

**ELMORE COUNTY PLANNING AND ZONING COMMISSION**  
**War Memorial (American Legion Hall) 515 East 2<sup>nd</sup> South Street, Mountain Home, ID**  
**83647**

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**Wednesday, March 16, 2022, at 7:00pm**  
**Meeting Agenda**  
**PLEASE SILENCE CELL PHONES**

**CALL TO ORDER**

**ESTABLISH QUORUM**

- |  |  |
|--|--|
| <input type="checkbox"/> Chairperson Patti Osborn        | <input type="checkbox"/> Vice-Chairman K.C. Duerig |
| <input type="checkbox"/> Ed Oppedyk                      | <input type="checkbox"/> Sue Fish                  |
| <input type="checkbox"/> Mitch Smith                     | <input type="checkbox"/> Jeff Blanksma             |
| <br>   |  |
| <input type="checkbox"/> Attorney of Record Ralph Blount |  |

**PLEDGE OF ALLEGIANCE**

**ACTION ITEMS**

- Jacob Kunsky, for a Conditional Use Permit to construct a Multi-Use Ag building on 40 acres of land on one parcel in Glens Ferry Idaho; the property is zoned Agriculture. Case Number: CUP-2022-10. The site is located at Township 3 South, Range 9 East, Section 25. The parcel numbers are RP03S09E254865 A common way of locating the property from Glens Ferry City Hall, go West on Old. U.S. 30 Frontage Road for approximately 1.6 miles, then turn right on driveway North of frontage road. Shop is 1000 meters west of new home construction.

**FCO and Minutes**

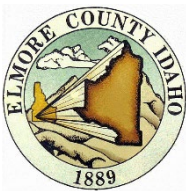
- FCO for Case Number: CUP-2022-02 for Appaloosa Wind and Solar, LLC
- FCO for Case Number: CUP-2022-03 for Appaloosa Wind and Solar, LLC
- FCO for Case Number: CUP-2022-04 for Appaloosa Wind and Solar, LLC
- FCO for Case Number: ZMA-2022-01 for Sunsets Associates, LLC
- FCO for Case Number: CUP-2022-05 for Toyco, LLC
- FCO for Case Number: CUP-2022-01 for Black Mesa, LLC
- FCO for Case Number: ZMA-2022-02 for Toyco, LLC
- Minutes from February 16, 2022

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

## INFORMATION ITEMS

- Upcoming P & Z Schedule

## MEETING ADJOURN



## Land Use and Building Department

520 East 2nd South Street, Mountain Home, Id. 83647

Phone: (208) 587-2142 ext. 502 Fax: (208) 587-2120

www.elmorecounty.org

### Staff Report to the Planning and Zoning Commission

**Mitra Mehta-Cooper**  
Director

**Meeting/Hearing Date:** 3/16/2022

**Date Report Compiled:** 2/3/2022

**Johnny Hernandez**  
Building Official

**Agenda Item:** Multi-Use Building

**Applicant:** Jake Kunsky

**Joel Cruz-Haber**  
Planner

**Case Number:** CUP-2022-10

**James Roddin**  
Code Enforcement

**Staff:** Joel Cruz-Haber

**Location:** Township 5 South Range 9 East Section 25

**Kacey Ramsauer**  
Permit Technician

**Zoning:** Agriculture

**Parcel Number:** RP05S09E254865

**Alyssa Granatir**  
Administrative Assistant

#### **BACKGROUND:**

Conditional Use Permit No. 2022-10 is subject to general review pursuant to Elmore County Zoning and Development Code 2018-03 ("Zoning Ordinance") Title 7 Chapters 2, 3, and 9. The proposed use is for a multi-purpose building that will include uses such as a tractor/ truck repair shop, office space, and an indoor shooting range, not for public use. The location of the site is in Glens Ferry, 1-mile West from Campbell Tractor Co. via highway 30. The applicant has provided their deed to the property and the road easement that has been surveyed and recorded with the Elmore County Recorder.

A Conditional Use Permit (CUP-2022-010) application and the required four-hundred-dollar (\$400) application fees for a proposed multi-purpose building ("application") was submitted to the Land Use and Building Department ("Department") on February 16<sup>th</sup>, 2022 (Exhibit 1).

The applicant had a pre-application meeting on February 2<sup>nd</sup>, 2022, with the Land Use and Building Director, to apply for a Conditional Use Permit ("CUP") pursuant to Zoning Ordinance §§7-3-2(A) (Exhibit 2). The applicant sent out neighborhood meeting letters (Exhibit 3) on February 3<sup>rd</sup>, 2022, with a date, time, and location of

such meeting to property owners within one-mile radius and conducted the required neighborhood meeting on February 15<sup>th</sup>, 2022, per §7-3-3 of the Zoning Ordinance.

The planner reviewed the application and sent an acceptance letter to the applicant on February 23<sup>rd</sup>, 2022. Advising them that a Planning and Zoning Commission Hearing was scheduled on March 16<sup>th</sup>, 2022 (Exhibit 4) for CUP-2022-10. The public hearing notice was submitted and mailed to affected government agencies and landowners by the Department within a one-mile radius of the property on February 23<sup>rd</sup>, 2022, per ordinance §7-3-4 of the Zoning Ordinance (Exhibit 5). The updated notice of public hearing was published in the Mountain Home News on February 23<sup>rd</sup>, 2022, as required by Zoning Ordinance §7-3-5(A) (Exhibit 6). The notice of public hearing was posted on the property of applicant on March 9<sup>th</sup>, 2022, per Zoning Ordinance §7-3-5(B) (Exhibit 7).

The surrounding uses of the property are the following:

North: Privately Owned/ Seasonal Cattle Grazing (Ag)  
East: Privately owned / Seasonal Cattle Grazing (Ag)  
South: Privately Owned / Seasonal Cattle Grazing (Ag)  
West: BLM

The site of the CUP is not located within a designated flood zone. The site does contain slopes greater than fifteen percent (15%).

### **EXHIBITS OF THE RECORD:**

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

1. Application
2. Site Plan
3. Pre-application Neighborhood Meeting
4. Acceptance Letter
5. Agency and Neighborhood Notifications
6. Newspaper Publication
7. Site Posting
8. NRA Approved Backstop Product
9. Central District Health Comment/ Response
10. Recorded Road Easement
11. County Engineer Comment
12. Applicant HVAC Agreement

## **ELEVEN REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT:**

1. The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 2 Table 7-2-26 (B), Elmore County Land Use Table, as contained in this Ordinance;

**Staff Response:** The parcel is zoned agriculture, and the proposed use, a multi-purpose building – is materially consistent with analogous uses of which require a conditional use permit pursuant to Table 7-2-26(B) of the Zoning Ordinance. The uses on the proposed site include an Office Building (Zoning Ord. §7-2-160), Indoor shooting range (Zoning Ord. § 7-2-197), and a Truck/ Tractor repair (Zoning Ord. §7-2-212). Therefore, all uses in the proposed application have met this requirement.

2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan and this Ordinance:

**Staff Response:** The proposal is in harmony and accordance with the following findings, private property rights – public service objectives and goals of the Elmore County Comprehensive Plan 2014.

Community Goal - Private Property Rights: *Suburban Glenns Ferry residents desire that all ordinances implementing this plan will protect private property rights.*

Shooting Range §7-2-197 (C.4.): *The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in “The NRA Range Source Book” published by the National Rifle Association.*

In addition, the proposed multi-purpose building is reviewed per standards established in Zoning Ord. §§ 7-2-160, 7-2-197, and 7-2-212. As required in these codes, the project is required to have written documentation that proposed target backstops conform to the standards of the NRA. Furthermore, the applicant has stated the indoor gun range will not be available for public use and there will not be a store front on-site. The applicant shall submit a topography map to determine the site grading by a licensed engineer prior to submitting a building permit.

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 2 Title 7;

**Staff Response:** The agriculture base zone is applied to most unincorporated areas of Elmore County and allows for a variety of land uses with a Conditional Use Permit when development is appropriate. The proposed multi-purpose building is located within 1-mile West of Glenns Ferry and is surrounded by Ag land. The proposal has followed and met all applicable procedural requirements of the Ag zone for a Conditional Use Permit. To ensure safety on and off site, pursuant to § 7-

2-197 the bullet backstops will be sourced from an approved NRA vendor, as determined in the NRA Range Source Book. This will meet the requirements stated in Section 3 Chapter 8, indoor private test 3.01.4.1 of the NRA Range Source Book. The applicant has provided written documentation that they have met the requirements for the proposed target backstops as determined in the ordinance (Exhibit 8).

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

**Staff Response:** The proposal is reviewed per standards established in Zoning Ord. §§§ 7-2-160, 7-2-197, and 7-2-212 and the application was submitted on February 16<sup>th</sup>, 2022, to the following County entities to ensure compliance with other County Ordinances. Their comments are incorporated in the proposed conditions of approval for this project and provided herein as a record.

- Central District Health
- City of Glenns Ferry
- Department of Environmental Quality
- Elmore County Sheriff
- Elmore County Ambulance Service
- Elmore County Engineer (Exhibit 11)
- Elmore County Assessor
- Elmore County Economic Developer
- Elmore County Emergency Manager
- Federal Bureau of Alcohol, Tobacco, and Firearms
- Glenns Ferry Highway District
- Glenns Ferry Rural Fire Department
- Idaho Department of Lands
- Idaho Transportation Department
- National Rifle Association (Bullet Containment System)

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

**Staff Response:** To ensure that, the applicant has adhered to all Federal and State laws, rules, and regulations applicable to the construction, maintenance, and operation of the multi-purpose building, staff has transmitted this application to the following agencies on February 23<sup>rd</sup>, 2022.

- Central District Health (Exhibit 9)
- Idaho Department of Lands
- National Rifle Association

As a result, the proposed multi-purpose building is conditioned to be constructed and operated in compliance with local, state, and federal standards as recommended by these agencies.

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 multi-purpose building is surrounded by seasonally active Ag land with only two existing residents within a two-thousand foot (2,000') radius of the proposed site. The applicant will provide a topography map of the proposed 40-acre site to prove the site contains less than 15% slope with minimal elevation. The proposed site is incised by a recorded road easement that is owned by the applicant and neighbors (Exhibit 10).

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

**Staff Response:** The proposed multi-purpose building is shall not pose any hazardous or disturbing threat to existing neighbors on the proposed site. The department had requested the applicant provide an updated grading map of the site to determine whether a hillside grading application will be needed or not. The applicant has share access with their neighbor, in which both parties have surveyed and recorded the road easement. The applicant has committed to mitigating potential hazardous lead exposure by complying to the OSHA Lead Standard for General Industry 29 CFR 1910.1025 along with the guidelines and requirements set forth in the NRA Range Source Book outlined in Section 3 Chapter11 (Exhibit 12).

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 multi-purpose building will operate during normal business hours and will require water, sewer services, and electrical services. The applicant will be responsible for acquiring and maintaining these services on site without any additional cost to the public. To ensure that the site is accessible to EMS, the applicant shall provide key access to the King Hill/Glenns Ferry Rural Fire Department in case of emergency. Furthermore, the applicant shall receive written confirmation from King Hill/Glenns Ferry Rural Fire Department that the proposed multi-use building meets all fire safety requirements.

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:** The proposed multi-purpose building, is privately owned. Installation will take 3-4 months to complete after the approval of the CUP. The proposed multi-purpose building will be a manned facility during and open during business hours, once installation is complete. Operation of the facility will require electrical, sewer, water, fire, and sheriff services under normal operating conditions. The proposed use is conditioned to bear all costs of improvements necessary for site access and fire-response in case of emergency. Furthermore, the cost of public services is the responsibility of the applicant/ owner of the site. Therefore, the proposed use will not create excessive additional requirements at public cost for public facilities and services.

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:** The proposed multi-purpose building will not generate noise, smoke, fumes, glare, or odors during the construction and operation of the multi-purpose building, that are excessive and pose a direct threat to any persons or property. Although the site contains an indoor gun range, the radius and sound buffer from the building will not be excessive to any neighboring persons or property. The department has also required that the applicant reach an agreement with a metal recycling service to responsibly dispose of all lead waste. Therefore, the proposed use will not create excessive processes, activities, materials, or equipment that are detrimental to general welfare.

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 proposed multi-purpose building will alter the natural landscape, however, the overall natural scenic features will not be disrupted due to the site's elevated location.

### **STAFF RECOMMENDATION:**

The proposed use, along with proposed conditions, complies with the requirements of Elmore County Zoning Ordinance. Based on evidence presented at the public hearing and staff's analysis above, staff recommends **approval** of the proposed Conditional Use Permit (CUP-2022-10), to construct a multi-purpose building in Agriculture zone, with the following conditions.



## **PROPOSED CONDITIONS OF APPROVAL:**

1. A Conditional Use Permit (CUP-2022-010) shall be granted to Jacob Kunsky, to construct a multi-purpose building on a portion of 40-acres of Agriculture zoned land on parcel RP05S09E254865.
2. The approval shall be limited to one (1) year in which the applicant shall obtain all necessary approvals and permits. If the use has not commenced in that year, then the applicant will be required to reapply for the Conditional Use Permit.
3. The approval shall be contingent upon applicant obtaining all certificates, permits, and other approvals required by Federal, State, or Local authorities.
4. The applicant shall adhere with §§ 7-2-160, 7-2-197, and 7-2-212 of the Elmore County Zoning and Development Ordinance 2018-03.
5. The applicant shall obtain necessary building permits from the Department before construction of the multi-purpose building.
6. The applicant shall have provided King Hill/Glenns Ferry Rural Fire District with access capability in case of emergency upon construction of a gate.
7. The applicant shall have the building inspected by the King Hill/ Glenns Ferry Rural Fire Department to ensure the building meets fire safety standards applicable to the site.
8. The applicant shall responsibly recycle/dispose of all hazardous lead waste from the shooting range to a metal recycling service. The applicant shall provide written confirmation of such agreement to the department.
9. The applicant shall keep the property up to date with all taxes related to the uses of the property
10. The applicant shall submit a topography map drafted by an Idaho licensed engineer prior to applying for a building permit.
11. Failure to comply with any of the above conditions of approval may result in the revocation of the approval.