

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

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.

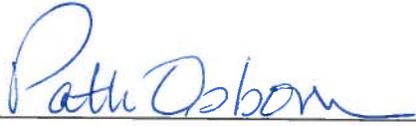
Upcoming P & Z Schedule

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

Approved

Approved



Patti Osborn, Chairperson



Date:



Attest:
Alan Christy, Director



Date: