

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

<b>IN RE: CUP-2014-08</b>	)	
<b>Conditional Use Permit</b>	)	
<b>to replat Lots 14, 28,</b>	)	
<b>and 39 Block 1 of</b>	)	<b>FINDINGS OF FACT</b>
<b>Amended Elk Valley</b>	)	<b>CONCLUSIONS OF LAW</b>
<b>Subdivision</b>	)	<b>AND ORDER</b>
	)	
	)	
<b>Applicant:</b>	)	
<b>Dave Mickelson</b>	)	
<b>HC 87 Box 439</b>	)	
<b>Pine, ID 83647</b>	)	

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 2<sup>nd</sup> day of April, 2014, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit to replat Lots 14, 28, and 39 Block 1 of Amended Elk Valley Subdivision. Property is located in Section 21, Township 3 North, Range 10 East, B.M., and is zoned Agriculture. The Commission heard from the applicant's representative in support of the application. The Commission heard other testimony in support of the application and in neutral 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 to replat Lots 14, 28 and 39 Block 1 of Amended Elk Valley Subdivision in Section 21, Township 3 North, Range 10 East, B.M.
2. Notice of public hearing has been given to agencies on March 10, 2014 and property owners within 1,000 feet on March 10, 2014, publicized in Mountain Home Newspaper on March 12, 2014, and posted on the property on March 24, 2014.
3. Neighborhood meeting was held on November 26, 2013.
4. The property is located within an Agriculture (Ag) Zone.
5. The surrounding land uses are residential, agriculture and commercial.
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 and Chapter 28 Subdivision Requirements, 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. Land Use Objective #11 – Encourage and support land use proposals that are constant with the community design objectives of all communities and districts with the County. Community Design: Pine, Featherville and Fall Creek Communities: #5- Land Use: Encourage new development to comply with the County Comprehensive Plan. #13- Community Design: Continue to encourage development that supports the tourism and recreation atmosphere of Pine and Featherville and Fall Creek and with all the applicable provisions of the Zoning and Development Ordinance.
8. The proposed use will comply with all applicable County Ordinances.
9. Conditional Use Permit is for a replat of Lots 14, 28, and 39 Block 1, that will result in 7 lots, 3 residential, 1 home owners association, 1 wastewater treatment facility, 1 RV park and 1 future development/golf course.
10. 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 service will be at the expense of the applicant. Roads, if needed, will need to be improved to private road standards and match any future plat. Proposed Lot 3, 4, 5, and 6 Block 1 will have access to Elk Valley Drive. Proposed Lot 7 Block 1 will have access to Rawah Drive. Proposed Lot 2 Block 1 will be part of the RV park and will have access from N. Redfish Lane.
11. 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. Any new approaches will need to be approved through the Mountain Home Highway District.
12. 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 is mostly residential. There are 12 platted County subdivisions within 1 mile. There are 241 parcels in platted subdivisions with an average size of 2.38 acres. Within 1 mile there are 365 parcels with an average size of 2.0 acres and 233 parcels are under 2.0 acres in size.
13. 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.
14. 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.
15. 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.
16. The proposed use will not result in destruction, loss or damage of a natural or scenic feature of major importance.
  17. Amended Elk Valley Subdivision was recorded on May 29, 2003.

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 replat Lots 14, 28, and 39 Block 1 of Amended Elk Valley Subdivision located in Section 21, Township 3 North, Range 10 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

### **ADDITIONAL CONDITIONS**

1. **Proposed use will comply with Chapter 28, Subdivision Requirements, 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 improvements, including roads, must be completed or bonded prior to recording the final plat.**
4. **All outstanding taxes and fees must be paid.**
5. **Lots will be designated as follows:**
  - 3 lots residential: Lot 5, 6, 7 Block 1
  - 1 Home Owner Association: Lot 4 Block 1
  - 1 Wastewater Treatment System: Lot 3 Block 1
  - 1 RV Park: Lot 2 Block 1
  - 1 future development/Golf Course: Lot 1 Block 1
6. **Development must comply with Central District Health Department and/or DEQ for Wastewater Treatment Systems.**
7. **Preliminary Plat must be approved by the Planning and Zoning**

Commission within 1 year.  
8. All future development must comply with the current Elmore County Zoning and Development Ordinance.

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	ABSENT
ED OPPEDEYK	VOTED AYE
JEFF BLANKSMA	VOTED AYE

  
\_\_\_\_\_  
Patti Osborn, Chairperson  
*K.C. Duerig Vice-Chair*

ATTEST:

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

DATED this 16th day of April 2014.

\*Effective at 12:01 A.M. on the 26th day of April 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.