



Land Use and Building Department

Findings of Fact, Conclusions of Law, and Order

Application: Conditional Use Permit-2025-10

Hearing Date: February 27, 2025

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a conditional use permit to)	CUP-2025-10
allow a 100 ft X 40 ft Vehicle Repair and)	
Service Shop (to restore vehicles) General)	FINDINGS OF FACT,
Agriculture/Grazing/Forest, AG Zone per)	CONCLUSIONS OF LAW,
Elmore County Zoning Ordinance §7-2-)	AND ORDER
26(B) Located at Tax 74 Sec 15 T3S R6E)	
(1125 NW Frontage Rd) in Elmore County.)	
_____)	

In Re: Conditional Use Permit: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the “**Commission**”), on February 27, 2025, for a public hearing held pursuant to public notice as required by law, on a request for a Conditional Use Permit 2025-10 (the “**CUP**”) in an AG or General Agriculture/Grazing/Forest zoned property (the “**Application**”) on Parcel RP03S06E1503300. The Application is for a Vehicle Repair and Service Shop (restoration of classic vehicles; no service). Elmore County Zoning Ordinance (“Zoning Ordinance”) §7-2-219 allows for a Vehicle Repair and Service Shop pursuant to a conditional use permit in the AG zone. The property consists of one pt. four (1.4) acres located at Tax 74 Sec 15 T3S R6E or 1125 NW Frontage Rd and is zoned AG or General Agriculture/Grazing/Forest. (the “**Site**”). The applicant is Mr. William Geib (“**Applicant**”). The Commission heard from Elmore County Land Use and Building Department (“**Department**”) staff. The Applicant was present. No one had signed up or provided testimony in support, neutral or opposition to 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 conclusions in accordance with the applicable law, the Commission **Approved** the Application.

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 Department, the record, and the Commission Hearing.

I. The Commission finds that Application is comprised of:

Application form prepared and submitted by the Applicant.

Those supplemental letters, documentation and memoranda submitted by the Applicant or on his behalf, whether submitted in response to questions from Staff or the Commission in connection with Application.

II. The Commission finds that the Applicant is:

J.D. & Shana Lusardi
1125 NW Frontage Rd
Mountain Home, ID 83647

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

- I. In accordance with section § 7-3-2 (A) of the Zoning Ordinance, on September 30, 2024, the Applicant completed a pre-application conference with the department prior to the submission of the Application.
- II. In accordance with section § 7-3-3 of the Zoning Ordinance, the Applicant mailed out neighborhood meeting letters on December 4, 2024, to neighboring property owners within five hundred (500') feet radius, giving notice of the time, date, and location of the meeting.
- III. In accordance with section § 7-3-3 of the Zoning Ordinance, the Applicant conducted the required neighborhood meeting on December 15, 2024.
- IV. On January 15, 2025, the Land Use and Building Department accepted a Conditional Use Permit application, and the required fees per § 7-9-3 (A) (B) of the Zoning Ordinance.
- V. On January 15, 2025, the Department deemed the Application complete and set the matter for a Public Hearing on February 27, 2025.
- VI. In accordance with sections § 7-3-5 (C) of the Zoning Ordinance, the Department mailed Notice of the Public Hearing to landowners within the five hundred (500') feet radius of the property on February 18, 2025.
- VII. In accordance with section § 7-3-5 (A) of the Zoning Ordinance, the Department mailed Public Hearing Notices to agencies on February 18, 2025.
- 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 February 12, 2025.

- IX. In accordance with section § 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on February 19, 2025.
- X. The Commission opened the public hearing on February 27, 2025. During the staff presentation, the Commission learned that the Pre-application Neighborhood Meeting was conducted by the Applicant more than 30 days prior to submission of the Application to the Department. This action was in violation of the Zoning Ordinance § 7-3-3 (E).
- XI. There was no verbal and written testimony regarding the Application from the members of the public. The Applicant agreed with Staff Report and had no comment. At the conclusion of the testimony, the Chairperson closed the public hearing.
- XII. The Commission commenced deliberations on the Application.
- XIII. Thereafter, the Commission Approved the CUP to allow a 100' x 40' Vehicle Repair and Service shop in the Agriculture (AG) Zone and the Commission's decision on the Application is set forth on the signature page below.

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

The submitted Conditional Use Permit application to allow a 100' x 40' Vehicle Repair and Service Shop in the Agriculture (AG) base zone in Elmore County.

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

I. Site Description: Tax 74 Sec15 T3S R6E

Parcel Number: RP03S06E1503300

II. The "Owner" of the Site is:

J.D. & Shana Lusardi
1125 NW Frontage Rd
Mountain Home, ID 83647

III. Applicant's Right to the Site is: Owners of property.

III. Site Characteristics:

Property Size: 1.4 acres

Existing Vegetation: Gravel and sagebrush

Slope: None

Flood Zone Status: Not in a flood zone.

Irrigation: No irrigation lines on site

Views: Interstate to north, residential to west, east and south

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, the Comprehensive Plan, and the Zoning Ordinance, the current zoning for the site is General Agricultural/Grazing/Forest (AG) base zone.

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

I. 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:

- I. North: Interstate and Agricultural fields / Agricultural Zoned AG
- II. East: Residential / Agricultural Zoned AG
- III. South: Residential / Agricultural Zoned AG
- IV. West: Residential / Agricultural Zoned AG

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

I. Based on the officially adopted Elmore County land use map 2017-01 and materials found in the Department's file for Application, CUP-2025-10, 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):

- I. Access Street and Designation: Frontage Road
- II. Highway District: Mountain Home Highway District
- III. Fire Protection: Mountain Home Rural Fire Department
- IV. Sewage Disposal: Septic
- V. Water Service: Well
- VI. Irrigation District: Not in an Irrigation District
- VII. Drainage District: Not in a Drainage District

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

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

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

- I. That the Comprehensive Plan Future Land Use Map (Map 4) has the proposed property classified as General Agricultural/Grazing/Forest (AG) base zone.
- II. The Application is in conformance with the Comprehensive Plan vision and policies for private property rights.

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

- I. The Zoning Ordinance is the document governing the Site.
- II. In order to consider CUP-2025-10, the Commissioners conducted a public hearing on February 27, 2025, to make a decision on the proposed Shop in compliance with the Zoning Ordinance Title 7 Chapter 9, Chapter 2, and Chapter 3.

XII. The Commission makes the following findings for Section 7-9-7.

- I. The proposed use shall, in fact constitute a Conditional Use as determined in Ordinance Table 7-2-26 (B).

Finding: The Commission finds that the use does in fact constitute a conditional use as determined in the Zoning Ordinance.

- II. The proposed use shall be in harmony with and in accordance with the Comprehensive Plan and this Zoning Ordinance:

Finding: The Commission finds that the use of this property meets Elmore County Comprehensive Plan by having a vehicle repair and service shop to refurbish older vehicles and make them show worthy.

- III. The proposed use complies with the purpose statement of the applicable base zone of Ordinance Section 7-2-5 and with the specific use standards as set forth in this Chapter.

Finding: The Commission finds purpose statement for the General Agricultural Grazing/Forest base zone AG is found in Zoning Ordinance 2018-03. Section 7-2-5(A), providing:

General Agriculture: The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

The General Agriculture Grazing/Forest zone (AG) allows a variety of uses that require a Conditional Use Permit to operate. The proposed Vehicle Repair and Service Shop is consistent with CUP procedural requirements and requirements of the applicable base zone with the proposed Conditions of Approval. The proposed use complies with the Special Use Standards for Vehicle Repair and Service Shop pursuant to Zoning Ordinance § 7-2-21 as discussed below.

- IV. The proposed use shall comply with all applicable County Ordinances.

Finding: The Commission finds proposed use is within the City of Mountain Home's ("City") Area of Impact. Therefore, the City staff participated in the Pre-application Meeting with the Director as agreed upon in Section 11-1-4(D) of the Zoning Ordinance per the Area of Impact Agreement. Furthermore, after an application was received, it was discussed at the January 8th, 2025, Agency Meeting where the city was invited. The city was further notified during the Agency Notifications as mentioned above.

In addition to the city, the following Elmore County Agencies were notified at the Agency Meeting and through Agency Notifications for this hearing. Their comments are incorporated in the Conditions of Approval for the CUP. Therefore, Commission concludes that this Application meets all applicable County Ordinances if approved.

- Mountain Home Highway District – Not present; No Comment.
- Mountain Home Rural Fire Department – Was present; Comment was that current driveway meets their standards.

- City of Mountain Home – Was present; Comment to identify the impact and conditions, such as glare, noise, and fumes.
- Elmore County Sheriff Department – Was present, Comment that no issue with application.
- Emergency Services – Was present; Comment that no issue with application and fire had signed off for driveway.

V. The proposed use shall comply with all applicable State and Federal laws, rules and/or regulations.

Finding: The Commission finds the use, subject to the conditions of approval, will ensure the use meets all state and federal requirements. In addition, the Application was transmitted to and reviewed by the following State agencies. As a result, Staff proposes conditions that include that vehicles will not be left outside of the shop; all repairs and refurbishing will be done inside the shop; storage of parts will be inside the shop and discarded parts will comply with state regulations; all vehicles that are inoperable or dismantled will be inside the shop; and compliance of all applicable regulations regarding chemical, solvents, and the transfer and disposal will be followed.

- Department of Environmental Quality – No comment.
- Central District Health – Has no objection with application. Applicant has already received permit for septic.

Therefore, Commission believes that the Applicant will comply with all State and Federal regulations.

VI. 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.

Finding: The Commission finds the proposed use is off Frontage Road (south of Interstate 84) and is predominantly General Agricultural. The property is zoned Agriculture. Staff believes that the proposed use does not present significant impacts or substantial changes to the essential character of the said area.

Aesthetically, the proposed use will not change existing views from the west, east, north, or south. The site plan shows the Vehicle Repair Shop will be on the west side of the property and will be built to have an appearance like a barn as to keep the theme of agricultural. The Applicant mentions that all vehicles will be inside the shop. The shop will be open from 8:00 a.m. to 5:00 p.m. with four (4) employees. The Application, with the proposed Conditions of Approval, will be operated and maintained in such a way as to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and will not change the essential character of the area.

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

Finding: The Commission finds the proposed use will not impede normal development within the area. The site is zoned Agriculture, which allows a series of uses, similar to this one, with a conditional use permit. Staff provides the Commission with proposed Conditions of Approval to ensure that the proposed use does not become hazardous or disturbing to existing neighboring uses. This includes conditions that the Applicant will not be doing any oil changes or have any toxic waste; the Applicant will meet fire code by having the proper amount of fire extinguishers in the shop; and Applicant will work normal hours and not cause any light or noise pollution

- VIII. The proposed use shall be served adequately by available public facilities and services such as highways, streets, police protections, 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.

Finding: The Commission finds the proposed use is served by the following public facilities:

Highways/Roads – Frontage Road is maintained by the Mountain Home Highway District

Fire Protection – The Applicant’s property is in the Mountain Home Rural Fire District.

Drainage Structures – Will have to put in an engineered retention pond to hold water from run off of the building and parking lot.

Refuse Disposal – Applicant will be responsible for obtaining and maintaining appropriate refuse disposal.

Water/Sewer –Will install a well and septic on this property.

The Application, and its proposed use, will be adequately served by available public facilities and services such as highways, streets, law enforcement, fire protection, and emergency services.

- IX. 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.

Finding: The Commission finds all on-site improvements will be funded by the Applicant.

Agencies that could potentially be impacted by this Conditional Use have been notified; at this time there have not been any notable comments submitted to the Department. Furthermore, at the building permit level, the Applicant will be required to pay Development Impact Fees to mitigate some of the cost for public facilities.

- X. 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.

Finding: The Commission finds that there will be nothing out of the everyday sights, sounds, and smells that rival any other current truck, tractors, and animals operations on the neighboring properties.

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

Finding: The Commission finds that there are no significant natural or scenic features of importance in this area, and therefore, there will be no loss or damage of any natural or scenic feature of major importance with the addition of the vehicle restoration operation.

XIII. The Commission makes the following findings for Zoning Ordinance Section 7-2-219 Vehicle Repair and Service Shop

A. The use shall not constitute a “junkyard” as herein defined in this Title:

Finding: The Applicant will be doing all work inside the shop within five (5) work bays. All parts and accessories will be kept inside the shop. Discarded parts will comply with all County, State and Federal regulations.

B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure:

Finding: All working activities will be done inside the shop. Staff proposes Conditions of Approval to avoid outdoor storage of accessories, and replacement parts, or discarded parts.

C. Outdoor storage of accessories, and replacement parts, or discarded parts shall comply with this Chapter:

Finding: All working activities will be done inside the shop. Staff proposes Conditions of Approval to avoid outdoor storage of accessories, and replacement parts, or discarded parts.

- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private driveway road.**

Finding: All vehicles will be stored inside the shop. Applicant will only be working on three (3) or four (4) vehicles at a time and not to exceed a total of five (5). The Applicant does have trees lining his property on the north side, west side, and the south side making the Site screened from most vantage points.

- E. Compliance with all applicable regulations regarding chemicals, solvents, and the transfer and disposal of such.**

Finding: Applicant will meet all state and federal regulations on storing and disposing of all hazardous chemicals and solvents.

CONCLUSIONS OF LAW:

Based on the aforementioned findings of fact, the Commission concludes that the proposed CUP-2025-10 has complied with the following standards and requirements governing the proposal:

- I.** Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- II.** The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.
- III.** Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014.

ORDER:

Based on the Application, its record, staff's analysis, and the aforementioned Findings of Fact and Conclusions of Law, the Commission **Approves** CUP-2025-10 with the following Conditions of Approval.

CONDITIONS OF APPROVAL:

1. A Conditional Use Permit (CUP-2025-10) shall be granted to J.D. & Shana Lusardi, to construct a Vehicle Repair and Service Shop on 1.4 acres parcel in unincorporated Elmore County on Assessor's Parcel Number RP03S06E1503300400, which is zoned Agriculture.
2. All Conditions of Approval of CUP-2025-10 shall be appurtenant to and run with the Site and shall be binding upon J.D. & Shana Lusardi, their heirs, transferee, successors, and assignees.

3. The Applicant shall commence construction of the use within one (1) year of approval of CUP-2025-10 and complete it within two (2) years of this approval.
4. The Applicant shall continue to occupy one (1) RV on-site and all additional site-improvements shall receive the necessary approvals from the Department, including Building Permit for the Vehicle Repair and Service Shop and a Carport on the side of his existing shop.
5. The Applicant shall apply for a Private Driveway application prior to commencing any construction activity at the Site and receive driveway inspection approval from the Mountain Home Rural Fire District and Elmore County Engineer.
6. The Applicant shall not exceed a total of five (5) vehicles for restoration at the Site at any one time and a total of five (5) employees.
7. The Applicant shall provide eight (8) parking spaces, with at least one (1) American Disability Act (ADA) compliant parking space to include access requirements and stripping standards. All other Building Permits shall comply with accessible design regulations for private business.
8. The Applicant shall receive approval for storefront signage or free-standing signage from the Department.
9. The Applicant shall operate the use between 08:00 a.m. and 05:00 p.m.
10. The Applicant shall keep all accessories and replacement parts inside the Vehicle Repair and Service Shop. Outdoor storage of chemicals, batteries, auto-parts and fertilizers shall be prohibited. The Site shall not be used as a “junkyard”, “automobile wrecking yard”, or vehicle impound yard as defined in the Zoning Ordinance.
11. The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as to not create a nuisance, including quarterly maintenance of landscaping.
12. The Applicant shall provide low facing motion sensitive lights that are not too bright to disturb the neighbors and ensure that those lights only light up the Site.
13. The Applicant shall ensure that noise from the use will not disturb neighboring properties, to include noise of air compressor, air tools, and hitting of metal.
14. The Applicant shall keep all taxes paid in full.
15. Applicant will be required to only use the shop to do restoration and if the use is expanded in the future a new or amended application would be sought.
16. Failure to comply with any of the above Conditions of Approval shall result in the revocation of the CUP-2025-10.

Dated this _____ day of _____ 2025

COMMISSION VOTE:

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

Patti Osborn, Chairperson

ATTEST:

James Roddin, Interim Director

Johnny Hernandez, Interim 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.