



Land Use and Building Department

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Staff Report to the Planning and Zoning Commission

Hearing Date: February 27, 2025,

Date Report Compiled: February 11, 2025

Agenda Item: Conditional Use Permit for 100' x 40' shop for Vehicle Repair and Service Shop

Applicant: J.D. & Shana Lusardi

Case Number: CUP-2025-10

Staff: David Abrahamson, Planner
Mitra Mehta-Cooper, Director
Angie Micheals, Contract Engineer
Abbey Germaine, Contract Attorney for Elmore County

Location: Tax 74 Sec15 T3S R6E

Zoning: Agricultural (AG)

Parcel Number: RP03S06E1503300

Property Size: 1.4 acres

BACKGROUND:

Applicant, J.D. & Shana Lusardi, ("Applicant") had a preapplication meeting with the Land Use and Building Department (the "Department") on September 30, 2024, pursuant to Elmore County Zoning Ordinance ("Zoning Ordinance") § 7-3-2(A), to discuss a proposal for a 100' x 40' Vehicle Repair and Service Shop with carport on the side of his existing shop. The Applicant sent out neighborhood meeting letters on October 4, 2024, giving notice of the time, date, and location of the meeting to neighboring property owners within five hundred (500') feet per Zoning Ordinance § 7-3-3(B) and conducted the required neighborhood meeting on October 15, 2024, per Zoning Ordinance § 7-3-3 (Exhibit A). When the Applicant turned in their application, the application was turned in 6 (six) days late and they had to do another neighborhood meeting. The Applicant sent out neighborhood meeting letters on December 4, 2024, giving notice of the time, date, and location of the meeting to neighboring property owners within five hundred (500') feet per Zoning Ordinance § 7-3-3(B) and conducted the required neighborhood meeting on December 15, 2024, per

Zoning Ordinance § 7-3-3 (Exhibit B). A Conditional Use Permit application (“CUP-2025-10” or “CUP” or “Application”), and the required four hundred (\$400) dollar fee was paid on November 21, 2024. Exhibit C) A site plan is provided with the application (Exhibit D). The Application was deemed complete on January 15, 2025, and a Public Hearing date is tentatively set for February 27, 2025. (Exhibit J) The public hearing notice was mailed to landowners within five hundred (500') feet of the property on February 18, 2025, per Zoning Ordinance § 7-3-5(C) (Exhibit E). The public hearing notice and application was emailed to agencies on December 26, 2024, per Zoning Ordinance § 7-3-4. (Exhibit F) The public hearing notice was published in the Mountain Home News on February 12, 2025, as required by Zoning Ordinance § 7-3-5(A) (Exhibit G).

The public hearing notice was posted on the property on February 19, 2025, per Zoning Ordinance § 7-3-5(B) (Exhibit H).

The surrounding uses of the property are the following:

- North: Frontage Road and Interstate 84
- East: Residential / Agricultural Zoned AG
- South: Residential / Agricultural Zoned AG
- West: Residential / Agricultural Zoned AG

The site of the proposed use is not located in a designated flood zone, see flood zone map attached as Exhibit I.

The documents, recordings, and exhibits constituting the CUP record are numbered sequentially as they become available. This report references the following portions of the CUP record, which are included as Exhibits:

- A. Neighborhood Meeting – Original
- B. Neighborhood Meeting – Corrected
- C. Application and Fee Receipt
- D. Site Plan
- E. Public Hearing notices
- F. Agency Notification Letter
- G. Newspaper public hearing
- H. Posted property for hearing
- I. Flood Plain Map
- J. Acceptance Letter
- K. Agency Comment Letters
 - a. Central District Health
 - b. Agency Notification Letter
 - c. City of Mountain Home
 - d. Rural Fire and Emergency Medical Services
 - e. Elmore County Sheriff

The CUP record includes all written public comments submitted to the Department by physical or electronic delivery by 5:00 p.m. WEDNESDAY February 19, 2025, for the Public Hearing scheduled for February 27, 2025. The notices from the Elmore County Assessor and Treasurer indicate that all taxes have been paid. The CUP record also

includes all documents obtained as part of the staff's analysis and review of the Application, and all documents and exhibits submitted prior to the close of the public hearing as received by the Commission. Those portions of the CUP record available at the time this report is submitted have been provided to the Commission under separate cover as a part of the Commissioners' packet.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS, 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:

Staff Response: The parcel is Zoned AG and Table 7-2-26(B) requires a conditional use permit for a Vehicle Repair and Service Shop, which includes vehicle refurbishing as defined in the Zoning Ordinance Title 7, Chapter 1.

VEHICLE REPAIR: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. Any or all of the following activities: a) engine rebuilding; b) major reconditioning of worn or damaged motor vehicles; c) collision service, including body, frame, or fender straightening or repair; and d) overall painting of vehicles within an enclosed structure.

The Applicant has met this condition by applying for CUP-2025-10. Building a shop that will follow all ordinances and not impede on the neighboring communities.

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:

Staff Response – Comprehensive Plan: Staff analyzed sections of the Comprehensive Plan for a Conditional Use Permit, and property Zoned AG. This one point four (1.4) acre parcel is desert land with sagebrush and trees outlining the north, west and south of the property. The Comprehensive Plan Agriculture Objective states to:

- 1) Avoid encroachment of incompatible land uses near agricultural lands. There is no agricultural land near this parcel.*
- 2) Support the expansion of existing agricultural operations within the County. There is no agricultural land near this parcel.*
- 3) Support programs that diversify agricultural operations within the County, including but not limited to timber production.*

The proposed use along with Conditions of Approval are consistent with the relevant Comprehensive Plan goals and objectives for private property rights. As discussed further below, the proposed use will maintain the property consistent with surrounding lands in the base zone.

Staff Response – Zoning and Development Ordinance: As stated above, the proposal complies with Agriculture (AG) zone and is an allowed use with a conditional use permit.

The Applicant has met all the pre-application and application requirements for a conditional use permit and the proposed use complies with the Special Use Standards for Vehicle Repair and Service Shop, pursuant to Zoning Ordinance § 7-2-219 as discussed below.

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:

Staff Response: The purpose statement for the General Agricultural Grazing/Forest base zone AG is found in Zoning Ordinance 2018-03. Section 7-2-5(A), 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 Grazing/Forest zone AG allows a variety of uses that may require a Conditional Use Permit. The proposed Vehicle Repair and Service Shop is consistent with CUP uses in the applicable base zone with the required conditions staff proposes. The proposed use complies with the Special Use Standards for Vehicle Repair and Service Shop pursuant to Zoning Ordinance § 7-2-21 as discussed below.

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

Staff Response: The proposed use is within the City of Mountain Home's ("City") Area of Impact. Therefore, the City staff participated in the Pre-application Meeting with the Director as agreed upon in Section 11-1-4(D) of the Zoning Ordinance per the Area of Impact Agreement. Furthermore, after an application was received, it was discussed at the January 8th, 2025, Agency Meeting where the city was invited. The city was further notified during the Agency Notifications as mentioned above.

In addition to the city, the following Elmore County Agencies were notified at the Agency Meeting and for this hearing. Their comments are incorporated in the Conditions of Approval for the CUP. Therefore, staff concludes that this Application meets all applicable County Ordinances if approved.

- City of Mountain Home
- Mountain Home Rural Fire District
- Elmore County Sheriff Department
- Emergency Services
- Mountain Home Highway District

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

Staff Response: The use, subject to the conditions of approval, will ensure the use meets all state and federal requirements. In addition, the Application was transmitted to and reviewed by the following State agencies. As a result, Staff proposes conditions that include that vehicles will not be left outside of the shop; all repairs and refurbishing will be done inside the shop; storage of parts will be inside the shop and discarded parts will comply with state regulations; all vehicles that are inoperable or dismantled will be inside the shop; and compliance of all applicable regulations regarding chemical, solvents, and the transfer and disposal will be followed.

- Department of Environmental Quality
- Central District Health

Therefore, staff believes that the Application will comply with all 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:

Staff Response: The proposed use is off Frontage Road (south of Interstate 84) and is predominantly General Agricultural. The property is zoned Agriculture. Staff believes that 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 Vehicle Repair Shop will be on the west side of the property and will be built to have an appearance like a barn as to keep the theme of agricultural. The Application, with the proposed Conditions of Approval, 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. The Applicant mentions that all vehicles will be inside the shop. The shop will be open from 8:00 a.m. to 5:00 p.m. with four (4) employees.

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

Staff Response: The proposed use will not impede normal development within the area. The site is zoned Agriculture, which allows a series of uses, similar to this one, with a conditional use permit. Staff provides the Commission with proposed Conditions of Approval to ensure that the proposed use does not become hazardous or disturbing to existing neighboring uses. This includes conditions that the Applicant will not be doing any oil changes or have any toxic waste; the Applicant will meet fire code by having the proper amount of fire extinguishers in the shop; and Applicant will work normal hours and not cause any light or noise pollution

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:

Staff Response: The proposed use is served by the following public facilities:

Highways/Roads – Frontage Road is maintained by the Mountain Home Highway District

Fire Protection – The Applicant’s property is in the Mountain Home Rural Fire District.

Drainage Structures – Will have to put in an engineered retention pond to hold water from run off of the building and parking lot.

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

Water/Sewer –Will install a well and septic on this property.

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:

Staff Response: All on-site improvements will be funded by the Applicant.

Agencies that could potentially be impacted by this Conditional Use have been notified; at this time there have not been any notable comments submitted to the Department.

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:

Staff Response: There will be nothing out of the everyday sights, sounds, and smells that rival the current truck, tractors, and animals of nearby neighbors sounds and odors.

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

Staff Response: The property is not on or near a scenic feature of major importance.

REQUIRED FINDINGS FOR VEHICLE REPAIR AND SERVICE SHOPS ZONING ORDINANCE 7-2-219:

A. The use shall not constitute a “junkyard” as herein defined in this Title:

Staff Response: The Applicant will be doing all work inside the shop within five (5) work bays. All parts and accessories will be kept inside the shop. Discarded parts will comply with all County, State and Federal regulations.

B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure:

Staff Response: All working activities will be done inside the shop. Staff proposes Conditions of Approval to avoid outdoor storage of accessories, and replacement parts, or discarded parts.

C. Outdoor storage of accessories, and replacement parts, or discarded parts shall comply with this Chapter:

Staff Response: All working activities will be done inside the shop. Staff proposes Conditions of Approval to avoid outdoor storage of accessories, and replacement parts, or discarded parts.

D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private driveway road.

Staff Response: All vehicles will be stored inside the shop. Applicant will only be working on three (3) or four (4) vehicles at a time and not to exceed a total of five (5). The Applicant does have trees lining his property on the north side, west side, and the south side making the Site screened from most vantage points.

E. Compliance with all applicable regulations regarding chemicals, solvents, and the transfer and disposal of such.

Staff Response: Applicant will meet all state and federal regulations on storing and disposing of all hazardous chemicals and solvents.

STAFF RECOMMENDATION

The proposed use, with the proposed Conditions of Approval will comply with the foregoing requirements. Subject to evidence being presented at the public hearing that would constitute facts contrary with Staff's analysis above, Staff recommends **approval** of the proposed Conditional Use Permit CUP-2025-10, to allow a Vehicle Repair and Service Shop property in an Agricultural (AG) zone, along with the following proposed conditions:

PROPOSED CONDITIONS OF APPROVAL

1. A Conditional Use Permit (CUP-2025-10) shall be granted to J.D. & Shana Lusardi, to construct a Vehicle Repair and Service Shop on 1.4 acres parcel in unincorporated Elmore County on Assessor's Parcel Number RP03S06E1503300400, which is zoned Agriculture.
2. All Conditions of Approval of CUP-2025-10 shall be appurtenant to and run with the Site and shall be binding upon J.D. & Shana Lusardi, their heirs, transferee, successors, and assignees.
3. The Applicant shall commence construction of the use within one (1) year of approval of CUP-2025-10 and complete it within two (2) years of this approval.

4. The Applicant shall continue to occupy one (1) RV on-site and all additional site-improvements shall receive the necessary approvals from the Department, including Building Permit for the Vehicle Repair and Service Shop and a Carport on the side of his existing shop.
5. The Applicant shall apply for a Private Driveway application prior to commencing any construction activity at the Site and receive driveway inspection approval from the Mountain Home Rural Fire District and Elmore County Engineer.
6. The Applicant shall not exceed a total of five (5) vehicles for restoration at the Site at any one time and a total of five (5) employees.
7. The Applicant shall provide eight (8) parking spaces, with at least one (1) American Disability Act (ADA) compliant parking space to include access requirements and stripping standards. All other Building Permits shall comply with accessible design regulations for private business.
8. The Applicant shall receive approval for storefront signage or free-standing signage from the Department.
9. The Applicant shall operate the use between 08:00 a.m. and 05:00 p.m.
10. The Applicant shall keep all accessories and replacement parts inside the Vehicle Repair and Service Shop. Outdoor storage of chemicals, batteries, auto-parts and fertilizers shall be prohibited. The Site shall not be used as a "junkyard", "automobile wrecking yard", or vehicle impound yard as defined in the Zoning Ordinance.
11. The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as to not create a nuisance, including quarterly maintenance of landscaping.
12. The Applicant shall provide low facing motion sensitive lights that are not too bright to disturb the neighbors and ensure that those lights only light up the Site.
13. The Applicant shall ensure that noise from the use will not disturb neighboring properties, to include noise of air compressor, air tools, and hitting of metal.
14. The Applicant shall keep all taxes paid in full.
15. Failure to comply with any of the above Conditions of Approval shall result in the revocation of the CUP-2025-10.