ELMORE COUNTY PLANNING AND ZONING COMMISSION
Elmore County Courthouse, Commissioners Room, 150 South 4th East Street, Mountain Home, ID 83647

Friday October 3, 2014 at 10:00am
Agenda
PLEASE SILENCE CELL PHONES

CALL TO ORDER

ESTABLISH QUORUM

- ☐ Chairperson Patti Osborn
- ☐ Debbie Lord
- ☐ Sue Fish
- ☐ Shane Zenner
- ☐ Vice-Chairperson K.C. Duerig
- ☐ Betty Van Gheluwe
- ☐ Ed Oppedyk
- ☐ Jeff Blanksma

- ☐ Attorney of Record Phil Miller

PLEDGE OF ALLEGIANCE

SPECIAL PUBLIC HEARING

- **The Planning and Zoning Commission may add additional meeting items at the start of the meeting.**

PUBLIC MEETING

- Extension for Case Number: CUP-2013-02 Grand View Solar PV Two, LLC

FCO and Minutes

- Minutes from September 17, 2014
- Recommendation for CPA-2102-01

INFORMATION ITEMS

- Upcoming P&Z Schedule

Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 ext.254
Fax: (208) 587-2120
www.elmorecounty.org

Alan Christy
Director

Tell Riley
Building Official / Code Enforcer

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative Assistant

Staff Report to the Planning and Zoning Commission

Meeting/Hearing Date: 10/03/14 **Date Report Compiled:** 09/18/14

Agenda Item: Extension request for a Conditional Use Permit Application for a proposed solar electric generating facility. Case # CUP-2013-02

Applicant: Grand View Solar PV Two, LLC
515 N. 27th Street
Boise, ID 83702

Case Number: CUP-2013-02 – Extension

Staff: Beth Bresnahan

Location: SE1/4 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 Frederick Road, continue for approximately 1 ½ miles to the northeast corner of the site.

Zoning: Agriculture

Parcel Number(s): RP 05S04E053020 A and RP 05S04E045410 A

BACKGROUND

The Conditional Use Permit was granted on March 20, 2013 and effective on March 30, 2013 for a period of 2 years. Extensions are granted by the Planning and Zoning Commission pursuant to section 6-26-6 of the Elmore County Zoning and Development Ordinance.

The Director has determined that a public hearing is not required because there have been no land use changes in the vicinity and no hazardous situations have developed or been discovered in the area. No agencies and no one from the public have been notified of the extension request.

Conditional Use Permits are allowed only one extension and they are good for one year from the effective date on the approved FCO.

The fees for the extension request have been paid and the application was filed with the Land Use and Building Department on September 17, 2014.

If the applicant fails to meet the required conditions within one year the Conditional Use Permit will become null and void. If more time is required the applicants will have to re-apply for a Conditional Use Permit under the current ordinance.

ATTACHMENTS

1. Approved FCO for CUP-2013-02.
2. Application requesting extension.

STAFF RECOMMENDATION

Staff recommends **approval** of the request for a one year extension to March 30, 2016 for the following reasons:

1. Applicant provided the justification for an extension.
2. The application was filed within the required timeframe.
3. All fees have been paid.
4. There have been no changes in the vicinity.

ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

520 E 2nd South – Mountain Home, ID 83647 – (208) 587-2142
www.elmorecounty.org
Application for Extension of Approval
$500

Please attach additional sheets of paper if necessary. **Do not fax!** Please complete in **INK.**

Name: Grand View PV Solar Two, LLC

Address: 515 N. 27th Street, Boise, ID 83702

Email / Phone: Email: robertapaul08@gmail.com Phone: 760-861-1104

Case # and Background:

Conditional Use Permit #CUP-2013-02 has been issued to Grand View PV Solar Two, LLC on March 30, 2013

Reasons for extension:

Construction is set to begin in 2015, which due to timing will require an extension of the Conditional Use Permit. With the extension, the project will be able to finalize design and move in to construction.

Improvements: None

Previous Extensions: None

Planned Completion Date: Construction commencement summer 2015.

Signature:

Printed Name: Robert Paul

For Administrative Use Only

File Number: CUP-2013-02

Fee: $500 Date Paid: 9-16-14

Receipt Number: 20-09986

Date Accepted: 9-16-14 By: BBB

BEFORE THE PLANNING AND ZONING COMMISSION OF ELMORE COUNTY

IN RE: CUP-2013-02	)	
Conditional Use Permit	)	
For a Solar Electrical	)	**FINDINGS OF FACT**
Generating Facility	)	**CONCLUSIONS OF LAW**
	)	**AND ORDER**
	)	
	)	
	)	
Applicant:	)	

Grand View Solar PV Two, LLC
515 N. 27th Street
Boise, ID 83702

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 6th day of March, 2013, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a proposed solar electrical generating facility. Property is located in SE1/4 of Section 6, Township 5 South, Range 4 East, B.M., and is zoned Agriculture (Ag). The Commission heard from the applicant in support of the application. The Commission received written testimony and information in regards to the application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to them. Based upon all this information, the Planning and Zoning Commission now makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The applicant has applied for a Conditional Use Permit for a proposed solar electrical generating facility in SE1/4 of Section 6, Township 5 South, Range 4 East, B.M.
2. Notice of public hearing was sent to surrounding property owners and agencies on February 8, 2013, published in Mountain Home Newspaper on February 13, 2013 and posted on property on February 26, 2013.
3. The property in question is zoned Agriculture (Ag), pursuant to the Zoning and Development Ordinance of Elmore County.
4. The property is designated general agriculture/grazing "Ag" as a land use classification in the duly adopted Elmore County Comprehensive Plan.
5. The existing land uses in the immediate area of the property in question are agriculture and BLM.
6. The proposed conditional 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 of the Elmore County Zoning and Development Ordinance.

7. The proposed conditional 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.
8. The proposed conditional 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.
9. The proposed conditional 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. Access will be off of Highway 67 and Frederick Road.
10. The proposed conditional 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. There will be limited visibility from public roads and highways.
11. The proposed conditional use will not be hazardous or disturbing to existing or future neighboring uses.
12. The proposed conditional 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.
13. The proposed conditional 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.
14. The proposed conditional use will not result in destruction, loss or damage of a natural or scenic feature of major importance.
15. Similar projects were approved one (1) mile to the east in March 2010.
16. This parcel has an approved variance for lot coverage in agriculture zone.
17. Previous approved conditional use permit that has expired.

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 for a solar generating facility located in SE1/4 of Section 6, Township 5 South, Range 4 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. The proposed use will comply with all the requirements of section 6-8-95 of the Elmore County Zoning and Development Ordinance.
2. All outstanding fees, if any, must be paid prior to the issuance of an Elmore County building permit.
3. The proposed use will be constructed in substantial conformance with the master site plan.
4. Prior to the issuance of a building permit, an overall site plan must be approved by the County Engineer to ensure drainage and storm water management is adequate.
5. Failure to comply with any of the conditions will result in revocation of the Conditional Use Permit.
6. Granted approval for a period of two (2) years.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	VOTED AYE
VICE CHAIRPERSON K.C. DUERIG	VOTED AYE
DEBBIE LORD	VOTED AYE
BETTY VAN GHELUWE	VOTED AYE
SUE FISH	VOTED AYE
JIM MARTIN	VOTED AYE
ED OPPEDYK	VOTED AYE
JEFF BLANKSMA	VOTED AYE

Patti Osborn

Patti Osborn, Chairperson

ATTEST:

Alan Christy

Alan Christy, Director

DATED this 20th day of March 2013.

*Effective at 12:01 A.M. on the 30th day of March 2013.

*Note A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal is submitted in writing to said Board within ten (10) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Growth and Development Department or the Elmore County Clerk.

BEFORE THE PLANNING AND ZONING COMMISSION OF ELMORE COUNTY

IN RE: File # CPA-2012-01	)	
	)	
2014 updated and amended Comprehensive Plan for Elmore County.	)	
	)	
	)	
	)	
	)	
	)	
	)	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION**
	)	
	)	
	)	

Applicant: **Elmore County**
520 E 2nd South
Mountain Home, ID 83647

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 17th day of September, 2014, for a public hearing, held pursuant to public notice as required by law, on a request for an amendment to the comprehensive plan initiated by Elmore County to amend and update the Comprehensive Plan for Elmore County. The Commission heard testimony from Elmore County personnel in support of the application. The Commission received written comments from the impacted agencies in regards to the application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to them. Based upon all this information, the Planning and Zoning Commission now makes the following Findings of Fact:

FINDINGS OF FACT

1. Notice of public hearing was sent to all agencies and political subdivisions with jurisdictions in Elmore County on August 20, 2014.
2. Notice of public hearing was published in the Mountain Home News on August 27, 2014 and September 3, 2014.
3. Public Meetings were held on December 12, 2012 for City of Mountain Home, May 29, 2013 for Area of City Impact for Mountain Home, July 10, 2013 in Oasis, July 11, 2013 for Mountain Home Air Force Base, July 31, 2014 for the Pine, Featherville, Fall Creek, Rocky Bar, Atlanta area, September 11, 2013 for the Prairie area, September 25, 2013 for the Mayfield area, and October 23, 2013 for the Glenns Ferry, King Hill, Hammett area.

4. There has been no testimony stating that the comprehensive plan amendment will be detrimental to the public health, safety and welfare.
5. There has been no testimony stating that the comprehensive plan amendment will have any adverse impact upon the delivery of services by any political subdivision providing services to the County.
6. The comprehensive plan amendment will amend the 2004 Comprehensive Growth and Development Plan adopted on August 9, 2004 and amended on December 3, 2007 and June 22, 2011.

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

CONCLUSIONS OF LAW

1. The amendment and update to the Comprehensive Plan of Elmore County has met the requirements of Chapter 4 of the Elmore County Zoning and Development Ordinance.
2. The action taken herein does not violate Chapter 80 of Title 67 of the Idaho Code.
3. The requirements of Idaho Code §67-6509 have been met.

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

RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

The comprehensive plan amendment shall be sent to the Board of Elmore County Commissioners, with changes to map #3 of all state land having one distinction, a recommendation of **approval**.

COMMISSION VOTE:

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

_____

Patti Osborn, Chairperson
Elmore County Planning and Zoning Commission

DATED this _____ day of _____ 2014

ATTEST:

_____

Alan Christy, Director

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

MINUTES
Wednesday, September 17, 2014

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Receive testimony for the 2014 updated and amended Comprehensive Plan for Elmore County

Christy gave staff report and background. He stated that the update to the comprehensive plan was initiated by Elmore County. He stated that there were 6 letters for the record received. One letter was received just today. He stated that a letter from Bill Richey had 2 proposed changes. Christy stated that he has incorporated those changes. He stated that a letter from the Department of Environmental Quality (DEQ) was just their canned letter and that he did not think it was relevant. He stated a letter of support was sent from Dave Bergh and the Military Affairs Committee. He stated that he received a series of emails from Blake Watson and the changes he requested and those changes have been incorporated into chapter 8 of the comprehensive plan minus his request for LEED certified buildings as the process for that is very expensive. He stated that he received information emails from Byron Schmidt and Jim Morrison. He stated that in the letter from the Department of Lands it stated that the information from the assessor's office seems to conflict with what they have. Christy stated that there are two options, label everything state of Idaho lands and leave it at that or make the update to where the assessor and the Department of Lands are happy and make that change before it goes to the board of county commissioners.

Miller stated that in the letter they point out that endowment lands are not managed by the public at large and should not be referred to as public lands or open lands, they are working lands producing revenue for the beneficiary institutions. He stated from that point of view if you are identifying land use patterns it might be useful to designate the endowment lands as anybody who is looking at that is on notice that they are really not managed the same as state land.

Christy proposed that on the map in the legends just have state lands one color. He stated that it's typically turquoise and make the changes with any recommendation that goes forward with the board of county commissioners.

Commission action:
Lord moved to recommend approval and forward to the board of county commissioners with the changes noted by staff.
Van Gheluwe seconded.

Minutes
Minutes from 08-20-2014
Duerig moved to approve.
Blanksma seconded.
Motion carried with Van Gheluwe abstaining as she was absent for this meeting.

INFORMATION ITEMS
Upcoming P & Z Schedule
Christy stated that there will be a public meeting on Tuesday September 30, 2014 at the Pine Senior Center. He stated that he will have a draft ordinance regarding recreational vehicles in that area. He stated that there is nothing scheduled for the regular meeting on October 1, 2014 so he suggests this meeting be cancelled.
Van Gheluwe moved to cancel the October 1, 2014 meeting.
Lord seconded.
Motion carried unanimously.
Christy stated that there has been a time sensitive application that has come in and Thursday October 2, 2014 was the first available date they could have the hearing with the notice requirements. He stated that this meeting will be at 7:00 pm in the upstairs courtroom at the courthouse. He stated that if this application is approved or denied they will need a finding as soon as possible so there is another meeting scheduled for Friday October 3, 2014 at 10:00 am in the commissioners room at the courthouse.

MEETING ADJOURNED

Draft

_____

Patti Osborn, Chairperson Date:

Attest: _____

Alan Christy, Director Date: