

April 14 2008

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

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6 **Date: April 14, 2008**

7 **Time: 7:05pm - 10:16pm**

8 **Place: Gem County Courthouse**

9

10 **MEMBERS PRESENT:**

11 **David Poole, Don Wilkerson, Debbie Rouwenhorst, Will**

12 **Maupin, and Dale Reynolds.**

13

14 **MEMBERS ABSENT WITH PRIOR NOTICE:**

15 **Lawrence Whitsell.**

16

17 **OTHERS PRESENT:**

18 **Brad Hawkins-Clark - Planning Director/Administrator, Kandi**

19 **Hall - Planner 1, and David Hargraves - Prosecuting**

20 **Attorney.**

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24 **This transcript is a summary of the meeting, not verbatim.**

25 **Transcription from recording done by Amanda Shaw.**

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**ITEMS REFERENCE PAGE**

**CONSENT AGENDA:**

**Item No. 1 - Minor Subdivision Review**

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**B. Weston Park Estates Minor Subdivision**

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**Item No. 2 - Amendment to Gem County Code, Title 11,**

**Chapter 5, to Create Zoning Overlay for Shadow Butte**

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**ITEMS REFERENCE PAGE**

**REGULAR MEETING:**

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**PROCEEDINGS**

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*Gem County, City of Emmett, April 14, 2008*

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5 **CONSENT AGENDA:**

6 *Item No. 1A - Haymaker Minor Subdivision*

7

8 *(Discussion on this item was not on recording.)*

9

10 **CONSENT AGENDA:**

11 *Item No. 2A - Weston Park Estates Minor Subdivision*

12

13 *MR. DON WILKERSON: I have a question. It has common lots.*

14 *It says in here that they're supposed to be non enroachable.*

15 *Shouldn't they also be non buildable?*

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

17 *MR. DON WILKERSON: In essence, that 35 feet for the length*

18 *of the lot, you can't put a barn on it. What's your comments on*

19 *that?*

20 *MR. BRAD HAWKINS-CLARK: You're correct. The open space is*

21 *non encroachable and non buildable. Typically, if there's a*

22 *fence, it would need to be on easement line.*

23 *MR. DON WILKERSON: Would that be something you want to add*

24 *to Item E, on Exhibit B, that it's also non buildable?*

25 *MR. BRAD HAWKINS-CLARK: Sure, Commissioners.*

□

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1 MR. DAVID POOLE: Is it spelled out already that we don't  
2 need to do this, or is it something we need to do because it's  
3 not?

4 MR. DON WILKERSON: Well, it just says non encroachable. I  
5 think it should also say non buildable.

6 MR. BRAD HAWKINS-CLARK: It's not really spelled out  
7 anywhere else that I'm aware of.

8 MR. DON WILKERSON: If I remember right, it's going to be  
9 pressurized irrigation.

10 MR. BRAD HAWKINS-CLARK: Right.

11 MR. DAVID POOLE: Don, I'm sorry. We should have pulled  
12 that off the consent agenda if we were going to discuss those  
13 things.

14 MR. DON WILKERSON: I make a motion that we pull Weston  
15 Park Estates off the consent agenda and move it to Item 1 of  
16 items moved from the consent agenda.

17 MR. DAVID POOLE: Do we have a second to that motion?

18 MRS. DEBBIE ROUWENHORST: I second it.

19 MR. DAVID POOLE: It's been moved and seconded. All those  
20 in favor signify by saying I. Opposed same sign. Motion  
21 carries.

22

23 (Motion carries unanimously.)

