

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

MINUTES

Wednesday, November 17, 2010 at 7:00 pm

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Chairperson Patti Osborn, Vice Chairperson KC Duerig, Ed Oppedyk, Betty Van Gheluwe, Debbie Lord, Sue Fish and Jim Martin. Also present were Attorney Phil Miller, Director Alan Christy and staff members Beth Westerwelle and Kacey Hultenius.

Osborn established a quorum.

Pledge of Allegiance

PUBLIC HEARING

Ark Properties, LLC (John McCallum) for a Conditional Use Permit for a 4-Lot Letter of Information in an Agriculture (AG) Zone. Case Number: LOI-2009-30. The site is located in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 4 South, Range 8 East, B.M. A common way of locating the property is located from the intersection of Ryegrass Road and Ross Road, then approximately 2.25 miles north on Ross Road, land is on west side.

Ark Properties, LLC (John McCallum) for a Conditional Use Permit for a 4-Lot Letter of Information in an Agriculture (AG) Zone. Case Number: LOI-2009-31. The site is located in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 4 South, Range 8 East, B.M. A common way of locating the property is from the intersection of Ryegrass Road and Ross Road, then approximately 2.75 miles north on Ross Road, land is on west side.

Ark Properties, LLC (John McCallum) for a Conditional Use Permit for a 4-Lot Letter of Information in a Agriculture (AG) Zone. Case Number: LOI-2009-32. The site is located in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 4 South, Range 8 East, B.M. A common way of locating the property is from the intersection of Ryegrass Road and Ross Road, then approximately 2.5 miles on Ross Road, land is on west side.

Ark Properties, LLC (John McCallum) for a Conditional Use Permit for a 4-Lot Letter of Information in an Agriculture (AG) Zone. Case Number: LOI-2009-33. The site is located in Government Lot 2, Section 1, Township 4 South, Range 8 East, B.M. A common way of locating the property is from the intersection of Ryegrass Road and Ross Road, then north 3 miles on Ross Road, land is on west side.

Ark Properties, LLC (John McCallum) for a Conditional Use Permit for a 4-Lot Letter of Information in an Agriculture (AG) Zone. Case Number: LOI-2009-34. The site is located in W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 12, Township 4 South, Range 8 East, B.M. A common way of locating the property is

from the intersection of Ryegrass Road and Ross Road, then approximately 1.25 miles North on Ross Road, land is on west side.

Christy stated that the staff received an email from the applicant's representative Gordon Sorenson asking to withdraw Case Number: LOI-2009-34. He stated that Sorenson would like to hear the remaining LOI's together in one public hearing.

Westerwelle gave staff report and background.

Gordon Sorenson is the applicant's representative. He stated that it was a surprise that Central District Health didn't sign off on the application. He stated that he believes that they did submit the application to them he would request that they could wait until the spring to dig test holes as the winter is coming up. He stated that in the staff report it states that the land appears irrigated but that it is not. He stated that they are asking about 100 feet of driveway from the BLM property. He stated that the applicant is requesting to be able to go to the County Commissioners and request a common access driveway. He stated that one of the things that have held these applications up is that a botanist went out the site and found Slickspot Peppergrass one quarter of a mile to the east of the area which is on the list to becoming an endangered species so it had to go to another level of decision making at that time.

Christy stated that on LOI-2009-32 there looks to be a pond on the property and he wanted to know what that pond is used for.

Sorenson stated that it is an artesian well and it is being allocated to other areas through a pipe system. He stated that the properties will not have rights to the water.

Osborn asked if there were any plans to change to the pond to afford access to the backside of these parcels.

Sorenson stated that there was not any plan at this time.

The Commission discussed the layout of the property and how the back properties would have access.

Miller stated that people would be aware that if they are buying a piece of property with a pond in the middle of it so it is no secret and anyone who walked out there could see that so it's probably not a legal issue.

Sorenson stated that the applicant owns the water right to that well.

Miller stated that it's perfectly legal for the applicant to sell that piece of property and not sell the right to that well; it would be drafted up in the deed that McCallum has an easement to that pond on the property.

Miller stated that there is nothing in the ordinance that states that anyone who purchases a lot has to have access to the entire lot.

There were some mistakes made regarding the maps in the packet. The Commission members discussed this.

It was determined that the staff reports did not get attached to the correct applications. It was determined that LOI-2009-31 and LOI-2009-32 be switched to match the applications.

There was no further discussion

Osborn closed this public hearing.

Commission action:

Van Gheluwe moved to approve LOI-2009-30, LOI-2009-32, and LOI-2009-33 with the proposed conditions that were submitted by the applicant and that it meets the 9 standards for a conditional use permit and that signature from central District Health be obtained by May of 2011.

Martin seconded.

Motion carries with Lord and Osborn voting NAY. Osborn stated that she does not believe that these applications meet the 9 standards as with the previous LOI applications in this area. Lord agreed with Osborn

The Commission moved on to discuss LOI-2009- 31.

Approved

Approved

Fish moved to approve LOI -2009-31 with the proposed conditions as outlined in the staff report. And that it meets the 9 standards for a conditional use permit and that signature from central District Health is obtained by May of 2011.

Duerig seconded.

Motion carries with Lord and Osborn voting NAY. Osborn stated that she does not believe that this application meets the 9 standards, particularly that this will not be harmonious with the surrounding areas. Lord agreed with Osborn and added that the application does not have all of the required signatures.

NEW BUSINESS

Planning and Zoning Commission Annual Meeting. Election of Chairperson and Vice Chairperson for 2011.

Lord nominated Patti Osborn for Chairperson and Van Gheluwe nominated KC Duerig for Vice Chairperson.

There were no other nominations.

The Commission did a secret paper ballot and the votes were unanimous for Osborn and Duerig.

FCO's and Minutes

FCO for Cold Springs Windfarm, LLC Case Numbers: CUP-2010-09 & VAR-2010-03.

FCO for Desert Meadow Windfarm, LLC Case Numbers: CUP-2010-10 & VAR-2010-04.

FCO for Hammett Hill Windfarm, LLC Case Numbers: CUP-2010-11 & VAR-2010-05.

FCO for Mainline Windfarm, LLC Case Numbers: CUP-2010-12 & VAR-2010-06.

FCO for Ryegrass Windfarm, LLC Case Numbers: CUP-2010-13 & VAR-2010-07.

FCO for Two Ponds Windfarm, LLC Case Numbers: CUP-2010-14 & VAR-2010-08.

FCO for Mountain Air Wind, LLC Case Number: CUP-2010-15.

Duerig moved to approve.

Martin seconded.

Motion carried unanimously with changes and additions provided by staff.

Minutes from November 3, 2010

Martin moved to approve.

Lord seconded.

Motion carried unanimously.

INFORMATION ITEMS

Christy stated that they received a formal request from the applicants representative for the December 1st, 2010 Mayfield Townsite public hearing to be able to testify for 2 hours. Chairperson Osborne allowed the request after consensus from the Commission.

MEETING ADJOURNED

Approved

Approved

Patti Osborn 12-15-10
Patti Osborn, Chairperson Date:

Attest: Alan Christy 12/15/10
Alan Christy, Director Date: