



# ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

520 E 2<sup>nd</sup> South – Mountain Home, ID 83647 – (208) 587-2142

[www.elmorecounty.org](http://www.elmorecounty.org)

## Conditional Use Permit Application

The Elmore County Land Use & Building Department **DOES NOT** accept faxed applications or signatures.

Application must be completed in **INK**. **Please use addition sheets of paper if necessary.** This application must be complete and all fees paid prior to acceptance by the Elmore County Land Use & Building Department. A public hearing will not be scheduled until the application is accepted.

The Conditional Use Permit Application must be in compliance with Title 7, Chapter 9 of the Elmore County Zoning and Development Ordinance.

Pre-application meetings are strongly encouraged for Conditional Use Permit Applications. Pre-application meetings are by appointment only. Do not hesitate to contact the Land Use & Building Department with any questions or concerns.

1. Name of applicant: \_\_\_\_\_

2. Address of applicant: \_\_\_\_\_

3. Daytime telephone number of applicant: \_\_\_\_\_

4. Email Address: \_\_\_\_\_

5. Name, address, and daytime telephone number of developer: \_\_\_\_\_

6. Address of subject property: \_\_\_\_\_

7. Name, address, and daytime telephone number of property owner (if different from applicant): \_\_\_\_\_

8. Attach Legal Description and acreage of property **and** legal description and acreage of part that CUP is to encompass:

Attach at least one of the following:

Deed    Proof of Option    Earnest Money Agreement    Lease Agreement    Assessor's Parcel Master Inquiry   RP# \_\_\_\_\_

9. Common directions of how to get to the proposed Conditional Use Permit property from a known beginning point: \_\_\_\_\_

10. a. Current zoning: \_\_\_\_\_ b. Current district (if applicable): \_\_\_\_\_

11. a. Is the proposed location within an  Area of Critical Concern (ACC) or  Community Development Overlay (CDO)?  Yes  No If in a CDO, what CDO? \_\_\_\_\_  
If in an ACC or CDO, technical studies, an environmental assessment, or an environmental impact statement may be required.

b. Is the proposed development within any city's impact area?  Yes  No

c. Is the proposed site within an Airport Hazard Zone or Air Port Sub Zone?  Yes  No  
If yes, applicant shall provide approval from the Federal Aviation Administration and/or the Idaho Department of Aeronautics and Transportation.

d. Is any portion of the property located in a Floodway or 100-year Floodplain?  Yes  No  
If yes submit map showing location of floodway and/or floodplain in relation to the property and/or proposal.

e. Does any portion of this parcel have slopes in excess of 10%?  Yes  No If yes, submit contour map.

f. The impacts of a proposed development and/or land use on adjacent land uses and transportation facilities must be considered. The applicable Highway District or Transportation Department may require a Traffic Impact Study (TIS) if the proposed development or land use has associated with its special circumstances deemed by the district or department to warrant a study. A notation and signature from the applicable district or department stating no study is required or a copy of this study must be submitted with this application.

g. The impacts of the CUP on existing public services and facilities (such as the fire department, emergency services, sheriff's department, schools, etc.) must be considered. A letter from the applicable agency governing the public service or facility stating how the developer will provide for said services with plans and/or drawings or that said services are not required may need to be submitted with the application.

h. Are there any known hazards on or near the property (such as canals, hazardous material spills, soil or water contamination, etc.)?  Yes  No If yes, describe and give location: \_\_\_\_\_

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i. Are there hazardous materials and/or wastes involved either in your operation or generated off site and brought onto the property?  Yes  No

12. Does any other agency require a permit (DEQ, EPA, IDWR, FAA, state, federal, etc.)?  Yes  No If yes, who? \_\_\_\_\_

Proof of having applied for or acquired other agency(ies) permit(s) submitted with CUP application.

13. ADJACENT PROPERTIES have the following uses:

North \_\_\_\_\_ East \_\_\_\_\_  
South \_\_\_\_\_ West \_\_\_\_\_

14. EXISTING USES and structures on the property are as follows: \_\_\_\_\_

15. A written narrative stating the specific PROPOSED USE. Include as much detail as possible (use additional sheets of paper if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. a. The conditional use is requested to begin within \_\_\_\_\_  days/ months after permit approval (permit expires if not used within 1 year of approval) and is for \_\_\_\_\_ years or  perpetuity.

b. Construction or improvements associated with conditional use is expected to begin within: \_\_\_\_\_  days/ month/  years and be completed within \_\_\_\_\_  days/ months/ years.

17. Proposed Use(s): \_\_\_\_\_ Hours of Operation: \_\_\_\_\_

Days of Operation: \_\_\_\_\_ Maximum Number of Patrons: \_\_\_\_\_

Sewage disposal: municipal/individual septic: \_\_\_\_\_

Water: municipal supply/community well/individual well: \_\_\_\_\_

Number of employees during largest shift: \_\_\_\_\_ Proposed number of parking spaces: \_\_\_\_\_

18. PRELIMINARY FLOOR PLANS: To a professional standard with sizes and types of interior spaces indicated, 15 copies 8½" x 11".

19. ENVIRONMENTAL IMPACT STATEMENT AND/OR ASSESSMENT: When a development or proposal is of a more complex nature, when it is required by the Zoning and Development Ordinance, and/or when the site is located within an Area of Critical Concern, and Environmental Impact Statement and/or Assessment may be required at the expense of the applicant. **(The Land Use & Building Director will determine if an EIS is required)**

EIS Required:  Yes  No **Director Initial** \_\_\_\_\_

Department Note: \_\_\_\_\_

20. **PROPERTY OWNER'S ADDRESS:** A list of property owner's/purchasers of record names and addresses within a minimum radius of 300' of property boundaries encompassed by proposed Conditional Use Permit. Said list shall be obtained from the tax records of the appropriate county.

\*\*Radius extended to: \_\_\_\_\_  feet  mile(s)      Date: \_\_\_\_\_ Initial \_\_\_\_\_

21. Is this application submitted with any additional applications? \_\_\_\_\_

\_\_\_\_\_

**22. Title 7, Chapter 9, Section 7-9-7 states that the Elmore County Planning and Zoning Commission shall review all proposed conditional use applications and find adequate evidence that such use meets all of the following standards. The applicant must provide said evidence. Following are the standards the conditional use must meet (please use additional sheets of paper if necessary):**

A. How does the proposed land use constitute a conditional use as determined by the land use matrix?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. How will the proposed land use be in harmony and accordance with the Comprehensive Plan and the Ordinance?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. How will the proposed land use comply applicable base zone and with the specific standards as set forth in the Ordinance?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. How does the propose land use comply with all applicable County Ordinance?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. How does the propose land use comply with all applicable State and Federal regulation?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. What about the proposed land use's design, construction, operation and maintenance makes it harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how will it not change the essential character of said area?

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G. Why or how will the proposed land use not be hazardous or disturbing to existing or future neighboring uses?

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H. How will the proposed land use be served adequately by available public facilities/services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer or how will these public services be provided by the applicant/developer?

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I. Why or how will the proposed land use not create excessive additional requirements at public cost for public facilities/services or be detrimental to the economic welfare of the county?

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J. Why or how will the proposed land use not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

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K. Why or how will the proposed land use not result in the destruction, loss or damage of a natural or scenic feature of major importance?

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23. **ADDITIONAL INFORMATION:** Any additional information as required or needed by the Planning and Zoning Commission, Land Use & Building Department, or interested agency.

**A neighborhood meeting must be conducted prior to submitting application.** Requirements for a neighborhood meeting are outlined in the Elmore County Zoning and Development Ordinance Title 7 Chapter 3 Section 7-3-3.

**A master site plan is required with this application.** Requirements for a master site plan are found in Title 10, Chapter 6 of the Elmore County Zoning and Development Ordinance.

**Agency signature sheet on page 7 of this application.**

Elmore County reserves the right to withhold processing and/or issuance of any County Conditional Use Permit until the County is satisfied that County approval may be the final action in any multi-agency approval process. Proof of having obtained or applied for necessary permits and/or approvals from applicable local (other than Elmore County) state, and/or federal agencies may be required prior to issuance of a Conditional Use Permit by Elmore County. If required, documentation shall be submitted with the Conditional Use Permit application.

The Planning and Zoning Commission shall hold at least one public hearing on an application for a Conditional Use Permit. A public hearing will be scheduled within sixty (60) days after acceptance of the application. The Land Use & Building Department will mail hearing notices to the surrounding property owners and to any agency that may have an interest in the proposal. The Land Use & Building Department will place a Notice of Public Hearing in the Mountain Home News at least fifteen (15) days prior to said hearing. The Land Use & Building Department will post notice of the hearing on the premises not less than seven (7) days prior to the hearing.

This application may be approved, conditionally approved, denied, or tabled.

If the application is approved or conditionally approved by the Planning and Zoning Commission, the applicant will be sent a document that is the official "Conditional Use Permit". This document may be in the form of a Findings of Fact, Conclusions of Law, and Order, and will enumerate the conditions attached to the approval and issuance of the permit and will state the consequences of failure to comply. The permit shall not become effective until after an elapsed period of fourteen (14) days from the date of the Planning and Zoning Commission Chairperson's signature on the Findings of Fact, Conclusions of Law, and Order. During this time, any interested person may appeal the action to the Board of Elmore County Commissioners. The applicant will be notified of any pending appeals. An appeal will stay all proceedings until its resolution.

If the Conditional Use Permit is denied by the Planning and Zoning Commission, the applicant may reapply or the applicant may appeal the decision in writing to the Board of Elmore County Commissioners. Appeal of a Planning and Zoning Commission decision must be made within fourteen (14) days after the date of the Planning and Zoning Commission Chairperson's signature on the Findings of Fact, Conclusions of Law, and Order,

The applicant hereby agrees to pay the fees established by the Board and agrees to pay any additional fees incurred (initial)       . The applicant also verifies that the application is complete and all information contained herein is true and correct (initial)       . The initial applicant understands there could be a delay in a decision should the applicant or their representative not attend any meeting where the application is being considered.

\_\_\_\_\_  
 Property Owner Signature                      Date                      Applicant Signature                      Date

<b>ADMINISTRATIVE USE ONLY</b>	
<b>Date of Acceptance:</b> _____	<b>Accepted by</b> _____
<b>CUP FEE: \$400.00</b>	<b>Fee \$</b> _____ <b>(<input type="checkbox"/> Pd)</b> <b>Receipt #</b> _____
<b>Date Paid:</b> _____	<b>Case# CUP-</b> _____

Agency signatures are used for the applicant to make initial contact with certain agencies to address issues prior to a public hearing and application submittal. Additional agencies not listed may have additional requirements. The agencies listed below may be required for future approvals or signatures depending on the type of conditional use. The signature does not constitute a final approval by the agency. The agency signatures below do not guarantee approval from the Elmore County Land Use & Building Director, Elmore County Planning and Zoning Commission or Elmore County Board of Commissioners. The agencies listed below will be notified of the public hearing. Elmore County Land Use & Building Staff will inform the applicant of the desired agency signatures prior to application submittal.

**Agency Comments & Signatures**

Notes for agency signatures.

1. It is recommended that applicants set up appointments with the following agencies once the application is complete with all required information.
2. Agency signature does not guarantee any future approvals.
3. Agencies may attach additional sheets of paper for comment and/or conditions if necessary.
4. Agencies may have additional comments and/or conditions at a later time.

\_\_\_\_\_

• Central District Health (or other Sewer District) Sewer Permit (208-580-6003) Date

Comment: \_\_\_\_\_

\_\_\_\_\_

• Roadway Jurisdiction (MHHD 208-587-3211) (GFHD 208-366-7744) (AHD 208-864-2115) Date

Comment: \_\_\_\_\_

\_\_\_\_\_

• Fire District Date

• (MHRFD 208-587-2117) (Oasis 208-796-2115) (GFFD 208-599-0000) (BGRFD 208-834-2511) (AFD 208-864-2182)

Comments: \_\_\_\_\_