24

25

□

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2 **CONSENT AGENDA:**

3 **Item No. 2 - Approval of the Minutes of March 10, 2008**

4

5 *(There was no decision made on Minutes for March 10, 2008)*

6

7 **ITEMS MOVED FROM THE CONSENT AGENDA:**

8 **Item No. 1B - Weston Park Estates Minor Subdivision**

9

10 **MR. DON WILKERSON:** *I guess, on a flag lot, the road*

11 *easement can be under 40 feet.*

12 **MR. BRAD HAWKINS-CLARK:** *Correct. The 40 is if the legal*

13 *boundary does not touch the road; if it's noncontiguous. So if*

14 *you have a parcel that the legal boundary actually touches a*

15 *public road, then the 40 is not required.*

16 **MRS. DEBBIE ROUWENHORST:** *If being a private drive versus a*

17 *type A or B road and if so, does it require a fire turn around.*

18 **MR. BRAD HAWKINS-CLARK:** *Yes. Typically it would. The*

19 *Fire Department would review it at building permit.*

20 **MRS. DEBBIE ROUWENHORST:** *Then the ingress/egress for lot*

21 *1, I didn't see where it came in and if it's going on Wills*

22 *Road, it will have to be looked at for crossing the ditch and*

23 *also the road buffer or landscape strip.*

24 **MR. DAVID POOLE:** *I think you said, Don, that was existing*

25 *already.*

□

7

1 **MRS. DEBBIE ROUWENHORST:** *Okay. It didn't show on our map.*

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2 **MR. DON WILKERSON:** *On open space buffers, it can encroach*  
3 *with the driveways.*

4 **MR. DAVID POOLE:** *Any other questions for staff? Is there*  
5 *discussion? Should we bring this to a motion and move on?*

6 **MR. DON WILKERSON:** *I make a motion that we recommend to*  
7 *the Board of County Commissioners approval for the Weston Park*  
8 *Estates Minor Subdivision per the required findings in Exhibit A*  
9 *and conditions for approval with the changes to Item 1E about*  
10 *adding non buildable.*

11 **MR. DAVID POOLE:** *Do we have a second to that motion?*

12 **MRS. DEBBIE ROUWENHORST:** *I'll second it.*

13 **MR. DAVID POOLE:** *Discussion on the motion? All those in*  
14 *favor of the motion signify by saying I. Opposed same sign.*

15 *Motion to recommend approval carries.*

16

17 *(Motion carries unanimously.)*

18

19 **PUBLIC HEARING:**

20 *Item No. 1 - Preliminary Plat (Woods Ranch) #PP-08-003*

21 *Landmark Engineering*

22

23 **MR. DAVID POOLE:** *The next item on our agenda is the*  
24 *preliminary plat for Woods Ranch. You want to discuss that a*  
25 *little for us, Brad?*

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8

1 **MR. BRAD HAWKINS-CLARK:** *Sure. Woods Ranch may sound*

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2 familiar to some of you who were on the Commission when the  
3 developer had proposed a PUD in the same area, about a year and  
4 a half ago. It did receive approval. This application is in  
5 the same area, just on a smaller parcel. They are requesting 25  
6 building lots on about 132 acres. It's west of Highway 52 and  
7 Morehouse Road.

8 This is Highway 52. This is leading into the Letha area.  
9 It is on the north side of Highway 52. This is Morehouse going  
10 across the bottom there.

11 This is the preliminary plat that they proposed. They are  
12 proposing to retain the existing zoning, which is an A-2, 5 acre  
13 minimum zoning. So each of the lots in the subdivision is  
14 proposed to be a minimum of 5 acres in size. They are proposing  
15 to construct a new public road, which is a little over 1,300  
16 feet from the intersection of Highway 52 and Morehouse. Dewey  
17 extends off to the west and Morehouse off to the east.

18 Morehouse is not paved.

19 Their new road extends about 1,300 feet and is north of  
20 Morehouse. Then it extends back to the north, towards the Seven  
21 Mile Slough and has a cul-de-sac.

22 I think you had, on your desks, a letter that just came in  
23 from Rick Welch with Gem County District 1 regarding the Fire  
24 Department's request on that cul-de-sac and that they've shown  
25 that on their plat; this narrow, 20 foot wide strip, which is

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9

1 shown as lot 11. It's got a C on it for common, which extends  
2 out to Brogan. Brogan Road, at that point, is actually a

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3 private road, unlike on the south side of 52 where it's a  
4 private road. That's one of the special considerations that I  
5 put in the report. We'll ask David to make a comment on that  
6 issue after I'm done.

7 They are showing a 30 foot wide landscape easement along  
8 the Highway. Typically the Idaho Transportation Department, as  
9 you may recall, if it's residential, they want to see some kind  
10 of protection for the residential use. They have a standard  
11 requirement for a buffer to be constructed. Gem County has a  
12 similar type provision in the Subdivision Ordinance, which talks  
13 about protecting residential uses if they're next to an  
14 arterial. Being an A zone, typically the Landscape Ordinance  
15 does not kick in. So the discussion on that particular buffer  
16 is really more about the maintenance. Their plan is to have the  
17 lot owner put in that landscaping as they build the houses.  
18 That is allowable, in my interpretation, under the Gem County  
19 Ordinance because it's talking about protecting residential use.  
20 The Landscape Ordinance says the developer has to put it in but  
21 that is something for the Commission to discuss tonight. Our  
22 preference is to monitor it at the time of a building permit.  
23 We think that would be more enforceable, unless you require the  
24 developer to put it in up front. That's just as enforceable. I  
25 think that ITD requires it with building permits as well.

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10

1 One issue that I'll also point out is you can see that they  
2 have a stub road, Wagon Wheel Drive, shown coming off of Wood

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3 *Ranch Way, stubbing to the parcel to the east. The Ordinance*  
4 *does contemplate where you have a large block that you provide a*  
5 *stub street to adjacent properties for interconnectivity.*  
6 *That's primarily for emergency services. Kim Reed with the Road*  
7 *and Bridge Department submitted a letter that's basically saying*  
8 *that this section line, which runs north/south, his preference*  
9 *is to have an 80 foot corridor preserved on that section line*  
10 *heading due north in order to preserve for any future roadway*  
11 *that goes straight north. I apologize that it's not shown on*  
12 *this map. If you took that section line straight up, you would*  
13 *see the intersection of Idaho and Vanderdasson where it heads*  
14 *off to the bridge, across the Payette. So in terms of*  
15 *alignment, it is good. The biggest issue with that is the*  
16 *slough crossing. There are some wetlands issues. I'll let the*  
17 *applicant talk a little bit more about that but I just wanted to*  
18 *orient you to the fact that request is coming from Road and*  
19 *Bridge and if that were the case, it's likely the stub street*  
20 *would shift and would just run straight north. They are opposed*  
21 *to putting 80 feet in. They would want to do 60 feet. So you'll hear*  
22 *more about that.*

23 *MR. DON WILKERSON: On that section line, that's where the*  
24 *power line is?*

25 *MR. BRAD HAWKINS-CLARK: Yes. The power line is just*

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11

1 *barely on the east side and it is a fairly significant*  
2 *transmission. I think there might only be 1 pole, maybe 2.*  
3 *It runs a couple of feet east of the section line.*

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4 *MR. DAVID POOLE: So, it would be an 80 foot right-of-way*  
5 *that you're talking about.*

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

7 *The first few site photos here for you tonight are taken*  
8 *from Brogan, over on the west side of that property. So this is*  
9 *on Brogan looking northeast. You can see it's a relatively flat*  
10 *piece of ground. It's been used for pasturing for many years.*  
11 *There's a lot of ditches and a lot of high water. There are*  
12 *delineated wetlands that the Army Corps of Engineer has identified on*  
13 *the property.*

14 *This is at that intersection of Brogan and 52, looking*  
15 *along the existing fence line where that landscape buffer, that*  
16 *30 foot, is running along there.*

17 *This is a little further up from 52. This is going north*  
18 *on Brogan, looking south. This is the subject property on the*  
19 *left side of the screen. This ditch running along here would be*  
20 *what that skinny 20 foot wide emergency access would have to go*  
21 *across and connect into about this section. That's where it*  
22 *would come in. Then the emergency vehicle would go back out towards the*  
23 *Highway, presumably.*

24 *There is some existing old corrals on the property. This*  
25 *is a south view from Morehouse. I guess it's sort of south and*

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12

1 *west. This would be Dewey Road extending across the Highway*  
2 *right there.*

3 *If you look really closely down here at Morehouse, there's*

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4 a line here that has a dash in it, which is actually the  
5 property boundary for this subdivision. So you can see there's  
6 a gap between that line and the north boundary at Morehouse.  
7 That little gap right there is property that is not under this  
8 applicant's ownership.

9 MR. DAVID POOLE: That's property owned by someone else?

10 MR. BRAD HAWKINS-CLARK: Yes. So there are actually two  
11 property owners. I believe it falls into two different parcels.  
12 That's what some of the discussion in the staff report relates  
13 to. Since they do not physically touch Morehouse, they do not  
14 have the ability to dedicate that section. Therefore, the  
15 typical road requirement of 60 feet can not be met for that area  
16 until you get down to where they propose their entry. At that  
17 point, they do have the ability to dedicate some of Morehouse.  
18 So that's another one of your items for your discussion tonight.  
19 I understand that they believe they can still get a paved road, which  
20 it is proposed to be paved, within the 50 feet that Gem County  
21 already maintains. So even though Morehouse is not under their  
22 ownership, Gem County has maintained it as a public road, and  
23 therefore the developer can use that prescriptive right if Gem  
24 County Road and Bridge Department agrees to pave it.

25 MR. DAVID POOLE: So as long as they bring it to Road and

□

13

1 Bridge standards is what you're saying.

2 MR. BRAD HAWKINS-CLARK: Right, which they know that they  
3 can't because they don't have 60 feet; there's 50.

4 The one lot in their subdivision that would not access

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5 *their new public road is down here on the very east end; lot 26.*

6 *That lot is proposed to have direct access to Morehouse.*

7 *I think that is all staff comments unless you have any*

8 *questions.*

9 *MR. DAVID POOLE: Are there questions for Brad from the*  
10 *Commissioners?*

11 *MR. DAVID POOLE: Dave, you wanted to bring up the Brogan*  
12 *Road situation.*

13 *MR. DAVID HARGRAVES: Yes, Commissioners. Brad and his*  
14 *staff report kind of deferred that issue on me and I've spent*  
15 *the afternoon thinking about it. I can give you my initial*  
16 *thoughts on it. I think what we've got going here is that*  
17 *little thin strip, we're channeling traffic onto private*  
18 *property without the other property owners permission. So I'm*  
19 *not real comfortable with that. It does raise some issues that*  
20 *I don't have the answers to. What sort of traffic are we*  
21 *channeling by drawing the lots like this? Well, it's proposed*  
22 *to be for emergency vehicle use, from what I understand. Do we*  
23 *need to get permission from the private driveway owners? I*  
24 *think we probably do need to do that. Who should that be in*  
25 *favor of? What kind of form for permission to use that look*

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14

1 *like? Should it be a deed to the county emergency vehicles?*

2 *Should it be some kind of a license for county emergency*

3 *vehicles? I mean, that raises some questions. There's problems*

4 *with both the deed or license. A deeded easement would be more*

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5 permanent. On the other hand, a license is revocable. So there  
6 are a lot of questions. I think what I would be most  
7 comfortable with, from a legal standpoint, is to not funnel  
8 traffic onto that without their permission. I think we need  
9 some type of permission. I think if we can avoid it all  
10 together, that would probably be the better scenario.

11 MR. DAVID POOLE: Other questions for David?

12 MRS. DEBBIE ROUWENHORST: I had a question and it goes to a  
13 letter about the water quality and if the county has the  
14 authority to test the water. That was in one of the response  
15 letters. Letha Sewer District wanted to test the water.

16 MR. DAVID HARGRAVES: The County has the authority to  
17 regulate for the health, safety, and welfare and we do that  
18 through our Ordinance. Our Ordinance really doesn't have  
19 anything that addresses that. We do have the requirement that  
20 the developers comply with State and Federal regulations.

21 MR. DAVID POOLE: Other questions for David? If not, we'll  
22 open up the public portion of this meeting. Applicant will have  
23 the opportunity to testify and then to rebut at the end.

24 MR. CLINT BOYLE: My name is Clint Boyle with Landmark  
25 Engineering and Planning in Nampa, Idaho. It's a pleasure to be

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15

1 here this evening.

2 I noticed several of the Commission Members looking at the  
3 exhibits over here. The one that's up in front of you is the  
4 prior approval. This particular site has an existing PUD that's

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5 approved. That particular Planned Unit Development came through

6 quite a while ago with the Commission. I think the findings

7 were adopted by the County Commissioners in May of last year.

8 This particular proposal that's in front of you is an existing

9 approval on the property. It included a larger acreage than

10 what you're seeing tonight. The acreage tonight basically runs

11 up this entry road and kind of follows along here. That's the

12 acreage that we're looking at. The original subdivision was

13 approved with 89 lots that were roughly 3 acres in size.

14 So the proposal that's in front of you tonight is much

15 scaled down from what's already been approved on the site. The

16 developers are in front of you with more of a standard

17 subdivision. The developer is here tonight. He can talk to you

18 about some of his reasons to going back to this, which include

19 some of the market reasons now. This evening the developer has

20 closed on a portion of the overall site that was originally

21 approved for the Planned Unit Development with 3 acre lots.

22 Moving forward, I don't know if you can see that one on the

23 floor now. You can see kind of the segment that comes out of

24 that larger piece. That is the piece that is owned by the

25 developer. The other properties he did not close on and is just

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16

1 looking to move forward with this subdivision of 25 lots.

2 These lots have all been increased in size from what was

3 approved on the PUD. So what you see in front of you now is 5

4 acre lots. Based on the area that we're talking about, if you

5 count up the lots, I think we have 35 or 40 lots within that

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6 original approved area. Now we're down to 25 buildable lot  
7 subdivision. So, reduction of density as well.

8 There's a couple of things I wanted to discuss as we move  
9 into this. The proposal is for individual well, individual  
10 septic on these particular lots in accordance with County  
11 requirements, the Health District, and Department of Water  
12 Resources.

13 There was some discussion about section line roads. There  
14 was a request by the Highway District. If you look at the  
15 bottom of that agency document, basically what they talk about  
16 is simply preserving an 80 foot corridor along that section  
17 line. Gem County Road and Bridge Department would like to see  
18 the section line preserved for future roadways. In fact, they  
19 don't even list the width. If you look at Kellers Engineering  
20 report, I think they list out 80 foot as what they would like  
21 along the section line. The developers have no problem with  
22 that requirement for it's face value. The only thing that  
23 they're asking is that the right-of-way, as it comes in off of  
24 Morehouse and extends along that section line, that the  
25 right-of-way be 60 feet. As far as preserving a corridor for a

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17

1 future roadway, the existing transmission line comes off the  
2 slough, runs right along that section line and is just off of it  
3 by a couple of feet to the east. There's also an existing drain  
4 ditch that has some classified wetland areas running right along  
5 that section line. So the discussion that we've had, and I

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6 think the most appropriate thing here, would be that we will  
7 bring the entry road in and extend it straight north. However,  
8 it's going to be just off set from the section line. The reason  
9 for that is that not only on our project, but if the County were  
10 to extend that road further in the future, you're not having to  
11 take out transmission poles every time you extend that road. So  
12 we would be just off the section line itself. That would avoid  
13 an existing drainage area that has some wetland issues  
14 associated with it and avoid those transmission lines.

15 So what I'd like to do here is place another display board  
16 in front of the Commission. This exhibit is simply just an  
17 aerial photograph of the area showing some areas that were  
18 delineated as wetland areas. We've had meetings on site with  
19 the Army Corps of Engineers. We've had an ecologist out and  
20 testified at the County Commissioner meeting. He is a soil  
21 scientist and wetland specialist. He has been out and  
22 delineated these. You also have the letter from Greg Martinez  
23 accepting the delineation.

24 So, simply stated, we'll comply with the Gem County Road  
25 and Bridge Department in providing a road that extends straight

□

18

1 up along the section line. The intersection of Woods Ranch Way  
2 will just T into that intersection. So if you can imagine, the  
3 road will come off of Morehouse and extend directly straight  
4 north. Woods Ranch Way will come down and just T into that  
5 intersection.

6 The reason I bring up those transmission lines, and I had a

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7 discussion with your staff about this as well, as part of your  
8 staff report you'll note in there that there's a 150 foot  
9 setback either side of those transmission lines. These lots are  
10 very big. There will be plenty of buildable area beyond that  
11 setback for homes, shops, and what not. What that does is  
12 essentially preserve a 300 foot corridor along that section  
13 line, not just the 80. There will be setbacks so if the County  
14 ever does want to go through there, there will be plenty of room  
15 for a road and they won't have to worry about purchasing  
16 anybody's home, relocating, etc. So that's what we're looking  
17 to do there. We're in agreement with Road and Bridge and with  
18 Kellers comments on that. The developer will comply with that.  
19 The road will just be slightly off set from the section line.

20 MRS. DEBBIE ROUWENHORST: I just have a question on our  
21 realignment. Lot 24 is right at 5 acres. These lot lines are  
22 going to have to be adjusted for your road alignment.

23 MR. CLINT BOYLE: That's a great question. We have looked  
24 at that. There will be some minor adjustments there. If you  
25 look at that exhibit, there's basically 3 lots that are beyond

□

19

1 that road. Those 3 lots, you'll note that there's a third of an  
2 acre among all 3 of them.

3 MR. DAVID POOLE: You have room to adjust.

4 MR. CLINT BOYLE: We will have room to adjust. There will  
5 be some minor adjustments to those lot lines to make sure that  
6 will fit in there appropriately.

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7 *There was some discussion on Morehouse Road. The*  
8 *discussion from staff was that along Morehouse Road is somebody*  
9 *else's property; the Ratcliff's. I believe they're here and*  
10 *they can testify. I think the father owns a portion of the*  
11 *property and the daughter or son owns the other portion. They*  
12 *can clarify that.*

13 *Normally in a subdivision, through Gem County Ordinance,*  
14 *you're required to dedicate right-of-way and do improvements*  
15 *adjacent to your frontage. The developer agrees to do that.*  
16 *There's been requests, and I think it actually came from the*  
17 *Soil District, to pave Morehouse out to Highway 52. The*  
18 *developer is also agreeing to do that off site improvement work*  
19 *in paving the road. Then Morehouse will become a paved County*  
20 *roadway from the intersection with Highway 52 all the way across*  
21 *the entire frontage of his property and extending across the*  
22 *prescriptive Highway to get out to Highway 52. In my opinion,*  
23 *this is above and beyond what a developer would typically have*  
24 *to do.*

25 *We prepared an exhibit to show that the improvements --*

□

20

1 *what I'm talking about is the paved street section with the*  
2 *shoulder and the barrow ditch that meets the Highway Districts*  
3 *standards, can fit in what they claim for their prescriptive*  
4 *right-of-way, presently. This off site area doesn't have the 60*  
5 *foot right-of-way that the Highway District typically likes to*  
6 *see, but this is an off site improvement. It's something that's*  
7 *going above and beyond the standard Ordinance requirement of the*

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8 County. As far as the look of the street on Morehouse, you're  
9 going to see an identical look all the way down Morehouse as far  
10 as those improvements go. The difference is once it gets back  
11 to the developers frontage, he'll be able to dedicate 10 feet of  
12 additional right-of-way.

13 There was discussion about some of the improvements on the  
14 other side of Morehouse that are on the adjoining property; the  
15 Ratcliff's property. The nice thing here is we are coming in  
16 with 5 acre lots, which are agricultural in nature. We'll have  
17 some provisions in their CC&R's. We'll also allow for some  
18 limited livestock use on their 5 acre parcel. So it will be an  
19 agricultural setting for everybody.

