

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES  
Wednesday, February 20, 2019 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, Sue Fish, Ed Oppedyk and Mitch Smith. Also present were Attorney of Record Ralph Blount, Director Beth Bresnahan and staff members Diana Clark and Kacey Ramsauer.

**PLEDGE OF ALLEGIANCE**

**ACTION ITEMS**

Deliberations for Jonathan Dodge for a Conditional Use Permit for a Sand and Gravel Pit; the property is zoned Agriculture. Case Number: CUP-2019-01. The site is located at Section 2 SW1/4SW1/4 and SE1/4SW1/4, Township 2 South, Range 5 East, B.M. A common way of locating the property is to head West on American Legion Blvd, turn right onto 2<sup>nd</sup> East St./Old U.S. 30 W. for 3.7 miles, turn left onto Ditto Creek Road/Old Oregon Trail Highway for 6.9 miles, turn right onto Ditto Creek Road for approximately 2.6 miles, turn right onto Martha Ave the site is located on the left.

Osborn stated that these deliberations are for the commission members only and no testimony will be taken by members of the public.

Osborn read through the matrix provided by Blount and Clark and the 11 standards that must be met for a Conditional Use Permit.

**1. The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 8, Table 7-2-26 (B), Elmore County Land Use Table, as contained in Elmore County Zoning and Development Ordinance 2018-03**

Commission consensus was that this standard was met.

**2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan 2014 and Zoning and Development Ordinance (Title 7) 2018-03.**

Commission consensus was that this standard was met.

**3. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter;**

Commission consensus was that this standard was met.

**4. The proposed use shall comply with all applicable County Ordinances.**

Staff has proposed conditions upon approval of the CUP to ensure that this application will meet all applicable County Ordinances, including a Reclamation Plan that is being tailored to Applicant's gravel pit operation.

Commission consensus was that this standard was met.

**5. The proposed use shall comply with all applicable State and Federal regulations.**

Commission consensus was that this standard was met.

**6. The Proposed use 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 the said area.**

Commission consensus was that this standard was met.

**7. The Proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development.**

Commission consensus was that this standard was met.

**8. The proposed use shall be 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.**

Commission consensus was that this standard was met.

**9. The proposed use shall not 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.**

Commission consensus was that this standard was met.

**10. The proposed use shall not 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.**

Commission consensus was that this standard was met.

**11. The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.**

Commission consensus was that this standard was met.

Fish stated that at the previous hearing the people who live in this area were overwhelmingly against this and asked when the commission would take that testimony into consideration. She stated that they have denied other CUP's strictly based on testimony from neighboring property owners.

Blount asked if there were a condition that she could propose that would address these concerns.

Fish stated that she does not have any condition but that the testimony from the people that live in that area should be taken into consideration and if it isn't then why do we have any public testimony in the first place?

Osborn stated that the commission has to take in the factual information. She stated that there was very valid emotional testimony but was it based on information that can be backed up with facts?

Blount stated that this commission is called upon to receive public testimony and weigh that information and apply the county zoning ordinance in a rational manner.

Osborn stated that the decisions that this commission makes must be based on the CUP standards and the comprehensive plan.

Blanksma stated that our job as a commission is to take testimony and see how that applies to the 11 standards and unfortunately, as significant as a lot of that testimony is, it may not apply to the 11 standards for a decision.

**Commission action:**

Duerig moved to approve this CUP with the 12 conditions as proposed by staff with the addition of a weed abatement condition.

Blanksma seconded.

Osborn took a roll call vote:

Smith - AYE

Duerig - AYE

Blanksma - AYE

Fish - NAY

Oppedyk - AYE

Osborn - AYE

Motion carried 5 to 1.

Osborn asked if there was anything that could be done to change her NAY vote.

Fish stated that there was nothing specific that could be done.

**Commission action:**

**ADMINISTRATIVE**

**Ordinance Revision Work Session**

The commission discussed proposed updates and changes to the zoning ordinance.

Approved

Approved

MINUTES

Minutes from January 16, 2019

Duerig moved to approve with one correction.

Smith seconded.

Motion carried unanimously with Oppedyk abstaining.

INFORMATION ITEMS

Upcoming P & Z Schedule

The next meeting is scheduled for March 20, 2019.

MEETING ADJOURNED at 8:38 pm.

Approved

Approved



Patti Osborn, Chairperson

3-20-19

Date:

Attest: 

Beth Bresnahan, Director

3-20-19

Date: