

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

MINUTES

Wednesday, December 15, 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

Ted Hoffman for a Conditional Use Permit for a Companion Animal Burial Site (Cemetery) in an Agriculture (Ag) Zone. Case Number: CUP-2010-18. Site is located in portions Section 35, Township 2 South, Range 6 East, B.M., and Section 2, Township 3 South, Range 6 East, B.M. A common way of locating the property is from the intersection of Canyon Creek Road and Beaman Road, proceed 1.5 miles north on Canyon Creek Road, turn left on Broken Circle Drive.

Oppedyk and Lord stated that they both personally know the applicant and have done business with him in the past. Neither had any financial interest in this application and they have not gained any information about the application.

Christy gave staff report and background.

Ted Hoffman is the applicant. He stated that the staff report is accurate and the use is consistent with the area. He stated that he has an easement across Pam Warthen's property but he is not sure exactly what the easement says.

Miller stated that depending on how it's worded that easement may not allow him to cross her property for this kind of purpose.

Hoffman stated that the only reason he would have to cross her property is if the Canyon Creek floods as it does about once every 10 years.

Pam Warthen is neighbors with Hoffman. She stated that the main thing that she noticed when they sent her the map of the property and it included her lane as an access and she wanted to clear that up. She stated that she has no problem with application as it is presented as long as he doesn't use her property as an access. She stated that they have had problems in the past regarding the easement. She stated that since that time Hoffman has made an access across the creek. She stated that she was the only one who attended the neighborhood meeting and that she does applaud Hoffman as a burial ground is needed and if done correctly could be really nice. She stated that she just does not want any of this to include her property.

Hoffman stated he cannot envision needing to go through Warthen's property unless Canyon Creek floods and he cannot get over the bridge. He stated that he has already dug trenches so that winter burial would not be a problem due to frozen ground.

Christy asked how long the floods can last.

Hoffman stated that it could be months sometimes. He stated that the last time it flooded it was 3 or 4 months until it could be crossed. He stated that it goes from being about 8 feet wide and 8 feet deep to almost 80 feet wide.

Warthen stated that she has lived out there for over 32 years and she has seen the flood wipe out the bridge before. She stated that the water has come within a foot of her house so there would be no need to use her property as that whole area would be pretty much inaccessible. She stated that the flood doesn't last for months. It comes and it goes.

There was not further testimony.

Osborn closed this public hearing.

Commission Action:

Van Gheluwe moved to approve the CUP with the proposed conditions as presented by staff.

Martin seconded.

Motion carried unanimously.

Lord stated for the record that the Department of Agriculture are the ones to check that the applicant is doing things properly on the property.

Christy stated that the Growth and Development Department is responsible for making sure that the conditions on the CUP are being followed and generally it is complaint driven.

Grand View Solar PV Two, LLC for a Conditional Use Permit for a 20 MW solar generating facility and a Variance for lot coverage in an Agriculture (Ag) Zone. Case Number: CUP-2010-16 and VAR-2010-10.

The site is located in SE1/4 and S1/2 of NE1/4 of Section 6, Township 5 South, Range 4 East, B.M. Property is located from Mountain Home, proceed west on Grand View Highway approximately 16 miles, turn left on Nicholson Ranch Road. The property is located 1 mile (site to left of gravel road).

Westerwelle gave staff report and background.

Robert Paul is the applicant. He stated that this is the second phase of the project. He stated that the material is a non reflective and that there is no glare or reflection at all and it should not be a problem. He stated that he has concerns with the bonding issue. He stated that bonding would substantially add to the cost of the budget and is unnecessary.

Ron Parks is with Simplot. He stated that as far as National Guard is concerned, they have a large feed lot that sets between the range and this site so there are other issues. He stated that there are another 30 or 40 plus homes that are between them as well as 4 homes for Simplot employees that are not included in this project. He stated that they are the ones who fight the fires in the area and there will be adequate fire protection on the outside of the fence and they do not have to worry about it getting on the inside because they have the equipment available within a few minutes. He stated that he is also concerned with the bonding requirement. He stated that he does not believe that it is reasonable to require that for a renewable energy project. He stated that is it just not reasonable as there is a value to the hard asses that is out there. He stated that bonding is extremely expensive to obtain and that may out this over the edge to be non profitable. He stated that the roads will be private and will only be company access.

There was no further testimony.

Osborn closed this public hearing.

Commission action:

Lord moved to approve CUP-2010-16 and VAR-2010-10 with the proposed conditions 1-3, strike numbers 4 and 5, and in condition 6 strike the last sentence. She stated that her basis for that is that is that

Approved

Approved

these are private roads and there will not be any public access and that they will fight the fires, and that proposed condition 7 will stand as outlined in the staff report.

Duerig seconded.

Motion carried unanimously.

NEW BUSINESS

FCO's and Minutes

Ark Properties, LLC Case Numbers: LOI-2009-30, LOI-2009-31, LOI-2009-32, and LOI-2009-33.

Van Gheluwe moved to approve.

Martin seconded.

Motion carried unanimously.

Minutes from November 10, 2010.

Duerig moved to approve.

Martin seconded.

Motion carried unanimously.

Minutes from November 17, 2010.

Van Gheluwe moved to approve.

Martin seconded.

Motion carried unanimously.

Minutes from December 1, 2010.

Lord moved to approve with corrections.

Duerig seconded.

Motion carried unanimously.

INFORMATION ITEMS

Christy informed the Commission that they Board of County Commissioners appointed Chairperson Osborn for another term.

MEETING ADJOURNED

Approved

Approved



Patti Osborn, Chairperson

1-5-11

Date:

Attest:



Alan Christy, Director

1/5/11

Date: