

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**  
**Wednesday, July 13, 2016 at 7:00 pm**

Chairperson Patti Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairman K.C. Duerig, Jeff Blanksma, Ed Oppedyk, Sue Fish and Dave Holland. Also present were Attorney of record Phil Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

**PLEDGE OF ALLEGIANCE**

**DELIBERATIONS**

**Cat Creek Energy, LLC for a Conditional Use Permit for transmission lines in the Agriculture and Area of Critical Concern Overlay Zones. Case Number: CUP-2015-03.** The site is located in portions of Sections 26 and 35, Township 1N, Range 9E, B.M., Sections 2, 3, 10, and 11, Township 1S, Range 9E, B.M. A common way of locating the property is from Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

**Cat Creek Energy, LLC for a Conditional Use Permit for pump storage hydro electrical generating facility in the Agriculture and Area of Critical Concern Overlay Zones. Case Number: CUP-2015-04.** The site is located in portions of Sections 26, 27, 35, and 36, Township 1N, Range 9E, B.M., and portions of Sections of 1 and 2, Township 1S, Range 9E, B.M. A common way of locating the property is Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

**Cat Creek Energy, LLC for a Conditional Use Permit for a PV solar electrical generating facility in the Agriculture Zone. Case Number: CUP-2015-05.** The site is located in portions of Sections 2, 3, 10, and 11, Township 1S, Range 10E, B.M. A common way of locating the property is Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

**Cat Creek Energy, LLC for a Conditional Use Permit for a wind turbine electrical generating facility in the Agriculture and Area of Critical Concern Overlay Zones. Case Number: CUP-2015-06.** The site is located in portions of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 21, 22, 28, 29, 30, 31, 32, and 33, Township 1S, Range 10E, B.M., Sections 19, 20, 28, 29, 30, 31, 32, and 33, Township 1N, Range 10E, B.M., Sections 25, 26, 27, 35, and 36, Township 1N, Range 9E, B.M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, Township 1S, Range 9E, B.M. A common way of locating the property is Mountain Home travel

US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

**Cat Creek Energy, LLC for a Conditional Use Permit for a substation in the Agriculture Zone. Case Number: CUP-2015-07.** The site is located in portions of Sections 2 and 11, Township 1S, Range 9E, B.M. A common way of locating the property is Mountain Home travel US 20 north for 25.4 miles to Wood Creek Road. Center of projects is approximately 3.2 miles north on Wood Creek Road.

Osborn stated that these hearings were heard together as one project with the consent of the applicant with the applicant stating that none of the projects were stand-alone projects. She stated that all of the deliberations are going to be specific to all five conditional use permits.

Osborn read the procedures for these deliberations.

The required findings for a conditional use permit are listed in the county ordinance in section 6-27-7 and each of those will need to be reviewed individually. She stated that it would be good for each commission member to deliberate on the standard and state if it meets those standards and if there are pros or cons and why.

1. Does the proposed usage shall in fact constitute a conditional use as determined in chapter 8 table 6-8-11 C Elmore County land use table as contained in the ordinance?

Commission consensus is that it does meet this standard.

2. Is the proposed use in harmony and in accordance with the Elmore County comprehensive plan and this ordinance Title 6?

Osborn stated specifically was it in harmony, neutral? Private property rights? Does this application, one or all of them, infringe on the rights of others? She stated to keep in mind the comprehensive plan stating that property owners shall not use their property in such a way that negatively impacts the surrounding neighbors or neighborhoods. She stated that there was some testimony that may contradict that this does cause negative impacts as it was testified to that they would be impacted.

Duerig stated that he wanted to comment on the solar aspect regarding the neighbors to the south of the project. He stated that they stated that it would impact them both economically and physically as far as their view is concerned. He stated that he does have a suggestion that may mitigate that. He stated that the applicants could put in a hedge type windbreak along the southern border of the solar project and that would give the landowners to the south something besides the solar panels to look at and would not obstruct the view of the mountains that is part of their attraction to their business. He stated that it would have to be a certain height but not that tall.

Fish asked how high the solar panels would be since it was not testified to in the public hearing.

Duerig stated that a tall hedge that is 10 feet will help from seeing anything really on the other side of that hedge so even if the panels are a little bit higher you'd have to be at the top of the hedge to look over it.

Holland asked what the height of the panels are?

Fish stated that she did not find it in any of the information provided by the applicant.

Duerig stated that the economic impact to the neighbors to the south is that customers come in to the RV Park is scenery and with solar panels that close to it would negatively impact and reflect on the desirability for people to come in.

Blanksma stated that when it comes to considering comprehensive plan in the scenic area objectives it encourages the preservation of scenic areas for their natural beauty. He stated it's obvious a project of this scale is going to permanently altar the scenic features of this area permanently and that must go into consideration.

Holland stated that he would agree and he does not believe a hedge is tall enough to hide a windmill.

Duerig stated that he did not hear any testimony about the windmills impacting economically.

Osborn stated that there was. She stated that there was testimony regarding the recent economic report from the city of Mountain Home that one of the major draws to the this area is the scenic corridor of Hwy 20 and it was advised as something that should be advertised and the windmills would certainly change that scenic value.

Osborn asked if the proposed use was in harmony with and in accordance with the Elmore County Comprehensive Plan based on what has been deliberated thus far.

Miller stated that he does not know if the commission has finished its discussion on all the comp plan goals and whether they want to discuss anything else or not.

Osborn stated there are the land use objectives stating to determine land use compatibility and impact on the surrounding areas.

Miller stated that water objectives are something to consider as well.

Osborn stated that it was testified to by the applicant that their goal was to protect water quality. She stated there are currently studies being done by the Bureau of Reclamation but those have yet to be completed.

Fish stated that water temperature affecting the fish is a huge concern and reading through the Wildlife Mitigation Plan it seemed it was played down.

Duerig stated that there was testimony that they would be pumping water from the bottom of the reservoir which would be the most consistent temperature and when discharged it would also be

down at the bottom so their thought seemed to be that this would minimize any temperature variation. He stated that the water on top would be much warmer but they would be putting it back in at the coldest point.

Osborn stated that we are all presuming that the water is there to be had in the first place and they talk about the spillage and attempting to adjudicate that spillage but they are probably in a long line of a lot of folks in the Treasure Valley and perhaps farmers in this area awaiting water rights so that would be something that they would try to do.

Miller stated that obtaining a water right is something they would absolutely have to do.

Oppedyk stated that he has spoken to many farmers that have said the spill water goes out and it is taken out of their water right so the spill water is really spoken for by them and can be contained so there will be a long line.

Miller stated that this is something that they should be thinking about in this proceeding.

Osborn stated that it does go to the viability of the whole thing.

Miller stated that this commission does not decide on the viability of a project just whether it complies with the land use ordinance and the local land use planning act.

Osborn read through the comprehensive plan goals and objectives.

#### Economic contributions of fish and wildlife based recreation.

Fish stated that there are dozens of boats on the lake in the morning fishing and as the day heats up you have the recreational users. She stated that it is heavily used.

Osborn stated it would be the belief of the commission that the project would sustain the existing fish and wildlife habitats necessary to provide quality fish and wildlife recreation.

Oppedyk stated that he believes it would.

Fish stated that she has her doubts.

Holland stated that the bull trout are endangered and very susceptible to temperature change and that it will be watched very closely but otherwise he believes it to be sustainable.

Blanksma stated that he believes that while the construction of this will change the landscape, migration patterns and water temperature, the creation of a 50,000 acre foot reservoir could possibly create a habitat.

#### Public agency input on proposed land and water development projects potentially impacting the wildlife habitat.

Osborn stated that they did receive some information from fish and wildlife and they did state that the information provided to them was inadequate and somewhat backwards as typically the federal and state permits are already in place prior to the local permits.

Duerig stated that the applicants did state that they wanted to start at this level prior to state and federal. He stated that he does not believe that there is any requirement that federal permits be in place first as it can be conditioned. He stated that this will change migration patterns but he does not see that this will cause the deer and elk to go extinct but it may be a little more difficult for the hunter to figure out where they are in the fall.

Miller stated that the commission can consider conditions of approval aimed at avoiding mitigation and adverse impacts.

Duerig stated that they could require that all reforestation be to maximize benefit to wildlife.

### **Scenic Area Goals**

Promote the preservation of natural scenic areas for the use and benefit of both present and future generations.

Fish stated that she believes the turbines in particular are a negative to the scenic area.

Duerig asked if there were any way to require that they pick sites that have a minimal impact on the corridor for the wind turbines.

Osborn stated that proposed locations are on both sides of the highway.

### **Hazardous Area Objectives**

Discourage development in or near natural hazardous areas such as airports, powerline corridors, electrical substations, floodplains, unstable soil areas, steep slope, high velocity winds and storm prone areas except for industries which may require these conditions.

Fish stated that when she was reading through where they were going to put their wind turbines the applicants were saying that some of the areas will be at more than a 50% incline and the soils will wash down if there is a downpour once it is disturbed.

### **Public service objectives**

Water supply and conservation to protect local water resources.

Osborn stated that if this plan comes to fruition and the water storage is there, there is potential that residents below will benefit.

Duerig stated that they've mentioned downstream irrigation so local people may be able to access water at a price which could potentially be a positive economic impact to the county.

Support water development and conservation projects on the Boise River and other watersheds within the county.

Commission consensus is that this is what the applicant is proposing.

Guide growth to the areas of the county where there is adequate water for development.

Commission consensus is that this is what the applicant is proposing.

**Public Service Objectives: Electrical Power**

Work with the Idaho Power Company to promote the development of energy services and public facilities to meet public needs.

Osborn stated that there is no contract in place with any electrical company at this time. She stated that one gentleman from Bonneville Power said there has been very preliminary conversations but nothing firm or otherwise at this point.

Support siting of utility to ensure that they connect to similar facilities in adjacent jurisdictions.

Commission consensus is that this is what the applicant is proposing.

Recognize a need for long range planning and buildout of electrical infrastructure as detailed in the Eastern Treasure Valley Electrical Plan as developed by the Local Community Advisory Committee.

Commission consensus is that this is what the applicant is proposing.

Recognize that the Eastern Treasure Valley Electrical Plan is the first step in planning for new and upgraded transmission lines and substations.

Commission consensus is that this is what the applicant is proposing.

Longer term conditional use permits to enable utilities to purchase sites well in advance in need of the facility.

Osborn clarified that this was a four year permit.

Support siting of utility corridors within defined or designated transportation corridors and allow for the appropriate placement of a facility on public rights of way.

Osborn stated that there was no specific information provided regarding that.

Support the protection of the wetlands and other critical areas and recognize that electrical facilities sometimes must cross these areas and that access is essential for the repair and maintenance of facilities.

Duerig stated this is a given if they are putting in transmission lines as they must access it.

Recognize other types of sources of energy beyond exiting electrical structure have a role to play in the future of Elmore County such as solar, wind and gas.

Commission consensus is that this is what the applicant is proposing.

Encourage the enhancement and reliability of renewable energy resources.

Commission consensus is that this is what the applicant is proposing.

Encourage developments that will maintain the esthetic and scenic value of the area with the least possible disturbance to soil, vegetation and water.

Osborn stated that this is recreation objectives.

Miller stated the comp plan standard says encourage not require.

### **Recreation Objectives**

Encourage equitable draw down of water levels in Anderson Dam consistent with irrigation and Multi use management needs.

Osborn stated that there are going to be some additional drawdowns.

Duerig stated that the impact for a drawdown on this he believes is minimal. He stated that the cycling is definitely there on a daily basis but they are only going to be pulling out of the reservoir when there is excess water being spilled.

### **Areas of Critical Concern**

To protect and preserve the unique features and land characteristics in these areas that have been designated for additional consideration.

Commission members are to refer to map to determine what parts of this project are in the area of concern.

### **Areas of Critical Concern Objectives**

Discourage encroachment on lands that contain important feeding grounds for wildlife.

Osborn stated that they would like more information that wasn't provided in the wildlife mitigation plan regarding migration for big game animals, sage grouse and fish.

To the extent possible preserve the historical and natural resources within areas of critical concern.

Recognize all areas of critical concern and promote better management of the soils, water and environment.

Develop and administer a special permit evaluation procedure for all of the development applications within any area of critical concern.

Osborn stated that the legend on the map shows the main part of the hydro is located in the area of critical concern.

### Pine, Featherville, Fall Creek Community Goals

Protect Anderson Reservoir, the South Fork of the Boise River and all waterways from the Pine, Featherville and Fall Creek community areas from incompatible land use encroachment and development.

Osborn stated that there was some testimony with concerns from residents in that area whether this project would be in the best interest of their communities.

Protect the South Fork of the Boise River watershed to preserve water quality.

Osborn stated that the Bureau of Reclamation is currently studying that.

Duerig stated that he was given the impression that the applicants were going to follow the recommendations of that study.

Fish stated that there wasn't much testimony as to the noise from pumping that water. She stated that noise could be a very objectionable thing for people recreating on the reservoir.

Oppedyk stated that they had these in California where he grew up and you could not hear anything.

Fish stated that the noise level must be under the allowable decibel level.

Oppedyk stated that this pump would be in the reservoir.

Duerig stated that if it is down underwater you are not going to hear anything but if you stand next to the penstock you may hear the water going through it.

Holland asked how long the permit is active before it expires.

Miller stated that all conditional use permits have a time period put on them regarding when it needs to be completed. He stated that if it does lap they must reapply.

Osborn stated that now that the commission has gone over all of the information on the comprehensive plan, the area of critical concern and the general standards they will now move on to the conditional use permit information.

Does the proposed use comply with the purposed statement of the applicable base zone and with the specific use standards as set forth in this chapter?

### General Agriculture

The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and uses into agricultural areas which will adversely affect agriculture operations. Uses that are compatible farming, ranching, grazing, forest products and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agriculture operations. The Ag land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated crop lands, grazing lands, forest land, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

Miller stated is this project appropriate in an Ag zone and will it have a negative impact on agricultural uses.

Duerig stated that it complies.

Oppedyk stated that it complies.

Blanksma stated that it complies.

Fish stated that she is neutral.

### Area of Critical Concern Overlay Zone

The purpose of the ACC designation is to preserve and protect natural area that are critical to the county's water and land resources. Because the base zoning is agriculture traditional farming and ranching and related agricultural uses will continue. Residential and commercial uses may also be allowed; however technical studies and an Environmental Impact Assessment may be required. Land use, lot size and density restrictions may be imposed as warranted.

Osborn stated does the portion of this project in the area of critical concern comply.

Osborn stated that she is not sure that it doesn't comply with that.

Duerig stated that commercial is allowed and that's what we are talking here.

Miller stated that the commission can attach conditions so the applicants can comply with the overlay zone.

Commission consensus is that they are neutral on this.

- Does the purposed use(s) comply with all applicable county ordinances?

Commission consensus was that it could be conditioned as such in the event that it does not.

- Does the proposed use(s) comply with all applicable state and federal regulations?

Commission consensus that it does not comply but it could be conditioned to comply.

- Is the proposed use(s) shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area?

Osborn polled the commission:

Blanksma stated that it does not meet this standard. He stated that the hydro portion does meet this standard but when you start adding substations and solar and wind turbines then we are talking about something that is drastically different than anything that is out there so in no way is that harmonious. He stated that the applicant testified that this area was in close proximity of existing solar and wind turbines but we are talking about an entirely different landscape and environmental circumstances.

Holland stated that it does not meet this standard. He stated that the towers and the lights on the windmills look like an alien landing strip at night and the applicant stated that there really is nothing they can do to mitigate that. He stated that it would definitely change the area. He stated that the hydro and maybe the solar with the suggestion of camouflaging it could keep seeing them to a minimum but the windmills are hard to get around.

Oppedyk stated that it does not meet this standard. He stated that he goes back to the reservoir more than anything else because it is desert on top of a hill. He stated that he does not believe the other things change what is there besides the scenery but adding a reservoir actually changes what is there.

Fish stated that it does not meet this standard. She stated that she thinks the wind turbines would change it. She stated we have this beautiful scenery and wind turbines would disturb it. She stated that solar might be ok but she has concerns about the water and the reservoir with the pumping as she isn't sure that is harmonious.

Duerig stated that it does not meet this standard. He stated that he believes the reservoir will change the essential nature of that area. He stated that the wind towers and the solar will have an impact on the scenic value whereas the reservoir is a physical change.

Osborn stated that it does not meet this standard. She stated that she concurs with all of her fellow commission members but specifically to the character of the general vicinity where you are in a high desert environment and now all of a sudden you have a manmade reservoir and that changes what that essence is. She stated that the wind towers are not harmonious and would not be appropriate in appearance of the area.

Miller stated that commission must state what could be done to mitigate.

Blanksma stated that there is not much that can be done to mitigate. He stated that the lights on the towers could be timed to minimize distractions but there is only so far that this board can go. He stated that his opinion is that there is really nothing that can be done that would make the facts of this project that can make is appropriate and harmonious.

Holland did not have a response.

Oppedyk stated that he does not think that there is anything that can be done to make it harmonious but he also does not think that change is necessarily a bad thing. He says you can't camouflage a wind tower.

Fish stated that you could require them to move the towers but not sure they would work in a different location. She stated that when the other reservoirs were made none of these issues were in place such as preservation as the water was needed at that time.

Duerig stated that water is still needed and so is power, it's kind of a necessary evil. He stated that you cannot disguise a wind tower but it can be suggested that the applicant priorities siting to minimize impact. He stated that camouflaging solar can be required. He stated they can require reforestation on all construction sites to return to the natural state to maximize benefit to wildlife.

Osborn stated that she does not believe the location is in harmony with the aesthetics and the essence of that area and she does not think that there is anything at this point that can be done to undo that.

- Will the proposed use(s) be hazardous or disturbing to existing neighboring uses or impede their normal development?

Duerig stated that he does not believe it will be hazardous, possibly disturbing but it is not going to impede their development because they can continue to develop on their own ground. He stated that is disturbing but the recommended mitigation to erect a camouflage fence would change the view from solar panels to vegetation.

Fish stated that this is disturbing to the RV Park south of the solar panels and she is not sure that vegetation would be adequate for mitigation.

Holland stated that he would argue that it wouldn't be necessarily disturbing as that is hearsay and is not known if members will close their memberships. He stated that it is unsubstantiated and unfortunately could only be substantiated after the fact.

Oppedyk stated that as it is presented here he has to call it disturbing as it was testified to.

Blanksma stated he does know that it is hazardous but it will be disturbing to the RV Park the construction will cause disturbance as well.

Duerig stated that the construction phase may benefit the park as the workers will need a place to stay close to the site.

Blanksma stated that his contention is that his business is based on repeat customers and after the construction is over its unlikely they will come back.

Osborn stated that it will be disturbing and during the construction it's actually hazardous unless there is significant dust abatement and all of the best construction processes in place there will be significant issues. She stated the traffic will be an issue and all the things that come along with construction. She stated on the long term she stated that the solar panels themselves would be disturbing and would impede on the potential long term viability of an existing use in the area.

Osborn took a roll call vote:

Duerig-yes it will be disturbing.

Fish- yes it will be disturbing.

Oppedyk- yes it will be disturbing.

Holland-no it will not be disturbing

Blanksma-yes it will be disturbing.

Osborn-yes it will be disturbing.

Osborn asked if there were anything that could be done to mitigate the issues.

Duerig stated dust abatement during the construction phase.

Osborn stated the potential screening of the solar.

Commission consensus was the applicant pick a different area for the wind and solar panels to mitigate.

- Is the proposed use(s) served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services?

Osborn stated that State Hwy 20 is there and it is adequate. She stated fire protection is nonexistent. She stated that the county sheriff's department is in that area. She stated that it would be all natural drainage.

Fish stated that water and sewer is not required to build.

Osborn took a roll call vote:

Blanksma-yes it does meet this standard.

Holland- yes it does meet this standard.

Oppedyk- yes it does meet this standard.

Fish- yes it does meet this standard.

Duerig- yes it does meet this standard.

Osborn- yes it does meet this standard.

- Will the proposed use(s) create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County?

Blanksma-yes it does meet this standard.

Holland- yes it does meet this standard.

Oppedyk- yes it does meet this standard.

Fish- yes it does meet this standard.

Duerig- yes it does meet this standard.

Osborn- yes it does meet this standard

- Will the proposed use(s) involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?

Osborn stated traffic would increase during construction but it's a state highway and they have their own standards and rules and this body has no jurisdiction over that.

Osborn stated that there may be potential glare from the solar panels.

Duerig stated that there are anti-glare solar panels available and it could be conditioned as such.

Miller suggested that the commission state that there is not enough information to conclude that it meets this standard but if they did have the information available it could possibly meet the standard.

Blanksma stated that he does not believe that he need more information to say that it does not meet it because common sense says the sun comes up in the east so the solar panels will be facing that way and particularly in the late fall and winter months they will be shining right off the highway. He stated that he believes the general welfare of the public is compromised based on that reason.

Fish stated that she is concerned with the noise the project will make.

Duerig stated that they would have to meet the county noise standard.

Blanksma-no it does not meet this standard with the information provided.

Holland- no it does not meet this standard with the information provided.

Oppedyk- no it does not meet this standard with the information provided.

Fish- no it does not meet this standard with the information provided.

Duerig- no it does not meet this standard with the information provided.

Osborn- no it does not meet this standard with the information provided.

- Will the proposed use(s) have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways?

Blanksma-no it does not meet this standard with the information provided.

Holland- no it does not meet this standard with the information provided.

Oppedyk- no it does not meet this standard with the information provided.

Fish- no it does not meet this standard with the information provided.

Duerig- no it does not meet this standard with the information provided.

Osborn- no it does not meet this standard with the information provided.

- Does the proposed use(s) result in the destruction, loss or damage of a natural or scenic feature of major importance?

Osborn stated that yes it does based on the testimony given at the public hearing that it would obstruct the scenic byway.

Duerig concurred.

Fish concurred.

Oppedyk stated he does not believe it results in the destruction of a feature of major importance as he does not know the specific feature.

Holland stated that it does disturb the natural scenic features as was testified to at the public hearing although some might find windmills attractive.

Blanksma stated that he does not believe anything is being destroyed.

Osborn stated that she is basing her opinion on the testimony of the report gathered from an expert and suggested that this area is a major draw for tourism as testified to in the public hearing.

Osborn asked for a roll call vote:

Blanksma-yes it does meet the standard.

Holland-no it does not meet this standard.

Oppedyk-yes it does meet the standard.

Fish-no it does not meet this standard.

