a condition of approval the proposed use(s) will have vehicular approaches to the property approved by the Idaho Transportation Department and Glenns Ferry Highway District and shall be so designed as not to create an interference with traffic on surrounding public streets.
11. The proposed use(s) 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 proposed use(s) are temporary and agriculture uses will be maintained on the site.
12. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. The use(s) will be temporary and conditions have been added to address neighboring concerns.
13. The proposed use(s) 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. Conditions have been placed on the application to ensure emergency response costs are covered by the applicant.
14. The proposed use(s) 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. The proposed use(s) are temporary.
15. The proposed use(s) will not result in destruction, loss or damage of a natural or scenic feature of major importance. The site is not designated as having 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 §67-6512 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 4 day annual music festival that includes a primary stage, secondary small stage, children's activity area, food and craft vendors, wine and beer vending, sponsor exhibits, tent and RV camping located in portions of Sections 13, 14, 15, 22, 23, 24, Township 1 South, Range 10 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

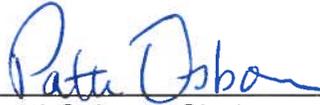
### **ADDITIONAL CONDITIONS**

1. **The site will be utilized in substantial conformance with the application and submitted plans.**
2. **A Memorandum of Understanding must be signed with the Elmore County Sheriff's Department sixty (60) days prior to the event.**
3. **All new roads and approaches, if any, must be completed and approved by Elmore County prior to the event.**
4. **The event will comply with all Central District Health requirements for sanitation and food vendors.**
5. **The approved use will be allowed for four (4) days every year. The applicants will notify the County of the dates each year at least sixty (60) days in advance.**
6. **The event(s) will comply with all local, State and Federal laws.**
7. **Any building permits for structures must be completed prior to the event(s).**
8. **Failure to comply with any approval condition may result in revocation of the permit.**
9. **All outstanding fees and taxes, if any, must be paid prior to the event(s).**
10. **Meet the requirements, if any, of the Glens Ferry Highway District.**

**11. Provide proof of contract from wild land firefighting agency and/or entity sixty (60) days prior to event.**

**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
SHANE ZENNER	ABSENT
ED OPPEDYK	ABSENT
JEFF BLANKSMA	VOTED AYE

  
\_\_\_\_\_  
Patti Osborn, Chairperson

**ATTEST:**

  
\_\_\_\_\_  
Alan Christy, Director

DATED this 3rd day of October 2014.

\*Effective at 12:01 A.M. on the 13th day of October 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.