

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

IN RE: CUP-2015-10)	
Conditional Use Permit for a)	
Recycling Plant or Processing)	FINDINGS OF FACT
Facility in the Interstate)	CONCLUSIONS OF LAW
Commercial and Light)	AND ORDER
Industrial Zone)	
)	
)	
Applicant:)	
Second Life Recycling, LLC)	
4110 E. Pine Bluff Dr.)	
Meridian, ID 83642)	

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 3rd day of June, 2015, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a Recycling Plant or Processing Center. Property is located in portion of the SE¼NE¼, Section 15, Township 1 South, Range 4 East, B.M., and is zoned Interstate Commercial and Light Industrial. 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 tire sorting and resale facility in SE¼NE¼, Section 15, Township 1 South, Range 4 East, B.M.
2. The proposed use is considered a Recycling Plant or Processing Center.
3. Notice of public hearing was given to agencies and property owners on May 7, 2015. Notice of public hearing was publicized in Mountain Home Newspaper on May 13, 2015. Notice of public hearing was posted on the property on May 21, 2015.
4. Applicant conducted the neighborhood meeting on April 14, 2015.
5. The property is located within the Interstate Commercial and Light Industrial Zones.
6. The surrounding land uses are commercial, grazing and light industrial.
7. 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) of the Elmore County Zoning and Development Ordinance ("Ordinance"). A Recycling Plant or Processing

Facility requires a conditional use permit in the Interstate Commercial (C2) zone. There are additional requirements found in the Ordinance Section 6-8-179: Recycling Plant or Processing Facility.

8. The proposed use will be in accordance with the following goals and objectives of the Comprehensive Plan:

Land Use Objective 5: Encourage and support commercial and industrial development if it complies with County ordinances and guidelines to create jobs and expand the tax base. Maintain two industrial zones: heavy and light.

Land Use Objective 8: Review all commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas, and with all the applicable provisions of the Zoning and Development Ordinance.

9. The proposed use will comply with all applicable County Ordinances.
10. This use complies with this purpose statement of the Light Industrial zone: "The purpose of the M1 district is to provide for commercial and light industrial development and opportunities for employment of Elmore County citizens and area residents and reduce the need to commute to neighboring cities. The M1 district will encourage the development of manufacturing, wholesale, and distribution establishments which are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare and that are operated entirely or almost entirely within enclosed structures or fenced yards; to delineate areas best suited for industrial development because of location, topography, existing facilities, and relationship to other land uses. Uses within the M1 district require reasonable access to arterial roadways. Land uses in this category may require a mix of commercial or light industrial uses that consists of clean types of manufacturing, processing, warehousing, repair and general industrial uses."
11. This use complies with the purpose statement of the Interstate Commercial zone: "The purpose of the C2 district is to permit the establishment of general business and commercial uses that have direct access to State Highways and convenient access to the Interstate. Shopping centers will be encouraged and strip development shall be discouraged. This district may also be located on arterial thoroughfares or in areas where general commercial business is compatible with surrounding land uses. The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange."
12. 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. The proposed use will not create excessive additional requirements at public cost. The site is an

- existing facility with an existing approach to Simco Road. The structure utilizes and existing well and septic.
13. 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. There is an existing approach to the property from Simco Road.
 14. 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 existing facilities within 5 miles of the proposed project that store and/or recycle different materials; US Ecology, a medical waste facility and Alternative Environmental Systems.
 15. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
 16. 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 shows the proposed use will not create excessive additional requirements at public costs.
 17. 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. No excessive smoke, fumes, glare or odors are anticipated with the proposed use.
 18. 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

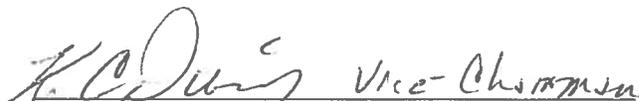
The application for a Conditional Use Permit for Recycling Plant or Processing Center in SE¼NE¼, Section 15, Township 1 South, Range 4 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. Proposed use will comply with Chapter 27 and Section 6-8-179 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. The use shall comply with all State and Federal regulations.
5. The applicant shall obtain financial assurance in the form of a cash bond as per Idaho State Statute 39-6502.
6. Prior to utilizing the site, the applicant shall obtain zoning/building permit approval from the Elmore County Land Use and Building Department to ensure the existing structure is designed and constructed to house the proposed use.
7. Applicant shall submit building and site plans to Idaho State Fire Marshal for review/approval.

COMMISSION VOTE:

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


 Patti Osborn, Chairperson

ATTEST:


 Alan Christy, Director

DATED this 17th day of June 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 the Land Use and Building Department 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.