Duerig-no it does not meet this standard

Osborn-no it does not meet this standard.

Osborn asked if there were any way to mitigate.

Osborn stated again from the report from economic development office as testified with the general location of this project they cannot meet the standard.

Fish stated that if they do away with the wind towers or relocate them.

Holland had no comment.

Oppedyk stated that he stated it meets the standard.

Duerig stated relocating the towers to a better physical location.

Osborn called a 5 minute recess.

Osborn called the meeting back to order.

Is the proposed use in harmony and in accordance with the Elmore County comprehensive plan and this ordinance Title 6?

Oppedyk- no it is not in accordance. He stated that it fits in there but harmoniously the problem goes back to the scenic value of the area and disturbing the neighbors land use.

Holland-no it is not in accordance. He stated that it does meet some objectives but not all of them.

Blanksma- no it is not in accordance. He stated through testimony it was stated that it would be disturbing to neighboring property owners and will negatively impact them. He stated that it would be more suitable if certain portions of this project were moved to a different location.

Duerig-no it is not in accordance. He stated that he likes the concept but the location and disturbance to neighbors will not allow it to meet the standard.

Fish-no it is not in accordance. She stated it will degrade the scenic area. She stated that it will potentially create a negative impact to the fish and wildlife in the area.

Osborn-no it is not in accordance. She stated that the water objectives are not in line. She stated that the lack of information within the application make it hard to say the water objectives would be met and the preservation of the water quality. She stated that there is not enough information in the Wildlife Mitigation Plan.

Osborn took a roll call vote:

Blanksma-no it is not in accordance with the comprehensive plan.

Holland-no it is not in accordance with the comprehensive plan.

Oppedyk-no it is not in accordance with the comprehensive plan.

Fish-no it is not in accordance with the comprehensive plan.

Duerig-no it is not in accordance with the comprehensive plan.

Osborn-no it is not in accordance with the comprehensive plan.

Roll call vote was unanimous.

### Area of Critical Concern

The purpose of the ACC zoning is to preserve and protect the natural areas that are critical to county water and land resources. Because the base zoning is Agriculture, traditional farming and ranching and related agricultural uses will continue.

Residential and commercial uses may also be allowed; however, technical studies and an Environmental Impact Assessment may be required. Land use, lot size and density restrictions may be imposed if warranted.

Osborn-Does the application proposed meet this standard?

Fish-no it does not meet the standard. She stated that the natural area should be protected.

Oppedyk-yes it does meet the standard.

Holland-stated that he does not have enough information to determine if it meets this standard.

Blanksma-stated that he believes it does meet the standard.

Duerig-yes it does meet this standard. He stated that he does not believe we are losing any critical grounds or water resources. He stated that commercial is allowed.

Osborn-yes it does meet the standard for the same reasons mentioned by Blanksma and Duerig.

Duerig moved to deny the conditional use permit applications based on the votes for the comprehensive plan, the area of critical concern and the 12 standards of which not all of the have been met.

Fish seconded.

Osborn asked for a roll call vote:

Blanksma-AYE

Holland-AYE

Oppedyk-AYE

Fish-AYE

Duerig-AYE

Osborn-AYE

Motion carried unanimously.

## **MINUTES**

Minutes from 06-15-2016

Duerig moved to approve.

Oppedyk seconded.

Motion carried unanimously.

## **INFORMATION ITEMS**

Upcoming P & Z Schedule

Christy stated that the next meeting will be held on July 20, 2016. He stated there is a regularly scheduled meeting on August 3, 2016.

Osborn suggested cancelling the August 3, 2016 meeting as there are no agenda items.

Holland moved to cancel the August 3, 2016 meeting.

Fish seconded.

Approved

Approved

Motion carried unanimously.

**MEETING ADJOURNED at 9:21 pm.**

Approved

Approved



Patti Osborn, Chairperson



Date:



Attest:  
Alan Christy, Director



Date: