



# Land Use and Building Department

## Findings of Fact, Conclusions of Law, and Order

Application: Conditional Use Permit-2025-02

Hearing Date: August 28, 2025

### BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a conditional use permit to allow	)	CUP-2025-02
two off-site billboards in a General Agriculture	)	
(AG) Zone per Elmore County Zoning Ordinance	)	FINDINGS OF FACT,
§7-2-26(B) Located at NE1/4 of the NW1/4 &	)	CONCLUSIONS OF LAW,
portions of the N1/2 of the SE1/4, Section 14,	)	AND ORDER
Township Three South, Range Six East, Boise	)	
Meridian in Elmore County.	)	
	)	

**In Re:** Conditional Use Permit 2025-02: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the “**Commission**”), on August 28, 2025, for a public hearing held pursuant to public notice as required by law, on a request for a Conditional Use Permit 2025-02 (the “**CUP**”) in a AG or General Agriculture zoned property (the “**Application**”) on Parcel RP03S06E142415. The Application is for two off-site billboards. Elmore County Zoning Ordinance §7-7-22 allows Billboards Stationary and Mobile with a conditional use permit in the General Agriculture (AG) base zone. The property consists of 41.9 acres located at the NE1/4 of the NW1/4 & portions of the N1/2 of the SE1/4, Section 14, Township Three South, Range Six East, Boise Meridian and is zoned General Agriculture (AG) (the “**Site**”). The Commission heard from staff and the applicant in support of the Application. No one had signed up in favor, neutral or opposition to the proposal. Upon conclusion of the public hearing, the Commission closed the record to additional evidence and commenced deliberations on the Application, and after making conclusions in accordance with the applicable law, approved the Application with conditions, as hereafter defined.

#### 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 Application and the analysis and recommendations of the Elmore County Land Use and Building Department (the “**Department**”) record.

#### I. The Commission finds that Application is comprised of:

1. Application form prepared and submitted by Seth Saunders of Yesco Outdoor Media (the “**Applicant**”) for the Conditional Use Permit; and
2. Payment of Application Fees in the amount of \$400 as required by the Land Use and Building Department’s Fee Schedule.

**II. The Commission finds that the Applicant is:**

Yesco Outdoor Media/ Seth Saunders  
1605 S. Gramercy Rd  
Salt Lake City, UT 84104

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

- I. In accordance with section § 7-3-2 (A) of the Elmore County Zoning and Development Ordinance (“**Zoning Ordinance**”), on November 6, 2024, the Applicant completed a pre-application conference with the department prior to the submission of the Application.
- II. In accordance with section § 7-3-3 of the Zoning Ordinance, the Applicant mailed out Neighborhood Meeting Letters on February 14, 2025, to neighboring property owners within one-thousand-foot radius, giving notice of the time, date, and location of the meeting.
- III. In accordance with section § 7-3-3 of the Zoning Ordinance, the Applicant conducted the required neighborhood meeting on February 27, 2025.
- IV. On March 26, 2025, the Land Use and Building Department accepted a Conditional Use Permit application, and the required fees were paid on April 1, 2025, per § 7-9-3 (A) (B) of the Zoning Ordinance.
- V. On June 17, 2025, the Department deemed the Application complete and set the matter for a Public Hearing on August 28, 2025.
- VI. In accordance with sections § 7-3-5 (C) of the Zoning Ordinance, the Department mailed Notice of the Public Hearing to landowners within the required one-thousand-foot radius of the property on August 18, 2025.
- VII. In accordance with section § 7-3-5 (A) of the Zoning Ordinance, the Department mailed Public Hearing Notices to agencies on August 18, 2025.
- VIII. In accordance with section § 7-3-5 (A) of the Zoning Ordinance, the Public Hearing Notice was published in the Mountain Home News (newspaper) on August 13, 2025.
- IX. In accordance with section § 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on August 18, 2025.
- X. The Commission opened the public hearing on August 28, 2025. There were no verbal and written information regarding the Application.
- XI. At the conclusion of the testimony, the Chairperson closed the public hearing.
- XII. The Commission commenced deliberations on the Application.
- XIII. Thereafter, the Commission approved the Conditional Use Permit to allow an off - site billboard in the General Agriculture (AG) base zone and the Commission’s decision on the application is as set forth on the signature page below.

**IV. The Commission finds the proposed use of the Application as follows:**

The submitted Conditional Use Permit application to allow two off-site 10'h x 30'w billboards in the General Agriculture (AG) base zone in Elmore County.

**V. The Commission finds the following facts and circumstances pertaining to the Site:**

- A. Site Description:** NE1/4 of the NW1/4 & portions of the N1/2 of the SE1/4, Section 14, Township Three South, Range Six East, Boise Meridian

**Parcel Number:** RP03S06E142415

**B. The “Owner” of the Site is:**

Jon Dodge  
2708 Canyon Creek Rd  
Mountain Home, ID 83647

- C. Applicant’s Right to the Site is:** Leased a portion of the Property

**D. Site Characteristics:**

Property Size: 41.919 acre

Existing Structures: None

Existing Vegetation: Gravel Pit

Slope: None

Flood Zone Status: Not in a Flood Zone

Irrigation: No irrigation lines on site

Views: Visible from I-84 W

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

Based on the officially adopted Elmore County land use maps 2017-01, the Comprehensive Plan, and the Zoning Ordinance, the current zoning for the site is General Agriculture (AG). This site is also located in the City of Mountain Home Impact Area.

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

- A.** Based on the officially adopted Elmore County land use maps, the Comprehensive Plan, and the Zoning Ordinance, the surrounding land use and zoning are as follows:
- a) North: Zoned AG General Agriculture

- b) East: Zoned AG General Agriculture
- c) South: Interstate-84
- d) West: Zoned AG General Agriculture

**VIII. The Commission finds the existing services and access to the proposed site are as follows:**

- A.** Based on the officially adopted Elmore County land use map 2017-01 and materials found in the Department's file for Application, CUP-2025-02, the following facts concerning services and infrastructure, are not in dispute and are adopted as finding of fact in the Commission's Findings of Fact, Conclusions of Law, and Order (FCO):
  - a) Access Street and Designation: I-84 W and N 3rd St W
  - b) Highway District: Mountain Home Highway District and Idaho Transportation Department
  - c) Fire Protection: Mountain Home Rural Fire Department
  - d) Water Service: Existing parcel has a private well.
  - e) Refuse Disposal: Applicant will be responsible for obtaining and maintaining appropriate refuse disposal.
  - f) Drainage Structures: No drainage structures for the proposed use are planned or required at this time.
  - g) Billboards are inside City of Mountain Home Impact Area

The Application, and its proposed use, will be adequately served by available public facilities and services such as highways, streets, law enforcement, fire protection, and Emergency Services.

**IX. The Commission finds the following are among the relevant and applicable statutes, ordinances, and land use regulations 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 May 18, 2018, as Ordinance 2018-03; and
- c) The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.

**X. The Commission finds the following regarding the Comprehensive Plan.**

**A.** That the Comprehensive Plan Future Land Use Map (Map 4) has the proposed property classified as General Agriculture.

**B.** The Application is in conformance with the Comprehensive Plan vision and policies for property owner rights.

**XI. The Commission finds the following regarding the Zoning Ordinance.**

- A. The Elmore County Zoning Ordinance is the document governing the Site.
- B. In order to approve a Conditional Use Permit application, the Zoning Ordinance provides that the Planning and Zoning Commission make a decision based on the required findings in said Zoning Ordinance. The Conditional Use Permit standards are found in Section 7-9-7 of the Zoning Ordinance.

**REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS PER ZONING ORDINANCE SECTION 7-9-7:**

- 1. The proposed use shall, in fact constitute a Conditional Use as determined in Table 7-2-26 (B), Elmore County Land Use Table, as contained in Elmore County Zoning and Development Ordinance 2018-03:**

The Commission finds that the parcel is zoned AG. Elmore County Zoning Ordinance Table 7-2-26 (B) does not identify billboard sign as a use. However, Title 7 Chapter 7 addresses Sign Standards and all billboard signs require a conditional use permit approval pursuant to Zoning Ordinance § 7-7-22 (F).

The proposed use is in accordance with the Zoning Ordinance pursuant to Zoning Ordinance § 7-7-22(F) for Billboard Signs and requires a Conditional Use Permit.

- 2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan 2014 and Zoning and Development Ordinance (Title 7) 2018-03:**

The Commission finds that the Staff analyzed relevant sections of the Comprehensive Plan for a Conditional Use Permit to install two Illuminated Billboards 30' in height in the AG Zone. The Comprehensive Plan states that the AG is the base zone for Elmore County while also stating that AG contains a variety of productive lands ranging from croplands, forestlands as well as lands of lesser agricultural value. The Billboards would be installed on land currently being used for mining operations, which is mentioned under the Comprehensive Plan and would not detract away from said usage. 7-7-22(C) of the Zoning and Development Ordinance also allows for Billboards on AG zoned land, which would be in accordance with said Ordinance.

- 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:**

The Commission finds that the purpose statement for the General Agriculture base zone is found in Zoning Ordinance §7-2-5(E), providing:

*General Agriculture: The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing*

*lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.*

The General Agriculture zone allows a variety of uses that may require a Conditional Use Permit. The proposed billboard signs is consistent with CUP uses in the applicable base zone with the required conditions staff proposes.

The Application is also reviewed for specific use standards in compliance with Zoning Ordinance § 7-7-22(G) for Billboard Signs as discussed further below.

#### **4.The proposed use shall comply with all applicable County Ordinances:**

The Commission finds that the proposed CUP was mailed to agencies and the following Elmore County agencies replied. Their comments are integrated in the proposed conditions of approval to ensure that this Application meets all applicable Elmore County Ordinances. Furthermore, Title 11, Chapter 1 goes into detail describing the Elmore County/City of Mountain Home Area of Impact and the requirements therein. In particular, 11-1-3 (D) describes accounting for man-made barriers which may influence the direction of development to include I-84. The billboards are on the north side of I-84, still in the Area of City Impact and while limited by I-84, do allow for development within said Impact Area. The City of Mountain Home did not comment via writing, however, during Agency meetings they did have questions about lighting standards for the billboards which were provided.

- City of Mountain Home: No comment
- Mountain Home Rural Fire District – No issues

#### **5.The proposed use shall comply with all applicable State and Federal regulations:**

The Commission finds that the proposed CUP was mailed to the following State agencies and the following state agencies replied. Their comments are integrated in the proposed conditions of approval to ensure that this Application meets all applicable State and Federal regulations.

- Central District Health – No issues.
- Idaho Transportation Department – Applicant will need to file an application with ITD after CUP approval.

#### **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:**

The Commission finds that the site is to the West of Canyon Creek Rd and is surrounded by General Agriculture (AG) with I-84 to the South. The Site is zoned AG. Staff believe the proposed use does not present significant impacts or substantial changes to the essential character of the said area.

Aesthetically, the proposed use will not change existing views from the west, east, north, or south. The site plan shows the two sign to be installed along the southern border of the parcel along I-84W. The Application, with the proposed conditions, will be operated and maintained in such a way as to be harmonious and appropriate in appearance with the

existing and intended character of the general vicinity and will not change the essential character of the area.

**7.The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development:**

The Commission finds that the proposed use will not impede normal development within the area. This area is zoned General Agriculture, which while mostly deals with agricultural practices, does allow for a variety of other uses. Zoning Ordinance § 7-7-22(C) further allows for Billboards in the AG Zone as long as they are along main thoroughfares like Interstates, which these Billboards will be located. Furthermore, there are Billboards located across the Interstate in AG as well. The proposed dimension of the signs complies with the Zoning Ordinance. The location of the signs will not hinder passing vehicles, or nearby businesses.

**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:**

The Commission finds that the proposed use is served by the following public facilities:

Highways/Roads – I-84 is maintained by Idaho Transportation Department (ITD).

Fire Protection – Mountain Home Rural Fire District (MHRFD)

Drainage Structures – No drainage structures for the proposed use are planned or required at this time.

Refuse Disposal – Applicant will be responsible for obtaining and maintaining appropriate refuse disposal.

Water/Sewer –The existing structure has a private well and septic system.

The proposed use will not generate much need for public facilities and services. Therefore, the Application, and its proposed use, will be adequately served by available public facilities and services such as highways, streets, law enforcement, fire protection, and Emergency 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:**

The Commission finds that all on-site improvements will be funded by the Applicant.

Agencies that could potentially be impacted by this Application have been notified; at this time there have not been any notable comments submitted to the Department except for Idaho Transportation Department which stated that the parcel is in AG and there would need to be an application submitted by the Applicant prior to building.

**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:**

The Commission finds that the use of the billboards will not be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. The height of the proposed billboards sign meets Zoning Ordinance 7-7-22.

**11. The proposed use shall not result in the destruction, loss, or damage of a natural or scenic feature of major importance:**

The Commission finds that the property is not on or near a scenic feature of major importance.

**In addition to the findings required for a conditional use approval, the Commission shall make the following findings to grant approval of a billboard, the required findings pursuant to Zoning Ordinance 7-7-22(G) are as follows:**

- 1. That the location and placement of the billboard will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections:**
  - The Commission finds that the proposed location of the signs is to be installed per the Site Plan and within proper distance from each other per 7-7-22(E).
  - The Commission finds the sign will be located thirty-five (35') feet from the right of way, with twenty (20') foot setbacks.
  - The location does not interfere with the clear vision triangle as there is no public street, railroad, or intersection near the proposed sign location.
- 2. The Billboard will not cover or blanket any prominent view of a structure or façade of historical or architectural significance:**
  - Commission finds that there are no significant historical or architectural buildings or views in the area of the proposed billboard.
- 3. The billboard will not obstruct the view of the users of adjacent buildings to side yards, yards, or to nearby open space. This requirement does not include views of distant vistas:**
  - Commission finds the height and location of the proposed sign will not obstruct views of adjacent buildings side yards, yards, or nearby open space.
- 4. The billboard will not negatively impact the visual quality of a public open space such as a recreation facility, square, plaza, courtyard, and the like:**



- Commission finds that there are no recreation facilities, squares, plaza, or court yards in the vicinity. The area is predominantly agriculture.

**5. The height of the billboard, spacing, dimensional requirements, and setbacks are compliant with the requirements of this section:**

- Commission finds that the thirty (30') feet height of the proposed billboard is compliant with Zoning Ordinance § 7-7-22(D)(8).
- Commission finds that the proposed use does not exceed the Zoning Ordinance § 7-7-22(D)(1) for painted billboards, which shall not exceed eleven (11') feet in height and thirty-six (36') feet in horizontal length, nor exceed three hundred seventy-eight (378') square feet in area.
- Commission finds the proposed height of the billboard face is ten (10') feet in height and thirty (30') in length.

**6. The billboards lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent property:**

- Commission finds the Applicant will have to apply for a permit from ITD after approval of the CUP as required in the proposed conditions of approval.

**CONCLUSIONS OF LAW**

Based on the aforementioned findings of fact, the Commission concludes that the proposed CUP-2025-02 has complied with the following legislative documents governing the proposal:

- A.** Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014; and
- B.** Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C.** The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.

**ORDER – CONDITIONS OF APPROVAL:**

Based on the aforementioned findings of facts and conclusions of law, and evidence presented at the August 28, 2025, public hearing, the Commission approves CUP-2025-02 with the following conditions of approval:

1. Conditional Use Permit 2025-02 shall be granted to YESCO Outdoor Media/Seth Saunders, to install two Illuminated Billboard Sign 10'\*30' in size and in the General Agriculture Zone on Parcel RP03S06E142415.

2. The illuminated billboards shall only be a double face static (not digital) billboard and shall have a maximum height of thirty feet (30').
3. The Billboard Signs shall only have a maximum of four (4) LED lights and a maximum of two (2) on each face.
4. The Billboard Signs shall be installed and operational within a year of CUP-2025-02 approval and all necessary site improvements shall be completed per Elmore County Zoning Ordinance.
5. The Applicant shall receive an approval from Idaho Transportation Department (ITD) for the Billboard Signs prior to applying for a building permit with the Land Use and Building Department.
6. The Billboard Signs shall comply with all requirements of Title 7 Chapter 2 ("Zoning"), Chapter 7 ("Sign") and Chapter 9 ("Conditional Use Permit") of the Elmore County Zoning and Development Ordinance 2018-03 at all times.
7. The Billboard Signs shall comply with all requirement of Title 7, Chapter 7, Sign Standards of the Elmore County Zoning and Development Ordinance 2018-03.
8. The Applicant shall obtain applicable permits for any structures and/or other permittable improvements on the site to include required state and local permits.
9. The Applicant shall maintain the Billboards over the course of its lifespan to include lighting, structure and Billboard face. If any issues arise, the Applicant has 48 hours to address the problems or violations will be issued.
10. The Applicant shall be able to provide the lease document for the site to the Land Use and Building Department upon request.
11. The Applicant shall keep the lease with the property owner current and inform the Department if the lease is transferred.
12. The Applicant shall ensure all property taxes are kept current.
13. The Applicant shall comply with all local, state and federal laws and regulations.
14. Failure to comply with any of the above conditions of approval may result in the revocation of the Conditional Use Permit.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2025

**COMMISSION VOTE:**

CHAIRPERSON PATTI OSBORN  
 VICE CHAIRMAN JEFF BLANKSMA  
 SUSAN FISH  
 ED OPPEDYK

VOTED	AYE
VOTED	ABSENT
VOTED	AYE
VOTED	AYE

K.C. DEURIG  
MITCH SMITH

VOTED  
VOTED

AYE  
ABSENT

---

Patti Osborn, Chairperson

**ATTEST:**

---

James Roddin, Interim Director

**NOTICE PURSUANT TO IDAHO CODE § 67-6519(5)(c)**

The Applicant shall have the right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. An applicant denied an application or aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

**NOTICE PURSUANT ZONING ORDINANCE SECTION 7-3-10 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 fourteen (14) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

4896-3537-7257, v. 1