

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

**IN RE: CUP-2015-02
Amend Conditional Use Permit)
CUP-2004-05 Childcare Facility)
In a Agriculture Zone in the)
Mountain Home Area of Impact)**

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

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Applicant)
Jane Junge (Mickey and Minnie’s Playhouse)
194 SW Fly By Ave
Mountain Home, ID 83647**

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 21st day of January, 2015, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit to amend an existing Conditional Use Permit CUP-2004-05 for a Childcare Facility. Property is located in Lot 7, Block 3, Airport Subdivision, B.M., and is zoned Agriculture and in the Mountain Home Area of City Impact. The Commission heard from the applicant 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 an existing Conditional Use Permit CUP-2004-05 for a Childcare Facility in Lot 7, Block 3, Airport Subdivision, B.M.
2. Notice of public hearing has been given to agencies and property owners on December 29, 2014, publicized in Mountain Home Newspaper on December 31, 2014, and posted on the property on January 13, 2015.
3. Neighborhood meeting was held on December 6, 2014.
4. The property is located within the Agriculture Zone and Mountain Home Area of City Impact.
5. The surrounding land uses are residential 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, Table 6-8-11 (C) and 6-8-66 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 #11 – Encourage and support land use proposals that are consistent with the community design 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. SW Fly By Ave is a paved road and maintained by Mountain Home Highway District.
 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. No new approaches are anticipated, any new approaches will be approved through Mountain Home Highway District.
 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.
 12. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. Neighbors within 1,000 feet were notified.
 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. No data was provided that the proposed use would create excessive additional requirements at public costs.
 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. The area 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 §67-6509 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 to amend an existing Conditional Use Permit CUP-2004-05 for a Childcare Facility located in Lot 7, Block 3, Airport Subdivision, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. There will adequate parking and turn around.
2. All signage will comply with zoning and building regulations.
3. Facility will be and remain state licensed and will have all other required permits from regulatory agencies.
4. Area shall have a secured fencing for safety purposes.
5. Maximum number of children shall be set by state agency not to exceed 18.
6. Comply with Ordinance section 6-8-66.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	VOTED AYE
VICE CHAIRPERSON K.C. DUERIG	VOTED AYE
SUSAN FISH	VOTED AYE
BETTY VAN GHELUWE	VOTED AYE
SHANE ZENNER	ABSENT
ED OPPEDYK	VOTED AYE
JEFF BLANKSMA	VOTED AYE

 *Patti Osborn* Vice-Chair
Patti Osborn, Chairperson

ATTEST:

 *Alan Christy*
Alan Christy, Director

DATED this 18th day of February 2015.

*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.