

March 12, 2007

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*2 **GEM COUNTY PLANNING AND ZONING PUBLIC HEARING***

3

*4 **Date: March 12, 2007***

*5 **Time: 6:00pm - 9:00pm***

*6 **Place: Gem County Courthouse***

7

*8 **MEMBERS PRESENT:***

*9 **Don Wilkerson, J.B., Jim Hutchins, Fred Nussbaumer, Steve***

*10 **Ethington, Brent Jensen, and David Poole***

11

*12 **MEMBERS ABSENT WITH PRIOR NOTICE:***

13 None

14

*15 **MEMBERS ABSENT WITHOUT PRIOR NOTICE:***

16 None

17

*18 **OTHERS PRESENT:***

*19 **Brad Hawkins-Clark - Planning Director, Dena Shaw -***

*20 **Administrative Assistant, and David Hargraves - Prosecuting***

*21 **Attorney***

22

*23 **Items 1 and 2 of the Public Hearing, regarding Meadows at***

*24 **Sandhollow, are verbatim. The rest of the transcript is***

*25 **summary.***

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1 **PROCEEDINGS**

2 *City of Emmett, Gem County, March 12, 2007*

3

4 *Consent Agenda - Item No. 1A - Sharp Subdivision*

5

6 **MR. DAVID POOLE:** *The first items on our consent agenda are*

7 *the Sharp Subdivision, the Wills Estates Subdivision, and Little*

8 *Rock Estates Subdivision. Have any of you, gentlemen, had any*

9 *ex parte communication or site visit, conflict of interest in*

10 *any of these subdivisions?*

11

12 *(The Commission answered "no" unanimously to the chairmans*

13 *inquiry.)*

14

15 **MR. DAVID POOLE:** *Do I have anybody want to pull any of*

16 *these off of the consent agenda?*

17 **MR. DON WILKERSON:** *Can we ask a question to the staff*

18 *before we pull the thing off?*

19 **MR. DAVID POOLE:** *Certainly.*

20 **MR. DON WILKERSON:** *On Sharp Subdivision there was a letter*

21 *received concerning water delivery. To get water to Lot 1 it's*

22 *going to cross the boundary of lot 4. There's only a 5 foot*

23 *easement on both sides of the property line. Does this existing*

24 *dwelling on Lot 1 need to meet setback requirements?*

25 **MR. BRAD HAWKINS-CLARK:** *Yes it does need to meet setback*

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1 and it does.

2 MR. DON WILKERSON: I think a 5 foot easement to maintain
3 irrigation is too narrow.

4 MR. BRAD HAWKINS-CLARK: The plat that I'm showing, note
5 no. 3 does say that the boundary of the subdivision has 10 foot.

6 MR. DON WILKERSON: Yeah but they're bringing that
7 irrigation line east to west between lots 3 and 4 and it's only
8 a 5 foot easement on each side of the boundary line.

9 MR. STEVE ETHINGTON: How long is that easement for the
10 pipe that will be going around?

11 MR. DON WILKERSON: 574 feet.

12 MR. STEVE ETHINGTON: If they have to replace pipe, that's
13 a long ways to carry 500 feet with any number of pipe. 5 foot
14 is a very minimal amount for an easement.

15 MR. BRAD HAWKINS-CLARK: It's 5 foot on both sides and both
16 property have the right to go onto the other side. So you
17 really do have 10.

18 MR. STEVE ETHINGTON: It can be done.

19 MR. DON WILKERSON: One other general question these are
20 large lots, a lot of them over 5 acres. Are there requirements
21 for open space on minor subs?

22 MR. BRAD HAWKINS-CLARK: They are being required to do open
23 space if they're in an R-Zone. This is an A-Zone.

24 It's private irrigation main. That's not in an irrigation
25 district. It's private easement. So if they want to widen

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1 that, I'll suggest that.

2 MR. STEVE ETHINGTON: That would be my only concern on that
3 is the access to that underground pipe.

4 MR. DAVID POOLE: If you, gentleman, feel that Brad can
5 manage this, do we need to pull it off the consent agenda?

6 MR. DON WILKERSON: If he can manage that, I don't want to
7 pull it off. I have no reason to pull it off.

8 MR. DAVID POOLE: Do you think that's manageable for you,
9 Brad?

10 MR. BRAD HAWKINS-CLARK: You bet.

11

12 Consent Agenda - Item No. 1B - Wills Estates Subdivision

13

14 MR. DON WILKERSON: Have you verified the house setback on
15 Wills Road? It's on a quarter section. Should it be a 40 foot
16 right-of-way?

17 MR. BRAD HAWKINS-CLARK: It is a quarter section. The
18 ordinance does say that on sections and quarter sections it
19 would be an 80 foot total. The reason that they're showing 35
20 from center instead of 40 was based on the transportation plan,
21 which shows Wills as only needing 70 foot ultimate right-of-way.
22 You can still get a center turn lane and it's relatively flat.
23 So we weren't expecting much cut and fill on Wills. So we
24 thought the 35 would be adequate. There is a section that says
25 if the transportation plan calls out otherwise, then you can go

□

7

1 with less.

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2 MR. DON WILKERSON: And the house meets setback
3 requirements.

4 MR. BRAD HAWKINS-CLARK: The house does.

5 MR. DON WILKERSON: What about a fire suppression system?

6 MR. BRAD HAWKINS-CLARK: We sent it to the Fire Department
7 and asked for their comment and we didn't get any.

8 MR. DON WILKERSON: In your staff report here, there's a
9 question about some existing irrigation weir and the applicant
10 has stated he disagrees with the condition that he has to remove
11 it and get a new dedicated right-of-way. Have you resolved that
12 issue?

13 MR. BRAD HAWKINS-CLARK: Yes. We just had a meeting today
14 with the County Commissioners and had talked about this issue.
15 My initial proposal was to enter into an agreement so that they
16 don't actually have to move it until the road's widened. At
17 this point, the County Commissioners haven't had a consensus
18 decision. They are leaning toward requiring everything be moved
19 out of the right-of-way at the time of the subdivision. So
20 that's why I put that in there.

21 MR. DON WILKERSON: So my thought is if the applicant is
22 not willing to agree with that condition, then this should be
23 tabled until there's an agreement.

24 On the alternative compliance on open space and buffers,
25 have you approved it?

□

8

1 MR. BRAD HAWKINS-CLARK: I have.

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2 **MR. DON WILKERSON:** *In your opinion, you can resolve the*
3 *issue by removing the weir from the new dedicated road way.*

4 **MR. BRAD HAWKINS-CLARK:** *Well there's nothing for me to*
5 *resolve. I mean they're either going to have to remove it or*
6 *not.*

7 **MR. DAVID POOLE:** *It's up to the Gem County Commissioner's*
8 *determination, at this point.*

9 **MR. DAVID HARGRAVES:** *I thought I'd just let you know that*
10 *you can recommend that it go either way and ultimately the Board*
11 *of County Commissioners decides.*

12 **MR. J.B.:** *I'm uncomfortable with the Wills Estates going*
13 *forward without that stipulation. More and more it's being*
14 *advocated to require all requirements before the subdivision*
15 *starts.*

16 **MR. DON WILKERSON:** *I make a motion that we pull the Wills*
17 *Estates Subdivision off of the consent agenda for further*
18 *discussion.*

19 **MR. J.B.:** *I'll second it.*

20 **MR. DAVID POOLE:** *It's been moved and seconded that we pull*
21 *the Wills Estates Subdivision off the consent agenda. Is there*
22 *any further discussion? If not, those in favor signify by*
23 *saying I. Opposed same sign. Motion carries.*

24

25 *(Motion carries unanimously.)*

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3

4 **MR. DAVID POOLE:** *Let's proceed with the balance of the*
5 *consent agenda.*

6 **MR. DON WILKERSON:** *They show an easement for the*
7 *irrigation. Do we need more information on a water system?*

8 **MR. BRAD HAWKINS-CLARK:** *They do have, in their*
9 *application, a certificate from Enterprise Ditch Company that*
10 *notes they have two and a quarter shares.*

11 **MR. DON WILKERSON:** *So they have two and a quarter shares*
12 *for almost 39 acres.*

13 **MR. BRAD HAWKINS-CLARK:** *I think that was only one of the*
14 *certificates.*

15 **MR. DON WILKERSON:** *Do they have some type of water system*
16 *other than just showing an easement?*

17 **MR. J.B.:** *The Keller report talks about the provisions*
18 *must be provided. Brad, are those in your control before you*
19 *proceed? Will that be taken care of? A water system will be*
20 *established and provided.*

21 **MR. BRAD HAWKINS-CLARK:** *Yes.*

22 **MR. DON WILKERSON:** *If you come to an agreement with the*
23 *applicant on the access to Lot 4, that you prefer to be off of*
24 *Little Rock Road versus Dewey Road and you had a letter stating*
25 *the reasons for that.*

□

10

1 **MR. BRAD HAWKINS-CLARK:** *Actually, I have not had a chance*
2 *to speak to the applicant.*

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3 **MR. DON WILKERSON:** *So do we, as a Commission, want to pull*
4 *this and make a recommendation that per Brad's staff report that*
5 *access to Lot 4 come off of Little Rock Road versus Dewey Road?*

6 **MR. J.B.:** *I would think so.*

7 **MR. BRAD HAWKINS-CLARK:** *You might pull that one and make*
8 *it a more clear.*

9 **MR. DON WILKERSON:** *I make a motion that we pull Little*
10 *Rock Estates from the consent agenda.*

11 **MR. J.B.:** *I'll second it.*

12 **MR. DAVID POOLE:** *Been moved and seconded. Any discussion?*
13 *All those in favor signify by saying I. Opposed same sign.*

14 *Motion carries.*

15

16 *(Motion carries unanimously.)*

17

18 **MR. J.B.:** *I move that we allow the consent agenda with*
19 *the one item that is left on it, which is the Sharp Subdivision*
20 *to continue.*

21 **MR. DAVID POOLE:** *We have a second to that motion?*

22 **MR. STEVE ETHINGTON:** *Second it.*

23 **MR. DAVID POOLE:** *Any discussion on that motion? If not,*
24 *all those in favor signify by saying I. Opposed same sign.*

25 *Motion carries.*

□

11

1

2 *(Motion carries unanimously.)*

3

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4 *Items moved from the Consent Agenda -*

5 *Item No. 1B - Wills Estates Subdivision*

6

7 *MR. DAVID POOLE: Let's move to the ones we pulled from the*
8 *consent agenda. Will's Subdivision. Somebody want to make a*
9 *recommendation on that one?*

10 *MR. DON WILKERSON: I make a motion that we recommend to*
11 *the County Board of Commissioners that the applicant be required*
12 *to remove the existing irrigation weir at the south east corner*
13 *of the property and the barb wire fence along Wills and South*
14 *Slope Road that will be with in the new public right-of-way that*
15 *is being dedicated.*

16 *MR. J.B.: I'll second it.*

17 *MR. DAVID POOLE: Any discussion?*

18 *MR. BRAD HAWKINS-CLARK: I'm sorry that I didn't catch this*
19 *before you took it off, but the way that the condition is worded*
20 *is the developer shall remove all private encroachments located*
21 *within public right-of-way of Wills and South Slope.*

22 *MR. DAVID POOLE: So therefore it takes care of the*
23 *situation.*

24 *MR. DON WILKERSON: I change my motion per what Brad just*
25 *pointed out. The Board of County Commissioners policy is to*

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12

1 *require the removal of all 5 encroachments in the private*
2 *right-of-way as a condition of the plat. I make that motion and*
3 *approve Wills Subdivision.*

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4 MR. J.B.: I'll second it.

5 MR. DAVID POOLE: Any discussion on that? If not, all
6 those in favor signify by saying I. Opposed same sign. Motion
7 carries to recommend it to the County Commissioners as per staff
8 report.

9

10 (Motion carries unanimously.)

11

12 Items moved from the Consent Agenda -

13 Item No. 1C - Little Rock Estates Subdivision

14

15 MR. DAVID POOLE: Little Rock Subdivision. Somebody want
16 to make a motion?

17 MR. DON WILKERSON: I make a motion that we recommend to
18 the Board of County Commissioners that access to Lot 4 of the
19 Little Rock Estates Minor Subdivision come off of Little Rock
20 Road via the private 60 foot road and utility easement provided
21 on the plat and not off of Dewey Road.

22 MR. DAVID POOLE: Do we have a second to the motion?

23 MR. J.B.: I believe we also discussed mandating the
24 irrigation system. According to Brad, that was unclear. So I
25 think we need to add that to your motion.

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13

1 MR. DON WILKERSON: I'll add to the motion that the
2 applicant may provide a detailed irrigation system for the
3 Little Rock Estates.

4 MR. J.B.: That motion I will second.

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5 MR. DAVID POOLE: Any discussion on the motion? If not,
6 all those in favor signify by saying I. Opposed same sign.
7 Motion carries to recommend it to the County Commissioners as
8 amended.

9

10 (Motion carries unanimously.)

11

12 (Verbatim portion of transcription begins.)

13

14 Public Hearing - Item No. 1 (Continued) A Preliminary Planned
15 Unit Development (Meadows at Sandhollow) - David Grundy

16

17 MR. DAVID POOLE: We'll move to public hearing. We're
18 going to start with the -- we've got one we've continued for
19 Meadows at the Sandhollow. And it's the PUD, planned unit
20 development, for the Meadows at Sandhollow. And you got
21 anything you want to say on this, Brad, before we start, or
22 should I get Mr. Grundy up here or his --

23 MR. STEVE ETHINGTON: Mr. Chairman.

24 MR. DAVID POOLE: Yeah. Did you have any comments to make
25 first?

□

14

1 MR. BRAD HAWKINS-CLARK: You know, I do probably have some,
2 but I'm comfortable with that letting them begin. I think one
3 point of order is, do you want to take additional testimony? Do
4 you want it limited to the reason that you continued this

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5 hearing for, which was --

6 MR. DAVID POOLE: Thank you very much. That's a good
7 reason. In fact, you got that list here and we should stick to
8 that, okay? And under the PUD, why don't you read that for us,
9 the reasons, so that those in the audience will understand
10 because we have continued it and it's the reason that we
11 continued and we have to stay within these guidelines to avoid
12 opening up new information, okay?

13 MR. BRAD HAWKINS-CLARK: Yeah. I'll grab that. There are
14 -- there's two applications on this, the Meadows at Sandhollow.
15 One is the planned unit development, and the other is the
16 preliminary plat.

17 You continued the planned unit development primarily for
18 discussion on domestic water supply and requested a test well.
19 They have done that, and they're prepared to provide their
20 results tonight.

21 And then the second reason had to do with amending the plat
22 and to finalizing conditions. Your first report was a
23 preliminary staff report. And so what you received tonight were
24 final recommended conditions.

25 I think that the public had probably quite a bit of

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15

1 opportunity to testify on the planned unit development, but I'm
2 not sure that the preliminary plat had as much opportunity. So
3 at least from staff's perspective, the planned unit development,
4 since your just making a decision on principal or not and does
5 not go on to the Board of County Commissioners, that one seems

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6 like you could limit testimony on the preliminary plat. There
7 might be enough new issues that were presented in the
8 conditions, that were not a part of the first hearing, that the
9 public did not have access to for the first hearing, and there
10 might be some reasons on the preliminary plat to open it up a
11 little bit broader I guess.

12 MR. DAVID POOLE: Okay. So now as far as the PUD, what
13 your saying is, we've got the opportunity to make the final
14 decision on that one tonight whether we accept or deny the
15 principals --

16 MR. BRAD HAWKINS-CLARK: Yes.

17 MR. DAVID POOLE: -- of the PUD. Okay. So under those
18 circumstances, I guess is it Mr. Grundy that's going to bring
19 this information up? Second, do the domestic water supply and
20 the --

21 MR. DAVID GRUNDY: Yes. Thank you. 3506 West Patel Court,
22 Meridian. It was our understanding that it was continued for
23 that purpose. And we did go about and hire SPF Water Engineers,
24 who have Mr. -- Dr. Petrich, who is here tonight, has a
25 presentation on the water supply assessment and the wells that

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16

1 were drilled, and the existing wells that we tested.

2 MR. DAVID POOLE: Okay.

3 MR. DAVID GRUNDY: And my understanding, from what Brad
4 just said, is that Doug's comments I assume would then be
5 postponed until the subsequent.

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6 MR. DAVID POOLE: Yeah. So do you want him to step forward
7 and give his presentation?

8 MR. DAVID GRUNDY: Please. If you don't mind.

9 MR. CHRISTIAN PETRICH: So, Mr. Chairman, Members of the
10 Commission --

11 MR. DAVID POOLE: If you can use the mike, because it's for
12 recording purposes, I would appreciate it.

13 MR. CHRISTIAN PETRICH: Mr. Chairman, Members of the
14 Commission, I'm passing out two things. I'm passing out a copy
15 of our water assessment. That's the bound copy, bound report.

16 I'm also passing out a copy of the slide, a few of the slides
17 that I'm about to go through. Did everybody get one? Okay.

18 Again my name is Christian Petrich, principal engineer with SPF
19 Water Engineering. And my background in being able to provide a
20 water assessment, is that I'm a registered engineer and
21 registered geologist.

22 Okay. So the components of the water supply assessment
23 that we've done include estimating water demand for 72 homes.
24 We conducted a hydro-geologic review, oversaw the construction
25 of two wells tested, or conducted three aquifer tests, and then

□

17

1 estimated potential impacts from pumping.

2 So for domestic uses, we would estimate that on average,
3 each home would be using between 200 to 250 gallons per day.

4 This is based on large scale usage in the treasure valley. I've
5 increased that a bit, recognizing that people would have -- some
6 of the people living here would have horses or other animals.

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7 *And so the equivalent of production required for domestic uses*
8 *would be approximately .2 gallons per minute, per day, if*
9 *averaged over a 24 hour day, or 15 gallons per minute for 72*
10 *homes averaged on a 24 hour a day basis, 365 days a year.*

11 *We would anticipate that the irrigation is going to be met*
12 *by surface water, using Black Canyon water. The property owners*
13 *have 204 acres of surface water irrigation. Some of the*
14 *property owners may augment that. The maximum allowable amount*
15 *of water, it would be 13,000 gallons a day to irrigate no more*
16 *than one half acre. I've assumed, for the sake of discussion*
17 *here, that they will be doing that. That would amount to*
18 *approximately 36 acres of irrigation. And this, if we spread it*
19 *out over an irrigation season, an aggregate would be*
20 *approximately 134 gallons per minute. If we combine that with*
21 *the average, take the average flow rate for domestic uses and*
22 *for irrigation on a 365 day basis, that would be approximately*
23 *108 gallons per minute. The aquifer, the geologic materials in*
24 *this area consist of sand, silt, and clay layers.*

25 *MR. STEVE ETHINGTON: Excuse me.*

□

18

1 *MR. CHRISTIAN PETRICH: Sure.*

2 *MR. STEVE ETHINGTON: That 108 gallons per minute that's*
3 *given, is that based on a 24 hour period, or just when they're*
4 *-- how'd you --*

5 *MR. CHRISTIAN PETRICH: That would be based, if we take --*
6 *we're concerned about the long term impact. So over many years,*

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7 water level decline. And so what I've done here, it would be,

8 take the domestic uses and the irrigation uses --

9 MR. STEVE ETHINGTON: And combine them.

10 MR. CHRISTIAN PETRICH: -- and combine them. Spread them

11 over a year, because that's what I'm going to look at when it

12 comes to evaluating impact. It's the long term impact that

13 would be of concern.

14 MR. STEVE ETHINGTON: 108 gallons per minute, times 24

15 hours a day.

16 MR. CHRISTIAN PETRICH: Yes, sir.

17 MR. DAVID POOLE: Thank you.

18 MR. J.B.: Thank you.

19 MR. DON WILKERSON: Times 365.

20 MR. CHRISTIAN PETRICH: That would be 365 days a year. So

21 the target aquifers are going to be sand zones, ranging from 100

22 to more than 300 feet below ground surface. The geology, or the

23 stratigraphy here in this area consists of sand, silts, and

24 clays. It's the sand zones that are producing the most water,

25 and these would be targeted by individual wells in this area.

□

19

1 One of the ways that we can evaluate current conditions is

2 by looking at water levels. We were able to find water level

3 data for these wells that are shown here from the Department of

4 Water Resources. Toward the center of the diagram is the

5 property shown in yellow. If we look at water levels in this

6 area, we see that water levels have been relatively steady since

7 1969, or since the time that we're starting to obtain data. And

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8 *what this is telling us is that the aquifer has been able to*
9 *sustain the pumping that occurs in that area, and that has*
10 *developed in that area over the past several decades. So*
11 *currently water levels are relatively steady, and this is*
12 *consistent with ground water levels in my experience in some of*
13 *these areas, in Canyon County to the south, or even further into*
14 *Payette County, or in the Payette basin to the north. So for*
15 *the -- I mean, there may be local fluctuations, but water levels*
16 *are relatively steady.*

17 *Ground water flow direction s in this area, and if I may*
18 *I'm going to step up to the board here because this isn't coming*
19 *through very well, but this is showing a series of contours*
20 *representing ground water levels. And the surface water divide*
21 *is up in this area with surface water flowing south. Ground*
22 *water, represented by these contours, is flowing more or less in*
23 *a westerly, or north westerly direction here. And this will be*
24 *-- this is a copy in your report as well as your handouts. But*
25 *what you can see here is almost a ridge that's formed by ground*

□

20

1 *water mounding, and this is the result of seepage from Black*
2 *Canyon Canal District surface water. And so it's this surface*
3 *water that's a major form of recharge in this area.*

4 *MR. DON WILKERSON: Question.*

5 *MR. CHRISTIAN PETRICH: Yes, sir.*

6 *MR. DON WILKERSON: So you mentioned Black Canyon.*

7 *MR. CHRISTIAN PETRICH: Mm-hmm.*

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8 **MR. DON WILKERSON:** *So it's only recharge rate is only*
9 *really available during the irrigation season; the maximum*
10 *recharge rate.*

11 **MR. CHRISTIAN PETRICH:** *Mr. Chairman, Commissioner*
12 *Wilkerson, yes the recharge is occurring during the canal*
13 *season, but it's taking -- the recharge doesn't flow away very*
14 *rapidly. And because that recharge occurs, year in and year*
15 *out, it -- granted during the irrigation season, but that water*
16 *is recharging the aquifers. It's migrating, down gradient, on a*
17 *year round basis.*

18 *So we conducted three aquifer tests. And the aquifer tests*
19 *-- I'm going to step up to the screen again. The aquifer tests*
20 *consisted of one pair of wells located 31 feet apart. This is*
21 *an irrigation well. It was tested at a rate of approximately 79*
22 *gallons per minute. The owners drilled a new domestic well, or*
23 *drilled a new test well, excuse me, located approximately 90*
24 *feet from an existing domestic well here. And then there was a*
25 *single well test done out in this portion of the property. And*

□

21

1 *these locations were selected on the basis of either available*
2 *wells for monitoring, or site access to the site.*

3 **MR. DAVID POOLE:** *Mr. Petrich, before we go much further,*
4 *the recharge is coming from the Black Canyon, or part of the*
5 *recharge is coming from the Black Canyon canal; right?*

6 **MR. CHRISTIAN PETRICH:** *Yes, sir.*

7 **MR. DAVID POOLE:** *Should they submit the canal, what's that*
8 *going to do to the recharge? Should they stop the flow, the*

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9 recharge, what's that going to do to the recharge of the
10 aquifer?

11 MR. CHRISTIAN PETRICH: Mr. Commissioner, there's several
12 sources of recharge. One would be the canal seepage itself.

13 MR. DAVID POOLE: Mm-hmm.

14 MR. CHRISTIAN PETRICH: The other one would be from the
15 seepage from the --

16 MR. DAVID POOLE: Irrigation.

17 MR. CHRISTIAN PETRICH: -- irrigation itself. And so if
18 there were to be -- if the canals were to be lined, it would
19 reduce recharge in some of that area, but this has occurred in
20 other parts of the Treasure Valley. For example, the water
21 levels along the New York canal --

22 MR. DAVID POOLE: Mm-hmm.

23 MR. CHRISTIAN PETRICH: -- rose 80 to a hundred feet in
24 1912, or following the construction of the canal. Portions of
25 that canal have been lined, but it's still -- those water levels

□

22

1 have still maintained at that higher rate.

2 MR. DAVID POOLE: So just from --

3 MR. CHRISTIAN PETRICH: Despite the increased use.

4 MR. DAVID POOLE: Thank you.

5 MR. CHRISTIAN PETRICH: So this describes the three pumping
6 tests that were done. The first one, with the irrigation well,
7 was conducted at a rate of 79 gallons per minute; 32 gallons per
8 minute in that first test well; 39 gallons per minute in the

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9 second test well. The maximum draw down in the irrigation well
10 was 37 feet, with 8 feet in the monitoring well that was 20 feet
11 away, or excuse me, 30 feet away. Ten feet of draw down in that
12 test well number one, with approximately .2 feet of draw down at
13 the domestic well, and we're uncertain of this just because the
14 change was so small. And then there's 21 feet of draw down in a
15 single test well. We did look at water level changes in those
16 more distant wells that were between 14, 1500 feet away. There
17 was some water level change, but so little change, it's
18 difficult to attribute to the pumping well. So --

19 MR. STEVE ETHINGTON: How much distance -- I'm just
20 curious.

21 MR. CHRISTIAN PETRICH: Mm-hmm.

22 MR. STEVE ETHINGTON: Between the test number one you're
23 monitoring, and then the actual pumping, how much distance did
24 you say it was, 31?

25 MR. CHRISTIAN PETRICH: 31. In the irrigation wells it was

23

1 31 feet.

2 MR. STEVE ETHINGTON: Apart from each other?

3 MR. CHRISTIAN PETRICH: Apart from each other.

4 MR. STEVE ETHINGTON: Is that the -- I'm naive on this
5 particular subject as far as, you know, what dictates, you know,
6 too much of a draw down. What is normal ones like? What do you
7 like to see on something like that?

8 MR. CHRISTIAN PETRICH: It could vary. The important part
9 to remember is that water flows from sort of high level to low

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10 level, and a well has to create some draw down to have water
11 flowing into --

12 MR. STEVE ETHINGTON: Mm-hmm.

13 MR. CHRISTIAN PETRICH: -- that area. So in other words,
14 if you start pumping a well, it's going to form a so called
15 "cone of depression". The water in the well is going to be less
16 than that at some distance away, and that's required to have
17 water flowing in there. If there weren't a difference in
18 gradient, there would be no water flowing.

19 The draw down during pumping can be anywhere, different
20 wells, it could be anywhere from a few feet to well over a
21 hundred feet, depending on the well and the specific conditions.
22 And what we did with this, then we took these data and estimated
23 aquifer parameter values. In other words, estimating the
24 capacity of an aquifer. And we took those values and projected
25 them on, you know, projected a longer test, in essence. And I

□

24

1 think that's the important part. So we took the aquifer
2 capacity, or these aquifer parameter values, which ranged from
3 approximately 10 thousand to 30 plus thousand gallons per day,
4 per foot. That's the measure it's been used at. That is a
5 relatively high capacity aquifer. Yes there are higher. There
6 are also many that are substantially lower. We used those
7 values then to project what the pumping, what the effect might
8 be over longer period of time. So we used that value.
9 If we project one individual well, pumping at a rate for

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10 365 days per year, recognizing that it cycles over time, but
11 that average rate, the effect at 500 feet away was approximately
12 0.2 feet, and that's excluding any recharge what-so-ever during
13 that 365 days. We also took a -- took or made an estimation of
14 what the aggregate pumping might be from 72 homes, using water
15 for domestic and irrigation purposes, and projected that onto a
16 hypothetical well in the center of the property. In other
17 words, what would be the effect, the combined effect, of these
18 72 wells? So I took that aggregate rate and projected that onto
19 a hypothetical well in the center of the property and then
20 looked at what the water level change might be, and that's shown
21 here.

22 So at 365 days of pumping at 108 gallons per minute
23 representing the combined irrigation and domestic at two
24 thousand feet out it was roughly 3.6 feet of draw down. And
25 this is conservative. And it is conservative for two reasons.

□

25

1 One is that we measure. We estimate this aquifer capacity based
2 on the thickness that the test wells were drawing water from.
3 It was 10 feet. One well has 10 feet screen. One well has 10
4 feet screen. One well has 15 feet of open interval.

5 In reality, people that are going to be drilling individual
6 wells are going to be spreading those wells over a large area
7 and at different depths. In other words, the capacity of the
8 aquifer in aggregate is greater than what would be seen in just
9 one well.

10 The second reason that this is conservative is because

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11 we're excluding any kind of recharge from infiltration from
12 fields or canals in this. So this would be, in my opinion,
13 pretty much a worst case scenario, but this would be the
14 relative impact. And I would submit that 3 or 4 feet is a
15 minimal impact, even at worst, that would occur as a result of
16 these wells.

17 And again, I just take you back to the slide, that although
18 it's not very clear here, we can see a substantial mound in this
19 area. Remember that water levels, at least in the wells where
20 we have data, are relatively stable. There are no known
21 problems currently in this area. And so with that, we would
22 conclude that the potential for developing this water supply is
23 very high. That the impacts to existing wells, to neighboring
24 wells, are going to be minimal because of the high aquifer
25 capacity, because of ample recharge in this area, and because of

□

26

1 stable water levels. And with that, Commissioners, I'd be happy
2 to answer any questions you might have.

3 MR. DAVID POOLE: Questions for Mr. Petrich.

4 MR. CHRISTIAN PETRICH: That's correct.

5 MR. DON WILKERSON: Don Wilkerson. The irrigation people
6 that have -- actually have irrigation wells, do they have the
7 ability to increase their flow from there; like be able to pump
8 more water?

9 MR. CHRISTIAN PETRICH: Mr. Chairman, Commissioner
10 Wilkerson, a -- you're referring to like an individual well.

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11 **MR. DON WILKERSON:** *Yeah, like this irrigation well that's*
12 *doing 79 gallons per minute, can they increase it to a hundred*
13 *gallons per minute?*

14 **MR. CHRISTIAN PETRICH:** *Well, the important part would be*
15 *the maximum impact over time. In this case, a domestic water*
16 *right. If somebody chooses they would like to augment their*
17 *Black Canyon irrigation water with this, the most that they*
18 *would be able to do would be half an acre of irrigation and*
19 *13,000 gallons per minute. Could they pump that at a hundred*
20 *gallons per minute? Yes, but it would only be for a very short*
21 *duration. In other words, that well would be --*

22 **MR. DON WILKERSON:** *No. I'm just talking the farmers*
23 *irrigation well. Is this a form of irrigation, well number one?*

24 **MR. CHRISTIAN PETRICH:** *Oh, I'm sorry. Yes.*

25 **MR. DON WILKERSON:** *Does he have the ability to put in a*

□

27

1 *bigger pump and pump more gallons per minute? Does he have more*
2 *water rights? So if he can go in there and maybe put in a*
3 *bigger pump and pump more water, what's that going to do to your*
4 *recharge and your draw down?*

5 **MR. CHRISTIAN PETRICH:** *Commissioner Wilkerson, the -- I*
6 *have not looked at the water rights for that Nishitani well.*
7 *It's my understanding, you know, and Jim Miller and/or the*
8 *Nishitani's were here, they'd be able to address that. It's my*
9 *understanding that they're able to irrigate their entire portion*
10 *of land with what they currently have in that lower -- in that*
11 *lower pasture area.*

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12 **MR. DON WILKERSON:** *So your assuming that there won't be an*
13 *increase in their demand.*

14 **MR. CHRISTIAN PETRICH:** *I'm unaware of any reason that*
15 *there would be an increase.*

16

17 *(Inaudible response from an unknown audience member.)*

18

19 **MR. DAVID POOLE:** *We'll ask you a question in a moment,*
20 *sir, if you don't mind; okay?*

21 **MR. CHRISTIAN PETRICH:** *I'll defer then on that to*
22 *Mr. Miller.*

23 **MR. DAVID POOLE:** *All right. Any further questions for*
24 *Mr. Petrich? Thank you, sir.*

25 **MR. CHRISTIAN PETRICH:** *Thank you.*

□

28

1 **MR. DAVID POOLE:** *And I guess now, if you will at this*
2 *point, if you could step up and -- if you could step up, and*
3 *give us your name and address, and we can ask questions of you.*

4 **MR. JIM MILLER:** *Yes. My name is Jim Miller and live at*
5 *9390 Oasis Road, Caldwell. And regarding that well, we can't --*
6 *the biggest pump that's in there is as big as we can put in*
7 *there.*

8 **MR. DAVID POOLE:** *That's all your rights allow.*

9 **MR. JIM MILLER:** *So we can no way up the gallons on that*
10 *well.*

11 **MR. DAVID POOLE:** *So that's all your rights allow, right?*

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12 MR. JIM MILLER: Yeah.

13 MR. DAVID POOLE: Thank you, sir.

14 MR. JIM MILLER: Thank you.

15 MR. DAVID POOLE: Okay. I guess the next step is the amend

16 of the plat and finalize conditions, and then this situation.

17 Is it something we're saying we want to table until we make that

18 decision? Is that what we're saying? The second, No. 2, amend

19 plat and finalize conditions. These are one of the questions

20 that we had, David, Mr. Grundy.

21 MR. DAVID GRUNDY: Well our -- Dave Grundy, 3506 West Patel

22 Court. Our -- if I'm understanding correctly, our continuance

23 last time was on the subject of the preliminary PUD and for the

24 purpose, specifically, of our doing this --

25 MR. DAVID POOLE: Okay.

□

29

1 MR. DAVID GRUNDY: -- investigation. The remainder of our

2 comments, and we do have comments in response, and some changes

3 we made in response to the last hearing that might be most

4 appropriately handled as your consideration of the preliminary

5 plat.

6 MR. DAVID POOLE: Okay. Thank you very much, Mr. Grundy.

7 Okay. So at this point then, it appears, gentlemen, what we

8 have to do is make a determination on the PUD.

9 MR. J.B.: Is this open to any public comment?

10 MR. DAVID POOLE: Yeah. You're right. I do apologize. Is

11 there any public comment in favor of the PUD concerning the

12 domestic water supply situation; the presentation you've already

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13 heard? Anyone neutral that wants to make a comment? Opposition

14 that wants to make a comment on this?

15

16 (Inaudible response from an unknown speaker.)

17

18 MR. DAVID POOLE: About the water, yes. Okay. Step up,

19 state your name and address please.

20 MR. SHAWN STEWART: My name's Shawn Stuart. I live on El

21 Paso. I guess one, maybe, concern I was just kind of thinking

22 when the gentleman was up here giving presentation is if you

23 approve a PUD like that out there, technically you have to, if

24 another gentleman comes along down the road, you pretty much, if

25 he goes through the hoops, you have to approve it, otherwise you

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1 can get in trouble, I mean, in a lot of ways. My concern, I

2 guess, was have they done a study on -- say there was 10 or 20

3 more PUD's to go out there down the road, because you know it's

4 zoned agricultural, which is a 5 acre minimum, but under what I

5 understand reading, if the planned housing development, you go

6 down to 3 acres, which seems like what they did there. So if

7 another person comes along to do that, and you got a bunch of

8 people doing that out there, how's that going to effect the same

9 scenario this gentleman was just talking about? That's

10 something I think you should consider because, you know, I'm

11 fairly new to the area, but I've talked to a lot of people that

12 have lived here a long time, and the growth that has happened

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13 out here, and I've seen it where I've come from, the amount of
14 people moving in, sometimes people in your position, and I've
15 been in a planning position before, sometimes we don't think 10,
16 20 years down the road. Because I know I got in a situation
17 before where the planning board before didn't plan 10, 20 years
18 down the road and we dealt with the mess. So....

19 MR. DAVID POOLE: Thank you, Mr. Stuart.

20 MR. SHAWN STEWART: Can I make a recommendation while I got
21 the microphone so I don't waist any more time? I would like a
22 recommendation for you to consider. That far out in Gem County,
23 to either change that zoning on the PUD's, I think it's A-2 or
24 something like that, the zoning when it talks about going down
25 to 3 acres, to maybe when your that far out in Gem County, to

□

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1 not let them do anything less than 5, like the agricultural --

2 MR. DAVID POOLE: We are discussing the water situation.

3 MR. SHAWN STEWART: Are you?

4 MR. DAVID POOLE: Yeah.

5 MR. SHAWN STEWART: Okay.

6 MR. DAVID POOLE: Thank you, Mr. Stuart.

7 MR. SHAWN STEWART: Thank you.

8 MR. DAVID POOLE: Anybody else that's neutral? Okay. I
9 guess opposition or neutral?

10 MR. BRIAN SHARP: I got a comment.

11 MR. DAVID POOLE: Okay. On the water, right?

12 MR. BRIAN SHARP: On the water.

13 MR. DAVID POOLE: Yeah.

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14 **MR. BRIAN SHARP:** *Brian Sharp, 7370 Sagebrush Lane. I seen*
15 *the gentleman address surface water, briefly in regards to the*
16 *irrigation. It's a problem already with the waste that runs*
17 *through there; the tail water that runs off the pivots that are*
18 *currently there. I don't know if that's been addressed*
19 *properly. How, I mean there's a problem there currently, how*
20 *that's going to be solved or resolved, or if that's going to go*
21 *away or what.*

22 **MR. DAVID POOLE:** *Well that has to be addressed with the*
23 *engineering, okay? Further on before that can go through the*
24 *final plat that will have to be addressed, okay?*

25 **MR. BRIAN SHARP:** *Okay.*

□

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1 **MR. DAVID POOLE:** *Thank you very much.*

2 **MR. DON WILKERSON:** *Can I ask a question?*

3 **MR. DAVID POOLE:** *Yeah.*

4 **MR. DON WILKERSON:** *Don Wilkerson. Are your concerns*
5 *because -- Sir? Sir?*

6 **MR. BRIAN SHARP:** *Yeah.*

7 **MR. DON WILKERSON:** *Are your concerns because it's*
8 *flooding, or excess water you just don't know what to do with,*
9 *or what?*

10 **MR. BRIAN SHARP:** *No. There's a current -- the way it*
11 *tails down through there right now, the pipe going under the*
12 *road limits how high it has to back up before it crosses the*
13 *road.*

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14 MR. DON WILKERSON: Okay.

15 MR. BRIAN SHARP: And we've experienced flooding.

16 MR. DON WILKERSON: The flooding on the east side of El

17 Paso?

18 MR. BRIAN SHARP: Yes.

19 MR. DON WILKERSON: Okay.

20 MR. BRIAN SHARP: Yeah.

21 MR. DON WILKERSON: Is it flooding other peoples' property

22 or bare ground?

23 MR. BRIAN SHARP: Yes. There's a house right there on the

24 corner.

25 MR. DON WILKERSON: Okay.

□

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1 MR. BRIAN SHARP: There's a couple places right there that
2 it backs up.

3 MR. DON WILKERSON: Okay. It is coming off the property
4 that these people are wanting to develop?

5 MR. BRIAN SHARP: Yes.

6 MR. DON WILKERSON: So if they converted the homes, it may
7 reduce the amount of runoff, wouldn't it?

8 MR. BRIAN SHARP: It -- I don't know. I don't know. I'm
9 not --

10 MR. DON WILKERSON: Put in roads, and they're going to have
11 to do something with that. I guess I'm going to say they're
12 probably going to eliminate some pivots. So it might reduce
13 that amount of surface water that they're talking about.

14 MR. DAVID POOLE: Well they do have to address the waste

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15 water.

16 MR. DON WILKERSON: They've come out there to address the
17 waste water.

18 MR. BRIAN SHARP: But I would think whether you water 40
19 acres at once with a pivot or you water 60 acres individually,
20 you still have a water runoff concern there.

21 MR. DON WILKERSON: But if you use -- maybe use sprinklers
22 in the yard, you're not going to have that much runoff. But I
23 see where your coming from, and like Dave says, it will be
24 addressed in the waste water issue.

25 MR. DAVID POOLE: And I think the applicant may have a, you

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1 know --

2 MR. DON WILKERSON: Yeah.

3 MR. DAVID POOLE: -- an answer for us. They get to rebut.

4 So....

5 MR. BRIAN SHARP: Okay.

6 MR. DAVID POOLE: Thank you very much.

7 MR. DAVID POOLE: Any further comment on the water? If
8 not, then if you would like to address the water situation, the
9 two concerns we had here. For instance, the waste water and
10 the --

11 MR. J.B.: Only if they want to rebut.

12 MR. DAVID POOLE: Only if they want to rebut. You don't
13 have to, but it's entirely up to you. It might alevé the public
14 concerns.

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15 MR. DAVID GRUNDY: I'll make the hassle of a rebut then.

16 Dave Grundy, West Patel Court. I know from conversation with

17 Mr. Cooms is here tonight, he has some familiarity with that

18 issue. And if you're desirous of learning more, he'd actually

19 be the gentleman to speak to about that.

20 MR. DAVID POOLE: Okay. There appears to be no further

21 comment. So we'll close the public hearing on the PUD, bring it

22 before the Board.

23 MR. J.B.: Mr. Chairman.

24 MR. DAVID POOLE: Yes.

25 MR. J.B.: I'm impressed. We asked him to go out, and when

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1 we were at our last meeting, we were practically at the point of

2 approving the concept. And the question came up, should we have

3 a central well or distributed wells and asked him to come up

4 with a report. This is a very sophisticated report. I think

5 it's one of the best ones we've ever seen on this committee, at

6 least since I've been here. In its thoroughness, I learned some

7 things tonight about water and flows, and didn't realize that

8 the underground water was flowing at a different direction,

9 necessarily, then some of the stuff on top.

10 So overall I'm impressed. And since they're still required

11 to get permits for the wells and they'd be put in appropriately,

12 I'm very much in favor as we were two months ago or a month ago,

13 whatever it was, to move forward with the concept and allowing

14 it. Thank you, Mr. Chairman.

15 MR. DAVID POOLE: Further comment before we make a

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16 determination?

17 MR. DON WILKERSON: Don Wilkerson. On the letter that they
18 presented, they're revision, and we got a new edited copy just a
19 bit ago, item 13, why were the subdivision owners searching
20 about the -- worried about the length of the roads? And it says
21 this is only -- "this is only deleted if the P&Z Commission
22 approves the Final PUD with requested block length exception."
23 Where I read the ordinance, if it's over 750 feet, it requires
24 special approval of the Fire District; is that correct?

25 MR. J.B.: Mr. Chairman.

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1 MR. DON WILKERSON: If it's over a certain length.

2 MR. DAVID POOLE: J.B.. Well it's a question too. Was the
3 question addressed to you as of Brad?

4 MR. DON WILKERSON: A question I gave to Brad. To me it
5 looked like we can approve a block length exception, but I think
6 it requires a Highway District, or the Fire District.

7 MR. J.B.: Fire District. And I think the Fire District
8 did lend us time, Mr. Wilkerson.

9 MR. DAVID POOLE: Well we have a letter from the Fire
10 District in this case.

11 MR. J.B.: When we --

12 MR. DON WILKERSON: But the Fire District didn't really say
13 anything about length of roads in the Fire District letter.

14 MR. J.B.: Well we can certainly stipulate that they get
15 Fire District approval on it.

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16 MR. DON WILKERSON: *Let me see if I have another thing. It*

17 *looked like there was a couple issues that we need to insert*

18 *Commission recommendation. On items 30 and items 33 we've been*

19 *asked to insert Commission recommendations.*

20 MR. BRAD HAWKINS-CLARK: *Mr. Chair, can I just ask -- these*

21 *conditions were intended for the preliminary plat.*

22 MR. DAVID POOLE: *Rather than the concept?*

23 MR. BRAD HAWKINS-CLARK: *Right. I mean, I think that if,*

24 *Commission Wilkerson, if your using these as sort of discussion*

25 *points for the concept, then that's one thing but --*

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1 MR. DAVID POOLE: *They're not a reason to.*

2 MR. DON WILKERSON: *But these are for the preliminary plat.*

3 MR. BRAD HAWKINS-CLARK: *But these were all -- right, for*

4 *the preliminary plat.*

5 MR. DON WILKERSON: *Okay. I apologize. I'll wait until*

6 *the preliminary plat comes up.*

7 MR. DAVID POOLE: *Okay. Any further discussion on the PUD?*

8 *Back to, I guess at this point it's the water well information,*

9 *past the point of what we had from last time, any discussion?*

10 MR. BRENT JENSEN: *Brent Jensen.*

11 MR. DAVID POOLE: *Yes.*

12 MR. BRENT JENSEN: *You know the applicant presented his*

13 *proposal a month ago and we had some concerns. Primarily, you*

14 *know, one of the big concerns from the public was the effects on*

15 *ground water. The other public concern was the school bus stop*

16 *out on El Paso. And I feel that the applicant has addressed*

March 12, 2007

17 *both of those issues.*

18 **MR. DAVID POOLE:** *Well I think -- was that under the PUD?*

19 **MR. J.B.:** *The water is there. Was the bus stop?*

20 **MR. DAVID POOLE:** *Okay. Well our first determination I*
21 *think we have to do is whether we -- because of the PUD, they're*
22 *going to get some extra lock changes and so we have to either --*

23 **MR. BRENT JENSEN:** *Yea they're going to get some higher*
24 *density but they have open space.*

25 **MR. DAVID POOLE:** *So as a result, we have to make a*

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1 *determination on the PUD before we move forward.*

2 **MR. BRENT JENSEN:** *Well I would support the PUD.*

3 **MR. DAVID POOLE:** *Okay. Any further comment on the PUD or*
4 *do we need a motion whether to support or not support the PUD?*

5 **MR. J.B.:** *Mr. Chairman. Fred, are you going to make a*
6 *motion?*

7 **MR. FRED NUSSBAUMER:** *No. Go ahead.*

8 **MR. J.B.:** *Mr. Chairman, I would like to make a motion that*
9 *we approve the PUD as presented.*

10 **MR. DAVID POOLE:** *Do I have a second to that motion?*

11 **MR. FRED NUSSBAUMER:** *I second that.*

12 **MR. DAVID POOLE:** *Any further discussion? Okay. All those*
13 *in favor of the concept of the PUD signify by saying 'I'.*

14 *Opposed say 'nay'.*

15 **MR. DON WILKERSON:** *Don Wilkerson. I'm abstaining from*
16 *voting because I wasn't here at the previous meeting.*

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17 **MR. DAVID POOLE:** *Okay. I think we still have a -- we*
18 *still have 4 and one abstention. So the motion carries.*

19

20 *(Other than Mr. Wilkerson abstaining from voting,*
21 *motion carries unanimously.)*

22

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1 *Public Hearing - Item No. 2 - (Continued) A Preliminary*

2 *Subdivision Plat (Meadows at Sandhollow) - David Grundy*

3

4 **MR. DAVID POOLE:** *Okay. I guess, at this point, we need to*
5 *go to the -- now do we -- as per your -- we're going to go ahead*

6 *and open the hearing part of this I think is what your*

7 *recommendation is. At that point we need to make a*

8 *determination whether to table, to let everything catch up,*

9 *right? Okay. So now we got the public portion of the*

10 *preliminary plat for the finalized conditions. So if Mr. Grundy*

11 *would step forward on this one, item No. 2.*

12 **MR. J.B.:** *Mr. Chairman, may I first make a comment to*

13 *Mr. Grundy? Mr. Grundy, the map that we received tonight has a*

14 *change on some roads that is not in this. I don't know if*

15 *you're aware of that. This does not have the road going through*

16 *as it does here.*

17 **MR. DAVID GRUNDY:** *I was not aware.*

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18 **MR. J.B.:** *These two maps are different. This I understand*
19 *is just a water report so it didn't concern me, but just for*
20 *your information they are different.*

21 **MR. DAVID GRUNDY:** *Thank you. We may -- as needed, we can*
22 *update that. I had communicated that prior to making some of*
23 *these changes. Thank you. And if you don't mind, Doug Bergey*
24 *of ALS will address the other issues --*

25 **MR. DAVID POOLE:** *Okay. Fine.*

□

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1 **MR. DAVID GRUNDY:** *-- as they've evolved.*

2 **MR. DAVID POOLE:** *As far as the amendments go and the plat?*
3 *Okay.*

4 **MR. DOUG BERGEY:** *Doug Bergey, 49 Rocky Road, Horseshoe*
5 *Bend. Mr. Chairman and Commissioners, I'd like to put this up*
6 *so we can see it.*

7 **MR. DAVID POOLE:** *And is there some way to hang it there?*
8 *You need a hand?*

9 **MR. DOUG BERGEY:** *Okay. Again I'm using this landscape*
10 *plan because it's more illustrated with what I want to*
11 *demonstrate.*

12 *At the previous meeting we talked about bus turnarounds,*
13 *access roads, different driveway configurations. There was an*
14 *issue with the gas company, location of the line. And Dave has*
15 *diligently talked to everybody in the world I think about this.*

16 *You can see it in the letters. In regards -- originally we*
17 *wanted to have a bus turnaround down here because we recognized*

March 12, 2007

18 a hazard at Oasis and El Paso. We proposed one here, possibly,

19 or in this intersection.

20 After conversations, or investigation by Dave and

21 appropriate letters, they would like to have a turn lane right

22 here at El Paso and our road coming into the subdivision. So

23 we're going to propose that on my drawing. I think I hand-drew

24 that in on your landscape plans, trying to get it done last

25 Friday. And the School District really liked that idea of

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41

1 putting a turn lane right here.

2 UNKNOWN SPEAKER: Will that be -- will that be

3 approximately at the top of the hill?

4 MR. DOUG BERGEY: No. This top of the hill is right in

5 here.

6 UNKNOWN SPEAKER: Okay.

7 MR. DOUG BERGEY: This would be where it flattens out.

8 UNKNOWN SPEAKER: So it will be in a flat area, rather than

9 a down slope?

10 MR. DOUG BERGEY: Yes. We -- what's different on your map

11 and the water report is the addition of this road right here.

12 Originally we didn't have this road connecting to the main road

13 going into the subdivision. So we added that connection. And

14 we reconfigured the common lot through this area. And that

15 resulted in these lots becoming a little bigger.

16 The other major change is the Intermountain Gas 8-inch gas

17 pipeline running right through here. And we reconfigured these

18 lots and obtained the support from Intermountain Gas to maintain

March 12, 2007

19 the line where it is. And we put it on the back lot line or in
20 the common area, as it may occurred through here. That's the
21 biggest difference.

22 The small changes we made is we added, and these are per
23 Brad's comments too, we added the pedestrian trail down to the
24 picnic area. We rerouted the equestrian. So there isn't to
25 much conflict there. We've added the landscape easement that

□

42

1 was requested, here on Lot 12, and along these lots here in
2 Block 2 and Block 1.

3 We're also proposing another turn lane down here at El Paso
4 and Oasis. It would be a -- the turn lane would be south bound,
5 so you could turn west onto Oasis. And then, of course, have a
6 blinking light up here at the top of the hill. We thought that
7 would mitigate the safety issues that were brought up.

8 There was some talk about the fences. Dave would like me
9 to go over these points. I won't -- over Brad's report I should
10 say. And we have a few suggestions that you -- we would like
11 you guys to consider.

12 MR. DAVID POOLE: Item number on those would help us.

13 MR. DOUG BERGEY: Okay. This would be Item 7, "comply with
14 subdivision ordinance 6-1 M1b - avoiding double frontage lots."
15 They were referring to these lots here and here. The biggest
16 issue is the access. We've never intended or shone access off
17 the main road. We've always shown it off the cul-de-sac road.
18 The other issue was this lot right here, Lot 7 in Block 6.

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19 **MR. BRENT JENSEN:** *Will that be addressed to the land*
20 *owners by covenant?*

21 **MR. DAVID POOLE:** *I think if you got a landscape*
22 *easement --*

23 **MR. BRENT JENSEN:** *On your access?*

24 **MR. DAVID POOLE:** *If you got a landscape easement along the*
25 *either end of those.*

□

43

1 **MR. DOUG BERGEY:** *Yes.*

2 **MR. DAVID POOLE:** *And so that's going to be -- that's*
3 *common so they can't --*

4 **MR. BRENT JENSEN:** *They can't come close at all. Okay.*

5 **MR. DOUG BERGEY:** *On this lot, looking at the topography,*
6 *the logical access to a nice building site is right here. And*
7 *that logical access is this, from the top. The ground is*
8 *significantly steep in this area, and it probably be difficult*
9 *to get a road to wind up to the top to the logical building*
10 *site. Dave talked to the Fire District, and I think there's a*
11 *letter in there to the effect that they didn't care whether they*
12 *came this way or this way, or if there was an outbuilding down*
13 *here, lower to the cul-de-sac. That didn't seem to bother them,*
14 *and I think they stated so in their letter.*

15 **MR. DON WILKERSON:** *Don Wilkerson. But you're still*
16 *proposing, possibly, double access to that lot; right?*

17 **MR. DOUG BERGEY:** *To this particular lot? Yes. Mostly*
18 *because the owner that buys Lot 7, he may want to put a corral*
19 *or outbuilding down here a little. That's Dave's.*

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20 MR. DAVID POOLE: The size of that lot is, roughly?

21 MR. DOUG BERGEY: That's my old plat. Where is it? It's

22 3.26 acres.

23 MR. DAVID POOLE: Okay.

24 MR. J.B.: It's steep in the middle, and that's not a

25 major --

□

44

1 MR. DOUG BERGEY: It's --

2 MR. J.B.: It's not a major incoming road then?

3 MR. DOUG BERGEY: No. This would be a driveway actually.

4 MR. J.B.: That's a driveway?

5 MR. DOUG BERGEY: And this would be a turnaround for the

6 Fire Department.

7 MR. J.B.: And the other access is also off of a

8 cul-de-sac?

9 MR. DOUG BERGEY: Yes.

10 MR. J.B.: Both of them are. No, excuse me, the other end

11 of the same lot.

12 MR. DOUG BERGEY: Yes. This would be --

13 MR. J.B.: So it's also off of a cul-de-sac. So they're

14 not --

15 MR. DOUG BERGEY: Correct.

16 MR. J.B.: -- accessing off of a major road. Okay.

17 MR. DOUG BERGEY: Correct.

18 MR. J.B.: Thank you.

19 MR. DOUG BERGEY: And that's what we seek your blessing on,

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20 I guess.

21 The next item would be No. 10. Dave has wrote in the
22 language that he would like to you to approve. And the key is,
23 "applicant shall be responsible to make the necessary
24 improvements within the right-of-way." And that's discussing
25 this turn lane right here. I think the thinking was if they

□

45

1 widened El Paso to four lanes, then that would wipeout the turn
2 lane, and you might not have right-of-way to build a new turn
3 lane. Whatever the Commissioners decide, we will comply with on
4 there. We don't think they're additional right-of-way is
5 required.

6 MR. STEVE ETHINGTON: I had a question on the turn lane, on
7 the coming off of El Paso there, it would be on the further
8 south or was that north? Would that be going both north and
9 south or just on the --

10 MR. DOUG BERGEY: Down here?

11 MR. STEVE ETHINGTON: No. Up at the top.

12 MR. DOUG BERGEY: No. There'd be one turn lane on the east
13 side of El Paso right before, we're calling that Garden Glen
14 Way.

15 MR. STEVE ETHINGTON: And then the shot coming south,
16 that's a pretty flat area there. There's not a safety hazard
17 there at all for those traffic going south?

18 MR. DOUG BERGEY: Traffic hazard would be the steep cut
19 slope right in here.

20 MR. STEVE ETHINGTON: Right there then.

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21 MR. DOUG BERGEY: *Then the design issues of working around*

22 *that --*

23 MR. STEVE ETHINGTON: *Okay.*

24 MR. DOUG BERGEY: *-- and minimizing the cut --*

25 MR. STEVE ETHINGTON: *I see.*

□

46

1 MR. DOUG BERGEY: *-- on that, otherwise, steep bank.*

2 MR. STEVE ETHINGTON: *Okay.*

3 MR. DOUG BERGEY: *In fact, our engineer has already*

4 *penciled out a rough idea of how it could fit in there but we*

5 *have not done a design by any means. Next issue.*

6 MR. DAVID POOLE: *14.*

7 MR. DOUG BERGEY: *No. 14. We requested a variance on the*

8 *length of this road. It was 1,040. And I think the limitation*

9 *is a thousand feet. There was a lot of discussion at the first*

10 *meeting about this little road right-of-way here. And Dave, I*

11 *think, would like to -- from the latest discussion I understand*

12 *is we would go ahead and improve that on a -- as a gravel*

13 *surface. Dave, is that your desire?*

14 MR. DAVID GRUNDY: *Our preference is not to build it at*

15 *all. We think that it could be, in fact, a nuisance. A parking*

16 *lot that doesn't serve, and provided as a future accommodation*

17 *whenever that eastern property is platted. But the*

18 *understanding from Brad is that that would not be acceptable.*

19 *That we either have to provide financial security for it's*

20 *completion or actually build it. And our current position is*

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21 *that it would be in the best interest of the subdivision to have*
22 *to go ahead and provide that financial security without that*
23 *additional cost, so that it wouldn't sit there and deteriorate.*

24 *MR. DAVID POOLE: So it wouldn't turn into a parking lot is*
25 *what you're saying.*

□

47

1 *MR. DAVID GRUNDY: Or just deteriorate.*

2 *MR. DAVID POOLE: Yeah.*

3 *MR. DOUG BERGEY: If that's it, I guess if you were to*
4 *consider this bill, then that would definitely -- well this*
5 *exceeds by 40 feet.*

6 *MR. DAVID POOLE: Okay, but do you have --*

7 *MR. DOUG BERGEY: And we're asking for --*

8 *MR. DAVID POOLE: Asking for a variance on that 40 feet.*

9 *MR. DOUG BERGEY: Correct.*

10 *MR. DON WILKERSON: But on your road there that your going*
11 *to do the financial security on, you would dedicate the*
12 *right-of-way, just not build it at this time?*

13 *MR. DOUG BERGEY: Yes.*

14 *MR. DON WILKERSON: Okay.*

15 *MR. DOUG BERGEY: Yeah. It would be dedicated right-of-way*
16 *when we do the final plat.*

17 *MR. DON WILKERSON: Before we move on, that's my question*
18 *about, you want an exception because of the length of the road?*

19 *MR. DOUG BERGEY: Variance.*

20 *MR. DON WILKERSON: Okay a variance. Well it says*
21 *exception. But when I read the ordinance, once it gets over 750*

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22 feet it takes approval of the Fire District. Is that incorrect
23 or not?

24 MR. DOUG BERGEY: I think it's -- well.

25 MR. BRAD HAWKINS-CLARK: What section is that?

□

48

1 MR. DON WILKERSON: Let me tell you what I'm looking at
2 here. I'm looking in the ordinance under page 51, requirement
3 for dead end access roads. Chapter 6, page 51. My page 51
4 anyway. Looks like it's section 11-6-3. Something that goes
5 down on provisions. I'm only wondering, but it pretty well
6 dictates -- the zoning pretty well dictates the roads
7 information, I assume.

8 MR. J.B.: Don, mine says special approval. Does yours say
9 fire?

10 MR. DON WILKERSON: Well, but I didn't see much in 66 of
11 the subdivision ordinance that talked about the road, streets.

12 MR. BRAD HAWKINS-CLARK: It's on page 44 through 47.

13 MR. DON WILKERSON: So does it address anything on the
14 length?

15 MR. DOUG BERGEY: If it required us to seek the Fire
16 District approval, then I'm certain Dave would meet with them
17 and address all their concerns.

18 MR. DON WILKERSON: Really all I'm saying, I don't think
19 it's the Commissions' responsibility. I think it's the Fire
20 District's responsibility.

21 MR. DOUG BERGEY: If that's the case, we would seek their

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22 approval and go with their recommendations.

23 MR. DON WILKERSON: Well I addressed my question.

24 MR. DAVID POOLE: Item 14 was it?

25 MR. DOUG BERGEY: That was 14.

□

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1 The next item we'd like you to consider, No. 19, "relocate
2 the driveway for Lot 12, Block 1." That's the driveway I talked
3 about earlier. The existing driveway is off Oasis. Dave has
4 always intended and shown the driveway coming from down below.
5 He didn't want any lot access off Oasis.

6 MR. J.B.: That makes sense.

7 MR. DON WILKERSON: But isn't staff recommending that that
8 access come off of that more south road? I don't know. Your
9 map doesn't have any road names on it.

10 MR. DOUG BERGEY: That's Country Lane Way.

11 MR. DON WILKERSON: Yeah, but I think the staff report
12 requests that access to that lot will come off of north Country
13 Lane Way.

14 MR. BRAD HAWKINS-CLARK: That is what the staff report
15 said, but what they're showing to me is even better.

16 MR. DAVID POOLE: Okay. So your not coming off.

17 MR. DON WILKERSON: So your happy? Okay.

18 MR. DAVID POOLE: It's going to alleviate more problems.

19 MR. DON WILKERSON: Has that been approved by the owner of
20 that lot?

21 MR. DOUG BERGEY: Dave is the owner of that lot.

22 MR. DON WILKERSON: Okay. That answers the question.

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23 MR. DOUG BERGEY: Or will shortly be.

24 The other consideration would be No. 29, "construct a

25 minimum 5-foot tall fence along the shared property" with the

□

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1 Chadwick's. That was a lot of discussion our first meeting.

2 And reluctantly, I talked Dave into building a fence that was

3 suitable to protect them from kids and protect the kids from

4 animals, to put a 4-foot high fence with 36 inches of woven wire

5 and then two strands of barb. Now there's been a lot of talk

6 about whether it should be barbed wire or smooth wire. And I

7 guess what we're asking you to consider is a 4-foot tall fence

8 instead of a 5-foot tall fence.

9 MR. DAVID POOLE: What kind of livestock are you talking

10 about?

11 MR. BRENT JENSEN: Horses.

12 MR. DAVID POOLE: 4 foot, I don't think will do it. Didn't

13 work around my house.

14 MR. J.B.: And my -- Mr. Chairman.

15 MR. DAVID POOLE: Yes.

16 MR. J.B.: My contention, or problem with the fence was not

17 the horses, because I don't care about their horses and whether

18 or not their horses get out, it was the animals getting through,

19 dogs getting through and bothering the neighbors.

20 MR. DAVID POOLE: Livestock.

21 MR. J.B.: Being more of a nuisance to the livestock. If

22 your horse gets through, that's much easier to address. And I

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23 had wanted a some sort of a solid fence, personally, but so the
24 height -- in other words, I don't think our concern necessarily
25 was about the horses, it was small things and children getting

□

51

1 through to the others was my concern.

2 MR. DOUG BERGEY: And that's why we chose the woven wire
3 and the barbed wire.

4 UNKNOWN SPEAKER: I -- you know, one of the concerns that
5 the people with the horses had was that the barbed wire is not
6 real good for the horses. So in the section that has the horses
7 in it, I would suggest you use smooth wire. You know, that's
8 typical in a horse operation, and it should 5-foot high.

9 MR. DOUG BERGEY: Okay.

10 MR. BRENT JENSEN: Mr. Chairman.

11 MR. DAVID POOLE: Brent.

12 MR. BRENT JENSEN: Brent Jensen. I don't think this smooth
13 wire versus barbwire is even an issue. You know, I think --

14 MR. J.B.: 4 or 5 feet is the issue.

15 MR. BRENT JENSEN: Yeah. I think a 5-foot fence is pretty
16 much typical in agricultural area --

17 MR. DAVID POOLE: Stop.

18 MR. BRENT JENSEN: -- for a stop fence. Yeah.

19 MR. DAVID POOLE: It's reason oppose to a 5-foot high.

20 MR. BRENT JENSEN: I would recommend barbwire, but I don't
21 think it's an issue. If the land owners want to protect their
22 horses, then they can put a hot wire inside of it.

23 MR. J.B.: Mr. Chairman.

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24 MR. BRENT JENSEN: *It's not an issue.*

25 MR. DAVID POOLE: *J.B..*

□

52

1 MR. J.B.: *I got a question to Brent. So if he went 4-foot*
2 *woven, and then the additional wires went up to 5, or do you*
3 *want 5-foot woven?*

4 MR. BRENT JENSEN: *I don't think we need to specify if he*
5 *has a 36 or 48-inch --*

6 MR. J.B.: *Woven.*

7 MR. BRENT JENSEN: *-- woven section.*

8 MR. J.B.: *Something woven for the small animals.*

9 MR. BRENT JENSEN: *If he's got a woven section with 2 or 3*
10 *strands of barbwire.*

11 MR. J.B.: *Okay.*

12 MR. BRENT JENSEN: *That's adequate.*

13 MR. J.B.: *Okay.*

14 MR. BRENT JENSEN: *I would think.*

15 MR. DON WILKERSON: *Mr. Chairman. Don Wilkerson. Minor*
16 *concern I have in a residential subdivision with barbwire is*
17 *kids crawling on it and cutting themselves.*

18 MR. J.B.: *So I think 5 feet is the --*

19 MR. BRENT JENSEN: *Yeah, I think we want to stick to 5*
20 *feet.*

21 MR. DOUG BERGEY: *Okay.*

22 MR. DAVID POOLE: *For the land owners protection I think*
23 *the height is important.*

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24 MR. DOUG BERGEY: Okay.

25 MR. DAVID POOLE: Simply because of the livestock. David

□

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1 you want to inject something in here, sir?

2 MR. DAVID GRUNDY: If you don't mind, yeah. If you
3 wouldn't mind, since we've gone around and around on this, it
4 would be helpful to us if we did have a very -- I appreciate the
5 5 foot and I'd rather not do 5 foot. I'd like to do four. But
6 we're comfortable doing the five. It would be helpful, if you
7 would, since there tends to be a disagreement, not just here but
8 with the public, etc., if we could resolve what you would like
9 to see on the smooth versus barb. And I'll interject one
10 perspective, which is a kid who's scratched is probably a
11 preference to a kid who's drowned or some such. And that if we
12 want to create a barrier that's somewhat discouraging, that the
13 barbwire is a -- is potentially beneficial, rather than a hazard
14 in and of itself. But having said that, whatever you want
15 basically. But if you wouldn't mind giving us some direction --
16 MR. DAVID POOLE: Try to be more specific is what your
17 saying.

18 MR. DAVID GRUNDY: We would be more comfortable.

19 MR. J.B.: Mr. Chairman.

20 MR. DAVID POOLE: Yes, J.B.

21 MR. J.B.: I just have a hard time on having to stipulate
22 the barbed wire. I don't think that's our concern. I think the
23 height is our concern. We want some woven. Some we don't care.
24 If you went with a solid fence, fine. But I don't think it's

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25 *our business whether or not it's barbed.*

□

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1 *MR. BRENT JENSEN: We could say the industry standard is a*
2 *barbwire with netting fence. Smooth wire is very uncommon*
3 *because it is not effective.*

4 *MR. DAVID POOLE: That was item No. 29, right?*

5 *MR. DOUG BERGEY: Yeah, and Dave had another option.*

6 *MR. DAVID POOLE: Under Item B there?*

7 *MR. DOUG BERGEY: Yeah, but that was just incorporating*
8 *smooth wire but...*

9 *MR. DAVID POOLE: Okay.*

10 *MR. STEVE ETHINGTON: I just recommend, like J.B. said,*
11 *just recommend --*

12 *MR. J.B.: 5-foot fence.*

13 *MR. STEVE ETHINGTON: -- 5-foot fence. If they should*
14 *choose to put a smooth fence up, they will soon learn they'll*
15 *have to replace it.*

16 *MR. DAVID POOLE: Okay, gentlemen, it's 8:30. Let's don't*
17 *delabor that. Let's move on.*

18 *MR. DON WILKERSON: Mr. Chairman.*

19 *MR. DAVID POOLE: Yes, Donald.*

20 *MR. DON WILKERSON: Dave said about smooth versus barb, the*
21 *only addition you have to do to it whether it's smooth or*
22 *barbed, just tie 120 to it, then you'll keep the kids off of it.*
23 *No matter what it is the kids are going to crawl across it.*

24 *MR. DOUG BERGEY: One more note on the fence.*

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25 MR. DAVID POOLE: Yes.

□

55

1 MR. J.B.: Yes.

2 MR. DOUG BERGEY: Okay. So we're going to have woven wire
3 through this boundary, all the way up to the Chadwick's, into
4 their parcel here. Here we'll propose just a barbwire fence
5 around the whole subdivision and then on the other side of the
6 canal as well, and that's for safety.

7 MR. J.B.: So you're not talking about woven wire in that
8 section?

9 MR. DOUG BERGEY: No, sir.

10 MR. J.B.: And so -- okay.

11 MR. DAVID GRUNDY: Actually, may I? We just got so much to
12 -- pardon me, Doug. We've -- the comment in the staff report
13 there was specific to the, as I read it, the nursery.

14 MR. J.B.: Okay.

15 MR. DAVID GRUNDY: So down there, that was the thought.
16 Then from there we transition, without further direction from
17 you, we would otherwise transition to a 4-foot fence, probably,
18 barbwire run up the side. And then when we got to the canal
19 we'd go back to having a section of woven.

20 MR. J.B.: Okay.

21 MR. DAVID GRUNDY: For the safety of the kids not getting
22 through --

23 MR. J.B.: Okay.

24 MR. DAVID GRUNDY: -- to the canal.

25 MR. J.B.: Thank you.

□

1 *MR. DOUG BERGEY: That's correct.*

2 *MR. DAVID GRUNDY: Except on the north side.*

3 *MR. J.B.: Exactly. All right. Thank you very much.*

4 *MR. DON WILKERSON: Question, Mr. Chairman. Don Wilkerson.*

5 *The section where you're going to the 4-foot fence, what does*
6 *that border, private ground?*

7 *MR. DAVID GRUNDY: 155 acre land.*

8 *MR. DON WILKERSON: Okay it's not BLM then?*

9 *MR. DAVID GRUNDY: No.*

10 *MR. DON WILKERSON: Okay. Thank you.*

11 *MR. DOUG BERGEY: Next item we'd like you to consider*
12 *changing -- well I don't know. It's still in the process I*
13 *think. No. 31, setbacks for the existing house out here on Lot*
14 *12. Okay.*

15 *MR. J.B.: We discussed that last time.*

16 *MR. BRENT JENSEN: Yeah. We're good.*

17 *MR. J.B.: We're good to go.*

18 *MR. DOUG BERGEY: Okay. Final issue, Sandstone Way. It's*
19 *not labeled, but this is Sandstone Way. And I'm not showing it*
20 *on any of the maps that I've given you. This just came up with*
21 *Dave's discussion, the last couple days. He thought since we*
22 *were providing this connection here, that we could limit this to*
23 *an emergency ingress/egress for fire trucks, and graveled parts*
24 *of this road. And if need be, narrow down the right-of-way,*
25 *which would decrease the lot sizes here and here. That was*

□

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1 *No. 35 that Dave added on this.*

2 *MR. BRENT JENSEN: So if you did that, how would you do*
3 *that? I mean, how -- you're going to have a -- if it's*
4 *available for emergency access and you're not going to have it*
5 *gated, so how you going to have your residents drive all the way*
6 *around and not take the shortcut? Just a question.*

7 *MR. J.B.: Yeah.*

8 *MR. DOUG BERGEY: There's a variety of ways, yeah. To*
9 *knock down bollards --*

10 *MR. BRENT JENSEN: Okay.*

11 *MR. DOUG BERGEY: -- is one way. We would do what ever the*
12 *Fire District would like us to do, because we don't intend to*
13 *have it as the --*

14 *MR. BRENT JENSEN: They need to be labeled.*

15 *MR. DOUG BERGEY: Yes.*

16 *MR. DOUG BERGEY: Emergency access only --*

17 *MR. DOUG BERGEY: Yes.*

18 *MR. BRENT JENSEN: Etc.*

19 *MR. DOUG BERGEY: Yes.*

20 *MR. BRENT JENSEN: Okay.*

21 *MR. DOUG BERGEY: We show it right now as a paved road but*
22 *Dave's intent is to --*

23 *MR. BRENT JENSEN: So a right-of-way like that would be*
24 *used as a walking path or a bicycle path. I mean, you'd still*
25 *have some -- you just wouldn't have the vehicle access, and you*

□

1 *wouldn't have as wide an easement.*

2 *MR. DAVID GRUNDY: It creates a more private neighborhood*
3 *down there.*

4 *MR. J.B.: And I agree.*

5 *MR. BRENT JENSEN: I can support that.*

6 *MR. DON WILKERSON: Access for school kids to get to the*
7 *bus.*

8 *MR. J.B.: Yeah.*

9 *MR. DOUG BERGEY: I think that concludes my presentation.*

10 *MR. DAVID POOLE: We had questions as we went along, but*
11 *have we got any more questions, gentlemen?*

12 *MR. J.B.: Not at this time.*

13 *MR. DON WILKERSON: Mr. Chairman.*

14 *MR. DAVID POOLE: Go ahead.*

15 *MR. DON WILKERSON: It looks like we, as a Commission, need*
16 *to address Items 30 and 33.*

17 *MR. DAVID POOLE: Okay.*

18 *MR. BRAD HAWKINS-CLARK: Mr. Chairman.*

19 *MR. DAVID POOLE: Yes.*

20 *MR. BRAD HAWKINS-CLARK: There might be some advantage to*
21 *having public comment before you decide on that.*

22 *MR. DAVID POOLE: Before we make those decisions? Okay.*

23 *Is that okay with you, Doug?*

24 *MR. DOUG BERGEY: Absolutely.*

25 *MR. DAVID POOLE: Okay. Having said that then, I think*

□

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1 that we got public comment in favor of these items. Please step
2 forward. None. Public comment that's neutral on these items?
3 Opposition to these items that we've discussed? State your name
4 and address please in the microphone.

5 STEVE CHADWICK: Steve Chadwick, 14421 Oasis Road. On the
6 fence, I would like to see it around the pond there, very
7 definitely 6 foot. It's in that curve right there. There's an
8 irrigation pond there right by it. Because that's got to keep
9 the kids out of that pond.

10 MR. DAVID POOLE: Okay, is this the pond you use for
11 irrigation?

12 STEVE CHADWICK: It's an irrigation pond. The boundary is
13 like, within 15 feet of the pond. I'd like to see a higher
14 fence that's kid proof.

15 MR. DAVID POOLE: Okay. What kind of kid proof do you
16 think that would need to be, Mr. Chadwick?

17 STEVE CHADWICK: Chain-link would probably be fine.

18 MR. DAVID POOLE: And about what length would that be? Do
19 you know?

20 STEVE CHADWICK: A couple hundred feet would probably solve
21 it.

22 MR. DAVID POOLE: Okay. Questions for Mr. Chadwick?

23 STEVE CHADWICK: The other thing that I really didn't
24 understand was the bus stop. 'Cause there's five Middleton
25 buses that turn from Oasis onto El Paso. And I didn't see how

□

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1 *that was going to solve our bus stop problem down there exactly.*

2 *MR. BRENT JENSEN: I think they've addressed that. You*
3 *know the buses are turning around down there now.*

4 *STEVE CHADWICK: No, they're going on.*

5 *MR. BRENT JENSEN: Okay. Those kids won't be going to*
6 *Middleton.*

7 *STEVE CHADWICK: Yeah but there's the Middleton bus stop*
8 *there, and that's where the problem has been.*

9 *MR. J.B.: But it's a pre-existing problem though.*

10 *STEVE CHADWICK: Right.*

11 *MR. J.B.: And the impact that this would have, and for*
12 *buses, they would address for the children that would be --*

13 *MR. DAVID POOLE: Within our jurisdiction.*

14 *MR. J.B.: -- within our jurisdiction.*

15 *STEVE CHADWICK: Okay.*

16 *MR. J.B.: They've addressed that.*

17 *STEVE CHADWICK: Okay.*

18 *MR. DAVID POOLE: Okay.*

19 *STEVE CHADWICK: Thank you.*

20 *MR. DAVID POOLE: So that needs to be brought before*
21 *Middleton.*

22 *STEVE CHADWICK: Okay.*

23 *MR. DAVID POOLE: Or canyon county, I guess that is right.*

24 *MR. J.B.: Thank you, sir.*

25 *MR. DAVID POOLE: Okay. Any further negative input or*

□

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1 *input on these items? I think we had about nine items here. If*
2 *not, any further comment from the applicant?*

3 *MR. DAVID GRUNDY: Does that mean rebuttal?*

4 *MR. DAVID POOLE: Yes.*

5 *MR. DAVID GRUNDY: Okay. Thank you. David Grundy, 3506*
6 *West Patel Court. To address the comments that Steve made, we*
7 *did make an effort to work with Middleton Bus District anyway's,*
8 *and they didn't have much interest. I was able to coax them*
9 *into writing a letter to say as much, but they didn't have much*
10 *interest in doing something that was not in their jurisdiction.*
11 *He did tell me that the only way they could do it would be for*
12 *residences within their jurisdiction to make a petition or*
13 *appeal to them.*

14 *And with respect to the Emmett Bus District, they also have*
15 *no desire, no interest, in fact, specifically, a disinterest in*
16 *going down Oasis. And their current regulations don't allow*
17 *them to enter the subdivision. If we ever go to a four-lane --*
18 *he did say that someday they probably would, when the population*
19 *warranted. But the way it is now, instead of turning down Oasis*
20 *next year, they would likely just go straight up El Paso. And*
21 *the turn lane was endorsed by them. They would like to see it*
22 *but it was not requested, and he specifically told me they*
23 *didn't need it. That they -- that's what the signs and lights*
24 *were for, but anyway's....*

25 *MR. DAVID POOLE: Okay. And the fence issue, David.*

□

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1 *MR. DAVID GRUNDY: And the fence, a couple hundred feet of*

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2 chain link would be fine. I would think that we'd go a bit
3 further and make it a green vinyl chain link so it's not as --

4 MR. DAVID POOLE: Obtrusive?

5 MR. DAVID GRUNDY: Yes. And we'd be agreeable to that.

6 MR. DAVID POOLE: Okay. So any further public -- oh, no
7 we've already had all that. Okay. We got to close the public
8 portion of this and --

9 MR. BRENT JENSEN: One little itty bitty question for the
10 applicant.

11 MR. DAVID POOLE: I think we can give you that. Go ahead.

12 MR. BRENT JENSEN: How come you got all the equestrian
13 easements going to the Chadwicks' fence and stopping?

14 MR. DAVID GRUNDY: Oh, pardon me. Referring to the blue
15 lines?

16 MR. BRENT JENSEN: Yes.

17 MR. DAVID GRUNDY: The rust color line around the perimeter
18 is a loop that goes around the outside.

19 MR. BRENT JENSEN: Gotcha.

20 MR. DAVID GRUNDY: The blue lines are improved because of
21 their visibility from those cul-de-sacs. So they would be
22 upgraded to a next level of --

23 MR. BRENT JENSEN: I'm with you.

24 MR. DAVID GRUNDY: -- of appearance. And the main reason
25 to have them as connection is to break up that long route. If

□

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1 somebody got halfway through and decided they weren't up for it,

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2 to give them a way to get back to --

3 MR. J.B.: Get back out.

4 MR. BRENT JENSEN: I understand.

5 MR. DAVID POOLE: Thank you. Okay. We'll close the public

6 portion of this hearing now. I think at this point we still

7 need to address those two items that Don brought up. Brad, do

8 you have some comment on those two items, 30 and 33?

9 MR. BRAD HAWKINS-CLARK: Actually, Chair, I don't. I just

10 inserted -- I think, you know, the Commission needs to make your

11 recommendation on these. So I mean, that's my highlight since

12 there was discussion at the last hearing about the intersection.

13 MR. BRENT JENSEN: I think those have been addressed.

14 MR. J.B.: They have been. And we don't have the power,

15 the Road Department does.

16 MR. DAVID POOLE: Okay. Well the domestic water supply, in

17 that case, we still -- I think we heard that in the water, and

18 we need to make that insertion is what your saying at that

19 point. Okay. And so I think at this point it's probably -- we

20 still need to consider tabling this, I think, for a final.

21 MR. BRENT JENSEN: Why?

22 MR. DAVID POOLE: Because we need to let the PUD catch up.

23 It's got to go through the P&Z and come back to us to final; do

24 a final plat.

25 MR. BRENT JENSEN: And it's recommended by staff?

□

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1 MR. DAVID POOLE: He recommends doing it that way so we

2 don't get ahead of ourselves.

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3 MR. J.B.: All right.

4 MR. DAVID POOLE: Okay.

5 MR. J.B.: Where was that recommendation?

6 MR. DAVID POOLE: Right here. And it does make sense,
7 we're just getting ahead of ourselves.

8 MR. J.B.: Okay. That's fine.

9 MR. DAVID POOLE: Okay. So under those circumstances, I
10 think we need to move forward on some kind of motion here,
11 gentlemen; if its a motion to table or what.

12 MR. J.B.: Is the applicant aware that we were probably
13 going to table this? Brad?

14 MR. BRAD HAWKINS-CLARK: What was the question.

15 MR. J.B.: Was the applicant aware we were going to table
16 our final on the --

17 MR. DAVID POOLE: Well it's --

18 MR. J.B.: On the plat.

19 MR. DAVID POOLE: Well it's a suggestion from staff to do
20 it.

21 MR. BRAD HAWKINS-CLARK: Right. Well it's your hearing,
22 and your meeting.

23 MR. DAVID POOLE: Our call, but that was the suggestion of
24 staff.

25 MR. BRAD HAWKINS-CLARK: But the applicant is well aware

□

65

1 that this PUD tonight is only a concept only. And they have to
2 come back with a final and so --

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3 MR. DAVID POOLE: And so for us to move forward we need

4 to --

5 MR. BRAD HAWKINS-CLARK: They know that they're going to

6 have to come back for that final PUD before you, and the Board

7 of County Commissioners doesn't want to hold a hearing on the

8 preliminary plat without seeing the PUD with it.

9 MR. J.B.: Okay.

10 MR. DAVID POOLE: So put it all together and what -- let it

11 catch up is what your saying. Okay.

12 MR. J.B.: So I move that we table it.

13 MR. DAVID POOLE: Do we have a second.

14 UNKNOWN SPEAKER: Second it.

15 MR. DAVID POOLE: Been moved and seconded that we table

16 Item 2 to let the final of the PUD come so we can put it all

17 together once to go before County Commissioners. Any discussion

18 on that motion? If not, all those in favor signify by saying

19 'I'. Opposed same sign. Motion carries.

20

21 (Motion carries unanimously.)

22

23 (Verbatim portion of transcription ends.)

24

25

□

66

1 Public Hearing - Item No. 3 - Rezone #RZ-07-003

2 Steve and Jeanette Mednicoff

3

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4 MR. DAVID POOLE: Any ex parte communications or site
5 visits? Having heard none, does Mr. Mednicoff or his
6 spokesperson want to come forward?

7 MR. STEVE MEDNICOFF: 2625 North Plaza. We're requesting
8 to rezone from the current A-2 to an R-3. In 1999 we did a
9 rezone from A-2 to R-3. It's 5.03 acres and we're looking to
10 bring it down to the R-3.

11 (Mr. Brad Hawkins-Clark showed and explained site photos.)

12 MR. DON WILKERSON: Brad, in the staff report you mentioned
13 that 1.3 acres is non-buildable, which is the canal.

14 MR. BRAD HAWKINS-CLARK: Yes.

15 MR. DON WILKERSON: If he's going for a 2 acre minimum and
16 he only has a buildable of 3.73, he can't get more than one lot
17 off of it anyway; right?

18 MR. BRAD HAWKINS-CLARK: That's correct.

19 (There is no public comment in favor, neutral, or against.
20 Therefore, Mr. Chairman closed the public portion and asked for
21 comment from the Commissioners.)

22 MR. J.B.: I would just want it stipulated that there only
23 be one building available on this lot. It is not a dividable
24 lot. That's my opinion.

25 MR. STEVE ETHINGTON: I make a motion that we approve this

□

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1 zone change as stated.

2 MR. BRENT JENSEN: I second.

3 MR. DAVID POOLE: Any further discussion on the motion? If

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4 *not, all those in favor signify by saying I. Opposed same sign.*

5 *Motion carries.*

6

7 *(Motion carries unanimously.)*

8

9 *Public Hearing - Item No. 4 - Variance #VAR-07-001*

10 *Robin Nuffer*

11

12 *MR. BRAD HAWKINS-CLARK: This is on the north side of*

13 *Cherry. It's in the city impact. Last Chance Ditch runs along*

14 *the west boundary.*

15 *(Brad showed and explained site photos.)*

16 *The front setback from the house to the new right-of-way,*

17 *assuming the Commissioners sign the plat, is going to be less*

18 *than 30 feet. So what we have is a situation where the existing*

19 *house is fine and where we have a County Ordinance that says you*

20 *shall dedicate right-of-way if you're going to plat. We also*

21 *have an ordinance that says your house has to be 30 feet from*

22 *your property line.*

23 *David and I have gone back and forth on this as to what*

24 *procedure you can use. To me, your option is either don't*

25 *require the right-of-way and if you don't then there's not a*

□

68

1 *problem. I don't think that's wise given Cherry Lane and future*

2 *connection with Highway 16. That leaves you with taking the*

3 *right-of-way and you're left with a house that is too close.*

4 *The only other option is to have them move the house.*

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5 **MR. DON WILKERSON:** *I think this should be changed to 40*
6 *feet. That moves the frontage down to 24' 4" to 19' 4".*

7 *(Mr. David Poole asked the applicant to come forward.)*

8 **MS. ROBIN NUFFER:** *1082 Cherry Lane. I agree with what the*
9 *staff has recommended.*

10 **MR. DON WILKERSON:** *Would you have any problems if it went*
11 *from 35 feet to 40 feet?*

12 **MS. ROBIN NUFFER:** *No.*

13 **MR. J.B.:** *Do you live there?*

14 **MS. ROBIN NUFFER:** *I live somewhere else but I rent that*
15 *out.*

16 *(Mr. David Poole asked for input from the public.)*

17 **MR. ROGER BENNIE:** *If I'm not mistaken, the City controls*
18 *the right-of-way in this area.*

19 **MR. BRAD HAWKINS-CLARK:** *The Area of City Impact Agreement*
20 *says the County will use the City Subdivision Ordinance but the*
21 *County does have the final say.*

22 *(There were no further public comments. The Chairman*
23 *closed the public portion.)*

24 **MR. DON WILKERSON:** *I think we should be more concerned*
25 *about the consistency of the road right-of-way then we are about*

□

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1 *the setback.*

2 *(The rest of the Commissioners agreed with Mr. Wilkerson's*
3 *comment.)*

4 **MR. BRENT JENSEN:** *The variance will not transfer. It's*

March 12, 2007

5 *only for this existing structure; correct?*

6 **MR. BRAD HAWKINS-CLARK:** *Yes.*

7 *(Mr. David Hargraves pointed out that the original*
8 *application for a subdivision from this applicant has already*
9 *been recommended to the Board of County Commissioners and they*
10 *will have to make the decision whether to do the 40 foot or the*
11 *35 foot. This variance will not be going before the Board of*
12 *County Commissioners. Also, Mr. Hargraves states he doesn't*
13 *believe Gem County's Zoning Ordinance, variance findings, are*
14 *being met.)*

15 **MR. BRENT JENSEN:** *I make a motion to approve this*
16 *variance.*

17 **MR. STEVE ETHINGTON:** *I'll second it.*

18 **MR. DON WILKERSON:** *I'd like to make an amendment to the*
19 *motion that we increase the dedicated right-of-way from 35 feet*
20 *to 40 feet to co-inside with various subdivisions along the same*
21 *road.*

22 **MR. J.B.:** *I'll second it.*

23 **MR. DAVID HARGRAVES:** *That's not before you tonight. This*
24 *is a variance. You can't ask for additional right of way. That*
25 *information can be given to the County Commissioners somehow.*

□

70

1 **MR. DON WILKERSON:** *I'd like to make an amendment to the*
2 *motion that we make the setback requirements of 30 feet to 19'*
3 *4".*

4 **MR. J.B.:** *I'll second it.*

5 **MR. DAVID POOLE:** *Any discussion on the motion as amended?*

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6 (All responded "no".)

7 MR. DAVID POOLE: All in favor signify by saying I.

8 Opposed same sign. Motion carries.

9

10 (Motion carries unanimously.)

11

12 Public Hearing - Item No. 5 - A Preliminary Subdivision Plat

13 (River Valley Subdivision) - Taleos Partners

14

15 (The Chairman asked if there has been any site visits or ex

16 parte communications. There is none.)

17 MR. BRAD HAWKINS-CLARK: The applicant is proposing 13

18 buildable lots on 71 acres. It is zoned agriculture, A-2, which

19 is a 5 acre minimum lot size. This property is on the south

20 side of Sales Yard Road. (Brad explained and showed site

21 photos.) There is an existing private road.

22 In the Subdivision Ordinance 6-6-1F, Public and Private

23 Street Improvements 2A, when an official street plan has been

24 adopted, subdivision streets and right-of-way width shall

25 conform to that plan. Minimum right-of-way widths for section

□

71

1 and quarter line section streets shall be 80 feet. We do not

2 have an official street plan that's been adopted for this area.

3 So we have been defaulting to the section/quarter section rule.

4 So I think this should probably require a variance or change the

5 plat. There is 80 feet existing but as proposed 20 feet is

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6 common.

7 *There is a drain that runs north east to the south west*
8 *through the property. They are proposing a sub-street to the*
9 *west at this location for when the property to the west is*
10 *possibly developed. In the meantime, they would do a temporary*
11 *cul-de-sac for emergency turn-around.*

12 *There's also a block length issue on this plat for this*
13 *cul-de-sac starting from the existing private road and extending*
14 *down and south. That does exceed 1000 feet. The Fire*
15 *Department has reviewed that. They do not have an issue with it*
16 *because of the width can accommodate a full fire truck*
17 *turn-around as long as there's no parking.*

18 *(Commissioners discussed the Subdivision Ordinance*
19 *regarding the block length issue.)*

20 *(Brad showed and explained some site photos.)*

21 *The applicant is proposing individual well and septic. We*
22 *have comments from several agencies and those are in your*
23 *packets. There are some recommended conditions in here, which*
24 *do not address the issue of the right-of-way on Sales Yard or*
25 *the section line road. Those might be things to get input from*

□

72

1 *the applicant on.*

2 *(Mr. David Poole requested that the applicant or their*
3 *spokesperson step forward.)*

4 *MR. PAT CALWELL: 524 Cleveland Boulevard, Caldwell. We*
5 *agree with the staff report. We will have individual well and*
6 *septic. We've met with Southwest District Health and we do meet*

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7 all the requirements for that.

8 Irrigation will be provided by pressurized irrigation as
9 shown on the conceptual irrigation plan.

10 All the roads interior will be dedicated public roads, all
11 to Gem County standards.

12 We have 12 residential lots and 2 common lots. Storm
13 drains will all be retained on site. We'll meet all the
14 requirements that way.

15 As far as the roadways, we are asking for two exceptions.
16 When we first met with staff, we talked about having 80 foot
17 right-of-way coming down the section line. The requirement was
18 only that it would be on the section line. Initially it was
19 going to be 80 feet and when it turned it was going to turn into
20 60 feet. After talking that over with staff, they decided that
21 didn't make a whole lot of sense with this being all developed
22 and having an 80 foot road go right into a 60 foot curve. So we
23 shrunk that down to 60 feet and made a 20 foot common lot that
24 can accommodate some irrigation.

25 The other exception would be the 1600 foot length of Grace

□

73

1 Court. According to the staff report, we are under the
2 impression that the maximum length is 1200 feet. We do,
3 obviously, exceed it either way. There will be only seven
4 houses on that cul-de-sac and that's the reason we're asking for
5 that exception. The reason we don't connect out that direction
6 is this property is kind of on an island. It's got ditches on

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7 all four sides.

8 (Mr. Calwell set up a plat map for the Commissioners to see
9 and they discussed the layout of the pressurized irrigation
10 system.)

11 MR. J.B.: You discussed building roads to County
12 standards. Our ordinance calls for an 80 foot right-of-way.
13 Would you be able to deal with that?

14 MR. PAT CALWELL: Yes.

15 (Mr. David Poole opened the meeting for public input.)

16 MR. RICK WELCH: Gem County Fire. We didn't get a chance
17 to address the water issue. We don't have any water supply that
18 I see provided in this subdivision with 12 lots. We'd like to
19 see something for water supply.

20 MR. PAT CALWELL: I spoke to Mr. Welch earlier today. He
21 talked about a pipe going down to that southern creek that runs
22 year round with a dry hydrant there. We would be willing to
23 work with the Fire District on any of that.

24 (Mr. Poole closed the public hearing portion and brought it
25 before the Board for discussion.)

□

74

1 MR. STEVE ETHINGTON: I would recommend moving this whole
2 application to next month. Perhaps the applicant may be
3 interested in coming back and applying for a 60 foot variance.
4 I would say that for us to approve this they need to apply for
5 the variance on the 1000 foot road issue.

6 (There was discussion back and forth between the
7 Commissioners regarding whether there was an issue with having

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8 enough open space for the subdivision. Don Wilkerson mentioned
9 that the ordinance says there needs to be 5% open space, which
10 this subdivision does not have.)

11 MR. DAVID HARGRAVES: That section (page 57, no. 9 and 10)
12 is specific to planned unit condominium subdivisions. That
13 doesn't apply here.

14 Regarding the variance, I think the applicant would have a
15 hard time qualifying for an exception based on the testimony
16 here tonight. Section 1-12, page 5 of the Subdivision
17 Ordinance. If you look at requirement no. 3, one of the
18 findings the Commission has to make to grant an exception is
19 that because of the shape or topographical conditions, a
20 particular and unnecessary hardship to the owner would result.
21 He's testified here that he wouldn't have a problem sticking to
22 the 80 feet.

23 On the length of the street, (1600 foot) you could either
24 put in an access or give the exception.

25 MR. DAVID POOLE: I agree that we need to continue this to

□

75

1 have a little more time.

2 MR. DAVID HARGRAVES: The ordinance says anything over 1000
3 feet has to have a secondary access. So you either have to have
4 an access or an exception.

5 (It was moved by J.B. to reopen the public hearing to get
6 more information from the applicant. It was seconded by Don
7 Wilkerson and the motion carried unanimously.)

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8 MR. PAT CALWELL: One reason we have the 1600 foot road was
9 for the simplicity of the lots. However, if we have a
10 cul-de-sac here and a cul-de-sac here, we meet all the
11 requirements.

12 MR. J.B.: Would that still be more than 1600 feet.

13 MR. PAT CALWELL: This cul-de-sac length would be less than
14 the 1200 and then this cul-de-sac length would also be less than
15 the 1200 foot requirement.

16 MR. DAVID POOLE: So you would have to readjust your plat
17 and we could continue the meeting is what you're saying. I
18 think, at this point, we've got other things we need to address
19 from the County and Fire Department before we can make a
20 determination.

21 (Commission and staff stated that even if the applicant
22 adds a cul-de-sac, it's not the same as adding an access, which
23 is what the ordinance requires.)

24 (Mr. Poole re-closed the public hearing.)

25 MR. BRENT JENSEN: I move that we continue this application

□

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1 and we specifically want answers to these questions: We want a
2 report from the County Road Department stating a clarification
3 on the setbacks off of Sales Yard Road and a solution to the 80
4 versus 60 feet on the section line portion. We want to see a
5 solution to the fire suppression or fire water supply issues and
6 see that's approved by the Fire District. We want a solution to
7 the length of the roadway (Grace Court).

8 MR. J.B.: I'll second it.

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9 **MR. DON WILKERSON:** *I amend the motion to add the*
10 *appropriate items on the Keller letter that need to be addressed*
11 *by the applicant.*

12 **MR. J.B.:** *Second.*

13 **MR. DAVID POOLE:** *All those in favor of the amendment by*
14 *including the items from Keller Associates signify by saying I.*
15 *Opposed same sign. Motion carries.*

16

17 *(Motion carries unanimously.)*

18

19 **MR. DAVID POOLE:** *So we will continue to the next meeting*
20 *(April 9th).*

21 *(Mr. Poole stated that was the end of the public hearing,*
22 *thanked everyone for coming, and invited them to stay for the*
23 *next portion of the meeting.)*

24

25

□

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1 **Regular Meeting - Item No. 1 - Items from the Public**

2

3 *(There were no items from the public.)*

4

5 **Regular Meeting - Item No. 2 - Items from the Planning**

6 **Director/Administrator**

7

8 *(Mr. Brad Hawkins-Clark let the Commissioners know that the*

March 12, 2007

9 Board of County Commissioners and the City Council have drafted

10 bylaws to create a Planning Commission. He then explained the

11 duties of the potential Planning Commission.)

12

13 Regular Meeting - Item No. 3 - Items from the Deputy District

14 Attorney

15

16 (Mr. David Hargraves had no comments.)

17

18 Regular Meeting - Item No. 4 - Items from the Planning and

19 Zoning Commission

20

21 (Mr. Don Wilkerson addressed Brad regarding requiring all

22 applicants get letters from applicable districts or any other

23 place before presenting their application before the Board.

24 Brad replied by giving information about the minor subdivision

25 sign off sheet and Rick Welch confirmed that it works well for

□

78

1 them. The Commissioners stated they would like a copy of that

2 sign off sheet included in the staff reports.)

3

4 Regular Meeting - Item No. 5 - Adjourn

5

6 MR. J.B.: I move that we adjourn.

7 MR. STEVE ETHINGTON: I second that.

8 MR. DAVID POOLE: Motion carried.

9

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