BANNOCK COUNTY PLANNING & DEVELOPMENT COMMISSION
FINDINGS AND ORDER

INTRODUCTION

REQUEST:
The applicant, Willard East, petitions for a conditional use permit to create a go-kart buggy park, defined in Bannock County Ordinance as a noise park.

PARCEL OWNER:
Willard East
8068 Blazer Highway
Lava Hot Springs, ID 83246

PARCEL NUMBER AND LOCATION: The Bannock County tax parcel number is RPR4227003700 and addressed as 8068 Blazer Highway.

FINDINGS:
JUSTIFICATION FOR THE DECISION/Criteria, Standards AND Facts Relied Upon

SITE CHARACTERISTICS AND ZONING:
DESIGNATION: Recreational
PROPERTY SIZE: ~11.32 acres
VIEWS: The property is visible from Blazer Highway
IMPACT AREA: Recreational Area along Blazer Highway

OTHER: Directly along Blazer Highway and Hadley Canyon Road

NOTICE AND TESTIMONY REQUIREMENTS:
Notice of the public hearing was completed according to statutory requirements. Public comment was taken according to statutory requirements.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT:

A. The proposed use (would) (would not) adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.

This is based on:
1. The uses in the Recreational District vary and this is an expansion of an existing use.
2. THIS WOULD NOT AFFECT ADJACENT PROPERTIES.
B. The proposed use (would) cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.

This is based on:
1. AS STAFF STATED, THERE WOULD NOT BE A SIGNIFICANT TREATMENT TO TRAFFIC.
2. 
3. 

C. The proposed use (would) damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.

This is based on:
1. THEY WILL HAVE RESTROOM FACILITIES ON SITE. ALSO HAS SHARKEY WATER RIGHTS ARE AVAILABLE TO CONTROL ROAD.
2. ALSO HAS A SAFETY PLAN IN PLACE.

D. The proposed use (would) be consistent with the goals and policies of the Comprehensive Plan.

This is based on:
1. IN A RECREATION DISTRICT AND SURROUNDING AREA.
2. IS CONSISTENT WITH THE GOALS OF THE COMPREHENSIVE PLAN.

E. The proposed use (would) be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

This is based on:
1. THE STAFF REPORT.
2. 

Additional facts relied upon:

(If adding approval conditions) With the following conditions of approval:
ORDER: CONCLUSION AND DECISION

The Planning and Commission, pursuant to the aforementioned, finds that the request of Willard East, for a Conditional Use Permit, as described in the application, shall be (approved) (denied) (tabled).

Motion by C.G. Adams, seconded by Ray Urchul to adopt the foregoing Findings and Order.

ROLL CALL:

Councilperson Tillotson
Councilperson Owens
Councilperson Egan
Councilperson Smith
Councilperson Adams
Councilperson Erchul

Voted (Yay)(Nay)(Recused)(Absent)
Voted (Yay)(Nay)(Recused)(Absent)
Voted (Yay)(Nay)(Recused)(Absent)
Voted (Yay)(Nay)(Recused)(Absent)
Voted (Yay)(Nay)(Recused)(Absent)

Motion to (approve) (deny) (table) carried by a 4 to 0 vote.

Dated this 19 th day of February, 2020.

Signed by (Chairperson) (Vice Chair)

ACKNOWLEDGEMENT CERTIFICATE

State of Idaho
S.S.
County of Bannock

On this 19 th day of February, in the year of 2020, before me Tristan Bourquin, a notary public, personally appeared Del Owens, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (she) executed the same.

Tristan Bourquin
Notary Public
My Commission Expires on 4-19-2025

TRISTAN BOURQUIN
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 2019000035
MY COMMISSION EXPIRES 4-23-2025

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3.2 Avoid Unconstitutional Takings of Property

Ensure that county land use actions, decisions, and regulations will not cause an unconstitutional physical taking of private property, and do not effectively eliminate all economic value of the property.

3.3 Dependence on the County's Responsibility to Protect Public Health, Safety, and Welfare

Ensure that county land use actions, decisions, and regulations mesh with the county's responsibility to protect public health, safety, and welfare.

E. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

Staff Findings of the Facts
The applicant states the go-kart park is compatible with the surrounding area for building height, bulk, scale, setbacks, open space, etc.

CONDITIONS OF APPROVAL (ZONING ORDINANCE §530.7)

Upon the granting of a Conditional Use Permit, conditions may be attached to a permit including, but not limited to, those:

A. Minimizing adverse impact on other developments, such as:
   1. Requirements for special yards, open space, buffers, fences, walls, and screening.
   2. Requirements for installation and maintenance of landscaping and erosion control measures.
   3. Requirements for road improvements and dedications.
   4. Regulations of signs.
   5. Regulation of hours or other characteristics of operation.
   6. Establishment of development schedules or time limits for performance or completion.

B. Controlling the sequence and timing of development,

C. Controlling the duration of development,

D. Assuring that development is maintained properly,

E. Designating the exact location and nature of development;

F. Requiring the provision for on-site or off-site public facilities or services;

G. Requiring more restrictive standards than those generally required in an ordinance; and

H. Imposing other conditions that the Planning and Development Council deems necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare and to ensure compliance with the standards listed in Section 530.6

Conditions are not limited to those identified. The council may condition the application however it sees fit. Draft conditions attached to similar applications are attached.

IDAHO CODE REGARDING CONDITIONAL USE PERMITS