

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

Wednesday, May 18, 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 |
| <input type="checkbox"/> Attorney of Record Ralph Blount | |

PLEDGE OF ALLEGIANCE

ACTION ITEMS

- John and Tenli Caldwell, for a Variance to have a zero (0') setback on one parcel in Pine, Idaho; the property is zoned Agriculture. Case Number: VAR-2022-02. The parcel number RP001480050100. A common way of locating the property from Pine Café, in unincorporated Pine, Idaho: go North on Pine-Featherville Road (Forest Service Road 61) for about 1.75 miles, then turn East on E Norma Dr. The site will be the second parcel on the left.

- Sergio and Sara Duarte, for a Conditional Use Permit for a Professional Use and Home Occupation (barber shop) on one parcel near Mountain Home, Idaho; on property zoned Agriculture, Case Number CUP-2022-14. The site address is 4320 NW Eagley, Mountain Home, Idaho, located at Township 3 South, Range 6 East, Section 15. The parcel number is RP03S06E152060. A common way of locating the property from the Desert Winds Chevron station at I-84 Exit 90: go East on W Frontage Road for approximately 1 mile, then turn South on NW Eagley Ln and drive for a quarter mile until you reach the site.

FCO and Minutes

- FCO for Case Number: CUP-2022-10 for Jacob Kunsky
- Minutes from March 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



Elmore County 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 & Zoning Commission

Application: Variance (VAR) 2022-02

Hearing: May 18th, 2022, at 7:00PM

Mitra Mehta-Cooper
Director

Johnny Hernandez
Building Official

Joel Cruz-Haber
Planner

James Roddin
Code Enforcement

Kacey Ramsauer
Permit Technician

Alyssa Granatir
Administrative
Assistant

Applicant:

John & Tenli
Caldwell

Parcel No.'s:

RP001480050100

Total Size:

Approx: 0.155
Acres

Zone:

Agriculture (Ag)

Applicable County

Codes:

Title 7 – Chapter 2 &
3

Notifications:

- Publication:
4/27/2022
- Prop Owners:
4/27/2022
- Agencies:
4/27/2022
- Onsite Posting:
5/11/2022

Date Report Compiled: April 26th, 2022

REQUEST AND EXECUTIVE SUMMARY OF STAFF RESPONSE

John and Tenli Caldwell “applicants” have submitted a Variance application to the Land Use and Building Department to request zero feet (0') rear setback on their 0.155 of an acre lot (Parcel Number: RP001480050100) located at Lot 10, Block 5, in the McGuire Estates Subdivision, Pine, Idaho. The applicant requests, “setback adjusted to zero-foot (0') due to very small parcel, effected by septic and replacement field sizes.” (Exhibit 1).

The site map (Exhibit 2) reflects Elmore County's minimum twenty-foot (20') setbacks in the front and rear and a minimum ten-foot (10') setback for the sides. With these setbacks, the applicant opines he will not have the ability to develop a dwelling on this small parcel and meet the required setbacks for septic as required by Central District Health. However, on April 19, 2022, the Department received an email from Brent Copes of the Central District Health Department (CDH), stating CDH's support of the Department's recommended setbacks, recommending that the septic system be within five feet of the perimeter of the .155 acre property, and suggesting a five-foot (5') rear setback would leave enough room for the septic system and proposed dwelling. (Exhibit 4). Mr. Copes submitted CDH's response after visiting the site with the applicant. Therefore, to relieve the property owner of an undue hardship due to the site-characteristics, the Department recommends granting a variance of the twenty-foot rear setback to five (5) for the dwelling and not granting a variance of the minimum ten-foot (10') side setback and the twenty-foot (20') front setback.

BACKGROUND:

The applicant completed the required pre-application meeting with the Director per Zoning Ord. §7-3-13(A1.). Furthermore, the applicant sent out a neighborhood meeting notice on March 15^t, 2022, and held the subsequent neighborhood meeting on March 27, 2022, at 5 PM at the Pine Motel. The applicant submitted their Variance application and required four-hundred dollars (\$400) to the Land Use and Building Department “Department” on April

1, 2022. The Planner sent an acceptance letter to the applicant on April 4, 2022, notifying the applicant of their Planning and Zoning hearing date, time, and location. The Planner sent public hearing notifications to property owners and agencies on April 27, 2022. A public hearing site posting was posted on the proposed site on May 11, 2022. The Planner provided the applicant with a staff report and proposed conditions of approval on May 11, 2022.

STANDARD: The Variance shall comply with Idaho Code § 67-6516 and the Elmore County Zoning Ordinance § 7-3-13.

LETTERS FOR THE RECORD

The document and exhibits referenced in the VAR-2022-02 record are numbered sequentially as they become available. This staff report references the following portions of the VAR-2022-02 record, which is included as Exhibits:

1. Application
2. Site Plan
3. Vicinity Map
4. Central District Health Comments
5. Public Comment
6. Property Owner & Agency Notification
7. Site Post

REQUIRED FINDINGS: In order to grant a variance. The Board shall make the following findings:

- 1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base zone; and**

Staff Response:

Most of the unincorporated land in Elmore County has a base zone of Agriculture. The proposed site is zoned agriculture within an existing subdivision with similarly small parcel sizes.

- 2. The variance relieves an undue hardship due to characteristics of the site; and**

Staff Response:

The proposed site is 0.155 of an acre. The site map (Exhibit 2) that the applicant submitted shows County's setbacks require minimum, twenty-foot (20') setbacks in the front and rear and a minimum ten-foot (10') requirement for the sides. The property is lined with mature trees and other landscaping that contribute to hardship. To relieve the property owner of an undue hardship due to site-characteristics, the Department recommends a five-foot (5') rear setback. On April 19th, 2022, the Department received an email from CDH representative Brent Copes, stating CDH's

support of the Department's minimum setback requirements generally. After visiting the site with the applicant, Mr. Copes recommended a five-foot (5') rear setback would leave enough room for the septic system and the proposed dwelling within the Zonning Ordinance's minimum ten-foot (10') side setback and the twenty-foot (20') front setback. (Exhibit 4).

3. The variance shall not be detrimental to the public health, safety, and welfare.

Staff Response:

The proposed variance will not be detrimental to the public health, safety, and welfare. Central District Health's comment (Exhibit 3) has no objections to the application so long as septic setbacks are met. On March 28th, 2022, the Department received a public comment (Exhibit 5) in opposition to the proposed variance application from a neighbor immediately adjoining this parcel. In consideration to public health, safety, and welfare, the Department recommends a five-foot (5') rear setback to mitigate against fire risk and respect the privacy and property interests of neighboring property owners.

STAFF COMMENT:

McGuire Estates Subdivision is one of the older subdivisions in Pine. The growth of trees, existing construction, landscaping, and inconsistent road widths have contributed to the alteration of natural features within the subdivision, imposing potential hardships on property owners wishing to further develop these small parcels.

STAFF RECOMMENDATION:

The Land Use and Building Department recommends approval of variance for a five-foot (5') rear set-back on RP001480050100 with remaining setbacks to follow county code.

PROPOSED CONDITIONS OF APPROVAL:

- 1 Variance (VAR-2022-02) shall be granted to John and Tenli Caldwell to have a five-foot (5') rear setback on 0.155 acres of Ag land on parcel number RP00148005010 with remaining setbacks to follow county code.
- 2 Failure to comply with any of the above conditions of approval may result the revocation of the approval.
- 3 The applicant shall meet all septic standard setbacks required per Central District Health.

- 4 The Variance shall comply with the standards set forth in Elmore County Zoning Ordinance § 7-3-13
- 5 The variance shall comply with Idaho Code § 67-6516
- 6 The applicant shall apply for a building permit prior to beginning construction
- 7 The applicant shall keep the property up to date with all taxes related to the uses of the property
- 8 Failure to comply with any of the above conditions of approval may result in the revocation of the approval.



Elmore County Land Use & Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 Fax: (208) 587-2120

Application for a Variance

Fee: \$400.00

This application must comply with the process and standards of Title 7 Chapter 3 Section 7-3-13 or the Elmore County Zoning and Development Ordinance and Idaho code Section 67-6516. This application must be typed or filled out in ink. The Land Use & Building Department does not accept faxed applications. Please attach and reference additional sheets of paper if necessary.

Applicant:

Name JOHN CALDWELL Phone/Fax/Email (208) 761-2916
Street Address 3736 N. LA FONTANA WY. City, State, Zip BOISE, ID. 83702

Property Owner:

Name JOHN CALDWELL Phone/Fax/Email _____
Street Address 30 NORMA ST. City, State, Zip PINE, ID 83647
Legal Description of property: LOT 10 BLK 5 MCGUIRE 4ST. SUB.
Common Directions from a known point: PINE FEATHERVILLE RD
1 MILE NORTH TO MCGUIRE SUB

Current Zoning? RES. PERMIT # 2022096

Is the property located within an Area of City Impact? Y ☐ / N ☒ If so, which one? _____

Is the property located within a Fire District? Y ☐ / N ☒ If so, which one? _____

Is the property located within an Area of Critical Concern? Y ☐ / N ☒

Is the property located within a Flood Zone? Y ☐ / N ☒

State the precise nature of the variance request:

SETBACK ADJUSTED TO ZERO DUE TO VERY
SMALL PARCEL, EFFECTED BY SEPTIC & REPLACEMENT
FIELD SIZES

What is intended to be done with the property? SMALL RECREATIONAL HOME
TO BE BUILT, SMALL FOOTPRINT.

What special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

OLD SUBDIVISION W/ NO COVENANTS. AN
EXISTING HOMES ON PROPERTY LINES EVEN
W/ NO REPLACEMENT FIELDS (SEPTIC)

Why will a literal interpretation of the provisions of this ordinance deprive you of rights commonly enjoyed by other properties in the same district under the terms of this ordinance?

SUBDIVISION AND EXISTING HOMES BUILT
YEARS PRIOR TO ADDITION ON SETBACKS AND
SEPTIC REPLACEMENT FIELDS LEAVE NO ROOM FOR
NEW BUILDS.

What special conditions or circumstances exist that was not a result of your actions?

Why will granting of this variance not confer on you any special privilege that is denied by ordinance to other lands, structures, or building in the same district?

ALL OTHER HOMES IN SUB ARE ON
PROPERTY LINES OR WITHIN A FOOT OR TWO.
SEE ATTACHED ARIAL LOT VIEW.

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 (580-6003)	_____	Date	_____
Comment:	_____		
• Roadway Jurisdiction (MHHD 587-3211) (GFHD 366-7744) (AHD 864-2115)	_____	Date	_____
Comment:	_____		
• Fire District (MHRFD 587-2117) (Oasis 796-2115) (GFFD 366-2689) (BGRFD 834-2511) (AFD 2182)	_____	Date	_____
Comments:	_____		
• Assessor's Office (Verify Legal Description) (ext. 247)	_____	Date	_____
Comments:	_____		
• Treasurer's Office (Verify Tax Status) (ext. 501)	_____	Date	_____
Comments:	_____		

NOTICE TO APPLICANT

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

The Planning and Zoning Commission shall hold a public hearing on a Variance application. The public hearing(s) will only be scheduled once the application is complete. The Land Use and Building Department has the discretion to schedule the hearing agencies and department staff has adequate time to review the applications.

The Land Use & Building Department will mail public hearing notices to the property owners or purchasers of records and to any other agencies that may have an interest in the proposal. A Notice of Public Hearing will be published in the Mountain Home News at least 15-days prior to the public 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. The applicant will be given notice of the hearing and must be present.

Section 7-3-13: Variances:

Certain uses may require additional variance requirements in other sections of the Ordinance.

A. Process:

1. ***The applicant shall complete a pre-application conference with the Director prior to submittal of an application for a variance; and***

2. An application and fees shall be submitted to the Director on forms provided by the Department; and
3. The Commission and Board shall both conduct public hearings in accordance with Idaho Statute and this Ordinance and apply the standard listed in subsection B of this section and the findings listed in subsection C of this section to review the variance.

B. Standard: The variance shall comply with Idaho Statute § 67-6516.

C. Required Findings: In order to grant a variance, the Board shall make the following findings:

1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base zone; and
2. The variance relieves an undue hardship due to characteristics of the site; and
3. The variance shall not be detrimental to the public health, safety, and welfare.

The use or construction permitted by the approval of a zoning permit that is a part of this application must be commenced within a 12-month period. If such use or construction has not commenced within that period the variance may not be valid. Prior to the expiration of the 12-month period, the applicant may request from the Planning and Zoning Commission an extension from the original date of approval.

The applicant hereby agrees to pay the fee established by the Board and agrees to pay any additional fees. SC (initial). (Examples of additional fees include but not limited to County Engineer and County Surveyor).

The applicant also verifies that the application is complete and all information contained herein is true and correct. SC (initial).

The applicant understands there could be a delay in a decision should the applicant or a representative not be present at the public hearing to answer any possible questions or to clarify information submitted.


Property Owner Signature

3/29/2022
Date


Applicant Signature

3/29/2022
Date

For Administrative Use Only

File Number: VAR-

Fee: \$400.00

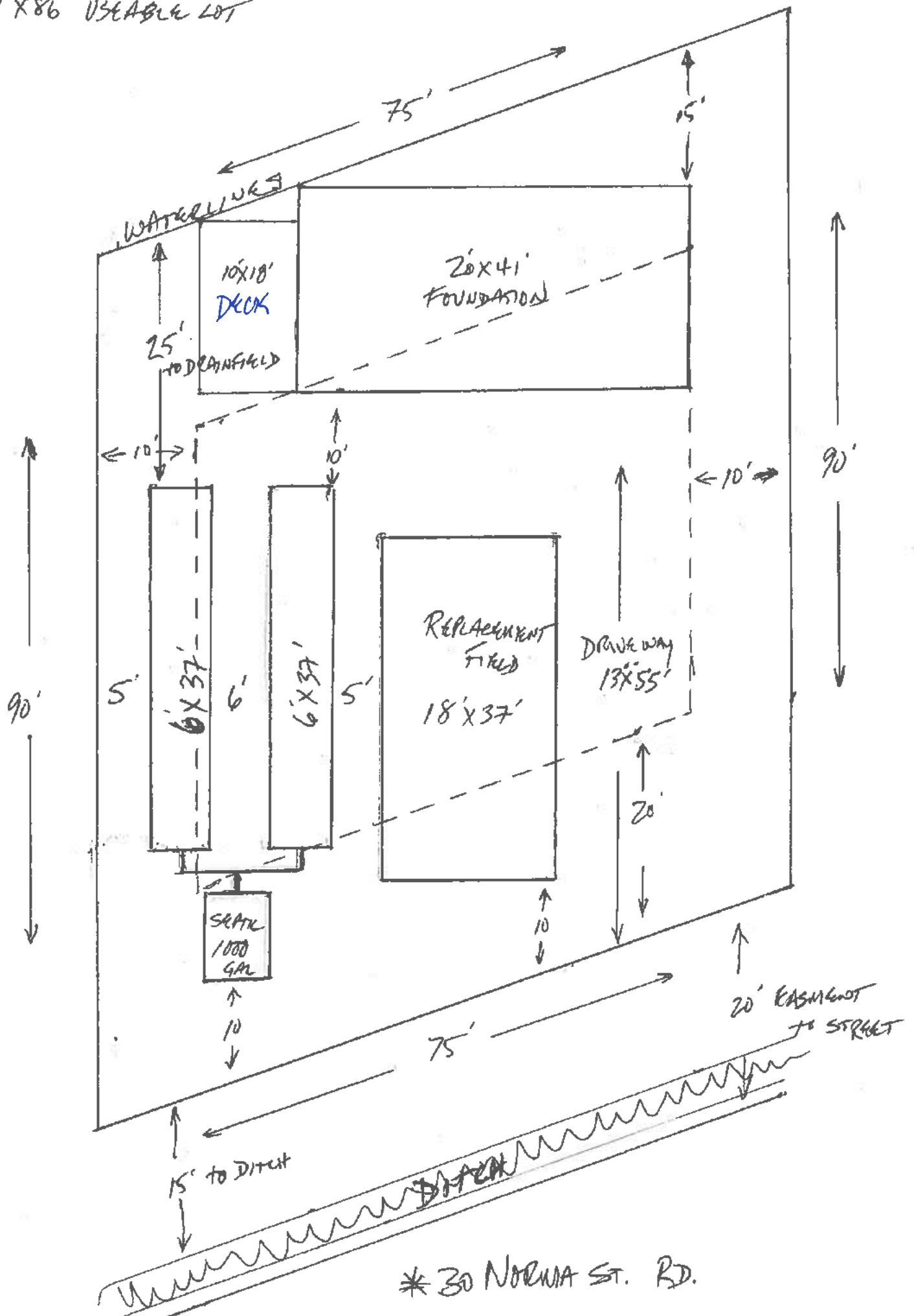
Date Paid: 4-1-2022

Receipt Number: 20-13327

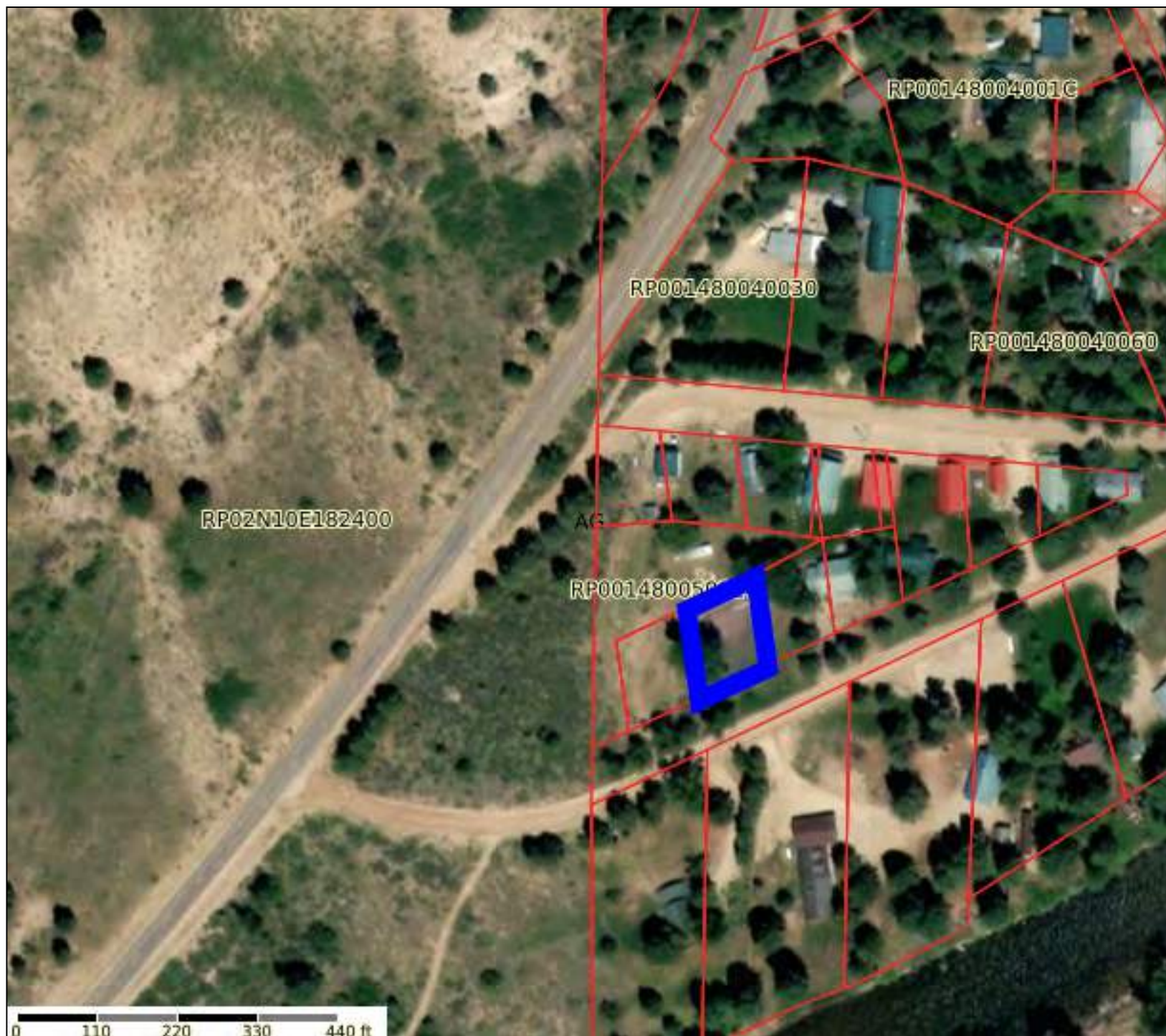
Date Accepted: 4-1-2022

By: AK

* 71' X 86' USEABLE LOT



Vicinity Map Caldwell





Elmore County Transmittal
Division of Community and Environmental Health

RETURN TO:

☒ Elmore Co.
Land Use &
Building Dept.

☐ Mtn. Home

☐ Glens Ferry

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat _____

John Caldwell Variance

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
- | | |
|--|---|
| <input type="checkbox"/> high seasonal ground water | <input type="checkbox"/> waste flow characteristics |
| <input type="checkbox"/> bedrock from original grade | <input type="checkbox"/> other _____ |
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
- | | | |
|--|--|---|
| <input type="checkbox"/> central sewage | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water well |
| <input type="checkbox"/> interim sewage | <input type="checkbox"/> central water | |
| <input type="checkbox"/> individual sewage | <input type="checkbox"/> individual water | |
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
- | | | |
|---|--|--|
| <input type="checkbox"/> central sewage | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water |
| <input type="checkbox"/> sewage dry lines | <input type="checkbox"/> central water | |
- ☐ 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 12. We will require plans be submitted for a plan review for any:
- | | | |
|---|---|--|
| <input type="checkbox"/> food establishment | <input type="checkbox"/> swimming pools or spas | <input type="checkbox"/> child care center |
| <input type="checkbox"/> beverage establishment | <input type="checkbox"/> grocery store | |
- ☐ 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.

☒ 14. We have no objections to this proposal as long as septic setbacks can be met.

Reviewed By: Brianal Cooper

Date: / /



Elmore County Land Use & Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 Fax: (208) 587-2120

Application for a Variance

Fee: \$400.00

This application must comply with the process and standards of Title 7 Chapter 3 Section 7-3-13 or the Elmore County Zoning and Development Ordinance and Idaho code Section 87-8516. This application must be typed or filled out in ink. The Land Use & Building Department does not accept faxed applications. Please attach and reference additional sheets of paper if necessary.

Applicant:

Name JOHN CALDWELL Phone/Fax/Email (208) 761-2916
Street Address 3736 N. LA FONTANA WY. City, State, Zip BOISE, ID. 83702

Property Owner:

Name JOHN CALDWELL Phone/Fax/Email _____
Street Address 30 NORMA ST. City, State, Zip PINE, ID. 83647

Legal Description of property: LOT 10 BLK 5 MCGUIRE 95TH SUB

Common Directions from a known point: PINE FEATHERVILLE RD
1 MILE NORTH TO MCGUIRE SUB

Current Zoning? Res. PERMIT # 2022-096

Is the property located within an Area of City Impact? Y ☐ / N ☒ If so, which one? _____

Is the property located within a Fire District? Y ☐ / N ☒ If so, which one? _____

Is the property located within an Area of Critical Concern? Y ☐ / N ☒

Is the property located within a Flood Zone? Y ☐ / N ☒

Permit #
164392

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

<u>Brian W. Copes</u>	<u>4/8/22</u>
• Central District Health (or other Sewer District) Sewer Permit (580-8003)	Date
Comment <u>Approved to build a two bedroom dwelling.</u>	
• Roadway Jurisdiction (MHRD 587-3211) (GFHD 366-7744) (AHD 884-2115)	Date
Comment _____	
• Fire District (MHRFD 587-2117) (Oasis 796-2115) (GFFD 366-2889) (BGRFD 834-2511) (AFD 2182)	Date
Comments _____	
• Assessor's Office (Verify Legal Description) (ext 247)	Date
Comments _____	
• Treasurer's Office (Verify Tax Status) (ext 501)	Date
Comments _____	

NOTICE TO APPLICANT

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

The Planning and Zoning Commission shall hold a public hearing on a Variance application. The public hearing(s) will only be scheduled once the application is complete. The Land Use and Building Department has the discretion to schedule the hearing agencies and department staff has adequate time to review the applications.

The Land Use & Building Department will mail public hearing notices to the property owners or purchasers of records and to any other agencies that may have an interest in the proposal. A Notice of Public Hearing will be published in the Mountain Home News at least 15-days prior to the public 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. The applicant will be given notice of the hearing and must be present.

Section 7-3-13: Variances:

Certain uses may require additional variance requirements in other sections of the Ordinance.

A. Process:

1. The applicant shall complete a pre-application conference with the Director prior to submittal of an application for a variance; and

For Administrative Use Only

File Number: VAR- _____

Fee: \$400.00 _____ Date Paid: 4-1-2022

Receipt Number: 20-13327

Date Accepted: 4-1-2022 By: AK

From: [Brent Copes](#)
To: [Joel Cruz-Haber](#); [John Caldwell](#)
Subject: RE: Site Plan Adjustments
Date: Tuesday, April 19, 2022 3:55:12 PM
Attachments: [image001.png](#)
[cdh-logo-final-small_8a084504-b955-49c9-b4be-a4f719139a77.png](#)
[facebook-icon_5e6438fa-e457-4bde-8f13-cab76103d650.png](#)
[twitter-icon_67a27cd3-3c5f-4dba-aa7e-64986bb3ab9e.png](#)
[youtube-icon_0d6189dd-5d37-4a9e-97f1-c3ba79884561.png](#)
[instagram-icon3_b1f05fc8-5c17-401b-be71-c43461df3996.png](#)

Hello Joel,

John and I met at his property this morning to measure the layout of the dwelling, septic tank, septic drainfield and replacement area, driveway and setback to the ditch in the front of the property. We measured using the setback that you suggested, 5 feet, and the proposal meets all setbacks that CDH requires. I support your decision to use the 5 foot setback. If you have any questions please give me a call.

Thanks,



Brent Copes, REHS/RS | Environmental Health Specialist Senior
Community & Environmental Health
P. 208-580-6004 | M. 208-860-5469 | F. 208-587-3521
E. BCopes@cdh.idaho.gov | W. cdh.idaho.gov
520 E 8th N, Boise, ID 83704

Connect with us!

[Excellence](#) | [Positive Impact](#) | [Partnership](#) | [Innovation](#) | [Credibility](#) | [Humanity](#)

IMPORTANT: The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you have received this information in error. Also, please delete this email after replying to the sender.

From: Joel Cruz-Haber <jcruzhaber@elmorecounty.org>

Sent: Tuesday, April 12, 2022 10:45 AM

To: John Caldwell <johntenli@aol.com>

Cc: Brent Copes <BCopes@cdh.idaho.gov>

Subject: [External Email] Site Plan Adjustments

John and Tenli,

I hope both of you are having a great week so far. After an initial review of your application, the department has determined that a 5' setback is what the Department recommends moving forward. Furthermore, I reached out to Brent Copes (CC'd) Central District Health for preliminary guidance regarding your proposed site plan. Please find a time with Brent to explore potential septic setback site plans and relocate the septic tank.

Best regards,



Joel Cruz-Haber
Land Use and Building Department
Planner
520 E 2nd S Street
Mountain Home, Idaho 83647
208-587-2142 ext 1269

To the Director,

My name is Steven K Bollman and I am writing to formally submit my opposition to allowing any variances in setbacks on 30 E. Norma, Lot 10, Block 5, McGuire Estates in Pine, ID.

I am the property owner of 6 E. Norma Street, Lot 12 Block 5, McGuire Estates in Pine, ID and have owned the property for over 20 years. The property in question that is looking for a variance in setbacks, 30 E. Norma, Lot 10, Block 5 is directly adjacent to my property. Lot 10 is 90 feet deep and 75 feet wide. Using the current legal requirements for setbacks of 10 feet on the sides and 20 feet front and back, this property has an approx. 2750 sq. ft. footprint for building while maintaining the legal setbacks.

I am opposed to the approval of any variances on the lot set-backs. The lot size and setbacks were known at the time of purchasing the property and have not changed since that time. In addition, by allowing changes to the set-backs, my property as well as other adjacent properties will be negatively impacted and the precedent will be set for future variances.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven K Bollman', with a long horizontal line extending to the right.

MARCH 28, 2022

Steven K Bollman
(208)850-8191
sbollman@gmail.com



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 ext.1254
Fax: (208) 587-2120
www.elmorecounty.org

Mitra Mehta-Cooper
Director

Joel Cruz-Haber
Planner

Johnny Hernandez
Building Official

James Roddin
Code Enforcement

Kacey Ramsauer
Permit Technician

Alyssa Granatir
Admin Assistant

Date April 27th, 2022

To: Whom It May Concern

Subject: Notice of Public Hearing

Applicant: John and Tenli Caldwelliopl

Proposal: A Variance to have zero-foot (0') setbacks on a portion of 0.155 acres on Agriculture (Ag) land. The site is located in Pine, Idaho within the McGuire Estates subdivision on parcel number RP001480050100. A common way of locating the property from Pine Café, go North on Forest Service Road 61 for 1 mile and $\frac{3}{4}$, then turn East on E Norma Dr. The site will be the second parcel on the left.

Case #: CUP-2022-14

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, May 18th, 2022, at 7:00 p.m. in the War Memorial (American Legion) Hall at 515 East 2nd South Street, Mountain Home, Idaho.

Please review the application and return your written comments to the Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, ID, 83647, by 5 p.m. on Friday, May 13th, 2022, so your comments are included in the record. If you prefer, please come to the hearing to testify before the Commission.

The Elmore County Board of Commissioners is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA). Any Person needing special accommodations to participate in the public hearing should contact the Elmore County ADA Coordinator, Kacey Ramsauer, 24 hours prior to the Public Hearing at 208-598-5247, extension 1254, or via email kramsauer@elmorecounty.org, or in person at 520 East 2nd South, Mountain Home, Idaho.

Sincerely,

Joel Cruz-Haber
County Planner

Enclosures: Application and site plan.

CC:

Central District Health

Department of Environmental Quality

Elmore County Sheriff

Elmore County Ambulance Service

Elmore County Engineer

Elmore County Emergency Management Coordinator

Elmore County Economic Development

Elmore County Assessor

Idaho Department of Lands

Idaho Fish and Game

Mountain Home Highway District

County of Santa Fe, New Mexico
Land Use and Building Department

**LEGAL NOTICE
OF PUBLIC HEARING**

Notice is hereby given that the following proposed land use change is being considered by the Santa Fe Planning and Zoning Commission on May 19th, 2022 at 7:00 PM. The public hearing will be held at the Santa Fe Planning and Zoning Commission, 100 West Alameda Avenue, Santa Fe, New Mexico 87501. The public hearing will be held at the Santa Fe Planning and Zoning Commission, 100 West Alameda Avenue, Santa Fe, New Mexico 87501. The public hearing will be held at the Santa Fe Planning and Zoning Commission, 100 West Alameda Avenue, Santa Fe, New Mexico 87501.

Land Use and Building
Department



Elmore County Idaho
Land Use & Building Department

**LEGAL NOTICE
OF PUBLIC HEARING**

Elmore County
Planning & Zoning Commission
will hold a Public Hearing to review and accept
a Conditional Use Variance for 2000 foot lot
setback to 100 foot setback for the following:
Applicant: John and Todd Caldwell
Hearing Date: Wednesday, May 10th, 2022
6:30pm - 7pm
Case: VAB 2022-02
Elmore County, Idaho
1000 E. 2nd Ave.
Elmore, Idaho 83426
For more information, call:
Land Use and Building
Department
(208) 847-2142 ext. 302



Elmore County 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

Application: Conditional Use Permit (CUP)-2022-14

Hearing: May 18, 2022, at 7:00pm

Mitra Mehta-Cooper
Director

Johnny Hernandez
Building Official

Joel Cruz-Haber
Planner

James Roddin
Code Enforcement

Kacey Ramsauer
Permit Technician

Alyssa Granatir
Administrative Assistant

Applicant :
Sara & Sergio Garza

Parcel Number :
RP03S06E152060

Parcel Size :
3.99 Acres

Land-Use Zone :
Agriculture

Applicable County Codes :
Title 7- Chapter 2, 3, and 10

Notifications :

- Property Owners Notification
4/27/2022
- Agency Notification
4/27/2022
- Public Hearing Publishing
05/04/2022
- On-Site Posting
05/11/2022

Date Report Compiled: April 26th, 2022

REQUEST:

CUP-2022-14 project is located one mile south from the intersection of W Frontage Rd and NW Eagley Ln, on Agriculture zoned land on parcel number RP03S06E152060 in unincorporated Elmore County area near Mountain Home, Idaho. The property owners and applicants are Sara and Sergio Duarte, propose to construct a 1,300 sq ft building for the purpose of using is as a garage and barbershop on a portion of three (3) acres. The proposed site will not require any hillside grading of slopes exceeding 15%. Out of the 1,300 sq ft building, approximately 338 sq ft will be dedicated to the professional service/ home occupation. The applicant proposes a lavatory, parking spaces, and signage to support the proposed use with the CUP.

BACKGROUND:

Conditional Use Permit No. 2022-14 is subject to review pursuant to Elmore County Zoning and Development Code 2018-03 ("Zoning Ordinance") Title 7 chapters 2, 3, and 10. The applicant had a pre-application meeting on April 7th, 2022, with the Land Use Building Director and Planner to apply for a Conditional Use Permit ("CUP") pursuant to Zoning Ordinance §7-3-2(A) (Exhibit 1). The applicant sent out neighborhood meeting letters on April 13th, 2022, with a date, time, and location of such meeting to property owners within a three-hundred-foot (300') radius of the proposed site. (Exhibit 2) and conducted the required neighborhood meeting on April 23rd, 2022, per §7-3-3 of the Zoning Ordinance. A Conditional Use Permit (CUP-2022-14) application, site plan, neighborhood meeting documents, and required four-hundred dollars (\$400) application fees for the proposed garage barbershop was submitted to the Land Use and Building Department ("department") on April 25th, 2022 (Exhibit 3).

The Planner reviewed the application and sent the acceptance letter on April 26th, 2022 advising the applicant that a Planning and Zoning Commission Hearing is scheduled on May 18th, 2022 for CUP-2022-14 (Exhibit 4). The public hearing notice was mailed to affected agencies and property owners within three-hundred-feet (300') of the property on April 27th, 2022, per ordinance (Exhibit 5). The notice of public hearing was published in the Mountain Home Newspaper on May 4th, 2022, as required by Zoning Ordinance §7-3-5(A) (Exhibit 6). The notice of the public hearing was posted on the property of the applicant on May 11th, 2022, per Zoning Ordinance §7-3-5(B) (Exhibit 7).

The surrounding uses of the property are the following:

North: Ag

East: Ag

South: Ag

LETTERS FOR 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 is included as Exhibits:

1. Pre-Application Meeting
2. Neighborhood Meeting
3. Application
4. Acceptance Letter
5. Property Owner/ Agency Notification
6. Newspaper Publication
7. Site Posting
8. Engineer Comment
9. Central District Health Comment
10. Mountain Home Fire Signature
11. Sign Specs

THE ELEVEN STANDARDS ALL CONDITIONAL USES MUST MEET ARE:

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 proposed use is on a single parcel that is zoned Agriculture, and the proposed use- professional service – requires a conditional use permit pursuant to Table 7-2-26(B) of the Zoning Ordinance in Ag zone. The applicant has provided supporting documentation to meet the requirements for a professional service and home occupation (Zoning Ord. §§7-2-136 and 7-2-164). Therefore, the proposed application has 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 professional service – home occupation objectives and goals of the Elmore County Comprehensive Plan 2014. The proposed professional service and home occupation is reviewed per standards established in the Zoning Ord. §§7-2-136 and 7-2-164.

Public Service Objective 1 – Encourage development that is sustainable and adds to the economic diversity of the area

Public Service Objective 2 – Encourage development that is funded by developers with a minimal impact to the existing taxpayers.

Public Service Objective 3 – Suburban Mountain Home residents desire that all ordinances implementing this plan will protect private property rights.

Public Service Objective 4 – Encourage new development to comply with the County Comprehensive Plan.

§7-2-136 (A.1.) – In no way shall the home occupation cause the premises to differ from its residential character in the appearance, lighting signs, or in the emission of noise, fumes, odors, vibrations, or electrical interference

§7-2-136(A.2) – Except as provided in this title, the home occupation shall be conducted entirely in the dwelling, and not more than twenty-five (25%) percent of the floor area, excluding garages, storage attics, and unfinished basements of said dwelling shall be used for a home occupation or for storing goods associated with the home occupation. Materials may be stored in an attached garage or storage area, provided it shall not reduce the required off-street parking below the standard established for that district.

§7-2-136(A.3.) No activity connected to the home occupation, or any storage of goods, materials, or products connected with a home occupation shall be allowed in any detached accessory structure.

§7-2-136(A.4) All accessory structures shall be included in the maximum coverage calculations for a particular property.

§7-2-136(B.1) Accessory structures shall not be located in any required setbacks or on any publicly dedicated easements

§7-2-136(B.2) Accessory structures in the front yard shall not impede connection of the dwelling to a municipal wastewater collection and treatment system.

§7-2-136(B.3) Accessory structures located in the front yard shall not block the view of the main entrance to the principal permitted dwelling,

§7-2-136(C.1) Accessory structures in the front yard shall not exceed fifty percent (50%) of the square footage of the footprint of the principal permitted dwelling or one thousand five hundred (1,500') square feet, whichever is less.

§7-2-136(D.1) An accessory structure shall not exceed a height of the principal dwelling or twenty-four (24') feet, whichever is less restrictive.

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 professional service and home occupation is located within unincorporated areas near the City of Mountain Home and is surrounded by active Ag land and multiple single-family dwellings. Due to the nature of the use and

potential market area, the proposed use will meet the purpose statement of the agriculture base zone.

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

Staff Response:

The proposal is reviewed per standards established in Zoning Ord. §§7-2-136 and 7-2-164 and the application was transmitted on April 27th, 2022 to the following entities to ensure compliance with other County Ordinances. Their comments are incorporated in the proposed conditions or approval for this project and provided herein the record.

- Elmore County Engineer (Exhibit 8)
- Elmore County Sheriff
- Elmore County Prosecuting Attorney
- Elmore County Ambulance Service
- Elmore County Surveyor
- Elmore County Assessor
- Elmore County Treasurer
- Elmore County Economic Development
- Mountain Home Highway District
- Mountain Home Rural Fire Department

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 a professional service and home occupation, staff has transmitted this application to the following agencies on April 27th, 2022.

- Bureau of Land Management
- Central District Health (Exhibit 9)
- Mountain Home Fire Marshall (Exhibit 10)
- Idaho Department of Lands

As a result, the proposed professional service and home occupation 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 barbershop and garage has been designed and will be operated, constructed, and maintained in such a way that is harmonious with the existing or intended character of the

area. Many homes in the area and neighboring subdivision may have attached garages. Furthermore, the site has a thick wall of vegetation, withholding neighbors from seeing the proposed site.

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

Staff Response:

The proposed use does shall be hazardous nor impede normal growth and development for neighbors. Most neighboring uses are residential dwellings of whom are located just outside the city center. The proposed use is providing a service that is not otherwise offered in the immediate area. Furthermore, although the applicant does not own the land, the applicant's right to the land is

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 barber shop garage 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. Furthermore, the applicant shall receive written confirmation from the Mountain Home Rural Fire Department that the proposed use 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 barber shop garage is privately owned. Installation will take 2-4 months to complete after the approval of the CUP. The proposed barber shop garage 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 barbershop is designed for serving one customer at a time with two parking spaces and storage of its supplies in the extra space within garage. The applicant has proposed to install a 8'x5' sign (Exhibit 11) on the site. The sign will be mounted on the front of

the building with no lighting. The sign requires no additional findings or standards as it is a home occupation sign within the agriculture zone according to zoning ordinance §7-7-4(6.). Therefore, it will not generate noise, smoke, fumes, glare, or odors during the construction and operation, that are excessive and pose a direct threat to any persons or property.

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 barber shop garage does not have a large enough impact on the natural environment to result in destruction, loss, or damage of a natural or scenic feature of major importance.

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-2022-14), to construct a barber shop in garage in Agriculture zone, with the following conditions.

PROPOSED CONDITIONS OF APPROVAL

- 1) A Conditional Use Permit (CUP-2022-)14 shall be granted to Sergio and Sara Garza, to construct a barbershop garage on a portion of 3.99 acres of Agriculture zoned land on parcel RP03S06E152060.
- 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 §§ 7-2-136 and 7-2-164 of the Elmore County Zoning and Development Ordinance 2018-03.
- 5) The applicant shall only have one barber chair available for use
- 6) The applicant shall have a minimum of two parking spots for customers with one parking space to meet ADA accessibility requirements
- 7) The building shall incorporate ADA accessibility infrastructure such as, a ramp to enter and assist handles installed in the restroom.
- 8) The applicant shall obtain necessary building permits from the Department before construction of the barber shop garage.
- 9) The applicant shall record And submit a egress/ ingress agreement with parcel number TAX 65, SEC 15, T3S, R6E prior to obtaining occupancy certificate.

- 10) The home occupation shall be conducted by the inhabitants of the dwelling, and no more than nonresident employee shall be permitted. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations.
- 11) No retail sales shall be permitted from the dwelling except the sale of:
 - a. Services or items produced or fabricated on the premises as a result of the home occupation; or
 - b. Products related to the home occupation
- 12) Off street parking shall be provided as per this Title, in addition to the required off-street parking for the dwelling
- 13) All visits by clients and/ or customers shall occur between the hours of eight o' clock (8:00) A.M. and eight o' clock (8:00) P.M.
- 14) The wind banner shall receive written consent from the property owner if they are to install wind banners at the intersection of Frontage Road and Eagley Ln. Wind Banners shall only be up during business hours and taken down any other time of the day.
- 15) The applicant shall have the building inspected by the Mountain Home Rural Fire Department to ensure the building meets fire safety standards applicable to the site.
- 16) The applicant shall keep the property up to date with all taxes related to the uses of the property
- 17) Failure to comply with any of the above conditions of approval may result in the revocation of the approval.



Elmore County Land Use & Building Department

520 East 2nd South
Mountain Home, ID 83647
Phone: (208) 587-2142
Fax: (208) 587-2120

Pre Applications are good for 90 days from the Pre Application Meeting Date.

Pre Application Meeting Form

Date: 4-6-2022 Meeting Location: Land Use office @ 11⁰⁰

Elmore County Staff: Mitra & Joel

Applicant Name: (Sergio) Salvador Duarte Contreras & Sara Garza

Applicant Email: Sara.duarte.Id@hotmail.COM

Applicant Phone Number: 208-600-5795

Applicant Address: _____

Property Owner: _____

Property Address: _____

Parcel Number: 03506E152060

Proposed Use/Application: _____

Application(s) required: CUP

Notification distance: 300'

Other requirements:

Additional Meeting Required:

Case Number:

Additional Notes:

2-3 Customers max

- Will have bathroom in garage

Sign Placement on Private Road vs.
on Site.

Home Occupation 7-2-136

Professional Service 7-2-164



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

520 East 2nd South • Mountain Home, ID • 83647 • Phone: (208) 587-2142

Fax: (208) 587-2120 • www.elmorecounty.org

Neighborhood Meeting Sign Up Sheet

Date of Neighborhood Meeting: Saturday April 23, 2022

Start Time of Neighborhood Meeting: 5:00 pm

End Time of the Neighborhood Meeting: 6:00 pm

Location of Meeting: 4400 NW Eagley Lane, Mtn Home, Id 83647

Description of the proposed project: One Chair Barber shop

Notice Sent to neighbors on: 4-11-2022

Location of the neighborhood meeting: 4400 NW Eagley Lane, Mtn Home, ID
83647

Attendees:

	<u>Name</u>	<u>Address</u>
1.	<u>Dennis Kellerman</u>	<u>4481 NW Canal Rd. Id</u>
2.	<u>Mark Jensen</u>	<u>1031 Frontage Rd M.S.</u>
3.	<u>Victor M. Castro</u>	<u>4570 NW Purple Sage Cr. ^{Id}</u>
4.	<u>Thompson Family</u>	<u>4540 NW Purple Sage Cr. ^{Id}</u>
5.	<u>Lusardi Family</u>	<u>4486 NW Eagley Ln. ^{Id}</u>
6.	<u>Welch-Whitaker Family</u>	<u>1055 NW Frontage Rd. ^{Id}</u>
7.	<u>Lupercio Family</u>	<u>4320 NW Eagley Ln</u>
8.		
9.		
10.		

Elmore County Zoning and Development Ordinance

Title 7, Chapter 3, Subsection 7-3-3: Neighborhood Meetings:

- A. Applicants shall conduct a neighborhood meeting for Comprehensive Plan amendments, variances, conditional uses, Ordinance amendments, expansions or extensions of nonconforming uses, subdivisions or as otherwise required by the Director.
- B. It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within the radius required in this Ordinance of the exterior boundary of the application property and to all registered neighborhood associations and political subdivisions deemed appropriate by the Director. The Department will provide applicants the proper notice list. Notice of a neighborhood meeting shall be in addition to, and not in lieu of, mailed radius notices already required by this Ordinance. Notice of neighborhood meeting must be mailed at least ten (10) days prior to the date of the neighborhood meeting.
- C. The purpose of the neighborhood meeting shall be to review the proposed project.
 - 1. The meeting shall be on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend.
 - 2. The meeting shall be held at one of the following locations:
 - a. On the subject property; or
 - b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
 - c. At an office space with suitable meeting facilities if such facilities are within a one-mile radius of the nearest public meeting place.
- D. The neighborhood meeting shall be conducted prior to submitting the application.
- E. The neighborhood meeting shall not be conducted more than thirty (30) days prior to submitting the application.
- F. The application materials shall include written verification of the neighborhood meeting on the forms provided by the Department.
- G. A copy of the written notice to property owners must be submitted to the Department with the application.



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

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

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: Sergio Garza
2. Address of applicant: 4400 NW Eagley lane, Mtn Home, ID 83647
3. Daytime telephone number of applicants: 208-600-5795
4. Email Address: Saraduarteid@hotmail.com
5. Name, address, and daytime telephone number of developers: N/A

6. Address of subject property: 4400 NW Eagley lane, Mtn Home, ID 83647

7. Name, address, and daytime telephone number of property owner (if different from applicant): Salvador Duarte; 4400 NW Eagley lane, Mtn Home, ID 83647

208-250-9212

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# 03506 E152060

9. Common directions of how to get to the proposed Conditional Use Permit property from a known beginning point: Frontage Rd and Eagley lane by Blue Sage

subdivision

10. a. Current zoning: Residential b. Current district (if applicable): N/A
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 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 Airport 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: _____
-
- 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 Residential

East Residential

South Residential

West Residential

14. **EXISTING USES** and structures on the property are as follows: None

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

Barber shop with bathroom - see attached floor plan

16. a. The conditional use is requested to begin within (one) ☐ 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: 5 ☒ days ☐ month ☐ years and be completed within 1 ☐ days ☐ months ☒ years.

17. Proposed Use(s): Barber shop Hours of Operation: 8:00 am - 7:00 pm

Days of Operation: Mon - Sun Maximum Number of Patrons: 1

Sewage disposal: municipal/individual septic: Individual septic

Water: municipal supply/community well/individual well: Individual well

Number of employees during largest shift: 1 Proposed number of parking spaces: 3

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: 300 ☒ feet ☐ mile(s) Date: 4/6/2022 Initial _____

21. Is this application submitted with any additional applications? NO

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?

proposed Barber shop zoned Residential. Intended uses are one man Barber shop which is acceptable use 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?

property is being improved & developed to compliment existing mobile home

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

All proposed uses are acceptable based on the land use matrix

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

Building to be built according to County Standards and uses are acceptable, based on land use matrix

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

All regulations abide by private use only

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?

Barber Shop, adjacent Home and Garage design are appropriate for residential lifestyle and match surrounding area styles.

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

Land use does not negatively impact existing or future neighboring use. No Hazardous materials or disturbing activities will be present within or around the Barber Shop.

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?

We have developed a good working relationship with local and county agencies to ensure access for public services that may be needed. i.e.: Fire, Police, etc. We are providing our own well & septic systems, locations are outlined on the included site plan.

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?

Applicant and owner are responsible for costs.

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?

The proposed Barber shop does not involve any hazardous materials or equipment and will not negatively impact the general welfare of persons or surrounding property. There will not be a significant increase in traffic. No increase in noise, smoke, fumes, or odors.

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?

The proposed land use will enhance the area and will not affect any major natural or scenic features.

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) SG. The applicant also verifies that the application is complete and all information contained herein is true and correct (initial) SG. 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.

Salvador Quarto 4/24/22
Property Owner Signature Date

[Signature] 4/24/22
Applicant Signature Date

ADMINISTRATIVE USE ONLY

Date of Acceptance: 4-25-2022 Accepted by AS

CUP FEE: \$400.00 Fee \$ 400 .00 (☐ Pd) Receipt # 20-13393

Date Paid: 4-25-2022 Case# CUP- _____

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 (580-6003) Date

Comment: _____

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

Comment: _____

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

Comments: _____

• Assessor's Office (Verify Legal Description) (ext. 247) Date

Comments: _____

• Treasurer's Office (Verify Tax Status) (ext. 501) Date

Comments: _____



Elmore County 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

Mitra Mehta-Cooper
Director

Joel Cruz-Haber
Planner

Johnny Hernandez
Building Official

James Roddin
Code Enforcement

Kacey Ramsauer
Permit Technician

Alyssa Granatir
Administrative Assistant

April 26th, 2022

Sergio Garza
4400 NW Eagley Ln.
Mountain Home, Idaho, 83647

Sergio Garza,

The purpose of this letter is to inform you that your application for a Conditional Use Permit -2022-14 has been accepted by the Elmore County Land Use and Building Department. The public hearing with the Elmore County Planning and Zoning Commission has been scheduled for May 18th, 2022, at 7:00 p.m. at the War Memorial American Legion Hall, located at 515 East 2nd South Street, Mountain Home, ID 83647. Your attendance is required.

If you have any questions regarding this letter, please let me know.

Thank you,

Joel Cruz-Haber
Planner

Elmore County Land Use and Building

520 East 2nd South
Mountain Home, ID 83647
Phone: (208) 587-2142 Ext. 1269
Fax: (208) 587-2120
jcruzhaber@elmorecounty.org



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 ext.1254
Fax: (208) 587-2120
www.elmorecounty.org

Mitra Mehta-Cooper
Director

Joel Cruz-Haber
Planner

Johnny Hernandez
Building Official

James Roddin
Code Enforcement

Kacey Ramsauer
Permit Technician

Alyssa Granatir
Admin Assistant

Date April 27th, 2022

To: Whom It May Concern

Subject: Notice of Public Hearing

Applicant: Sara and Sergio Duarte

Proposal: A Conditional Use Permit to develop an accessory structure for their proposed Professional Service and Home Occupation on a portion of 3.99 acres on Agriculture (Ag) land. The site is located in Mountain Home on Township 3 South, Range 6 East, Section 15. The parcels are RP03S06E152060. A common way of locating the property from Burger King, go East on W Frontage Road for approximately 1 mile, then turn South on NW Eagley Ln and drive for a quarter mile until you reach the site.

Case #: CUP-2022-14

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, May 18th, 2022, at 7:00 p.m. in the War Memorial (American Legion) Hall at 515 East 2nd South Street, Mountain Home, Idaho.

Please review the application and return your written comments to the Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, ID, 83647, by 5 p.m. on Friday, May 13th, 2022, so your comments are included in the record. If you prefer, please come to the hearing to testify before the Commission.

The Elmore County Board of Commissioners is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA). Any Person needing special accommodations to participate in the public hearing should contact the Elmore County ADA Coordinator, Kacey Ramsauer, 24 hours prior to the Public Hearing at 208-598-5247, extension 1254, or via email kramsauer@elmorecounty.org, or in person at 520 East 2nd South, Mountain Home, Idaho.

Sincerely,

Joel Cruz-Haber
County Planner

Enclosures: Application and site plan.

CC:

Mountain Home Highway District

Mountain Home Rural Fire District

Central District Health

Department of Environmental Quality

Elmore County Sheriff

Elmore County Economic Development

Elmore County Ambulance Service

Elmore County Engineer

Elmore County Assessor

Idaho Department of Lands

ELMORE COUNTY

PLANNING AND ZONING COMMISSION

520 East 2nd South Street
Mountain Home, ID 83647
Telephone 208-587-2142, ext. 502 Fax 208-587-2120

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the laws of the State of Idaho and Ordinances of Elmore County, that the Elmore County Planning and Zoning Commission will hold a PUBLIC HEARING at 7:00 p.m. on Wednesday, May 18th, 2022, in the War Memorial Hall (American Legion) 515 East 2nd South Street, Mountain Home, Idaho, to accept public testimony and consider an application from Sergio and Sara Duarte, for a Conditional Use Permit for a Professional Use and Home Occupation (barber shop) on one parcel near Mountain Home, Idaho; on property zoned Agriculture, in Case Number CUP-2022-14. The site address is 4320 NW Eagley, Mountain Home, Idaho, located at Township 3 South, Range 6 East, Section 15. The parcel number is RP03S06E152060. A common way of locating the property from the Desert Winds Chevron station at I-84 Exit 90: Go East on W Frontage Road for approximately 1 mile, then turn South on NW Eagley Ln and drive for a quarter mile until you reach the site.

This application may be reviewed before the hearing in the Land Use and Building Department during regular business hours. Any interested person shall be heard at said public hearing and the public is welcome and invited to submit testimony. To provide public testimony, please provide your name, address, and comments via email, physical delivery to Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home,

Idaho 83647. Written testimony should be received by 5:00 p.m. on Friday, May 13th, 2022. You can submit testimony by attending the hearing.

Social media posts are not considered written public testimony. If you wish to provide written public testimony, please provide your name, address, and comments before the hearing by sending it to Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, Idaho 83647 or email agranatir@elmorecounty.org. The Elmore County Facebook page is used for outward communication only. It is not intended as a means for the public to submit testimony on any public hearing matters pending before any Elmore County board or commission. Elmore County's social media is moderated but is not regularly monitored and is not a public forum. Likes, Comments, or Shares posted here are not entered into the record of any public hearing. Public hearing testimony must be either submitted at the public hearing or received in advance of the public hearing by email, mail, physical delivery.

The Elmore County Board of Commissioners is responsible for ensuring compliance with the American Disabilities Act (ADA). Any person needing special accommodations to participate in the public hearing should contact the Elmore County ADA Coordinator, Kacey Ramsauer, 24 hours before the Public Hearing at 208-598-5247, or 520 East 2nd South, Mountain Home, Idaho.

One publication: Wednesday, April 27th, 2022.

Joel Cruz-Haber, Planner
Elmore County Land Use and Building Department

Elmore County, Idaho
Land Use & Building Department

LEGAL NOTICE OF PUBLIC HEARING

Elmore County
Planning & Zoning Commission
will hold a Public Hearing to review and accept
testimony for a Conditional Use Permit to allow a
a Professional Service/ Home Occupation in Ag
base zone.

Applicant: Sara and Sergio Garza

Hearing Date: Wednesday, May 18th, 2022

At 7:00 PM. Case: CUP-2022-14

In the War Memorial Hall

(American Legion)

515 E. 2nd South

Mountain Home, ID

For More Information, contact

**Land Use and Building
Department**

(208) 587-2142 ext. 502



Elmore County, Idaho
Land Use & Building Department

**LEGAL NOTICE
OF PUBLIC HEARING**

Elmore County
Planning & Zoning Commission
will hold a Public Hearing to review and accept
testimony for a Conditional Use Permit to allow a
a Professional Service/ Home Occupation in Ag
base zone.

Applicant: Sara and Sergio Garza

Hearing Date: Wednesday, May 18th, 2022
At 7:00 PM. Case: CUP-2022-14

In the War Memorial Hall
(American Legion)
515 E. 2nd South
Mountain Home, ID

For More Information, contact

**Land Use and Building
Department**

(208) 587-2142 ext. 502

From: [Joel Cruz-Haber](#)
To: [Angie Michaels](#)
Cc: [Brent Copes](#); [Francine Stevens](#); [Mitra Mehta-Cooper](#); [Ralph Blount](#); [Kacey Ramsauer](#)
Subject: RE: CUP-2022-14 Barbershop Agency Notification
Date: Thursday, May 5, 2022 3:09:09 PM
Attachments: [image001.png](#)
[Entrance to Site.jpg](#)
[Parking & Front of Garage.jpg](#)
[Septic Canal.jpg](#)

Angie,

Thank you for your questions, Angie! Fortunately, I had the opportunity to visit the site to better answer your questions.

1. Please see the “entrance to the site.” The applicant has an ingress/egress agreement with their family members on the adjacent property directly West. Mountain Home Fire Marshall approved the road when the applicant installed their manufactured home.
2. There is a manufactured home on site. The applicant plans to connect to the existing septic on site. Water connection will come from a waterline from the home. See the “Septic Canal” photo to see where entrance to the septic is located.
3. Although it is not stated in their application, the applicant intends to lay cement for the parking spaces. See the “Parking & Front Garage” to understand the cement will go from one end of the garage to the other and out to about where Sergio is standing in the photo.
4. After visiting the site today, I learned that the applicants (Sergio and Sara Garza-Duarte) live with Salvador Duarte(property owner), Sara’s father as a multi-generational household. I had the opportunity to clarify that the CUP goes with the land and not the business owner.

Please let me know if you have any questions.

Best regards,



Joel Cruz-Haber
Land Use and Building Department
Planner
520 E 2nd S Street
Mountain Home, Idaho 83647
208-587-2142 ext 1269
208-598-5247 (Cell)

From: Angie Michaels <angie@ewsid.com>

Sent: Friday, April 29, 2022 9:36 AM

To: Joel Cruz-Haber <jcruzhaber@elmorecounty.org>

Cc: Brent Copes <BCopes@cdh.idaho.gov>; Francine Stevens <FStevens@cdh.idaho.gov>; Mitra Mehta-Cooper <mmehtacooper@elmorecounty.org>; Ralph Blount <rbblount@elmorecounty.org>; Kacey Ramsauer <kramsauer@elmorecounty.org>

Subject: Re: CUP-2022-14 Barbershop Agency Notification

Hi Joel,

I have a few questions on this one.

1. Based on the vicinity map the property doesn't have direct access to Eagley. Is that correct? If so then how is the site accessed?
2. Is there any other structures on the site? If so, is there an existing well and septic? Will those be used or will there be new constructed specifically for this use? If a new well and septic will go in it's important that surrounding wells and septic are located to insure proper offset from those with the proposed.
3. I would require that parking spaces are clearly marked - perhaps with parking blocks. Also, the parking area needs to be surfaced with material that will accommodate those with mobility issues. not just gravel, but asphalt or compacted road mix or something similar.
4. Last, it looks like the applicant is not the property owner. What happens with the CUP if the applicant decides to stop working at that location? Is the CUP void if another barber takes over? Whatever the case, I think that needs to be clarified to the applicant and owner.

Thanks - have a good day,

Angie Michaels, P.E., CFM
Engineering with a Mission LLC
208.870.9495 cell

On Wed, Apr 27, 2022 at 4:21 PM Joel Cruz-Haber <jcruzhaber@elmorecounty.org> wrote:

Good afternoon,

The Elmore County Land Use and Building Department has received a Conditional Use Permit application to construct a barbershop within a portion of the proposed garage building. The uses in review per Elmore County Zoning Ordinance are §§ 7-2-164 professional service/ 7-2-136 Home Occupation. Please see the attached "Property Owners & Agency Notification.pdf" for the hearing date, location, and time.

Please reach out if you have any questions.

Best regards,

**Joel Cruz-Haber**

Land Use and Building Department

Planner

520 E 2nd S Street

Mountain Home, Idaho 83647

208-587-2142 ext 1269

208-598-5247 (Cell)









Elmore County Transmittal
Division of Community and Environmental Health

RETURN TO:

☒ Elmore Co.
Land Use &
Building Dept.

Rezone # _____

Conditional Use # CUP-2022-14

Preliminary / Final / Short Plat _____

Barber Shop

☐ Mtn. Home

☐ Glens Ferry

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
- | | |
|--|---|
| <input type="checkbox"/> high seasonal ground water | <input type="checkbox"/> waste flow characteristics |
| <input type="checkbox"/> bedrock from original grade | <input type="checkbox"/> other _____ |
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
- | | | |
|--|--|---|
| <input type="checkbox"/> central sewage | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water well |
| <input type="checkbox"/> interim sewage | <input type="checkbox"/> central water | |
| <input type="checkbox"/> individual sewage | <input type="checkbox"/> individual water | |
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
- | | | |
|---|--|--|
| <input type="checkbox"/> central sewage | <input type="checkbox"/> community sewage system | <input type="checkbox"/> community water |
| <input type="checkbox"/> sewage dry lines | <input type="checkbox"/> central water | |
- ☐ 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 12. We will require plans be submitted for a plan review for any:
- | | | |
|---|---|--|
| <input type="checkbox"/> food establishment | <input type="checkbox"/> swimming pools or spas | <input type="checkbox"/> child care center |
| <input type="checkbox"/> beverage establishment | <input type="checkbox"/> grocery store | |
- ☐ 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.
- ☒ 14. Expansion of existing septic system required. Septic is currently sized for a residential 4 bedroom dwelling and a toilet/sink in shop.

Reviewed By: Brian W. Cope

Date: 4/28/22

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.

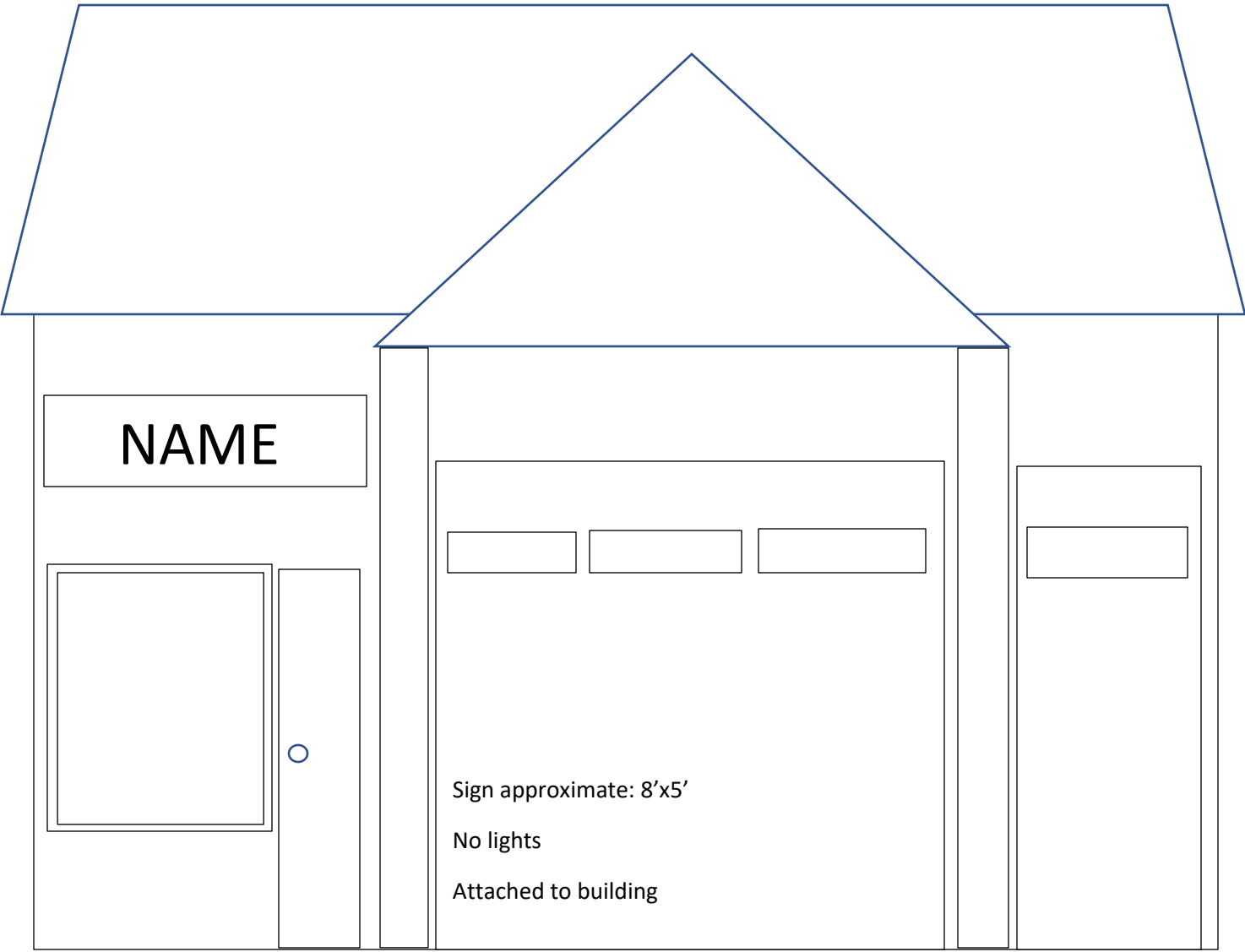
Agency Comments & Signatures

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.

<ul style="list-style-type: none"> • Central District Health (or other Sewer District) Sewer Permit (580-6003) 	Date _____
Comment: _____	
<ul style="list-style-type: none"> • Roadway Jurisdiction (MHHD 587-3211) (GFHD 366-7744) (AHD 864-2115) 	Date _____
Comment: _____	
<ul style="list-style-type: none"> • Fire District (MHRFD 587-2117) (Oasis 796-2115) (GFFD 599-0000) (BGRFD 834-2511) (AFD 864-2182) 	Date _____
Comments: _____	
<ul style="list-style-type: none"> • Assessor's Office (Verify Legal Description) (ext. 247) 	Date _____
Comments: _____	
<ul style="list-style-type: none"> • Treasurer's Office (Verify Tax Status) (ext. 501) 	Date _____
Comments: _____	

GARZA - EAGLEY DR.



BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In Re: CUP-2022-10: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the “**Commission**”), the 16th day of March 2022, for a public hearing, held pursuant to public notice as required by law, on a request (the “**Application**”) for a Conditional Use Permit (the “**CUP**”) to conduct commercial/ light industrial uses in a new commercial/light industrial structure on a portion of the proposed site. The property consists of 40 acres located West on Old. U.S. 30 Frontage Road for approximately 1.6 miles, then turn right on driveway North of frontage road. The site of the proposed commercial/light industrial use and structure is 1000 meters west of new home construction, in Glens Ferry. (the “**Site**”). The Commission heard from the applicant in support of the Application. Upon conclusion of the public hearing, the Commission closed the record to additional evidence and commenced deliberations on the Application and, after making findings and conclusions in accordance with the applicable law, approved the CUP Application with Conditions, as hereafter defined.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the Application, the analysis and recommendations of the Elmore County Land Use and Building Department (the “**Department**”) record.

I. The Commission finds that Application is comprised of:

A. Application form prepared and submitted by Jake Kunsy (the “**Applicant**”) for the CUP; and

B. Those supplemental letters, documentation and memoranda submitted by the Applicant or on his behalf, whether submitted in response to questions from employees (the “**Staff**”) from the EDepartment or the Commission in connection with Application to the Commission.

II. The Commission finds that the Applicant is:

Jake Kunsy
28049 Merrick Ln
Bruneau, Idaho, 83604

III. The Commission finds the following facts as to the procedural matters pertaining to the Application:

- a) In accordance with Section 7-3-2 (A) of the Elmore County Zoning and Development Ordinance (“**Zoning Ordinance**”), on February 2, 2022, the Applicant completed a pre-application conference with the department prior to the submittal of the application.
- b) In accordance with Section 7-3-3 of the Zoning Ordinance, the Applicant mailed out Neighborhood Meeting Letters on February 3, 2022, to neighboring property owners within a one-mile radius, giving notice of the time, date, and location of the meeting.

- c) In accordance with Section 7-3-3 of the Zoning Ordinance, the Applicant conducted the required neighborhood meeting on February 15, 2022.
- d) On February 16, 2022, the Land Use and Building Department accepted a conditional use permit application and required four-hundred (\$400) dollar fee to process the application for a Conditional Use Permit and Development Agreement per Section 7-2-8 of the Zoning Ordinance.
- e) On February 23, 2022, the Department deemed the Conditional Use Permit application complete and set the matter for a Public Hearing on March 16, 2022.
- f) In accordance with Sections 7-3-5 (C) of the Zoning Ordinance, the Department mailed Notice of the Public Hearing to landowners within the required one-thousand-foot (1000') radius of the property on February 23, 2022.
- g) In accordance with Section 7-3-4 (A) of the Zoning Ordinance, the Department mailed Public Hearing Notices to agencies on February 23, 2022.
- h) In accordance with Section 7-3-5 (A) of the Zoning Ordinance, the Public Hearing Notice was published in the Mountain Home News (newspaper) on February 23, 2022.
- i) In accordance with Section 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on March 9, 2022.
- j) The Commission opened the public hearing on March 16, 2022, and received verbal and written information regarding the Application.
- k) At the conclusion of the testimony, the Chairperson closed the public hearing.
- l) The Commission commenced deliberations on the Application.
- m) Thereafter, the Commission moved to approve the Application with twelve (12) conditions of approval and the Commission's decision on the application is as set forth on the signature page below.

IV. The Commission finds the proposed use of the Application as follows:

- A.** The Submitted application proposes a commercial/light industrial use on the site, including in a new commercial/light industrial structure on a portion of the proposed site.

V. The Commission finds the following facts and circumstances pertaining to the Site:

A. Site Description:

Parcel Number: RP05S09E254865

B. The "Owner" of the Site is:

Jake Kunsky
28049 Merrick Ln
Bruneau, Idaho, 83604

- D. Applicant's Right to the Site is:** Applicant is the owner of the property on which the use is proposed

E. Site Characteristics:

Property Size: The site is 40 Acres

Existing Structures: NONE

Existing Vegetation: The vegetation consists of grass.

Slope: The slope is greater than 10%

Flood Zone Status: The proposed site is not within a designated flood zone.

Irrigation: There is no irrigation.

Views: The property is visible from Old Highway 30

VI. The Commission finds the current zoning of the Site is as follows:

Based on the officially adopted Elmore County land use maps 2017-01 (as amended by subsequent Zoning Map Amendments adopted by the Board of County Commissioners), the Comprehensive Plan, and the Zoning Ordinance, the current zoning for the Site is Agriculture.

VII. The Commission finds the surrounding land use and zoning designations are as follows:

- A. Based on the officially adopted Elmore County land use maps, the Comprehensive Plan, and the Zoning Ordinance, the surrounding land use and zoning are as follows:
 - a) North: Agriculture
 - b) East: Agriculture
 - c) South: Agriculture
 - d) West: Agriculture
 - e) The site of the proposed use is not located in a designated flood zone.

VIII. The Commission finds the existing services and access to the proposed site are as follows:

- A. Based on the officially adopted Elmore County land use map 2017-01 and materials found in the Department's file for CUP-2022-10, the following facts concerning services and infrastructure are not in dispute and are adopted as finding of fact in the Commission's Findings of Fact, Conclusions of Law, and Order (FCO):
 - a) Access Street and Designation: Access to the proposed site will be from Old Highway 30
 - b) Fire Protection: The property is in the Glenns Ferry Rural Fire District.
 - c) Sewage Disposal: Will be required for use.
 - d) Water Service: Will be required for use.

- e) Irrigation District: The property is not located in an Irrigation District.
- f) Drainage District: None

IX. The Commission finds the following are among the relevant and applicable statutes, ordinances, and land use regulations for consideration of the Application:

- a) Comprehensive Plan, Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the “**Comprehensive Plan**”); and
- b) Zoning Ordinance, adopted May 18, 2018, as Ordinance 2018-03; and
- c) The Local Land Use Planning Act, Idaho Code § 67-6501 *et seq.*; and
- d) Other applicable local, state, and federal laws and regulations.

X. The Commission finds the following regarding the Comprehensive Plan.

- A.** That the Comprehensive Plan Future Land Use Map (Map 4) has the proposed property classified as Agriculture.
- B.** The Application is in conformance with the Comprehensive Plan as stated in the findings.

XI. The Commission finds the following regarding the Zoning Ordinance.

- A.** The Elmore County Planning and Zoning Ordinance is the document governing the Site pursuant to Zoning Ordinance Title 7 Chapter 9.
- B.** In order to approve the CUP application, the required eleven findings as set forth in Zoning Ordinance § 7-9-7 shall be made.

ELEVEN REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT:

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

Staff Response: The parcel is zoned agriculture, and the proposed commercial/ light industrial use, including a commercial/ light industrial structure – 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 commercial light/ light industrial 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 commercial/ light industrial use and structure on the site is located approximately one mile West of Glenns Ferry and is surrounded by land with Ag zoning designation. 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, 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 use and the construction, maintenance, and operation of the commercial/light industrial building, staff has transmitted this application to the following agencies on February 23, 2022.

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

As a result, the proposed use and commercial/ light industrial 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 site of the proposed use in and around the commercial/light industrial 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 use 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 use will be limited to customary day-time 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 commercial/ light industrial 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 use is privately owned. Installation of improvements and facilities will take 3-4 months to complete after the approval of the CUP. The proposed commercial/ light industrial use and structure will be a manned facility open during customary day-time business hours, once installation of improvements and facilities is complete. Operation of the use 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 use will not generate noise, smoke, fumes, glare, or odors during the construction and operation of the improvements, facilities, and 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 use will alter the natural landscape, however, the overall natural scenic features will not be disrupted due to the site's elevated location.

CONCLUSIONS OF LAW

If any of the conclusions of law are deemed to be findings of fact, they are incorporated in the Findings of Fact section.

1. The Commission concludes that the public hearing notice requirements of Zoning Ordinance Title 7, Chapter 3, have been met.
2. The Commission concludes that the notice requirements of Idaho Code § 67-6512 have been met.
3. The Commission concludes that the Application complies with the required findings set forth in Section 7-2-160 of the Zoning Ordinance.
4. The Commission concludes that the Application complies with the required findings set forth in Section 7-2-197 of the Zoning Ordinance.
5. The Commission concludes that the Application complies with the required findings set forth in Section 7-2-212 of the Zoning Ordinance.

ORDER

Based upon the foregoing findings of fact and conclusion of law, the information contained in the Staff reports and the record for the Application, as set forth below, the Commission hereby **approves** the Application with the following conditions:

1. A Conditional Use Permit (CUP-2022-010) shall be granted to Jacob Kunsy for commercial/light industrial use on a portion of 40-acres of Agriculture zoned land on parcel RP05S09E254865 as set forth in the site plan.
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 commercial/ light industrial 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.
12. The applicant shall install light shields on all exterior lighting fixtures

Dated this _____ day of _____, 2022

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN
VICE CHAIRMAN K.C. DUERIG
SUSAN FISH
ED OPPEDYK

VOTED	AYE
VOTED	AYE
VOTED	AYE
VOTED	AYE

JEFF BLANKSMA
MITCH SMITH

VOTED	AYE
VOTED	AYE

Patti Osborn, Chairperson

ATTEST:

Joel Cruz-Haber, Planner

NOTICE PURSUANT TO IDAHO CODE § 67-6519(5)(c)

The Applicant shall have the right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. An applicant denied an application or aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

NOTICE PURSUANT ZONING ORDINANCE SECTION 7-3-10 E-F

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.

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, March 16, 2022, 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, Sue Fish, Ed Oppedyk, Jeff Blanksma, and Mitch Smith. Also, present were Attorney of Record Ralph Blount and staff members Joel Cruz-Haber and Kacey Ramsauer.

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 Glenss 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 Glenss 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.

Jake Kunsky is the applicant. He stated that he is proposing to build a multi-use shop on this property. He stated that this is a dry 40-acre parcel.

Osborn stated for the record that she is aware of this project due to the scope of her employment, and she has been on the site itself and stated that if the applicant feels she cannot be unbiased in her decision-making process today he has the right to ask her to recuse herself.

Kunsky stated that it would not be necessary.

Cruz-Haber gave staff report and background.

There was no one signed up to testify in support

Richard Hull signed in as neutral. He stated that he lives near this location. He stated that he is concerned with the lighting on the site. He stated that he is requesting the county to enforce the lighting ordinance and make all outdoor lighting shielded to prevent it from going upward and to prevent the bulb from being seen by neighboring property owners like himself.

Christy Accord signed in as neutral. She stated that she is the manager of the Elmore County Rural Development as well as rural and economic development around these areas. She stated that she is support of this project in the business and the revenue that it will bring to the community.

There was no one signed in as opposed.

Kunsky gave his rebuttal. He stated that he has had a topography map created by his surveyor that just came in that he handed out to the commission members that pinpoints the proposed site as it was not in the meeting packet. He stated that this site was a large gravel pit at one time. He stated that there has been concern about the slope of the property, but this build site has nothing more than a 1% slope and there is nothing above the site, hillsides etc., that could slough off as they are the highest point. He stated that if there are any issues with compaction, they will have compaction testing done. He stated that he will work to take care of the concerns from the neighbor regarding lighting issues.

There were no further questions.

Osborn closed the public hearing.

Commission action:

Oppedyk moved to approve with the additional condition the applicant adhere to the county lighting ordinance.

Duerig seconded.

Motion carried unanimously.

FCO's and Minutes.

FCO for Case Number: CUP-2022-02 for Appaloosa Wind and Solar, LLC

Duerig moved to approve.

Blanksma seconded.

Motion carried with Fish and Smith abstaining as they were not present for this hearing.

FCO for Case Number: CUP-2022-03 for Appaloosa Wind and Solar, LLC

Duerig moved to approve.

Blanksma seconded.

Motion carried with Fish and Smith abstaining as they were not present for this hearing

FCO for Case Number: CUP-2022-04 for Appaloosa Wind and Solar, LLC

Oppedyk moved to approve.

Duerig seconded.

Motion carried with Fish and Smith abstaining as they were not present for this hearing

FCO for Case Number: ZMA-2022-01 for Sunsets Associates, LLC

Oppedyk moved to approve with two corrections.

Duerig seconded

Motion carried with Fish and Smith abstaining as they were not present for this hearing.

FCO for Case Number: CUP-2022-05 for Toyco, LLC

Duerig moved to approve with one correction.

Oppedyk seconded

Motion carried with Fish and Smith abstaining as they were not present for this hearing.

FCO for Case Number: CUP-2022-01 for Black Mesa, LLC

Duerig moved to approve.

Oppedyk seconded

Motion carried unanimously.

FCO for Case Number: ZMA-2022-02 for Toyco, LLC

Duerig moved to approve with one correction.

Oppedyk seconded

Motion carried unanimously.

Minutes from February 16, 2022

Duerig moved to approve with one correction.

Oppedyk seconded

Motion carried unanimously.

INFORMATION ITEMS

Upcoming P & Z Schedule

The next public hearing is scheduled for April 20, 2022.

MEETING ADJOURNED AT 7:50 pm.

Patti Osborn, Chairperson

Date:

Attest: _____
Mitra Mehta-Cooper, Director

Date: