

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, December 6, 2017 at 7:00 pm**

Chairperson Patti Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Ed Oppedyk, Jeff Blanksma, Sue Fish and Mitch Smith. Also present were Attorney of Record Philip Miller, Director Beth Bresnahan and staff members Diana Clark and Kacey Ramsauer.

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

**Continuation for Penelope Steward for a Conditional Use Permit for a Dog Kennel in the Agriculture Zone. Case Number: CUP-2018-01.** The site is located in Beverly Hills Subdivision, Lot 8, Block 1, B.M. A common way of locating the property is from the American Legion Blvd., turn on to South 18<sup>th</sup> East heading south, continue over the railroad tracks. Continue on South 18<sup>th</sup> East for approximately ½ mile past Hamilton Rd. The property is on the right side of the road at 6739 S 18<sup>th</sup> East.

Miller stated that there are no other county ordinances that are relevant to numbers of dogs or the type of thing the applicant is doing.

Osborn stated that the big question was if the applicant fit the definition of a kennel.

Miller stated that she has more than 4 dogs so she falls under a commercial kennel. He stated the issue is one of compensation and the applicant testified that she does receive some funds in the form of donations.

Fish stated that one neighbor testified that he was unable to sell his home due to the dogs next door.

Osborn stated that after reading through all of the documents nothing was provided to validate that statement.

Smith stated that the wife of that neighbor said she was scared of the dogs at the applicant's home and for him it is hard to move forward when someone states that.

Osborn stated that there were other neighbors that testified that said they had no issues with what the applicant was doing even saying they had no idea she even had dogs at her home.

Oppedyk stated that his biggest hang up is the covenants stating that no businesses are allowed in the subdivision.

Miller stated that this commission cannot enforce covenants but they can be looked to as evidence of the customary use of the area.

Osborn stated that the applicant serves the community in great manner and it's not unreasonable to think that she had no idea that she was doing anything wrong as there were members representing Elmore County bringing dogs to her. She stated that she is serving a purpose in the county and it is not her fault that there are no ordinances in place that support what she is doing.

Fish stated that if animals such as horses and chickens are allowed on Ag property without a limit should dogs be any different?

Osborn stated that it was testified to that the Idaho Department of Water Resources (IDWR) felt that dogs are domestic

Osborn moved to approve the Conditional Use Permit as it does comply with all 12 standards. That it be non-transferable and will go with the applicant and not the property. Failure to comply with conditions will result in revocation. The approval will be for 20 dogs and no more. Must maintain a secure 6 foot fence. The hours of operation will be from 8:00 am to 8:00 pm. There will be no additional fees required as the applicant has saved the County a great deal of money over the years.

Fish seconded.

Motion carries 4-1 in favor with Smith voting NAY.

## **PUBLIC MEETING**

### **Ordinance Revision Work Session**

Bresnahan put the ordinance revisions on a disk for the commission members to review and to discuss at the next meeting.

### **Preliminary Plat for SUB-2018-01 Brett Yagues**

Bresnahan presented the preliminary plat for review.

## **NEW BUSINESS**

### **FCO and MINUTES**

Approved

Approved

FCO for Case Number: CUP-2017-04 Brett Yagues

Blanksma moved to approve with one correction.

Oppedyk seconded.

Motion carried unanimously.

Minutes from November 15, 2017

Oppedyk moved to approve.

Smith seconded.

Motion carried unanimously.

### **INFORMATION ITEMS**

Upcoming P & Z Schedule

Bresnahan introduced Diana Clark who is the new planner for the Land Use and Building Department.

The next meeting is scheduled for January 17, 2018.

**MEETING ADJOURNED at 7:25 p.m.**

Approved

Approved



1-17-18

Patti Osborn, Chairperson

Date:



1-17-18

Attest:  
Beth Bresnahan, Director

Date: