

**ELMORE COUNTY PLANNING AND ZONING COMMISSION**  
**War Memorial (American Legion Hall), 515 East 2<sup>nd</sup> South Street, Mountain Home, ID**  
**83647**

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**Wednesday, August 20, 2014 at 7:00pm**

**Agenda**

**PLEASE SILENCE CELL PHONES**

**CALL TO ORDER**

**ESTABLISH QUORUM**

- |   |   |
|---|---|
| <input type="checkbox"/> Chairperson Patti Osborn       | <input type="checkbox"/> Vice-Chairperson K.C. Duerig |
| <input type="checkbox"/> Debbie Lord                    | <input type="checkbox"/> Betty Van Gheluwe            |
| <input type="checkbox"/> Sue Fish                       | <input type="checkbox"/> Ed Oppedyk                   |
| <input type="checkbox"/> Shane Zenner                   | <input type="checkbox"/> Jeff Blanksma                |
| <br>  |   |
| <input type="checkbox"/> Attorney of Record Phil Miller |   |

**PLEDGE OF ALLEGIANCE**

**ITEMS FROM THE PUBLIC**

**FCO and MINUTES**

- FCO for Case Number: CUP-2014-10 Red Baron Estates Pilot's and Homeowner's Association.
- Minutes from 08-06-2014.

**INFORMATION ITEMS**

- Memo for Recreational Vehicles
- Upcoming P & Z Schedule.

**MEETING ADJOURNED**



4. Public Hearing was held on June 18, 2014, hearing was tabled until July 16, 2014 in order to establish if the applicant has the legal authority to ask for the amendment.
5. Public Hearing was held on July 16, 2014, hearing was continued until August 6, 2014 for deliberations.
6. Public Hearing was held on August 6, 2014 for deliberations.
7. The property is located within an Agriculture (Ag) Zone, Wildfire Urban Interface (WUI) Overlay and Oasis Community District Overlay.
8. The surrounding land uses are residential, agricultural grazing and wrecking yard.
9. The Commission found the proposed use will, in fact, constitute an allowed conditional use in that zone, as determined by the Land Use Matrix and Zoning District regulations Chapter 8, Table 6-8-11 (C) and section 6-27-2 B of the Elmore County Zoning and Development Ordinance.
10. With the additional conditions the Commission found the proposed use will be in accordance with goals and objectives of the Comprehensive Plan and with all the applicable provisions of the Zoning and Development Ordinance.
11. With the additional conditions the Commission found the proposed use will comply with all applicable County Ordinances.
12. With the additional conditions the Commission found the proposed use will be served adequately by existing essential public facilities and services such as highways, streets, schools, police and fire protection, drainage structures, refuse disposal, water and sewer or the person responsible for the establishment of the proposed conditional use shall adequately provide any such services. A water tank for fire suppression has been installed.
13. The proposed use will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets. There will be no new approaches needed or constructed.
14. With the additional conditions the Commission found the proposed use will be designed, constructed, operated and maintained to be harmonious with the existing or the intended character of the general vicinity and such use will not change the essential character of the same area.
15. With the additional conditions the Commission found the proposed use will not be hazardous or disturbing to existing or future neighboring uses. The Commission found that an agreement would be necessary with neighboring property.
16. With the additional conditions the Commission found the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Any improvement will be at the cost of the applicant.
17. With the additional conditions the Commission found the proposed use will not involve uses, activities, processes, materials, equipment or conditions

of operation that will be detrimental to any persons, property or the general welfare by reason of the environment, or excessive production of traffic, noise, smoke, fumes, glare, or odors.

18. The proposed use will not result in destruction, loss or damage of a natural or scenic feature of major importance.

Based on the foregoing **FINDINGS OF FACT**, the Elmore County Planning and Zoning Commission hereby makes the following:

### **CONCLUSIONS OF LAW**

1. The requirements of Idaho Code Section §67-6509 have been met.
2. The action taken herein does not violate Chapter 80 of Title 67 of the Idaho Code.
3. The applicant has met the requirements of the Zoning and Development Ordinance Chapter 27 for a Conditional Use Permit as shown above in the findings of fact.

Based on the forgoing **CONCLUSIONS OF LAW**, the Elmore County Planning and Zoning Commission hereby enters the following:

### **ORDER**

The application for a Conditional Use Permit to amend an existing Conditional Use Permit CUP-2004-10 located in the S2NE4, NE4SE4, Section 30, Township 1 South, Range 5 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

### **ADDITIONAL CONDITIONS**

1. Failure to comply with this amendment or any previously approved applicable conditions may result in revocation of the conditional use permit.
2. Conditional Use Permit will not be in effect until all outstanding fees and taxes have been paid in full by all members of the Red Baron Estates Pilot's and Homeowner's Association.
3. Each homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.
4. Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates unless approved through a separate Conditional Use Permit.

- 5. Conditional Use Permit will not be in effect until an agreement is in place between Red Baron Estates Pilot's and Homeowner's Association and Sole Rest Creek Home Owner's Association
- 6. Expansion will comply with all State and Federal Regulations.

**COMMISSION VOTE:**

CHAIRPERSON PATTI OSBORN	VOTED AYE
VICE CHAIRPERSON K.C. DUERIG	VOTED AYE
DEBBIE LORD	VOTED AYE
SUSAN FISH	ABSENT
BETTY VAN GHELUWE	VOTED AYE
SHANE ZENNER	VOTED AYE
ED OPPEDYK	ABSENT
JEFF BLANKSMA	VOTED AYE

\_\_\_\_\_  
Patti Osborn, Chairperson

**ATTEST:**

\_\_\_\_\_  
Alan Christy, Director

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\*Effective at 12:01 A.M. on the \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\*Note            A decision made by the Elmore County Planning and Zoning Commission may be appealed by any affected or aggrieved party to the Board of Elmore County Commissioners provided the appeal application and fee is submitted within ten (10) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

\*Note            A request for reconsideration on a Commission decision may be made within ten (10) calendar days of the Commission action. The Commission shall only consider such reconsideration once good cause includes but is not limited to:

- 1. The party requesting reconsideration has new or additional relevant information; and

2. The relevant information was not previously presented and is in response to something brought up at the previous hearing; and
3. The information was not previously available.

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, August 6, 2014 at 7:00 pm**

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairperson K.C. Duerig, Shane Zenner, Jeff Blanksma, Betty Van Gheluwe, and Debbie Lord. Also present were Attorney of Record Phillip Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

**Deliberations for Red Baron Estates Pilot's and Homeowner's Association to Amend an existing Conditional Use Permit CUP-2004-10 in a Agriculture (AG) Zone. Case Number: CUP-2014-10. The site is located in the S1/2 NE1/4, NE1/4 SE1/4, Section 30, Township 1 South, Range 5 East, B.M.**

Osborn stated she would like to address Miller's letter regarding the taxes.

Duerig stated that the applicant is the Red Baron Pilot's Association and they don't owe taxes so he does not see this as an issue.

Lord stated that she has an issue with the fact that they won't sign an avigation agreement with the Soles Rest Homeowner's Association.

Van Gheluwe stated that putting together an avigation agreement would make it harmonious with both sides.

Osborn stated that she disagrees with Duerig on the tax issue because it was testified to later in the hearing by Castle that they wanted the wording to say guests instead of guest because it was as a whole meaning all of the homeowner's which includes everyone in there. She stated that they are all individually equally responsible for the taxes in the homeowner's association.

Miller stated that the permit can be conditioned on having the taxes paid.

Blanksma stated that there was a very similar amendment to this conditional use permit in 2010 that was denied. He asked if this falls under the new ordinance or are there any conditions that will apply now that did not apply then and what makes this application different than the one applied for previously.

Christy stated that the ordinance was amended and restated in 2012 and there were a number of changes with that. He stated that there is a section in the ordinance that allows applicants to reapply one year after a denial. He stated that there have been 3 amendments to the ordinance since then.

Duerig stated that one of the recommended conditions is that all outstanding fees and taxes must be paid in full. He stated that he believes this a broad statement. He asked Miller if that condition could be worded as such that the taxes and fees by all members of the association be paid in full.

Miller stated that this can be done.

Commission consensus was that that they wanted an avigation agreement between Red Baron and Soles Rest Subdivisions.

Lord stated that she has a concern that this may not get done after the approval and this would lead to more issues.

Osborn asked Miller what the options were at this point.

Miller stated that they could simply deny the amendment, they could table it, or it can be included in the conditions that an avigation agreement has to be submitted to Planning and Zoning within a certain period of time. That will give a little bit of certainty on this.

Duerig stated he would be comfortable with the permit not being valid until those taxes are taken care of. He stated that they are still going to have their original conditional use permit to comply with.

Miller stated that if they want to write it that way then once that the county sees the taxes paid and the avigation agreement then the director could write a letter to them saying the conditions have been met and then start executing the amended permit.

Lord moved to approve this application as it meets the 12 standards for a CUP with the following additional conditions:

- Failure to comply with this amendment or any previously approved applicable conditions may result in revocation of the conditional use permit.
- Conditional Use Permit will not be in effect until all outstanding fees and taxes have been paid in full by all members of the Red Baron Estates Pilot's and Homeowner's Association.
- Each Homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.
- Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates unless through a separate conditional use permit.
- Conditional Use Permit will not be in effect until an agreement is in place between Red Baron Estates Pilot's and Homeowner's Association and Soles Rest Creek Homeowner's Association.
- Expansion will comply with all State and Federal Regulations.

Van Gheluwe seconded.

Osborn took a roll call vote:

Zenner-AYE

Van Gheluwe-AYE

Blanksma-AYE

Lord-AYE

Duerig-AYE

Osborn-AYE

Motion carried unanimously.

## **Minutes**

Minutes from 07-16-2014.

Duerig moved to approve.

Van Gheluwe seconded.

Motion carried unanimously.

Upcoming P & Z Schedule

Christy stated that the next public hearing will be held August 20, 2014. He stated due to the Labor Day Holiday there will be only one meeting in September and that will be on September 17, 2014.

**MEETING ADJOURNED**

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Patti Osborn, Chairperson

Date:

Attest: \_\_\_\_\_  
Alan Christy, Director

Date: