

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, June 18, 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, Debbie Lord, Betty Van Gheluwe, Ed Oppedyk, and Sue Fish. Also present were Attorney of Record Phillip Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

**Servando and Josefina Tapia for a Conditional Use Permit to subdivide property into a 2-lot subdivision in a Agriculture (Aq) Zone. Case Number: CUP-2014-09. The site is located in the NW1/4 NW1/4 Section 10, Township 4 South, Range 6 East, B.M.** A common means of locating the property is from Air Base road turn south on to Highway 51, turn right on to Old Grandview Highway, approximately ¼ mile turn right on to SW Corona Dr., property is located at 3355 SW Corona Dr.

Bresnahan gave staff report and background.

The applicant did not wish to testify.

There was no one signed in to testify.

Osborn closed this public hearing.

**Commission action:**

Lord stated that there is BLM land on 2 sides of this property and she would recommend a condition that the perimeter be fenced to keep livestock out.

Oppedyk moved to approved with the condition requiring fencing to keep livestock out.

Van Gheluwe seconded.

Motion carries unanimously.

**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.** A common means of locating the property is from Interstate 84 take exit 74, turn north on Simco Rd. to Desert Wind Rd., turn right on Desert Wind Rd., travel approximately 3.7 miles to Piper St. Property is on the North side of Desert Wind Rd.

Christy stated that staff received some additional information from attorney Phil Miller. He stated that at this time staff would recommend tabling this application to a date certain in an attempt to

have the applicants provide additional information and give staff and legal counsel time to review any submitted documentation.

Miller stated that after reviewing the staff report and looking at the past history and the conditional use permits in this case they are under the name of Hennis and Casper; and Hennis, Casper, and the pilots association. He stated that this application for amending the conditional use permit is by The Red Baron Estates Pilot's and Homeowner's Association. He stated that usually the developer gets a conditional use permit and the permit runs with the property. He stated that at this point from the materials in front of him he cannot tell exactly what the relationship with Homeowner's and Pilot's Association is with the developers. He stated that he did notice that in the packet there is some information about a lawsuit which lists the Homeowner's and Pilot's Association as a nonprofit corporation. He stated to the best of his knowledge the commission members have not had time to review the bylaws or any documents which set up the Pilot's Association to make sure it actually has the legal authority to act as the permittee for the conditional use permit. He stated that in addition normally on something like this the corporation or the homeowner's association have some formalities that they go through. He stated that the application was signed by the secretary and we do not know at this point whether the secretary had the authorization to do that, whether the directors have the authority within their bylaws to ask for amendments, and to manage the airport out there. He stated that we don't know under the bylaws if it would require a vote of the members or anything like that. He stated that before they can get to any factual issues involved in this amendment his recommendation is to back up and look at some of the basic facts and to make sure that the pilot's association has the legal authority to ask for this amendment.

Osborn asked if there were any questions for Miller regarding his recommendation.

There were no questions.

Christy stated that there is a regular meeting for the P&Z on July 16, 2014. He asked Miller what the notification requirements would be for tabling this.

Miller stated that the case law says for a public hearing if you table or continue to a date certain that acts as notification. He stated that the commission can request that staff re-notice the public hearing.

Duerig stated that it would be advantageous to re-notice because this may be a contentious issue.

Duerig moved to table this public hearing to a date certain of July 16, 2014.

Oppedyk seconded.

Motion carried unanimously.

Due to some confusion in the crowd Miller re-stated what information was needed and why the public hearing was tabled.

Osborn stated that there would be a 5 minute recess to allow people to leave the meeting.

Osborn called the meeting to order after the recess.

## **PUBLIC MEETING**

### **Preliminary Plat for SUB-2014-02 Elk Valley Subdivision #2**

Christy gave staff report and background.

Duerig moved to approve with the following conditions:

Approved

Approved

1. All improvements, including road turnarounds must be completed or bonded prior to recording of final plat. If turnarounds are not constructed a full 60' easement must be recorded for all roads on the final plat.
2. Final Plat must be recorded within 2 years.

Fish seconded.

Motion carried unanimously.

## **Minutes**

Minutes from 05-21-2014

Lord moved to approve.

Duerig seconded.

Motion carried with Van Gheluwe abstaining as she was not present at this meeting.

## **NEW BUSINESS**

Upcoming P & Z Schedule

Christy stated that July 16, 2014 is the next scheduled meeting due to the Fourth of July holiday. He stated the comprehensive plan meeting will be held August 6, 2014.

## **MEETING ADJOURNED**

Approved

Approved



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Patti Osborn, Chairperson



\_\_\_\_\_  
Date:



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



\_\_\_\_\_  
Date: