

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, June 17, 2015 at 7:00 pm**

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

**PLEDGE OF ALLEGIANCE**

**OLD BUSINESS**

**PUBLIC HEARING**

**Continuation for Intermountain Development (Jim Carrie) for a Conditional Use Permit to subdivide an existing 5-lot subdivision (Frontage Estates) into a 57-lot subdivision (Blue Sage Subdivision) in the Agriculture Zone/Mountain Home Area of City Impact. Case Number: CUP-2015-09.** The site is located in NW1/4, Section 15, Township 3S, Range 6E, B.M.

Oppedyk recused himself from this hearing as he was not present for the earlier hearings and lives within the notification distance for this application.

Christy read the rules for the public hearing.

Bresnahan gave staff report and background.

Jim Carrie is the applicant. He stated that they submitted the master site plan and a water table study from the Idaho Department of Water Resources (IDWR) and a soils report from Geo Engineers. He stated that he would like to make a closing statement after the testimony from the public.

No one signed up to testify in support of the application.

No one signed up to testify in neutral to the application.

Richard McMahon signed in as opposed. He asked if the IDWR report can be read. He asked for clarification on anaerobic sewer systems and if they could be explained as it is mentioned in the master plan but he cannot understand because it's all written in engineering terms. He asked who would maintain the sewer systems because these types of systems are notorious for having problems if they are not maintained. He stated that the lots are too small. He stated that he does not know the price range or the square footage of the houses and where the wells will be drilled.

Nelson Culp signed in as opposed. He stated that he would like to know the process of the approval or denial of this.

Christy stated that with a conditional use permit like this one the planning and zoning commission can be the final authority. He stated that the only way the county commissioners will hear this is if it is appealed to them.

Bob Peace signed in as opposed. He stated that the water levels in his subdivision are dropping. He stated this subdivision will have a direct impact on the wells in Town and Country Subdivision. He stated that if this subdivision is allowed to go forward they should be required to put in a well that can be monitored such as a community well. He asked to know what the square footage of the houses are going to be. He asked they not allow access from Dutton Drive to this new subdivision as it is a safety hazard.

Craig Reich is signed in as opposed but did not wish to testify.

Barb Huntley signed in as opposed but did not wish to testify.

Ken Guyer signed in as opposed but did not wish to testify.

Konni Guyer signed in as opposed. She stated that there are already many empty homes in the area and she doesn't see how these homes will be filled. She stated that she's concerned with how this could hurt her property value and the effect it will have on her well. She stated the developer will get his check and the surrounding property owners will have to live with the repercussions.

Ronnie Ralphs signed in as opposed but did not wish to testify.

Marvin Reiner signed in as opposed but did not wish to testify.

Sam Sherman signed in as opposed but did not wish to testify.

Kim Bideganeta Uriona signed in as opposed. She stated that if this subdivision is allowed they should have a community well and that dry lines need to be put in as well. She asked if there would be fence built around the subdivision to keep animals out as that is an Idaho law.

James Spinti signed in as opposed but did not wish to testify.

Jeff Hobbs signed in as opposed. He stated that he lives in one of the applicant's past subdivisions and there are many issues there and doesn't want to see another one. He stated that he does not know who will occupy 57 new homes when there are 400 empty ones in Elmore County.

Ed Bretz signed in as opposed but did not wish to testify.

Christina Green signed in as opposed but did not wish to testify.

Amanda Hoffman signed in as opposed but did not wish to testify.

Anthony Klazura signed in as opposed but did not wish to testify.

Thomas Westall signed in as opposed. He stated that he can foresee a catastrophe coming to his neighborhood. He stated that there will be a loss to people's assets when the wells go dry and those that have a limited income will have no choice but to declare bankruptcy. He stated that the Department of Environmental Quality (DEQ) is on record stating Mountain Home and Elmore County are in crisis. He stated that his well has dropped 54 feet since 1976. He stated that Elmore County cannot endure anymore drilling.

Charles Nikelson signed in as opposed. He stated that his family has lived next to this area for 50 years and they have farmed the land. He stated that this subdivision would be a huge drain on his well for his animals and for his parents' house. He stated that when the groundwater becomes contaminated from all of these houses who is going to truck in the water for his animals. He stated that the developer should be made to do the subdivision correctly by adding a community well and adding dry lines. He stated his excuse that it's too costly isn't valid. He stated that in surrounding subdivisions they have contaminated wells. He asked if the applicant was trying to rezone this property.

Miller stated that this is not a rezone. He stated that subdivisions are allowed in agricultural zone with a conditional use permit.

Nickelson stated that this is too much too quick and there is not enough planning. He stated that the people that have lived in this area are trying to save their livelihood. He stated that the applicant does not care about the existing property owners.

There was no further testimony.

Carrie gave his rebuttal to the public testimony. He told the commission the history of his family and their roots here in Mountain Home. He stated that his family has been here 5 generations and that they are not newcomers. He stated that they invest in their community. He stated that he has developed over 50 subdivisions and built over 2,000 houses in two different states. He stated that it seems like those who are new to this community run people down who are trying to invest in it. He stated any change of every square foot of Elmore County comes before this commission. He stated that he takes this endeavor very seriously and has put forth much time and effort to ensure that this use will provide a beneficial service to Mountain Home now and in the future. He stated that this will have virtually no negative impact on the area. He stated that there are no one acre lots in this area available so this will be a good thing. He stated that the city does not want to annex the north side of Elmore County. He stated that the city of Mountain Home had a concern about the water that will be used in the area but have no concern with the water being used in the 320 lot subdivision recently approved in the city and this water all comes from the same place. He is asking this be approved as the use is permitted and it's the right thing to do.

Duerig closed this public hearing.

### **Commission action:**

Blanksma asked if water was within the scope of judgement of the commission or just that the applicant meet the conditions of approval.

Miller stated that usually they will defer water issues to IDWR but with the concerns from neighboring property owners it may be enough to apply to one of the conditions of approval.

Fish asked if this application complies with the city of Mountain Home area of impact.

Duerig stated that based off what he has read that it does comply.

Miller stated that the agreement with the city says that subdivision of land within the area of city impact shall occur only in conformance with the subdivision ordinance deemed applicable by virtue of the provisions of the area of city impact. He stated that it goes on to say that in the areas of city impact the subdivision ordinance of the city of Mountain Home shall apply. He stated that the commission must decide whether this application conforms to that.

Christy stated that he does not believe this subdivision is contiguous with the city limits.

Duerig stated that if it is contiguous it's more likely to be annexed in the future where as if its farther out they are not as concerned with a near future annexation.

Miller stated that if it's not contiguous then those requirements for dry lines would not be required as a condition of approval.

Van Gheluwe moved to deny this application based on condition 7 stating that the proposed use will be disturbing to existing neighboring uses or impede their normal development as well as the concerns from the city of Mountain Home.

Blanksma seconded.

Duerig asked for a roll call vote:

Van Gheluwe voted AYE for denial of this application due to the fact that it does not meet condition 7.

Blanksma voted AYE for denial because the application does not meet condition 7 in the staff report.

Fish voted AYE for denial of this application because the lots are too small for all the services and the concern from the public.

Duerig voted AYE to deny for public safety reasons with 53 new holes being punched in the ground. He stated that those wells are not required to be monitored and contamination is possible. He stated that a community well is required to be tested by law on a monthly basis and there will be less holes in the ground with a community water system.

Motion to DENY carried unanimously.

Van Gheluwe moved to recommend to the applicant to add a community well system and to have larger lots and can reapply for a conditional use permit.

Fish seconded.

Motion carried unanimously.

Duerig called a 5 minute recess.

Duerig called the meeting back to order.

## **NEW BUSINESS**

### **PUBLIC HEARING**

**Sunview Dairy for an expansion of an existing dairy permit, Confined Animal Facility Operation (CAFO) in the Agriculture Zone. Case Number: CAFO-2015-01.** The site is located in the NW1/4 Sec 8, Township 5 South, Range 6 East, NE1/4 Sec 7, Township 5 South, Range 6 East, B.M. A common way of locating the property is from Mountain Home head southwest on Highway 51 to SW Blanksma Rd, turn Right. The dairy is located ½ mile on the right.

Oppedyk recused himself as his business is in the notification zone and they are in the same industry.

Bresnahan gave staff report and background.

Matthew Thompson is representing the applicant in the expansion for Sun View Dairy. He went through the design of the facility and presented a map of the entire facility describing the overall operation. He stated the newly proposed dairy parlor is in the southwest corner of the existing site. He stated that they are surrounded by BLM land and other livestock operations. He stated that the expansion is going to take place to the west of the site and will consist of building additional corrals and a lagoon to the north.

Thompson addressed the concerns from Aspen Engineers. He stated that the issues and question have been addressed and corrected at this time. He stated that they have met all requirements of the ordinance and they run a clean and safe operation.

Miller asked if the applicant would like to keep the nutrient management plan confidential.

Thompson stated that they would like it to be kept confidential.

John Roth signed up in support but did not wish to testify.

There was no further testimony.

Duerig closed this public hearing.

**Commission action:**

Blanksma stated that he does believe the current well testing that they go through is adequate for the annual well report.

Duerig stated that staff recommends as a condition that a yearly report of the well monitoring be submitted but can be modified to say a copy of the annual ISPA well report will be submitted to the Land Use and Building Department.

Blanksma moved to approve with conditions proposed by staff and changes made in this meeting.

Van Gheluwe seconded.

Motion carried unanimously.

**FCO and Minutes**

FCO for Case Number: CUP-2015-10 Second Life Recycling, LLC

Blanksma moved to approve.

Fish seconded.

Motion carried unanimously with Van Gheluwe and Oppedyk abstaining as they not present for this meeting.

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Blanksma moved to approve.

Fish seconded.

Motion carried unanimously with Van Gheluwe and Oppedyk abstaining as he was not present for this meeting.

**INFORMATION ITEMS**

Upcoming P&Z Schedule.

Christy stated that the next public hearing is scheduled for July 15, 2015.

**MEETING ADJOURNED at 8:42 p.m.**

Aproved

Approved



K.C. Duerig, Vice Chairman



Date:

Attest:



Alan Christy, Director



Date: