



Land Use and Building Department

Findings of Fact, Conclusions of Law, and Order

Application: Conditional Use Permit-2024-07

Hearing Date: June 27, 2024

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a conditional use permit to allow)	CUP-2024-10
an off-site billboard in a Highway/Interstate)	
Commercial (C-2) Zone per Elmore County)	FINDINGS OF FACT,
Zoning Ordinance §7-2-26(B) Located at TAX)	CONCLUSIONS OF LAW,
237 IN VAC LOT 67 JEROME ADD, Section 23,)	AND ORDER
Township Three South, Range Six East, Boise)	
Meridian (1840 Sunset Strip) in Elmore County.)	
)	

In Re: Conditional Use Permit 2024-10: 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 for a Conditional Use Permit 2024-10 (the “**CUP**”) in a C-2 or Highway/Interstate Commercial zoned property (the “**Application**”) on Parcel RP00076000067M. The application is for an off-site billboard. Elmore County Zoning Ordinance §7-7-22 allows Billboards Stationary and Mobile with a conditional use permit in the Highway/Interstate Commercial (C-2) base zone. The property consists of 1 acre located at Tax 237 In Vac Lot 67 Jerome Addition on Sunset Strip, Section 23, Township Three South, Range Six East, Boise Meridian (1840 Sunset Strip) and is zoned Highway/Interstate Commercial (C-2) (the “**Site**”). The Commission heard from staff and the applicant in support of the Application. No one had signed up in opposition, neutral or opposition 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 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 and 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:

1. Application form prepared and submitted by Steve Bagley of Yesco Outdoor Media (the “**Applicant**”) for the Conditional Use Permit; and
2. Payment of Application Fees in the amount of \$400 as required by the Land Use and Building Department’s Fee Schedule.

II. The Commission finds that the Applicant is:

Yesco Outdoor Media/ Steve Bagley
1605 S. Gramercy Rd
Salt Lake City, UT 84104

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 Elmore County Zoning and Development Ordinance (“**Zoning Ordinance**”), on March 13, 2024, the Applicant completed a pre-application conference with the department on Zoom 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 March 29, 2024, to neighboring property owners within one-mile 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 April 10, 2024.
- IV. On April 18, 2024, 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 June 3, 2024, the Department deemed the Application complete and set the matter for a Public Hearing on June 27, 2024.
- 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 required one-mile radius of the property on June 4, 2024.
- VII. In accordance with section § 7-3-5 (A) of the Zoning Ordinance, the Department mailed Public Hearing Notices to agencies on June 14, 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 12, 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 13, 2024.
- X. The Commission opened the public hearing on June 27, 2024. There were no 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 approved the Conditional Use Permit to allow an off - site billboard in the Highway/Interstate Commercial (C-2) base zone 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:

The submitted Conditional Use Permit application to allow an off-site 10'h x 30'w billboard in the Highway/Interstate Commercial (C-2) base zone in Elmore County.

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

A. Site Description: Section 23, Township Three South, Range Six East, Boise Meridian

Parcel Number: RP00076000067M

B. The "Owner" of the Site is:

Levy Williams
1840 Sunset Strip
Mountain Home, ID 83647

C. Applicant's Right to the Site is: Leased a portion of the Property

D. Site Characteristics:

Property Size: 1 acre

Existing Structures: 90'L X 50'W Muffler Shop and U-Haul Rental

Existing Vegetation: Gravel

Slope: None

Flood Zone Status: Not in a Flood Zone

Irrigation: No irrigation lines on site

Views: Visible from Sunset Strip

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 Highway/Interstate Commercial (C-2). This site is also located in the City of Mountain Home Impact Area.

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: Zoned C2 Highway/Interstate Commercial
- b) East: Zoned C2 Highway/Interstate Commercial
- c) South: City
- d) West: City

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 Application, CUP-2024-10, 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: Sunset Strip
 - b) Highway District: Idaho Transportation Department
 - c) Fire Protection: Mountain Home Rural Fire Department
 - d) Sewage Disposal: Existing structure has a private septic system
 - e) Water Service: Existing structure has a private well.
 - f) Refuse Disposal: Applicant will be responsible for obtaining and maintaining appropriate refuse disposal.
 - g) Drainage Structures: No drainage structures for the proposed use are planned or required at this time.
 - h) Billboard is inside City of Mountain Home Impact Area

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 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.

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 Highway/Interstate Commercial.

B. The Application is in conformance with the Comprehensive Plan vision and policies for property owner rights.

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

- A. The Elmore County Zoning Ordinance is the document governing the Site.
- B. In order to approve a Conditional Use Permit application, the Zoning Ordinance provides that the Planning and Zoning Commission make a decision. The Conditional Use Permit standards are found in Section 7-9-7 of the Zoning Ordinance.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMITS PER ZONING ORDINANCE SECTION 7-9-7:

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

The Commission finds that the parcel is zoned C2. Elmore County Zoning Ordinance Table 7-2-26 (B) does not identify billboard sign as a use. However, Title 7 Chapter 7 addresses Sign Standards and all billboard signs require a conditional use permit approval pursuant to Zoning Ordinance § 7-7-22 (F).

The proposed use is in accordance with the Zoning Ordinance pursuant to Zoning Ordinance § 7-7-22(F) that Billboard signs require a Conditional Use Permit.

2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan 2014 and Zoning and Development Ordinance (Title 7) 2018-03:

The Commission finds that the Staff analyzed relevant sections of the Comprehensive Plan for a Conditional Use Permit to install an Illuminated Billboard 35' in height in the C2 Zone. The Comprehensive Plan envisions large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange within the Highway/Interstate Commercial.

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:

The Commission finds that the purpose statement for the Highway/Interstate Commercial base zone is found in Zoning Ordinance §7-2-5(E), providing:

Highway/Interstate Commercial: The purpose of the C2 district is to permit the establishment of general business and commercial uses that have direct access to State Highways and convenient access to the Interstate. Shopping centers will be encouraged, and strip development shall be discouraged. This district may also be located on arterial thoroughfares or in areas where general commercial business is compatible with surrounding land uses. The Highway/Interstate Commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange.

The Highway/Interstate Commercial zone allows a variety of uses that may require a Conditional Use Permit. The proposed billboard sign is consistent with CUP uses in the applicable base zone with the required conditions staff proposes.

The Application is also reviewed for specific use standards in compliance with Zoning Ordinance § 7-7-22(G) for Billboard Signs as discussed further below.

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

The Commission finds that the proposed CUP was mailed to agencies and the following Elmore County agencies replied. Their comments are integrated in the proposed conditions of approval to ensure that this Application meets all applicable Elmore County Ordinances.

- City of Mountain Home: No comment
- Mountain Home Rural Fire District – No issues

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

The Commission finds that the proposed CUP was mailed to the following State agencies and the following state agencies replied. Their comments are integrated in the proposed conditions of approval to ensure that this Application meets all applicable State and Federal regulations.

- Central District Health – No issues.
- Idaho Transportation Department – Will need an application with them after CUP approval.

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:

The Commission finds that the Site is off Sunset Strip and is surrounded by predominantly light industrial, commercial and residential uses. The Site is zoned C2. Staff believes 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 sign to be installed on the southwest corner of the facility's parking lot. The Application, with the proposed conditions, 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.

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

The Commission finds that the proposed use will not impede normal development within the area. This area is zoned Highway/Interstate Commercial which is designated for commercial uses. Most existing commercial uses utilize some variation of signage to promote the business. Therefore, there are additional signs in the surrounding area on Sunset Strip that include billboards. The proposed dimension of the sign complies with the

Zoning Ordinance. The location of the sign will not hinder passing vehicles, or nearby businesses.

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:

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

Highways/Roads – Sunset Strip is maintained by Idaho Transportation Department (ITD).

Fire Protection – Mountain Home Rural Fire District (MHRFD)

Drainage Structures – No drainage structures for the proposed use are planned or required at this time.

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

Water/Sewer –The existing structure has a private well and septic system.

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.

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:

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

Agencies that could potentially be impacted by this Application have been notified; at this time there have not been any notable comments submitted to the Department except for Idaho Transportation Department which stated there is no objection to the proposed sign and its location.

10.The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors:

The Commission finds that the use of the billboard will not be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise smoke, fumes, glare, or odors. The height of the proposed billboard sign meets Zoning Ordinance 7-7-22.

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

The Commission finds that the property is not on or near a scenic feature of major importance.

In addition to the findings required for a conditional use approval, the Commission shall make the following findings to grant approval of a billboard, the required findings are as follows:

- 1. That the location and placement of the billboard will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections:**
 - The Commission finds: The proposed location of the sign is to be installed directly south west corner of property.
 - The Commission finds: The sign will be located thirty-six (36') feet from the right of way.
 - The location does not interfere with the clear vision triangle as there is no public street, railroad, or intersection near the proposed sign location.

- 2. The Billboard will not cover or blanket any prominent view of a structure or façade of historical or architectural significance:**
 - Commission finds: The Yesco off-site billboard can be seen from Sunset Strip.
 - Commission finds: The proposed billboard will be thirty-five (35') in height.
 - Commission finds: There are no significant historical or architectural buildings or views in the area of the proposed billboard.

- 3. The billboard will not obstruct view of the users of adjacent buildings to side yards, yards, or to nearby open space. This requirement does not include views of distant vistas:**
 - Commission finds: The business closest to the billboard is a construction and U Haul rental shop.
 - Commission finds: The proposed location of the sign is southwest of the shop and is thirty-five (35') feet in height.
 - Commission finds: The height and location of the proposed sign will not obstruct views of adjacent buildings side yards, yards, or nearby open space.

- 4. The billboard will not negatively impact the visual quality of a public open space such as a recreation facility, square, plaza, courtyard, and the like:**

5. Commission finds: There are no recreation facilities, squares, plaza, or court yards in the vicinity. The area is predominantly light and heavy commercial uses and mobile home park. **The height of the billboard, spacing, dimensional requirements, and setbacks are compliant with the requirements of this section:**

- Commission finds: The thirty-five (35') feet height of the proposed billboard is compliant with Zoning Ordinance § 7-7-22(D)(8).
- Commission finds: Zoning Ordinance § 7-7-22(D)(1) painted billboards shall not exceed eleven (11') feet in height and thirty-six (36') feet in horizontal length, nor exceed three hundred seventy-eight (378') square feet in area.
- Commission finds: The proposed height of the billboard face is ten (10') feet in height.

6. **The billboards lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent property:**

- Commission finds: Idaho Transportation Department provided a letter stating there is no objection to the size, location or use of the billboard.
- Commission finds: The billboard will be installed at the southwest corner of the property facing Sunset Strip. The sign location is proposed to be thirty-six (36') feet from Sunset Strip.
- Commission finds: The business and billboard are located at a higher elevation than Simco Road, so any glares or reflections do not pose any hazardous or unsafe driving conditions to motorists.

CONCLUSIONS OF LAW

Based on the aforementioned findings of fact, the Commission concludes that the proposed CUP-2024-10 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. Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C. The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.

ORDER

Based on evidence presented at the June 27, 2024, public hearing, the Commission approved CUP-2024-10 with the following conditions of approval:

1. Conditional Use Permit 2024-10 shall be granted to YESCO Outdoor Media/Steve Bagley, to install an Illuminated Billboard Sign 10'*30' in size and in the Highway/Interstate Commercial Zone on Parcel RP00076000067M.
2. The 35' tall, illuminated billboard shall only be a double face static (not digital) billboard.
3. The Billboard Sign shall only have a maximum of four (4) LED lights and a maximum of two (2) on each face.
4. The Billboard Sign shall be installed and operational within a year of CUP-2024-10 approval and all necessary site improvements shall be completed per Elmore County Zoning Ordinance.
5. The Billboard Sign shall comply with all requirements of Title 7 Chapter 2 ("Zoning"), Chapter 7 ("Sign") and Chapter 9 ("Conditional Use Permit") of the Elmore County Zoning and Development Ordinance 2018-03 at all times.
6. 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.
7. The Applicant shall receive an approval from Idaho Transportation Department (ITD) for the Billboard Sign prior to applying for a building permit with the Land Use and Building Department.
8. The Billboard Sign shall comply with all requirements of Title 7, Chapter 7, Sign Standards of the Elmore County Zoning and Development Ordinance 2018-03.
9. The Applicant shall be able to provide the lease document for the site to the Land Use and Building Department upon request.
10. The Applicant shall ensure all property taxes are kept current.
11. Failure to comply with any of the above conditions of approval may result in the revocation of the Conditional Use Permit.

Dated this _____ day of _____ 2024

COMMISSION VOTE:

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

Patti Osborn, Chairperson

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.