

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, February 17, 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, Sue Fish, Dave Holland and Shane Zenner. Also present were Attorney of Record Philip Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

PLEDGE OF ALLEGIANCE

OLD BUSINESS

PUBLIC HEARINGS

Continuation for Cat Creek Energy, LLC Appeal Hearing for the requirement of an Environmental Impact Statement for a Conditional Use Permit application for a Pump Storage Hydroelectric Electrical Generating Facility.

Continuation for Cat Creek Energy, LLC Appeal Hearing for the requirement of an Environmental Impact Statement for a Conditional Use Permit application for a Solar Electrical Generating Facility.

Continuation for Cat Creek Energy, LLC Appeal Hearing for the requirement of an Environmental Impact Statement for a Conditional Use Permit application for a Substation.

Continuation for Cat Creek Energy, LLC Appeal Hearing for the requirement of an Environmental Impact Statement for a Conditional Use Permit application for a Transmission Line.

Continuation for Cat Creek Energy, LLC Appeal Hearing for the requirement of an Environmental Impact Statement for a Conditional Use Permit application for a Wind Turbine Electrical Generating Facility.

Christy gave staff report and background. He stated the applications were turned in for the items mentioned and a deficiency letter was issued to the applicant on October 21, 2015. He stated that appeals to the Director's decision requiring an environmental impact statement were received by the Department on November 2, 2015. He stated that the appeal hearings were scheduled for December 16, 2015. He stated that a Wildlife Mitigation Plan was submitted to the

Department on December 11, 2015 at which time the applicant agreed to table the appeal hearings to February 17, 2016 to allow the county time to review the submitted documents. He stated that the county consultants reviewed the mitigation plan and provided feedback.

Christy stated that at this time the plan appears to follow the format required by Elmore County and contains some of the information required by the county. He stated that the county consultants and the Idaho Department of Fish and Game have reviewed the plan and have provided comment letters.

Christy stated that at this time the county can accept this plan as part of completing the application. He stated that as a side note there are a few other items needed to complete the application so at this time staff does not believe that the public hearings are necessary as the Department has accepted the Wildlife Mitigation Plan.

Miller stated to be perfectly clear the Department has accepted their Wildlife Mitigation Plan as sufficient for the purposes of the application for the environmental issues.

Christy stated that was correct.

Miller stated that there were some other items that were previously noted that were needed for the application that were not appealed and were not subject to the hearing tonight.

Christy stated that was correct.

Terry Pickens-Manweiler is the attorney for the applicant/property owner Cat Creek Energy, LLC. She stated that she needs the record to be clear and wants some feedback from the planning and zoning board as well as staff. She stated the appeal was because the applications were not accepted. She stated it was her understanding that the applications have been accepted and they will be moving forward with the conditional use permits.

Miller stated that the portion of the applications regarding the environmental issues have been deemed sufficient but there were some other items that the Director's deficiency letter noted.

Christy stated that the appeals submitted were in regards to the environmental portions only.

Pickens-Manweiler stated that she would like the record to be clear about what portions of the application are not being accepted by staff at this time.

Christy asked Miller if that is something that can be discussed at this time.

Miller stated that it would be best to discuss outside the public hearing.

Christy stated that they have a meeting scheduled for 8:30 tomorrow morning to discuss those items.

Pickens-Manweiler stated that as she understands and that she wants the record to be abundantly clear that staff has still not accepted the application.

Miller stated not totally.

Pickens-Manweiler stated that her letters from staff in her opinion are deficient as well because it was her understanding that they had complied with what staff had required. She stated that there were a few items submitted today that also were requested and she complied with what the staff has requested. She stated that her understanding of the deficiency letter and the appeal was that the only thing that was holding them up was that the staff was requiring a Wildlife Mitigation Plan in lieu of an Environmental Impact Statement and they have done that and now they are to understand that staff have added some more conditions.

Christy stated that he has not added any conditions. He stated that these are times that were on the original October 21, 2015 deficiency letter.

Pickens-Manweiler asked if the Wildlife Mitigation Plan that was submitted was sufficient to move forward with the application.

Christy stated that it was. He stated that in the letter he sent to her on February 10, 2016 stated that the Wildlife Mitigation Plan was accepted as part of the application. He stated in attachment three of that letter there are highlighted items that are still needed and he believes they have turned in some of those highlighted items this evening and anything further than that can be discussed at the meeting tomorrow morning.

Pickens-Manweiler stated that she would like to request to schedule a public hearing 21 days out to address the conditional use permits.

Osborn stated that before a public hearing can be scheduled for a conditional use permit the Director has to make the determination that the application is totally complete and accepted by staff. She stated that once that has happened staff will schedule a public hearing for the conditional use permit application.

Pickens-Manweiler stated that she wants the record to be perfectly clear that it was the applicant's understanding and that she is making a representation on behalf of Cat Creek Energy, LLC that as their legal counsel who has been involved in this since the signing of the application a year ago that they had met all of those conditions by the submission of the Wildlife Mitigation Plan and that it was their intent that they were moving forward. She stated that she wants the record to be clear with that because if she has to come back here in 21 days because she hasn't provided a signature on a piece of paper then the record needs to be clear so if she has to go forward with judicial notice then she is going to do that.

Miller stated that the record is clear that you have said that it was your understanding and the record should be clear that it was staff's understaffing that there were still some other items outstanding that they had informed you of that. He stated it appears at this point there is not a meeting of the minds.

Pickens-Manweiler stated that is the record and she wants the planning and zoning commission to know that there is not a meeting of the minds and that they have done everything that they have been asked to comply with and it's been one year and they are ready to move forward.

John Faulkner is one of the property owners for this project and he is the president of Wood Creek, LLC. He stated that they had started this almost a year and a half ago. He stated that they have met with Christy at that time and put in 5 different applications and they have been doing everything they thought was necessary to get this thing going and they are holding us up to where we cannot borrow money because we don't know what we have and it's been ridiculous. He stated that we answered everything we think he wants such as a FERC (Federal Energy Regulatory Commission) permit that has absolutely nothing to do with him and he held us up on that for quite a while. He stated that the letter that he was quoting on the FERC permit was to the Bureau of Reclamation and they tentatively have a FERC permit. He stated that all of those things have been done and as far as he's concerned they've received no cooperation whatsoever. He stated that this is going to be a hell of a project if we get it done and Mountain Home and Elmore County are all going to benefit to a great extent. He stated that even down to the Treasure Valley will benefit because they are going to store a lot of water and they are going to make a lot of power. He stated that your President wants some green power and that is what they are trying to do.

Blanksma asked if the letters for the record from the Department of Fish and Game and the county consultants were going to be involved in the public hearing.

Miller stated that they would. He stated that Christy has determined that what they have submitted on the environmental information is sufficient to deem that portion of the application complete. He stated that those letters will be part of the public hearing for the conditional use permit.

Miller stated that procedurally this public hearing should be closed.

There was nothing further.

Osborn closed the public hearing.

The commission took no action based upon the Director's letter to the applicant dated February 10, 2016 that stated a public hearing was not necessary.

Osborn took a 5 minute recess.

Osborn called the meeting back to order.

MINUTES

02-03-2016

Holland moved to approve.

Duerig seconded.

Motion carries with Zenner abstaining as he was absent for this meeting.

INFORMATION ITEMS

Approved

Approved

Upcoming P&Z Schedule

Christy stated that there will be a regular meeting scheduled for March 2, 2016 and there will be more training done on the zoning and development ordinance and there may also be a plat to sign.

Christy stated the reconsideration hearing with the board for Blue Sage Subdivision will be held on April 1, 2016 and he will keep the commission apprised as to what comes out of that.

MEETING ADJOURNED at 7:22 pm.

Approved

Approved



Patti Osborn, Chairperson



Date:

Attest: 

Alan Christy, Director



Date: