

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, June 19, 2019 at 7:00 pm**

Chairperson Patti Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairman K.C. Duerig, Ed Oppedyk, Mitch Smith and Jeff Blanksma. Also present were Attorney of Record Ralph Blount, Director Beth Bresnahan and staff members Diana Clark and Kacey Ramsauer.

**PLEDGE OF ALLEGIANCE**

**ACTION ITEMS:**

Jaren Sayer for a Conditional Use Permit to conduct a Chiropractic Business at his property in Featherville, Idaho; the property is zoned Agriculture. Case Number: CUP-2019-03. The site is located at Section 09, SE ¼ T3N R10E, B.M. A common way of locating the property is to head east on American Legion Blvd, continue on Highway 20 East for 31.5 miles, turn left on Forest 61 for 17.5 miles, turn slight right onto Forest Road 114 for 4.8 miles then turn right onto North Pine-Featherville Road for 5.4 miles the property is located on the left.

Jaren Sayer is the applicant. He stated that he is a chiropractor in Boise and has been practicing for 20 years and he loves helping people. He stated that he purchased property in Featherville and it's a great spot and a good opportunity to help people in Featherville. He stated that his intent is to be there 1 to 2 weekends per month and have office hours from 8:30 am to 10:30 am. He stated that he would see at the most 5-6 patients.

Clark gave staff report and background.

There was no one signed up to testify in support, neutral or opposition.

Osborn asked if there would be two vehicles associated with the business onsite in addition to family and friends' vehicles.

Sayer stated that was correct.

The commission members and applicant went over exhibits that show the property and how patients will access it.

Osborn asked the applicant if it would be safer to say the hours of operation would be from 8:00 am to 12:00 pm to his discretion.

Sayer agreed to that.

Blanksma stated that he is having trouble with the site plan and confirming how the property can conform to the various conditions laid out in this. He stated that if he made a motion to table this until he was able to provide a more detailed site plan would that be doable? He stated that one of the conditions of approval is that this be harmonious with the surrounding area and if there is infringement on the neighbor's driveway how will the traffic get around to the back as not to cause obstruction to other people.

Blount suggested taking a 10-minute recess to bring up a Google Earth image that could determine a fair and accurate image of the property and print it out as an additional exhibit.

Osborn called a recess.

Osborn called the meeting back to order.

Osborn entered the 11x17 image of the applicants parcel into the record.

Sayer explained to the commission members the layout of the property and how patients will access and park on the property.

Commission consensus was that this was sufficient to move forward.

Emily Sayer also owns the property along with the applicant. She stated that the driveway on the property belongs to them and the neighboring property owner was given permission to use it.

There was no further testimony.

Osborn closed this public hearing.

Commission action:

The commission went through the required findings for a conditional use permit.

**1. The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 8, Table 7-2-26 (B), Elmore County Land Use Table, as contained in Elmore County Zoning and Development Ordinance 2018-03.**

- Proposed findings and conclusions from the evidence presented to the Commission concludes that the parcel for the proposed Chiropractic Business is zoned Agriculture. In accordance with 7-2-26 (B), a Personal Business or Professional Service requires a conditional use permit.

**Commission consensus was that this finding was met.**

**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.**

- Applicant proposes to provide a part time Chiropractic service to the Community of Pine and Featherville.
- Applicant plans to utilize his recreation cabin for the proposed business with hours of operation limited to Fridays and Saturdays 8:00 am to 12:00 pm.
- Applicant will be utilizing his property sensibly by providing a healthy service to the community that will have little negative impact on neighboring properties.
- Applicant proposes one (1) to two (2) additional vehicles will be parked on the property during business hours.
- Applicant proposes to update and improve landscaping on the property for Business curb appeal.

**Commission consensus was that this finding was met.**

**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.**

**Commission consensus was that this finding was met.**

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

- Staff has proposed conditions upon approval of the CUP to ensure that this application will meet all applicable County Ordinances.

**Commission consensus was that this finding was met.**

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

- The Applicant earned a degree in Sports Medicine and a Doctorate in Chiropractic.
- Applicant formed "Health Quest Chiropractic" in Boise, Idaho in 2001.
- Applicant upholds a current license for Chiropractic in the State of Idaho.
- Applicant obtained an Accessory Use Authorization approval from Central District Health in order to comply with Health Department regulations for a business within Applicant's residence located in Featherville, Idaho.
- Applicant will maintain all state and federal license requirements for the proposed Chiropractic Practice.

**Commission consensus was that this finding was met.**

**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 the said area.**

- The site of the proposed Chiropractic Business is in the Agriculture Zone. The evidence does not present significant impacts or substantial changes to the essential character of the general vicinity the Business is located.
- The proposed business will be located at the Applicant's residence and will have limited hours of operation; those hours will be Friday and Saturday mornings for two weekends a month.
- The Applicant proposes to upgrade landscaping to improve the appearance of the residence.
- Applicant does not propose the use of advertising signs but rather to utilize social media and the local newsletter as means of advertising.
- The Commission adopts site map of location of property as Exhibit G.
- Aesthetically, the proposed use will not change existing views from the west, east, north, or south. The Application, with Conditions, will be designed, constructed, 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.

**Commission consensus was that this finding was met.**

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

- The proposed use will not impede the normal development within the area.
- Applicant proposes to conduct the Chiropractic business two hours on Friday and Saturday mornings.
- The Applicant proposes the hours will result in minimal traffic in the area thus reducing the impact on existing neighboring uses or impede their normal development.
- Applicant proposes one (1) to two (2) additional vehicles on the property during the said business hours.
- The Applicant has obtained appropriate approval from the Mountain Home highway district which maintains the roads that Applicant will be utilizing to approach the proposed property.

**Commission consensus was that this finding was met.**

**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.**

- Highways/Roads – Pine/Featherville Road is maintained by the Mountain Home Highway District.
- Fire Protection – The Applicant's property is not located in a Fire District. If approved, Staff has proposed conditions to ensure that the Applicant has an adequate fire prevention plan. Applicant shall comply with any state required fire standards for a home occupation.
- 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 associated with the proposed use.
- Water/Sewer –Water is provided by a private well. Septic Services are managed by Central District Health. Applicant has obtained appropriate permitting for Accessory use through CDH for the proposed use.
- The Application, and its proposed use, will be adequately be served by available public facilities and services such as highways, streets, law enforcement, and drainage.

**Commission consensus was that this finding was met.**

**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.**

- All on-site improvements will be funded by the applicant.
- The Applicant proposes that the Chiropractic Business will be a positive benefit to Pine and Featherville residence and others who engage in recreational activities in the area.
- Agencies that could be potentially impacted by this Conditional Use have been notified; Central District Health mailed the Department a copy of the Accessory Use Authorization for the proposed use.

**Commission consensus was that this finding was met.**

**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 proposed use will take place inside the applicant’s residence and will have minimal traffic due to the hours proposed.
- Applicant proposed there to be a maximum of two additional vehicles during business hours; personal, friends and family vehicles are excluded from the allowed number of vehicles on the property.
- Staff has proposed conditions to ensure the Chiropractic Business adheres to all state, federal and local rules and regulations.

**Commission consensus was that this finding was met.**

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

- The proposed property site has not been identified as having a natural scenic feature of major importance.
- Applicant is a home owner in the Featherville area and acknowledges what the area has to offer in terms of beauty and recreation, therefore Applicant proposes to ensure that the property of the proposed use is maintained appropriately in order to preserve the natural features of the area.

**Commission consensus was that this finding was met.**

Duerig moved to approve with the condition that all standards have been met.

Oppedyk seconded.

Motion carried unanimously.

**ADMINISTRATIVE**

**Ordinance Revision Work Session**

Bresnahan stated that staff is asking the commission members to review the information that was given to them and address any comments, questions or concerns with staff as we are ready to move forward with approval. She asked the commission to review Title 6 and 7 for the next meeting.

ITEMS FROM THE PUBLIC: For information purposes only on items not placed on the agenda.

No members of the public brought any items to the Commission.

Approved

Approved

## FCO and MINUTES

FCO for Case Number CUP-2019-02 for Mike Basabe.

Duerig moved to approve.

Blanksma seconded.

Motion carried with Oppedyk abstaining.

Minutes from May 15, 2019.

Duerig moved to approve.

Blanksma seconded

Motion carried with Oppedyk abstaining.

## INFORMATION ITEMS

### Upcoming P & Z Schedule

The next regularly scheduled meeting is on July 17, 2019.

MEETING ADJOURNED at 8:13 pm.

*Patti Osborn*

*8-21-19*

Patti Osborn, Chairperson

Date:

*Beth Bresnahan*

*8-21-19*

Attest: Beth Bresnahan, Director

Date: