

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, December 21, 2022, 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 and Mitch Smith. Also, present were Director Mitra Mehta-Cooper, Attorney of Record Ralph Blount, County Engineer Angie Michaels, and staff members Joel Cruz-Haber and Kacey Ramsauer. Absent was Sue Fish.

**PUBLIC HEARING ITEMS**

1. Impact Fees, Comprehensive Plan Amendment, and Impact Fee Ordinance – Mitra Mehta-Cooper gave statistics on the significant growth in Elmore County, 150+ residential permits per year versus the 20 just five years ago, and the need for Impact Fees to expand and develop Elmore County. Mitra stated that all fire districts, all highway districts, and city service agencies including the Sheriff's office and EMS ended up coming together to develop a joint Advisory Committee to conduct studies and as a result of those studies drew up the Impact Fee Capital Improvement Plan proposal. Mitra spoke on behalf of the Comprehensive Plan Amendment (CPA-2023-01) to amend the 2014 Comprehensive Plan for allowing and adding Impact Fee Capital Improvement plans for the County and Fire Districts. And spoke on adding Title 12 to the Impact Fees Ordinance as new county Code that will allow for entering into intergovernmental agreements with the Fire districts and for the collection and expending of their developmental impact fees within their respective fire district boundaries as identified in each Capital Improvement Plan.

Osborn closed the public hearing on this item.

**Commission action:**

Duerig moved to forward to Elmore County Commissioners for Action

Oppedyk seconded.

Chair clarified the comprehensive plan and also Title 12 in the motion and then took a Roll Call Vote:

Mr Blanksma-Aye, Mr Oppedyk-Aye. Mr. Smith-Aye Mr Duerig-Aye and chair votes aye.

Motion carried unanimously.

2. Matthew Tobiasson and LTD Properties LLC, for a Conditional Use Permit to subdivide 3.49 acres of land to create a one-acre parcel in Elmore County Idaho; the property is zoned Agriculture. Case Number: CUP-2023-04. The site is located at Township 3 South, Range 6 East, Section 36. The parcel number is RP03S06E364410. A common way of locating the site from the Elmore County Court House is by heading northwest on S 4th E toward E Jackson St. Turn left at the 1st cross street onto E Jackson St. Turn left onto N Main St/ Old U.S. 30 E. Turn left onto S 3rd W St. Slight right onto S 3rd West St and the destination will be on the left.

Dillon Danner - representing LTD properties on BEHALF of Matthew Tobiason 3820 Silver Terrace Rd. Meridian ID 83642. We want to split a one-acre lot off of the 3.49 acres that Matthew has there. What we plan on doing with that is splitting it at this point right across the street is part of the city and so we are looking to annex that one-acre lot into the city.

Joel – EC Staff Report - they have satisfied all the findings for their condition use permit and staff would recommend approval.

No Testimony in any form

Osborn closed the public hearing on this item.

**Commission action:**

Duerig motioned to approve CUP-2023-04 on RP03S06E364410  
Oppedyk seconded.  
Motion carried unanimously.

3. Desert Ridge Winds LLC, for a Conditional Use Permit to construct a Meteorological Evaluation Tower (MET) on a portion of 200 acres of land in Elmore County Idaho; the property is zoned Agriculture. Case Number: CUP-2023-01. The site is located at Township 4 South, Range 9 East, Section 21. The parcel number is RP04S09E217210. A common way to reach the site is to travel North on Hammett Hill Road from the interstate-84 exit, then turn east onto Old Oregon Trail Rd. Continue east, then turn north onto Walker Rd. The site is approximately 3.5 miles north of Old Oregon Trail Rd west of Walker Rd.
4. Desert Ridge Winds LLC, for a Conditional Use Permit to construct a Meteorological Evaluation Tower (MET) on a portion of 40 acres of land in Elmore County Idaho; the property is zoned Agriculture. Case Number: CUP-2023-02. The site is located at Township 5 South, Range 8 East, Section 13. The parcel number is RP05208E133000. A common way of locating the tower is to travel north on Hammett Hill Road from the interstate 84 exit for approximately 3.1 miles. Then, travel west (off-road) for approximately 3.5 miles to the site.

Rick Koebbe with Desert Ridge Winds LLC representing -Address 5420 W Wicher Rd. Glenns Ferry, ID 83623 – Proposing putting up 2 additional Met towers to measure wind speed and gather meteorological data as part of a wind farm expansion project because Idaho Power has a power deficit. Each tower has a small solar panel that provides just enough power to transmit data remotely for processing and developing engineering profiles.

Joel – EC Staff Report – they have satisfied all the findings for their condition use permit, but additionally Aeronautics of division of ITD suggests that lights and markers be placed on all towers including existing towers considering crop dusters that might be flying out there, to avoid putting any agricultural equipment or personnel such as crop dusters at risk. Other than that, I recommend approval for CUP-2023-01 RP04S09E217210 and CUP-2023-02 on RP05208E133000

No Testimony in any form

Chair questioned applicant and to retake the podium for further discussion - Have you read the conditions, potential conditions of approval?

Rick Koebbe – Yes

Chair - And do you feel that you can agree with all of them?

Rick Koebbe – Yes, but I would like to make a couple comments. We have a Met tower out there already. It's been up there since 2006 and has never had a light on it. So I don't think lights are necessary, and it's not really possible for light on the Met tower, there's no power. I don't think the permit conditions require light. I didn't read that in the permit.

Chair- It's in #5 which states the meteorological evaluation tower shall be painted, marked and lit as indicated in the application to ensure that it will not be a hazard to air navigation nor air traffic operations as indicated.

Rick Koebbe - So that's like a clause taken from another rental permit or some wind turbine permit, but it doesn't apply to us because we didn't propose it, we didn't propose any markings or any lights on the Met tower.

Joel- So if I could just say something that's exactly the point of our agency notification, is in case there is any recommendations or suggestions that agencies have, we can take them into consideration, which I did as staff from Idaho Department of Transportation Aeronautics division.

Chair- So you are you're saying that currently that hasn't been in the past a recommendation or a condition?

Rick Koebbe – Right. But we don't have an application that says we're gonna put a light up.

Duerig – I would read it that way.

Chair – That's how I read it (too)

Duerig – If its not indicated in the application it does not apply.

Joel – You mentioned that the tower would be solar powered?

Rick Koebbe – Not for the tower, only for a small little controller. We'd have to modify the tower to put light on it.

Chair – Ok, are there any other questions for the applicant?

Osborn closed the public hearing on both items.

Chair asked for further discussion on item #5 in the application and the consensus of the P&Z Members was to scratch item #5.

**Commission action:**

Blanksma motioned to approve CUP-2023-01 RP04S09E217210 striking item #5 of the application to offer clarity where it states the meteorological evaluation tower shall be painted, marked and lit as indicated  
Duerig seconded.  
Motion carried unanimously.

Blanksma motioned to approve CUP-2023-02 on RP05208E133000 striking item #5 of the application to offer clarity where it states the meteorological evaluation tower shall be painted, marked and lit as indicated  
Oppedyk seconded.  
Motion carried unanimously.

5. Zoning Ordinance Amendment - accept testimony and to consider amending the Elmore County Zoning and Development Ordinance, which was adopted on May 18, of 2018 and amended on January 17, 2020. The proposed changes were initiated by Elmore County and are intended to update Titles 6, 7, 8, and 10 of the Zoning and Development Ordinance in the following manner.

Mitra Mehta-Cooper EC Staff – gave details to consider amending the Elmore County Zoning and Development Ordinance to provide additional guidance on floodplain pointing out that FEMA has started making additional requirements.

No Testimony in any form

Osborn closed the public hearing on this item.

**Commission action:**

Oppedyk Moved to approve the presentation of the Zoning Ordinance Amendment ZOA-2023-01 we propose approval by the county commissioners.  
Duerig seconded.  
Motion carried unanimously.

**FCO's**

FCO-CUP-2022-021 Erica and Michael Kerin  
Duerig moved to approve.  
Blanksma seconded.  
Motion carried unanimously.

**MINUTES:**

Minutes from 08/17/2022

Oppedyk moved to approve.

Blanksma seconded.

Motion carried unanimously.

Minutes from 09/21/2022

Duerig moved to approve.

Blanksma seconded.

Motion carried unanimously.

**ITEMS FROM THE PUBLIC - None**

**INFORMATIONAL ITEMS**

1 Upcoming P&Z Meeting and Date -The next public hearing is scheduled for January 18,2023

2 Patti Osborn -has extended her term for 2 years and the BoCC has approved

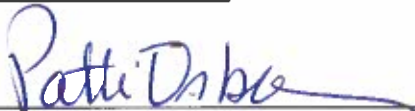
3 Department Head Memo – Mitra Mehta-Cooper presented the commission with the monthly memo she presents to the Board of County Commissioners.

4 Update on Dodge Contractors Yard Code Violation – Joel stated it has been Red Tagged and then a preapplication meeting was held where Mr. Dodge was given an extension of 200 days.

5 Update on Bustamante CUP-2022-17 for Truck Repair & Service Shop - Joel we are going to continue to table that conditional use permit hearing until we hear back from staff, applicant, and agencies.

6 P&Z Member Application – Mitra spoke to the effect that she would like current P&Z Members to be part of the discussion and meetings on who to bring on and how many new members.

**MEETING ADJOURN**



Patti Osborn, Chairperson

1/18/23

Date:



Attest:  
Mitra Mehta-Cooper, Director

1/18/23

Date: