

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In Re: CUP-2016-02: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the “**Commission**”), the 6th day of January, 2016, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit (the “**CUP**”) for an aircraft landing field - private in the Agriculture Zone (the “**Application**”). Property is located in Section 10, Township 2 South, Range 10 East, B.M. (the “**Site**”). The Commission heard from the applicant in support of the Application. The Commission received additional written testimony and information for the Application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to them.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the record for the Application and those facts which are in common knowledge or of which there is general public awareness.

I. The Commission finds that Application is comprised of:

A. Application form prepared and submitted by Chris Stephens (the “**Applicant**”) for the CUP; and

B. Those supplemental letters, email messages, documentation and memos submitted by the Applicant or its representatives, whether submitted in response to questions from employees (the “**Staff**”) from the Elmore County Land Use and Building Department (the “**Department**”) or the Commission in connection with Application to the Commission.

II. The Commission finds that the Applicant is:

Chris Stephens for S Bar Ranch, LLC
PO Box 1065
Sun Valley, ID 83353

III. The Commission finds the following as to the procedural matters pertaining to the Application:

A. The Applicant participated in a pre-application meeting with the Department on November 17, 2015.

B. The Applicant conducted a neighborhood meeting on November 29, 2015 as required by Elmore County Zoning and Development Ordinance (the “**Zoning Ordinance**”) Section 6-4-3.

C. The Applicant submitted the Application to the Department on December 2, 2015.

D. The Department deemed the Application complete on December 4, 2015.

E. The Department mailed notice of the public hearing to neighboring property

owners within one-thousand (1,000) feet of the Site on December 11, 2015 pursuant to Zoning Ordinance Section 6-4-5.

F. The Department mailed notice of the public hearing to agencies on December 11, 2015 pursuant to Zoning Ordinance Section 6-4-4.

G. Notice of the public hearing was published in the Mountain Home News on December 16, 2015 pursuant to Zoning Ordinance Section 6-4-5 A.

H. Notice of the public hearing was posted on the Site by the Applicant on December 24, 2015 pursuant to Zoning Ordinance Section 6-4-5 B.

I. The Commission opened the public hearing on January 6, 2016 and received verbal and written information regarding the Application.

J. The Commission moved to **approve** the Application with six (6) conditions of approval. The motion to **approve** the Application passed on a 6-0 vote.

IV. The proposed use of the Application as follows:

A. The Commission finds the proposed use for an aircraft landing field- private in the Agriculture Zone.

B. The Commission finds that the submitted master site plan shows the landing strip and future hangar.

V. The Commission finds the following pertaining to the Site:

A. Site Description: Section 10, Township 2 South, Range 10 East, B.M. A common way of locating the property is from Highway 20 north turn right on Cat Creek Road, turn right on Bennett Mountain Road, turn left on Hill City Road, proceed 8.5 miles to the ranch entry gate on the left.

B. Parcel Number: RP 02S10E107800 A & RP 02S10E107240 A

C. The "Owner" of the Site is:

S Bar Ranch LLC
Chris Stephens
PO Box 1065
Sun Valley, ID 83353

D. Applicant's Property Right in the Site is: Owner

E. Site Characteristics:

Property Size: The Site contains approximately 80 acres.

Existing Structures: None.

Existing Vegetation: The vegetation consists mainly of sagebrush.

Slope: Relatively flat and less than 10% slope.

Flood Zone Status: FEMA defined Zone X located outside of all know flood zones.

Irrigation: None.

VI. The Commission finds the current zoning of the Site as follows:

The current zoning for the Site is Agriculture pursuant to the adopted zoning map, Elmore County Ordinance 2013-02.

VII. The Commission finds the surrounding land use and zoning as follows:

Land uses to the south are grazing. Land uses to the north are grazing. Land uses to the east are grazing. Land uses to the west are grazing.

VIII. The Commission finds the existing services as follows:

Access Roads: Publically maintained road Hill City Road, which is a non-paved road with no winter access.

Fire Protection District: None.

Sewage Disposal: None.

Water Service: None.

Highway District: Glenns Ferry Highway District (the “**Highway District**”).

IX. The Commission finds the following as the applicable law for consideration of the Application:

A. Comprehensive Plan. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the “Comprehensive Plan”); and

B. Zoning Ordinance, adopted March 21, 2012 as Ordinance 2012-01; which was subsequently amended on September 19, 2012, as Ordinance 2012-03 and on July 14, 2014, as Ordinance 2014-01; and

C. The Local Land Use Planning Act, Idaho Code § 67-6501 *et seq.*; and

X. Comprehensive Plan:

A. The Commission finds the Application is in conformance with the Comprehensive Plan as stated in the findings.

XI. Zoning Ordinance:

A. The Commission finds that in order to approve the CUP application, the following findings as set forth in Section 6-27-7 of the Zoning Ordinance shall be made.

1. The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance;

2. The proposed use shall be in harmony with and in accordance with the City of Mountain Home Comprehensive Plan and this Ordinance (Title 6);
3. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter;
4. The proposed use shall comply with all applicable County Ordinances;
5. The proposed use shall comply with all applicable State and Federal regulations;
6. The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;
7. The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;
8. The proposed use shall be served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;
9. The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;
10. The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
11. The proposed use shall have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways;
12. The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.

B. The required findings of Section 6-27-7 of the Zoning Ordinance, stated as questions, follow in bold text, followed by the Commission's findings:

1. Does the proposed use in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance?

The Commission finds that an aircraft landing field - private in the Agriculture Zone requires a conditional use permit in Table 6-8-11 (C).

2. Is the proposed use in harmony with and in accordance with the Elmore County Comprehensive Plan ("Plan") and this Ordinance (Title 6)?

The Commission finds that the application is in harmony and accordance with the following provisions of the Elmore County Comprehensive Plan and this Ordinance:

Land Use Objective #12 – Encourage and support land use proposals that are consistent with the community design objectives of all communities and districts within the County.

Land Use Objective #17- Evaluate all development proposals in terms of land use and environmental compatibility. Discourage development proposals, which negatively impact land use patterns and negatively impact human and natural environment.

The Commission finds the Application does comply with the Zoning Ordinance as the Application does meet all the required findings of Ordinance Section 6-27-7.

3. Does the proposed use comply with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter?

The Commission finds that the Application complies with the purpose statement of the Agriculture zone in Zoning Ordinance Section 6-8-5 A in that “Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations.”

4. Does the proposed use comply with all applicable County Ordinances?

The Commission finds the Application does comply with the Zoning Ordinance as the Application does meet all the required findings of Zoning Ordinance Section 6-27-7.

5. Does the proposed use comply with all applicable State and Federal regulations?

The Commission finds that with the conditions in these findings the proposed use complies with State and Federal regulations.

6. Is the proposed use designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and will such use not change the essential character of said area?

The Commission finds that the visual impacts will be minimal or non-existent. The Applicant testified that the runway is not visible from neighboring properties.

7. Will the proposed use be hazardous or disturbing to existing neighboring uses or impede their normal development?

The Commission finds visual impacts will be minimal. Neighbors within 1,000 feet have been notified of this application. The Land Use and Building Department has received one (1) email from neighbors.

The Commission finds that the Applicant owns property adjoining and surrounding the runway and therefore will have minimal impact on neighboring uses.

8. Is the proposed use served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services?

The Commission finds the following public services shall be provided as follows:

Highways: not applicable.

Streets: Hill City Road is a non-paved road, with no winter maintenance, maintained by Glenns Ferry Highway District. Glenns Ferry Highway District provided no comment on the application.

Police: Police protection is provided by the Elmore County Sherriff's Department.

Fire Protection: None.

Drainage Structures: not applicable.

Refuse Disposal: not applicable.

Potable, Non-Potable Water, Fire Suppression Water Supplies: not applicable.

Sewer: not applicable.

9. Will the proposed use create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County?

The Commission finds that there is no data provided that the proposed use will not create excessive additional requirements at public costs.

The Commission finds that with the conditions listed in these findings the Applicant will be responsible for maintaining the runway.

10. Will the proposed use involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?

The Commission finds that no excessive traffic, noise, smoke, fumes, glare or odors are anticipated with the proposed use due to limited use and location of the airstrip.

11. Will the proposed use have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways?

The Commission finds that the Application proposed no new vehicular approaches onto Hill City Road.

12. Does the proposed use result in the destruction, loss or damage of a natural or scenic feature of major importance?

The Commission finds that the Site is not identified as a natural or scenic feature of major importance.

CONCLUSIONS OF LAW

If any of the conclusions of law are deemed to be findings of fact, they are incorporated in the Findings of Fact section.

1. The Commission concludes that the public hearing notice requirements of Zoning Ordinance Chapter 4 have been met.
2. The Commission concludes that the notice requirements of Idaho Code Section § 67-6512 have been met.
3. The Commission concludes that the Application complies with the required findings set forth in Section 6-27-7 of the Zoning Ordinance.

ORDER

Based upon the foregoing findings of fact and conclusion of law, the information contained in the Staff reports and the record for the Application, the Commission voted and hereby **approves** the Application with the following conditions:

1. The use shall comply with Elmore County Zoning and Development Ordinance Section 6-8-33.
2. The use shall comply with all state and federal regulations.
3. Failure to comply with any condition may result in the revocation of the conditional use permit.
4. The landowner shall be responsible for maintaining the runway.
5. Any expansion or increase in the use shall require an approval of an amended conditional use permit.
6. All outstanding fees, including applicable fees of Elmore County Zoning and Development Ordinance Section 6-3-13 B, shall be paid prior to utilization of the private airstrip.

Dated this 20th day of January, 2016.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN
VICE CHAIRMAN K.C. DUERIG
SUSAN FISH
ED OPPEDEYK

ABSENT
VOTED AYE
VOTED AYE
VOTED AYE

JEFF BLANKSMA
SHANE ZENNER
DAVE HOLLAND

VOTED AYE
VOTED AYE
VOTED AYE



K.C. Duerig, Vice-Chairperson

ATTEST:



Alan Christy, Director

NOTICE PURSUANT TO ZONING ORDINANCE SECTION 6-3-2 B

A decision made by the Elmore County Planning and Zoning Commission (the "Commission") may be reconsidered by the Commission provided the reconsideration application is complete and reconsideration fee is submitted to the Land Use and Building Department within ten (10) calendar days of Commission action. The reconsideration shall include new or additional relevant information that was not previously presented or available at the public hearing. Questions concerning reconsideration or deadlines should be asked of the Elmore County Land Use and Building Department.

NOTICE PURSUANT ZONING ORDINANCE SECTION 6-3-2 E-F

A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal application is complete and appeal fee is submitted 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.