



Land Use and Building Department

Findings of Fact, Conclusions of Law, and Order

Application: Request for Preliminary Plat 2024-01

Hearing Date: June 27th, 2024

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of a Preliminary Plat for a 4-lot)	PP-2024-01
Platted Subdivision Agriculture (AG) Zone in the)	
Area of City Impact per Elmore County Zoning)	FINDINGS OF FACT,
Ordinance §7-2-26(B) Located at TAX 22 IN VAC)	CONCLUSIONS OF LAW,
LOT 91 JEROME ADD, in Elmore County.)	AND ORDER
)	
)	
)	

In Re: Preliminary Plat 2024-01: 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 2024-01 (the “**PP**”) in the Agriculture (AG) zoned property (the “**Application**”) on Parcel RP00076000091E. 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 acres located at TAX 22 IN VAC LOT 91 JEROME ADD on zoned Agriculture (AG) (the “**Site**”). The Commission heard from staff and the Applicant in support of the Application. No one testified in opposition, neutral or for 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-2024-01; 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) and § 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 ten (10) 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 4.1-acre parcel into a 4-lot platted subdivision.

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

A. Assessors' Parcel Number: RP00076000091E.

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: 4.1-acre parcel

Existing Structures: N/A

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 not located in any designated flood zone.

Irrigation: N/A

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).

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-2024-01, 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 NW McMurtrey Road that is a public road maintained by the Mountain Home Highway District.
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: 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. Zoning Ordinance § 10-1-12, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C. The Local Land Use Planning Act, § 67-6501; § 67-6516 et seq.; and
- D. 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. In order to approve PP-2024-01, the required nine findings pursuant to § 10-1-20 shall be made.

12) The Commission finds the nine (9) required findings pertaining to a Preliminary Plat, Zoning Ordinance §10-1-20 are met.

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

Finding: The Commission finds that this Application is reviewed under Zoning Ordinance Title 10, Chapter 1 to ensure that the design conforms to the standards established in this subdivision development ordinance. PP-2024-01 is owned by the Applicant in its entirety. The Application proposes development in one phase. The Application is reviewed by Elmore County Engineer and Surveyor in addition to Department staff review to ensure that the design conforms to the standards established in the Zoning Ordinance. In conclusion, the necessary applications and review will be triggered by the Department as and when improvements are proposed within the Site, and those will be subject to all standards and requirements of this Zoning Ordinance. Therefore, the proposed preliminary plat and all future development within it will conform to standards established in this ordinance.

2. The design complies with the required improvements established in this Ordinance; and

The Commission finds that the proposed grading and internal road 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. The design complies with the requirements of this ordinance, to ensure further compliance, the Applicant is required to submit as built drawings for required improvements to receive final approval by the County Engineer.

3. If applicable, the proposed subdivision complies with the standards of an applicable overlay district as set forth in this Ordinance; 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 City of Mountain Home zoning ordinance section 9-16-16: Subdivision Within the Area of Impact states that when subdivision development in the A/Pzone occurs contiguous to city limits, it shall develop to city standards. This parcel is not contiguous to the city limits of Mountain Home.

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 not located within a flood zone and 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 10 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 and will meet the requirements and use standards for Ordinance section §10-8-4.

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. The site is in a rural area, but a large city park is within walking and bicycling distance via NW McMurtrey Road.

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

The Commission finds that the 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. The proposed subdivision meets the base zone dimensional standards set forth in §§10-1-5, 10-1-6, 10-1-7, 10-1-9 and the conditions of approval of CUP-2024-14.

9 The overall plan is in conformance with:

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

The proposal is within the City of Mountain Home suburban vicinity and meets the community goals established in the 2014 Elmore County Comprehensive Plan. The proposed subdivision will provide housing that is harmonious with the existing rural lifestyle by proposing minimum of 1-acre lots while providing housing development within the Area of City Impact.

- a. **Land Use Goal 1-Provide for the orderly growth and accompanying development of the resources within the County that is compatible with a rural lifestyle.**

The proposed subdivision offers future residents 1-acre sized lots which are consistent in size with abutting parcels and existing homesteads along NW McMurtrey Rd.

- b. **Land Use Goal 2- Achieve a land use balance, which recognizes that existing agricultural and new residential development may occur in the same**

community.

The proposed subdivision achieves adequate land use balance by offering large 1-acre parcels to allow future homeowners.

- d. *Land Use Objective 12* – Encourage and support land use proposals that are constant with the community design objectives of all communities and districts within the County.**

The proposed subdivision is consistent with the objective and community design goals of Suburban Mountain Home set forth in the amended 2014 Comprehensive Plan.

- e. *Housing Objective 9* – Support new housing developments near, adjacent to, or within Areas of City Impact.**

The proposed subdivision supports new single family housing options within the City of Mountain Home Area of Impact.

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. However, the City staff did not have any comments at this time.

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

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. However, the City staff did not have any comments on this proposal as it's not a contiguous parcel within the city limits of Mountain Home and will be required to develop to city standards per city zoning ordinance 9-16-16.

iv. Other pertinent Ordinances as applicable.

The proposal is subject to review under Private Driveway Title 10 Chapter 8 of the Elmore County Zoning Ordinance. The Department and County Engineer have reviewed the Application in light of Chapter 8 and have provided recommended conditions of approval to ensure compliance.

CONCLUSIONS OF LAW

Based on the aforementioned findings of fact, the Commission concludes that CUP-2024-14 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; 67-516 et seq.

ORDER – CONDITIONS OF APPROVAL

Based on the aforementioned findings of fact and conclusions of law, the Commission APPROVES PP-2024-01 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 prior to construction of the private road and driveway to the Land Use and Building Department.
5. Each lot will construct a turnaround for emergency service vehicles prior to the issuance of any building permits.
6. 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.
7. The Applicant shall provide a subdivision application, engineering report, and test hole report to Central District Health and determine well and septic location prior to applying for a Final Plat.
8. 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 signed building permit.
9. The Applicant shall ensure all property taxes are kept current.
10. 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	VOTED	AYE
VICE CHAIRMAN JEFF BLANKSMA	VOTED	AYE
SUSAN FISH	VOTED	AYE
ED OPPEDYK	VOTED	AYE
K.C.DEURIG	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.