

**BEFORE THE PLANNING AND ZONING COMMISSION
OF ELMORE COUNTY**

| | | |
|------------------------------------------|---|---------------------------|
| Revocation of CUP-2014-06 |) | |
| Conditional Use Permit to |) | |
| Subdivide property into a two (2) |) | FINDINGS OF FACT |
| Lot subdivision in an |) | CONCLUSIONS OF LAW |
| Agriculture (Ag) Zone |) | AND ORDER |

Applicant:

**Marie Carlon
506 W 3rd N
Mountain Home, ID 83647**

This matter has come before the Planning and Zoning Commission of Elmore County, Idaho, on the 7th day of November, 2018, for a public hearing, held pursuant to public notice as required by law, for revocation of a Conditional Use Permit to subdivide property into a proposed two (2) lot subdivision. Property is located in Section 34, Township 3 South, Range 6 East, B.M., and is zoned Agriculture (Ag).

FINDINGS OF FACT

1. The Conditional Use Permit was approved on March 5, 2014 with an effective date of March 15, 2014.
2. The property is located in Section 34, Township 3 South, Range 6 East, B.M. on
3. Notice of public hearing was sent to property owners within 300 feet on October 18, 2018, via U.S. Mail, publicized in Mountain Home Newspaper on October 24, 2018, and posted on the property on October 31, 2018.
4. The property is located within an Agriculture (Ag) Zone and adjacent to Mountain Home Area of City Impact.
5. The surrounding land uses are residential and agriculture.
6. The proposed use was eligible for a One Time Division of Property according to Ordinance 2012-01 Chapter 15 One Time Division of Property of the Elmore County Zoning and Development Ordinance.
7. Section 6-15-2 A 1 states: "Lots created prior to January 1, 1974 (hereinafter referred to as the parcel of record); or parcels of land that were of record in the Elmore County recorder's office prior to July 7, 1999 the boundaries of which shall not have changed except for one or more of the following:....".
8. Staff and legal counsel reviewed the project and determined eligibility of this project.
9. Property is adjacent to Mountain Home Area of City Impact.

Based on the foregoing **FINDINGS OF FACT**, the Elmore County Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

The Commission may revoke the permit as authorized by Title 7 Chapter 16 Section 7-16-5 of the Elmore County Zoning and Development Ordinance 2018-03.

Based on the forgoing **CONCLUSIONS OF LAW**, the Elmore County Planning and Zoning Commission hereby enters the following:

ORDER

The Conditional Use Permit to subdivide property into a proposed two (2) lot subdivision in Section 34, Township 3 South, Range 6 East, B.M., should be and is hereby **REVOKED**.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN
VICE CHAIRPERSON K.C. DUERIG
SUSAN FISH
ED OPPEDYK
JEFF BLANKSMA
MITCHELL SMITH

AYE
AYE
Absent
AYE
AYE
Absent



Patti Osborn, Chairperson

ATTEST:



Beth Bresnahan, Director

DATED this 7th day of November 2018.

NOTICE PURSUANT TO ZONING ORDINANCE SECTION 7-3-10 B

A decision made by the Elmore County Planning and Zoning Commission (the "Commission") may be reconsidered by the Commission provided the reconsideration application is complete and reconsideration fee is submitted to the Land Use and Building Department within fourteen (14) calendar days of Commission action. The reconsideration shall include new or additional relevant information that was not previously presented or available at the public hearing. Questions concerning reconsideration or deadlines should be asked of the Elmore County Land Use and Building Department.

NOTICE PURSUANT ZONING ORDINANCE SECTION 7-3-10 E

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.