

**BOARD OF ELMORE COUNTY COMMISSIONERS
NOTICE OF APPEAL HEARING FOR DENIAL OF A CONDITIONAL USE PERMIT
APPLICATION TO CONDUCT A TOW YARD BUSINESS, A LIGHT MECHANICAL
REPAIR SHOP, AND TEMPORARY SOTRAGE FOR TOWED AND IMPOUNDED
VEHICLES.**

NOTICE IS HEREBY GIVEN that on Friday, November 02, 2018 at the hour of 1:30 p.m. in the Elmore County Courthouse, downstairs in the Commissioner's room, 150 South 4th East, Mountain Home, ID 83647, an appeal hearing will be held for the denied conditional use permit in the Agriculture. Case number CUP-2018-05.

The Elmore County Planning and Zoning Commission (the "Commission"), on September 5, 2018 issued its findings of fact, conclusions of law and order upon a 5-0 vote, denied conditional use permit application CUP-2018-05, from Mike Mobley ("Applicant") to conduct a tow business, a temporary vehicle impound lot, and light mechanical repair shop (the "Application").

The Commission denied the Application, four (4) voted the application does not meet Standard 6 of the Zoning Ordinance 2018-03, and one voted neutral asserting inconclusiveness as to whether the Application meets the standard or not.

Required findings set forth in 7-9-7 of the Zoning Ordinance, Standard six (6) states: "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".

The Applicant seeks to overturn the Commission's decision denying the conditional use permit application to conduct a Tow Business, light mechanical repair shop, and temporary impound lot. Ground for the appeal includes:

The Applicant believes the decision was in violation of constitutional and statutory provisions, was in excess of the statutory authority of the agency, was made upon unlawful procedure, is not supported by substantial evidence on the record as a whole and is arbitrary, capricious or an abuse of discretions.

A common way of locating the property for the CUP is to travel North on American Legion Blvd, turn left onto N. 18th E. for approximately 2.5 miles, turn left onto Beaman St., the property is located on the left.

The record for this matter may be reviewed prior to the hearing in the Elmore County Land Use and Building Department, 520 E 2nd South, and at the Elmore County Clerk's Office, 150 South 4th East, Mountain Home, Idaho, during regular business hours.

Anyone who wishes to testify but is unable to attend may submit written testimony prior to the hearing by sending it to Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, Idaho, 83647. Written testimony must be received by 5:00 p.m. on Monday, October 29, 2018.

The Elmore County Board of Commissioners is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA). Any Person needing special accommodations to

participate in the public hearing should contact the Elmore County ADA Coordinator, Diana Clark, 24 hours prior to the Public Hearing at 208-587-2130 ext. 269, via email dclark@elmorecounty.org, or in person at 520 East 2nd South, Mountain Home, Idaho.

**BARBARA STEELE, CLERK
BOARD OF COMMISSIONERS
ELMORE COUNTY, IDAHO**

**1 Publication
October 17, 2018**