



Land Use and Building Department

Findings of Fact, Conclusions of Law, and Order

Application: Request for Preliminary Plat 2024-02

Hearing Date: June 27th, 2024

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a Preliminary Plat for a 2-lot)	PP-2024-02
Platted Subdivision in an Agriculture Zone in)	
the Area of City Impact (AG) per Elmore)	FINDINGS OF FACT,
County Zoning Ordinance §7-2-26(B) Located)	CONCLUSIONS OF LAW,
in Lot 5, Block 1, Rattlesnake Creek)	AND ORDER
Subdivision, in Elmore County.)	
_____)	
)	
)	

In Re: Preliminary Plat 2024-02: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the “**Commission**”), on June 27, 2024, for a public hearing held pursuant to public notice as required by law, on a request from SIRP, LLC (“**Applicant**”), for a Preliminary Plat 2024-02 (the “**PP**”) in the Agriculture (AG) zoned property (the “**Application**”) on Parcel RP0022300100A. The Application is for a subdivision of a parcel. Elmore County Zoning Ordinance §10-1-2 requires an approved conditional use permit prior to the subdivision of a parcel in the Agriculture (AG) base zone. The property consists of 4.7 acres located in Lot 5, Block 1 of the Rattle Snake Creek Subdivision (the “**Site**”). The Commission heard from staff and the Applicant in support of the Application. No one testified in opposition, neutral or in favor to the proposal. Upon conclusion of the public hearing, the Commission closed the record to additional evidence and commenced deliberations on the Application, and after making conclusions in accordance with the applicable law, approved the Application with conditions as amended, as hereafter defined.

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**”), and the record.

1) The Commission finds that Application is comprised of:

- a) Application form prepared and submitted by Applicant for PP-2024-02; 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 Department or the Commission in connection with Application to the Commission.

2) The Commission finds that the Applicant is:

SIRP, LLC
703 N 14th E
Mountain Home, ID 83647

3) The Commission finds the following facts as to the procedural matters pertaining to the Application:

- I. In accordance with sections §10-1-3(A) and § 7-3-2 (A) of the Elmore County Zoning and Development Ordinance (“**Zoning Ordinance**”), on March 28th, 2024, the Applicant completed a pre-application conference with the department, prior to the submission of the Application.
- II. In accordance with sections § 10-1-3(B) § 7-3-3 of the Zoning Ordinance, the Applicant mailed out Neighborhood Meeting Letters on February 29th, 2024, to neighboring property owners within three hundred (300’), giving notice of the time, date, and location of the meeting.
- III. In accordance with sections § 10-1-3(B) and § 7-3-3 of the Zoning Ordinance, the Applicant conducted the required neighborhood meeting on March 19th, 2024.
- IV. On March 28th, 2024, the Department accepted a Preliminary Plat application per § 10-1-3(C) and § 7-3-2 of the Zoning Ordinance along with the \$490.00 application fee.
- V. On May 28th, 2024, the Department deemed the Preliminary Plat application complete and set the matter for a Public Hearing on June 27th, 2024.
- VI. In accordance with sections § 7-3-5 (C) of the Zoning Ordinance, the Department mailed Notice of the Public Hearing to surrounding landowners on May 28th, 2024.
- VII. In accordance with section § 7-3-4 (A) of the Zoning Ordinance, the Department emailed Public Hearing Notices to agencies on May 28th, 2024.
- VIII. 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 June 12th, 2024.
- IX. In accordance with section § 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on June 18th, 2024.
- X. The Commission opened the public hearing on June 27th, 2024, and received verbal and written information regarding the Application.
- XI. At the conclusion of the testimony, the Chairperson closed the public hearing.
- XII. The Commission commenced deliberations on the application.
- XIII. Thereafter, the Commission moved to recommend approval of the Preliminary Plat with thirteen (13) conditions of approval and the Commission’s decision on the Application is as set forth below.

4) The Commission finds the proposed request as follows:

The Preliminary Plat is requested by the Applicant to subdivide a 4.7-acre parcel into a 2-lot

platted subdivision.

5) The Commission finds the following facts and circumstances pertaining to the Site:

A. Assessors' Parcel Number: RP002230010050A.

B. The "Owner" of the Site is:

SIRP, LLC

C. Applicant's Right to the Site is:

The Applicant is the owner of the property.

D. Site Characteristics:

Property Size: 4.7-acre parcel

Existing Structures: One home currently under construction

Existing Vegetation: The vegetation consists of grass and sagebrush.

Slope: The proposed site is not on slopes greater than 15%

Flood Zone: The parcel is located in a designated flood zone.

Irrigation: Mountain Home Irrigation District

Views: In a subdivision.

6) The Commission finds the current zoning of the Site is as follows:

Based on the officially adopted Elmore County Zoning Map (as amended by subsequent Zoning Map Amendments adopted by the Board of County Commissioners), and the Comprehensive Plan, the current zoning for the Site is Agriculture (AG) Zone.

7) The Commission finds the Site is within an existing subdivision surrounded by other residential parcels of similar size.

8) The Commission finds the existing services and access to the proposed site are as follows:

Based on the officially adopted Elmore County Zoning Map (as amended by subsequent Zoning Map Amendments adopted by the Board of County Commissioners and materials found in the Department's file for PP-2024-02, the following facts concerning services and infrastructure, are not in dispute, and are adopted as findings of fact in the Commission's Findings of Fact, Conclusions of Law, and Order (FCO):

1. Access Street and Designation: private access from E 12th S Street that is a public road maintained by the City of Mountain Home.
2. Fire Protection: The property is within the Mountain Home Rural Fire District.
3. Sewage Disposal: Septic Leech Field arrival by Central District Health
4. Water Service: Private Well
5. Irrigation District: Mountain Home Irrigation District
6. Drainage District: N/A
7. Area of Impact: City of Mountain Home

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

- A. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the “Comprehensive Plan”); and
- B. The City of Mountain Home Comprehensive Plan and City of Mountain Home Zoning Ordinance for Development in the Area of City Impact §9-16-16.
- C. Zoning Ordinance § 10-1-12, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- D. The Local Land Use Planning Act, § 67-6501; § 67-6516 et seq.; and
- E. Other applicable local, state, and federal laws and regulations.

10) The Commission finds the following regarding the Comprehensive Plan.

- A. That the Comprehensive Plan Future Land Use Map (Map 4) has the property classified as Agriculture.
- B. The Application is in conformance with the Private Property Rights section of the Comprehensive Plan.

11) The Commission finds the following regarding the Zoning Ordinance.

- A. The Elmore County Planning and Zoning Ordinance is the document governing the Site.
- B. The City of Mountain Home Zoning Ordinance for Development § 9-16-16 is the document governing the subdivision of the parcel within the Area of Impact.
- C. In order to approve PP-2204-02, the required nine findings pursuant to § 10-1-12 shall be made.

12) The Commission finds the nine (9) required findings pertaining to a Preliminary Plat, are met.

1. The design conforms to the standards established in this Ordinance; and

Findings: The Commission finds that since the property is within the city of Mountain Home’s Area of Impact, adjoining the city boundary, Elmore County Ordinance Section 11-1-4 is applicable. The Commission further finds that the standards of development within the city of Mountain Home’s Area of Impact are provided in their Zoning Ordinance as Section 9-16-16. .

The Commission finds that staff received comment from the City of Mountain Home. Therefore, the Commission requires a Condition of Approval that the Applicant demonstrates that this

standard is met. The Applicant will be required to provide confirmation from the City of Mountain Home that it has either met the requirements of City of Mountain Home applicable to an application within the area of impact or that such requirements have been waived. A letter was provided from the City of Mountain Home waiving the requirement for dry lines.

2. The design complies with the required improvements established in the city ordinance; and

The Commission finds that the proposed grading and internal shared driveway designs have been reviewed by the Mountain Home Rural Fire Department, Elmore County Ambulance Director, and Elmore County Engineer to ensure required road improvements and perpetual emergency access are designed to meet international fire code requirements. Access to the parcel is taken from E 12th S Steet which is maintained by the city of Mountain Home. The Application was transmitted to the city of Mountain Home for comment, but the Commission finds that staff has not received comments.

3. If applicable, the proposed subdivision complies with the standards of an applicable overlay district as set forth in the city zoning ordinance for the area of impact ; and

The Commission finds that the proposed subdivision is located within the City of Mountain Home Area of Impact. The applications and appendices for this Preliminary Plat have been submitted to the City of Mountain Home for review and comment per Title 11, Chapter 1, Elmore County/City of Mountain Home Area of City Impact Agreement, of the Zoning and Development Ordinance. The Commission finds that staff has not received comment from the city of Mountain Home. The Conditions of Approval provides that the Applicant demonstrates that this standard is met.

4. The design conforms to the topography and natural landscape features analysis as required by this Chapter and the master site plan, where the design demonstrates consideration for the location and function of land uses and structures to achieve this purpose; and

The Commission finds that the proposed subdivision does not contain slopes greater than 15%, the topography onsite is relatively flat. The Site is located within a flood zone AE, and this has been noted on the Preliminary Plat map and Floodplain Development applications will be required at the time a building permit is requested. There is no vegetation onsite considering the parcel has historically been farmland. Upon review of the owner's natural features analysis, the Department has determined the design meets this finding.

5. The development would not cause undue damage, hazard, or nuisance to persons or property in the vicinity; and

The Commission finds that the proposed subdivision does not propose a use that would cause undue damage, hazard, or nuisance to persons in the vicinity. Property owners

within the vicinity of the proposed use have single family residences on parcels ranging from 1 to 5 acres within the general vicinity.

- 6. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon existing transportation and other public services in the surrounding area; and**

The Commission finds that the Applicant provided the Department with a preliminary record of survey showing all lots will be accessed by a common driveway accessed from E 12th S Street which is maintained by the city of Mountain Home. The city had no comment on this.

- 7. The Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways; and**

The Commission finds that the lots will be accessed by a common driveway and is easily accessible via pedestrian and/or bicycle. There are no community facilities planned for this subdivision but is in close proximity to public schools and parks.

- 8. The proposal complies with the dimension standards set forth in this Ordinance for the applicable zoning district; and**

The preliminary plat does not propose double facing lots and provides access to all lots by way of a private common driveway. The private driveway is designed to provide enough width to meet emergency service requirements as well as the adequate number of dwelling units, both principle and accessory.

- 9 The overall plan is in conformance with:**

- i. The applicable Comprehensive Plan(s); and**

The Commission finds that the proposal is within the City of Mountain Home suburban vicinity and meets the community goals established in the city of Mountain Home Comprehensive Plan. The proposed subdivision will provide housing that is harmonious with the existing rural lifestyle by proposing 2.38-acre lots while providing housing development within the Area of City Impact.

- a. *Housing Goal 1* Create an environment that will encourage rapid and well-planned development of a variety of housing types.**

The proposed subdivision offers future residents 2.38-acre sized lots which are consistent in size with abutting parcels and existing homesteads along E 12th S Street.

- b. Land Use Goal 1 Community development will be guided by utilizing and implementing smart growth management and land planning activities.**

The proposed subdivision achieves adequate land use balance by offering large 2.38-acre parcels to allow future homeowners.

c. *Land Use Objective 3 – Expand land use areas to facilitate and manage responsible growth.*

The proposed subdivision is contiguous with the city of Mountain Home area of city impact, and thus may be annexed making more land available for connectivity to city services.

ii. The future acquisition maps; and

The City Area of Impact map indicates the parcel may be annexed into the City of Mountain Home in the future. The city of Mountain Home has not provided comment on this.

iii. Any applicable Area of City Impact Ordinances including applicable; and

Ordinance Table §7-2-27(A) footnote #4 allows the County to adopt City setback requirements when a platted subdivision is being located within the City of Mountain Home's area of impact. The City of Mountain Home has not provided comments for this proposal.

iv. Other pertinent Ordinances as applicable.

The proposed preliminary plat will need to comply with Private Driveway Title 10 Chapter 8 of Elmore County Zoning Ordinance. Any development activity on the current and future parcels will need to comply with Title 8 Chapter 2 of the Elmore County Code for Flood Damage and Prevention.

CONCLUSIONS OF LAW

Based on the aforementioned findings of fact, the Commission concludes that PP-2024-02 has complied with the following legislative documents governing the proposal:

- A.** Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014; and
- B.** The City of Mountain Home Comprehensive Plan and City of Mountain Home Zoning Ordinance for Development in the Area of City Impact §9-16-16.
- C.** Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- D.** The Local Land Use Planning Act, Idaho Code § 67-6501; 67-516 et seq.

ORDER – CONDITIONS OF APPROVAL:

Based on the aforementioned findings of fact and conclusions of law, the Commission APPROVES PP-2024-02 with the following conditions of approval.

1. Preliminary Plat approval shall be limited to two (2) years, in which the applicant shall apply for a Final Plat. If the use has not commenced at that time, then the Applicant will be required to reapply for the Conditional Use Permit and Preliminary-Plat application.
2. The Applicant shall receive approval of street names from the Elmore County Street Naming Committee prior to signature of the final plat.
3. The Applicant shall identify and record an ingress/egress and public utility easement on the final plat.
4. The Applicant shall submit a private road/ driveway application to the Department prior to construction of the private road and/or driveway.
5. Each lot will construct a turnaround for emergency service vehicles prior to the issuance of any building permits.
6. Within any final plat encompassing floodplains, the Applicant shall demonstrate compliance with the Elmore County Flood Damage Prevention, Title 8 Chapter 2 of the Elmore County Code.
7. No construction or grading within the FEMA floodplain is allowed until a floodplain application is submitted and approved by the Land Use and Building Department.
8. No building permits for residential lots shall be issued until a final plat is recorded and parcel numbers have been issued by the County Assessor's Office.
9. Only one septic is permitted per lot.
10. The Applicant shall obtain any applicable permits for any structures and/or other permissible projects on the property to include any required state permits and a sign building permit.
11. The Applicant shall ensure all property taxes are kept current.
12. Based on the location of the Application within the area of impact, the Applicant shall provide proof of compliance with all applicable City of Mountain Home requirements and ordinances, or the City of Mountain Home's agreed waiver of such requirements.
13. Failure to comply with any of the above conditions of approval may result in the revocation of the Preliminary Plat.

Dated this _____ day of _____ 2024

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	ABSENT	
VICE CHAIRMAN JEFF BLANKSMA	VOTED	AYE
SUSAN FISH	VOTED	AYE
ED OPPEDYK	ABSENT	
K.C.DEURIG	VOTED	AYE
MITCH SMITH	VOTED	AYE

Jeff Blanksma, Vice Chairman

ATTEST:

Mitra Mehta-Cooper, Director

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.

4864-8905-0320, v. 2



July 19, 2024

JJ. Howard LLC
5983 W State St, Suite D
Boise, ID, 83703

RE: Rattlesnake Subdivision

To whom it may concern:

The City of Mountain Home Public Works Department has reviewed the plat for Rattlesnake #2 Subdivision and the request not to install dry-line water and sewer for the subdivision. The City agrees with the request not to install these dry lines as both parcels in the subdivision are contiguous with the City of Mountain Home.

Please let me know if you have questions or need additional information regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Curtis", is placed over a light gray rectangular background.

Chris Curtis
Director of Public Works
City of Mountain Home, Idaho



To whom it may concern,

10/8/2024

RE: Rattlesnake Creek #2

With the Rattlesnake Creek #2 project being inside the area of impact and being contiguous to the city limits, and lots being under 5 acres the development is required to put in a central water system that is in accordance with city, county and state standards. Design standards must be designed to city standards and streets shall be concrete or asphalt.

City Code

9-16-13-F Design Standards: Area Of City Impact: New subdivision developments, which are platted in less than five (5) acre lots that do not connect to public water facilities, shall provide a central water system (may require dry lines), designed to city standards, so at the time of annexation connecting to the public water system will be more cost effective and easily accomplished unless otherwise provided for herein. New subdivision developments that are contiguous to the city limits shall develop to city standards with dry lines, etc.

City Code

9-16-16 Subdivision within the Area of Impact and/or Mile A/PR Agriculture/Proposed Residential:

The purpose and intent of the comprehensive land use agriculture/proposed residential designation is to have land areas set aside that protect agricultural land use until such time as expansion of urban development is desirable, to allow rural atmosphere hobby farm development and to protect the aquifer recharge area which lies north and northeast of the city limits and is more particularly described and identified in the Elmore County comprehensive plan, zoning ordinance and maps as the Mountain Home community development overlay (CDO). Also, to provide for residential development of land which is projected to be annexed into the city in the near future.

When subdivision development in the A/PR zone occurs contiguous to city limits, it shall develop to city standards. When annexed, the property will be given a zoning classification which shall be compatible with surrounding land uses and in accordance with the comprehensive plan.

A. A/PR (Agriculture): The "A" portion of this designation excludes commercial feedlots, dairies, commercial poultry and poultry products production, pig farms, dairies, and similar intensive agriculturally related uses. The usual farm animals are allowed.

B. A/PR (Proposed Residential): The "PR" portion of this designation is to preserve and enhance predominantly single- family living areas at a low density standard. Such transition areas must be prepared to utilize a full range of municipal services upon annexation into the city.

1. Subdivision lots less than five (5) acres/development standards:



- a. Lot Size: The minimum lot area per dwelling structure shall be one-half ($\frac{1}{2}$) acre.
- b. Lot Width: The minimum lot width shall be one hundred feet (100').
- c. Water System: Subdivision development requires a community water system constructed in accordance with city, county and state standards and which will be compatible with connection to city services upon future annexation. Dry lines may be required if the subdivision is in close proximity to city limits.
- d. Sewer System: One septic permitted per lot. Approval in accordance with county and state standards. Soils analysis required (see section [9-16-10](#) of this chapter). Dry lines may be required if the subdivision is in close proximity to city limits.
- e. Municipal Service: Full range of municipal services as per city standards required in preparation for annexation.
 1. Streets, sidewalks, curb and gutter which meet city standards. Streets shall be concrete or asphalt.

We have no other comments currently. IF you have any questions, please contact us at 208-580-2091.

Thank you,

Nicole Coffey
City of Mountain Home
City Planner