

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, November 4, 2015 at 7:00 pm

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairman K.C. Duerig, Sue Fish, Jeff Blanksma, Ed Oppedyk, Shane Zenner and Dave Holland. Also present were Director Alan Christy and staff member Beth Bresnahan.

PLEDGE OF ALLEGIANCE

PUBLIC MEETING

Ordinance Work Session

Christy stated that he handed out a new memo to the commission members this evening. He stated that the memo that was sent out last week had the wrong chapter included which was chapter 12 and that was already reviewed at the October 21st meeting. He stated that the correct red lines were sent for chapters 15 and 16 but not the clean versions and those have been attached to the memo given this evening.

Christy stated that chapter 15 deals with the one time division of property. He stated that the summary of the changes includes formatting and language issues and correcting the record date. He stated that in the update there is a section for the verification that taxes be paid and the county commissioners adopted an ordinance at the request of the county treasurer that all taxes be paid on any property splits. He stated that some definitions have been moved to chapter 2. He stated that a section has been added for required public improvements.

Christy stated in chapter 16 is the process for boundary line adjustments and one time divisions. He stated that they made changes for consistency and formatting as well. He stated that a finding for boundary line adjustments and road right of ways was added as well.

Christy stated that chapter 13 is still being reviewed by FEMA and the Idaho Department of Water Resources. He stated that chapters 14 and 17 are being reviewed by the county engineer. He stated that chapter 17 has been sent out to the highway districts as well for comment.

Christy stated that they will have a few more work sessions before the end of the year.

ITEMS FROM THE PUBLIC

Douglas Jones is present on behalf of Cat Creek Energy. He stated that he is a resident of Meridian and he has business cards with his current mailing address he'd like to present to the commission members. He went on to explain what Cat Creek Energy was.

Christy stated that Cat Creek Energy has a pending application with the Land Use and Building Department and any conversation at this time is an ex parte communication regarding those

applications. He stated that the public has not been notified that this information is going to be heard at tonight's public meeting.

Jones stated that he served on the Twin Falls P&Z and was in the legislature for 20 years so he's very aware of open meeting and ex parte. He stated that he wishes to introduce himself to the the board because they will hear the appeals they filed shortly, and he wants to explain who they are and who he is and why he is here this evening.

Osborn stated that she is not sure they need the why. She stated that she wants to keep everything incredibly clean, pristine, and that there be no perception of potential ex parte whether it be his opinion or the opinion of the commission. She stated any opinion could be considered ex parte communication and that this not a road that she will choose to go down. She stated that Jones is more than welcome to speak to who he is but why he is here specific to an active application will not be heard at this time.

Jones stated the he does understand that. He introduced himself again to the commission members and staff and stated that he does represent Cat Creek Energy and that they are proposing to develop an energy project in north Elmore County. He stated that they do have 5 conditional use permit applications that were filed last February. He stated that they received a letter from Christy recently stating some additional conditions were needed.

Osborn stopped him stating that he is going down a road that she will not go down.

Jones stated that all he was going to say is that they have chosen to appeal those.

Osborn thanked Jones for his conversation but she will not discuss why he is at this public meeting tonight.

Jones stated that he is not going to explain why they appealed.

Osborn stated again that she wants to keep this clean from ex parte conversation until it comes before this commission and the public has been notified and they have the opportunity to comment. She stated that she appreciates his time and introduction.

Jones asked if he could offer the board an opportunity. He stated that when he served on the Twin Falls county planning and zoning board they had a standard operating procedure that when anything was going to come before the board the county administrator took the county van and any board members that were available on a field trip.

Osborn stated that they do not have that process in Elmore County.

Jones stated that they can offer that opportunity.

Osborn thanked Jones for the potential. She stated that legal counsel had guided this commission over the last few years that any conversations that occur on a public item has to occur here at the American legion hall or it must be noticed and minutes taken and the whole legal open meeting process has to apply.

Jones stated that it should be a 48 hour notice and it should be a public meeting.

Osborn stated that she believes its more than 48 hours.

Jones stated that he believes the ordinance says 48 hours but irregardless it should be a public meeting with any member of the public invited to participate along with staff and legal counsel.

Osborn stated that's part of the reason she's keeping this so tight.

Jones stated that they would be happy to work with Christy to make that happen for the beneficiation of the board to make its decisions going forward.

NEW BUSINESS

MINUTES

Minutes from 10-21-2015

Duerig moved to approve.

Oppedyk seconded.

Motion carried with Fish abstaining as she was absent for this meeting.

INFORMATION ITEMS

Upcoming P&Z Schedule

Christy stated that the next regularly scheduled meeting is on November 18th. He stated that there will be two applications being heard and also this will be the annual meeting for the planning and zoning commission so they will discuss bylaws and will vote for Chairman and Vice Chairman.

MEETING ADJOURNED at 7:18 pm.

Approved

Approved



Patti Osborn, Chairperson

11-18-15

Date:

Attest:



Alan Christy, Director

11/18/15

Date: