

**BOARD OF ELMORE COUNTY COMMISSIONERS
NOTICE OF APPEAL HEARING FOR AN APPROVED CONDITIONAL USE PERMIT
APPLICATION FOR A SAND AND GRAVEL PIT.**

NOTICE IS HEREBY GIVEN that on Thursday, May 16, 2019, at the hour of 6:00 p.m. in the War Memorial Hall (American Legion) 515 East 2nd South Street, Mountain Home, Idaho 83647, an appeal hearing will be held on the Elmore County Planning and Zoning Commission's (the "Commission") decision to grant a conditional use permit to John Dodge ("Applicant") to conduct a sand and gravel pit operation (the "Application") in the Agriculture zone. On March 20, 2019, the Commission issued its findings of fact, conclusions of law, and order ("Decision"), approving the Application and issuing conditional use permit (CUP-2019-01) to the Applicant for his property on Martha Avenue in the Oasis area of rural Elmore County.

A common way of locating the property for the CUP is to travel West on American Legion Blvd, turn right onto 2nd East St/Old US 30 W for 3.7 miles, turn left onto Ditto Creek Road/Old Oregon Trail Highway for 6.9 miles, turn right onto Ditto Creek Rd for approximately 2.6 miles, turn right onto Martha Ave., the site is located in the left.

The County has received an appeal from property owners in the Oasis area ("Appellants"), requesting the Board of County Commissioners ("Board") overrule the Commission's Decision approving the Application and issuing CUP-2019-01. The Appellants assert, among other issues, the Decision did not adequately address negative impacts of the proposed sand and gravel pit; including without limitation, the health impact of noise and dust, property values, the stability of area roads, wells, flood plain and flood issues for downstream properties, wetlands, wildlife, and visual impacts.

The Board will hear testimony from the Appellants, the Applicant, and interested persons and review the record upon which the Commission made its Decision to determine whether that decision is in violation of constitutional and statutory provisions; exceeds statutory authority; was made upon an unlawful procedure; not supported by substantial evidence on the record as a whole; or is arbitrary, capricious, or an abuse of discretion.

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, 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, May 13, 2019. 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. 1269, via email dclark@elmorecounty.org, or in person at 520 East 2nd South, Mountain Home, Idaho.

**SHELLEY ESSL, CLERK
BOARD OF COMMISSIONERS
ELMORE COUNTY, IDAHO
2 Publication dates, May 1, 2019, and May 8, 2019**