

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

MINUTES

Wednesday, January 5, 2011 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, Debbie Lord, and Jim Martin. Also present were Attorney Phil Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Hultenius.

Osborn established a quorum.

Pledge of Allegiance

PUBLIC HEARING

Continuation of an application from Design Resources Architects, PLLC for a Conditional Use Permit for a Solar Electrical Generating Facility in an Agriculture (AG) Zone. Case Number: CUP-2010-08. The site is located in Section 26, Township 2 South, Range 4 East, and Section 35, Township 2 South, Range 4 East, B.M. Property is located from Simco Road by either I-84 or Grandview Rd (Highway 67) continue down Simco Rd. Project site is located between Harper Rd. and Carl Hickey Rd. Christy stated that they received an email from the applicant stating that they would like to put this out for 60 days. Commission consensus was to hold this open to March 16, 2011.

Continuation of deliberations on an application from Powder River Development Company, for a Planned Community. The Planned Community Application consists of a Zoning Ordinance Map Amendment, Development Agreement, Zoning Ordinance Text Amendment and Comprehensive Plan Amendment in an Agriculture zone. Case # PC-2009-01. The site is located in Sections 34 and 35, Township 1 North, Range 4 East, B.M. Property is located from I-84 exit at Indian Creek Road or Simco Road, and parcels are via Desert Wind Road (Old Highway 30). Christy stated that the first public hearing for this item was held on October 20, 2010 and was continued with public testimony received on November 10, 2010. He stated that there are some outstanding fees yet to be paid. He stated that there was a supplemental staff report given today. He stated that some of the proposed conditions of approval were revised and are attached to the first staff report. Miller stated that basically the job of the Planning and Zoning Commission is to recommend to the Board whether the Planned Community and the Development Agreement should be accepted as submitted by the applicant, whether it should be accepted with some changes, or whether it should be denied. Osborn stated that her concerns following the public hearing were more from the tone of the developer's representative Mark Pecchenino. She stated that she felt like he did not want to move forward with potentially mitigating issues with Fish and Game, the Department of Transportation, meeting with staff to work through the comp plan issues, zoning issues, and development plan issues. She stated that those were things that she did not feel Pecchenino was willing to move forward with. She stated that on several occasions Pecchenino had stated that he would like to move this forward to the Board of County Commissioners and make those discussions at that point in time. She stated that she does not know if it

would be wise for this Commission at this point in time to make a decision without getting some of those questions answered, specifically the ones regarding ITD and Fish and Game as those are the big ones.

Duerig stated that he has concerns regarding the water situation. He stated that the water right that they have demonstrated covers only about 50 percent of the build out and they claim that they have transferable water rights to take care of the rest so the water is a big concern.

Lord stated for the record that she did miss the last hearing but she did receive a copy of the meeting audio and has listened to it and is up to speed on things. She stated that she has all of the same concerns as everyone else. She stated that water is a concern as well as the unpaid fees.

Miller stated that there is nothing in the ordinance that states everything must come to a complete stop because all of the fees have not been paid but that it is certainly something that can be noted in the recommendation to the board.

Martin stated that this is a long term, planned out project and money shouldn't be a problem. He stated that the water situation is in the same category. He stated that it could be resourced over the years from other areas. He stated that if you think of our surrounding states such as Montana where they have problems with elk right in the city of Helen. He stated that he does not think that game is an issue as far as Fish and Game is concerned as there is an adequate amount of water. He stated that they do not have the history and the numbers of the elk in that area; perhaps they were pushed down from the mountain by wolves. He stated that if there is going to be a planned community built in the greater Treasure Valley area this is a prime location but he thinks that the area should be rezoned first. He stated that he does not believe that they can make a decision on the environmental concern in the area due to the lack of information they have received.

The commission went through the 16 required findings of approval individually:

1. The proposal complies with Elmore County Comprehensive Plan, Land Use Section, titled Planned Communities and all other applicable local, state and federal laws and regulations.

Commission consensus is that it does not meet that standard 4-1 with Martin stating that he does not believe that water is an issue. He stated that it is pretty evident from the water flow studies that they have done with other plans that it is not going to affect any water as far as the wells are concerned.

2. The proposed PC provides the necessary development tools to accommodate compatible, mixed-use, small-town or urban-type development while promoting connectivity and workability.

Commission consensus is that it does meet that standard.

3. The proposed PC provides reasonable on-site commercial and community facilities and employment opportunities for its residents commensurate with its size.

Commission consensus is that it does meet that standard according to their plan. Osborn stated that she struggles with this one because she knows how many people commute from Mountain Home to Boise. She questions if there would be viable employment of any nature. Martin stated that the Mountain Home Air Force Base has a lot of people that commute from Boise and he believes that this would draw a lot of people out of Boise. Lord stated that water was a concern for commercial uses. Duerig stated that only time will tell with this one.

4. The PCCP addresses all required components and establishes design concepts for all aspects of the development.

Commission finds that it does not meet that standard 4-1. Osborn stated that she still has concerns with the applicant not wanting to discuss the concerns of the Planning and Zoning Commission and wanting to move it forward to the Board of County Commissioners instead and that they have not provided enough information. Martin stating that he believes it does.

5. The PCDP complies with the zoning ordinance text amendment and follows the guidance of the PCCP.

Commission finds this standard is not met 4-1 with Martin stating that he believes it does meet this finding.

6. The PCDP provides for a variety of housing types and designs, including single family attached and detached, and multi-family.

Commission consensus is that it does meet that finding.

7. The wildlife mitigation plan adequately avoids, reduces or mitigates negative effects on natural wildlife habitat.

Commission consensus is that it does not meet that standard as there has not been enough information provided for them to meet this required finding.

8. The financial plan provided by the applicant demonstrated that essential public services will be provided, created and financed by the PC or other agency or jurisdiction.

Commission found that this requirement is not met 4-1 because there is not enough information on how the services will be created and financed with Martin stating that he believes it does meet this required finding because this a long term development project.

9. The PCDP and economic analysis have demonstrated that upon build out, the PC contribute to the area's jobs-to-housing balance and place higher density housing near commercial centers.

Commission consensus is that it does meet that finding.

10. The proposed PC complies with overlay districts specified in this Chapter.

Commission consensus is that it does meet that finding.

11. The PC has adequate facilities and programs to promote the use of alternative transportation,

Commission consensus is that it does meet that finding.

12. The PCDP has adequately demonstrated that the PC will be served by a central wastewater collection and treatment facility and a community water system.

Commission found that it does meet that requirement 3-2 with Osborn and Lord saying that it does not meet it based on the testimony of the applicant's representative. Duerig stated that while he does agree that it meets this finding he has concerns with the water being able to sustain this during the build out based on current data.

13. The PC has provided open space and developed parks that meet or exceed the minimum requirements and are adequate to serve the anticipated population. The proposed natural open space is adequate to preserve views, special sites, important natural features, riparian areas, wetland areas, wildlife habitat and rare plants. Phased non-residential uses and recreational opportunities will keep pace with housing.

Commission consensus is that it does not meet that finding. Lord stated that she does have reservations on this because there was testimony stating that there was some open space that they might build on for institutional purposes which could be a school so if you are going permanently reserve it how can they build a school on it? Duerig stated that he has some reservations on the zoning ordinance which allows open space to be used for gravel pits, golf courses, swimming pools, public building, and wastewater treatment plants. He stated this is one of those things in the zoning text that needs to be rectified.

14. The PC provides path and trail linkages between parks, schools, neighborhoods and commercial centers. The PC provides connectivity with nearby public trails and public lands where appropriate.

Commission consensus is that it does meet that finding.

15. The phasing plan for development within the PC ensures the integrity of the PC is maintained at the end of each phase.

Commission consensus is that it does meet that finding.

16. The proposed PC Planned Community provides adequate mitigation for all identified tax and/or fee revenue shortfalls and negative impacts to existing service providers.

Commission consensus is that it does not meet that finding. Osborn stated that she has concern about the lack of information regarding the traffic impact study.

The Commission moved on to discuss the zoning ordinance map and text amendments.

Analysis of required findings for section 6-30-15

1. Findings to approve a zoning ordinance map amendment:

a. The proposed map amendment complies with the regulations outlined for this Chapter.

Commission consensus was that it meets this finding.

b. The proposed map amendment shall not be materially detrimental to the public health, safety and welfare.

Commission consensus is that it meets this finding but needs to be modified by the representative per council with Lord and Oppedyk stating they do not believe it meets it unless these changes are accepted.

c. The development agreement meets the requirements of this Chapter.

The development agreement could be agreeable with proposed changes by Miller. It does not meet it as presented.

2. Findings to approve zoning ordinance text amendment: a. the proposed text Amendment complies with the regulations outlined in this Chapter. b. The proposed text amendment shall not be materially detrimental to the public health, safety and welfare. c. The proposed Zoning Ordinance text amendment does not conflict with the PCCP.

Commission consensus is that it does not meet that finding without revisions to the ordinance amendment.

Analysis of required findings for section 6-30-14

1. All uses within the PC shall be served with a central wastewater collection and treatment facility utilizing an MBR or SBR System, and a community water system.

Commission consensus was that it does meet this finding.

2. All roads within the PC shall be paved; all roadway sections shall include sidewalks as well as bike lanes/paths. Variations to roadway sections may be allowed with Director approval.

Commission consensus was that it does meet this finding.

3. All utilities shall be installed underground including but not limited to telephone, cable and electrical systems. Exceptions to this requirement may be granted for aboveground water storage reservoirs or other similar uses with Director approval.

Commission consensus was that it does meet this finding if the conditions of approval are adopted.

4. Dedicated open space, developed parks and trails shall be either held in a conservation easement with public access easements, managed and maintained by a professional company or dedicated to the public and retained as common open space for public safety, parks, recreation, and related public uses in compliance with this Chapter. Dedication to the public shall require Board approval with specific development timelines for parks and trails. In any event, the developer shall be responsible for the development or funding and maintenance of all required developed parks, open space and trail systems as required by this Chapter. Agreements may be considered by the Board to assign management and/or maintenance to a public municipality.

Commission consensus was that it does meet this finding with the open space concerns resolved.

Osborn stated that the next step would be to make their recommendation to approve or deny. After some discussion Commission consensus was to look at the draft findings based on each individual vote on these items and then make that decision.

NEW BUSINESS

FCO's and Minutes

2011-01-05 P&Z Minutes

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Approved

Approved

FCO for CUP-2010-18

Duerig moved to approve.

Lord seconded.

Motion carried unanimously.

FCO for CUP-2010-16 & VAR-2010-10

Lord moved to approve CUP-2010-16 and recommend approval to the Board of County Commissioners for VAR 2010-10.

Duerig seconded.

Motion carried unanimously.

Minutes for December 15, 2010

Duerig moved to approve.

Martin seconded.

Motion carried unanimously.

INFORMATION ITEMS

Christy reminded the Commission that the Public Hearing for Mayfield Townsite will be held on January 12, 2011 at 6:00 pm at the American Legion Hall and the regularly scheduled public hearing will be on January 19, 2011 at 7:00 pm at the American Legion Hall.

MEETING ADJOURNED

Approved

Approved

Patti Osborn 2-2-11
Patti Osborn, Chairperson Date:

Attest: Alan Christy 2-2-11
Alan Christy, Director Date: