

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

IN RE: CUP-2015-01)
Conditional Use Permit)
For a gravel pit in) **FINDINGS OF FACT**
An Agriculture (Ag)) **CONCLUSIONS OF LAW**
Zone) **AND ORDER**
)
)
)
Applicant:)
Mountain Home Highway District
PO Box 756
Mountain Home, ID 86647

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 17th day of December, 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 gravel pit. Property is located in Section 32, Township 1 North, Range 5 East, B.M., and is zoned Agriculture. 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 for a Conditional Use Permit for a proposed gravel pit in Section 32, Township 1 North, Range 5 East, B.M.
2. Notice of public hearing has been given to agencies and property owners on December 1, 2014, publicized in Mountain Home Newspaper on November 26, 2014, and posted on the property on December 8, 2014.
3. Neighborhood meeting was held on October 20, 2014.
4. The property is located within an Agriculture (Ag)/Wildfire Urban Interface (WUI) Zone.
5. The surrounding land uses are grazing 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 in Table 6-8-11 (C) of the Elmore County Zoning and Development Ordinance.
7. 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.
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.
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.
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.
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.
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.

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 for a gravel pit located in Section 32, Township 1 North, Range 5 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. Hours of gravel pit operation, will include crushing and truck traffic, shall be within 7:00 a.m. to 7:00 p.m. standard time/ 7:00 a.m. to 9:00p.m. daylight saving time.
2. If blasting occurs, the applicant shall obtain an Elmore County blasting permit from the Elmore County Land Use and Building Department.
3. There shall be no mining or excavating within 50' of property boundaries.
4. Failure to comply with the conditions may result in the revocation of the Conditional Use Permit.
5. Dust control shall be maintained on all access roads.
6. The proposed use will comply with any prior or existing state or federal agency requirements.
7. The use will comply with applicable items of section 6-8-164 of the Elmore County Zoning and Development Ordinance.

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	VOTED AYE
ED OPPEDYK	VOTED AYE
JEFF BLANKSMA	VOTED AYE



 Patti Osborn, Chairperson

ATTEST:



 Alan Christy, Director

DATED this 21st day of January 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.