20 Moving on to Brogan, I want to address Brogan briefly.  
21 We've worked with the Fire District and we've had some  
22 discussions with them regarding providing an emergency access so  
23 they had another point of access into the subdivision rather  
24 than just the main entrance off of Morehouse Road. What we've  
25 looked at is providing an easement within a common lot for

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21

1 emergency access that would basically stub out to Brogan. I  
2 guess the thought there was that emergency vehicles drive  
3 wherever they need to in a health, life safety event. They'll  
4 take what ever means they need to if it's a life safety event.  
5 That is sheerly emergency access. It's not funneling traffic  
6 through there. The way these are typically set up would be that  
7 this would just have a base that would support a fire truck. It

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8 would be a gravel base driveway, essentially. On the end of it  
9 there would be a mechanism that would physically restrict the  
10 general public from ever using that easement area. Typically,  
11 those are crash gates or some other means that are physically  
12 restraining somebody from driving through there. That's a  
13 standard item that they're used to seeing and if we have to we  
14 can lock those down. They can use the bolt cutters to get  
15 through. We can leave it to where it's a true crash gate where  
16 if they hit it with their bumper that whole gate section just  
17 drops to the ground and they can drive through. It's not  
18 something that's open to the general public. There will be a  
19 physical restriction there. The only time there would be any  
20 traffic on this easement would be in the lottery event of  
21 winning the lottery and just by chance the Fire District has to  
22 get to the back of the subdivision and at the same time there's  
23 a wreck or something out in front of the subdivision that they  
24 can't get around and there's something physically restricting  
25 them from coming in on the normal route. I guess what I'm

□

22

1 saying is we're talking extremely low odds. So as far as  
2 traffic on Brogan, most people will not ever see that in their  
3 lifetime. If there is an access issue with Brogan for  
4 emergency vehicles to be able to use Brogan, which I would say  
5 if any of these homes off of Brogan were on fire, somebody  
6 having a heart attack or whatever, your Fire Department is going  
7 to run right down that road to serve them, even though they  
8 don't have an emergency access easement on it.

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9 *In the event we can't use it, the other option we talked*  
10 *about was coming off of Highway 52, in this alignment, off of*  
11 *lots 8 and 9. That is another alternative. We'd be comfortable*  
12 *with the condition that said we must obtain approval from ITD.*  
13 *We've had experience with a lot of subdivisions and dealing with*  
14 *ITD. Typically they are not adverse to somebody having an*  
15 *emergency access easement off the Highway. The reason for that*  
16 *is they realize that it's not used by the public and it is an*  
17 *extremely rare event that it would ever be used. It's not going*  
18 *to be detrimental to ITD's functioning of Highway 52. So we are*  
19 *completely confident we can gain an emergency access easement*  
20 *from ITD if we need to. So either way, I think the option is*  
21 *there that we can provide that emergency access and the*  
22 *developer is fine with the condition that we provide emergency*  
23 *access in accordance with the Fire District requirements.*  
24 *I have one more exhibit that I'd like to hand out to the*  
25 *Commissioners. Commissioners, basically this is trying to*

□

23

1 *simplify things for you this evening. This is the conditions of*  
2 *approval straight as the staff wrote them. The difference is in*  
3 *red are changes that we're requesting. The strike through would*  
4 *be the staff's text and any other items in red would be the*  
5 *changes we're proposing. Any text in green is just our*  
6 *discussion, kind of describing the thought behind it. We have*  
7 *gone through a lot of these with Brad. He can speak to some of*  
8 *them. I just want to run through a couple of them.*

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9     *The first one, which is item number 3, he had some language*  
10 *in there about no build easements over the delineated wetlands*  
11 *that lie within a building lot, clarify the purpose of the*  
12 *easement, etc. We hit on the same thing to build a no build*  
13 *setback over the wetlands that are jurisdictional. So Greg*  
14 *Martinez will make the determination and he's provided the*  
15 *letter on what wetlands are jurisdictional wetlands. Primarily,*  
16 *those are going to be wetlands that are adjacent to the Seven*  
17 *Mile Slough and also along a drain that runs along the east*  
18 *boundary of the project. Those are the primary jurisdictional*  
19 *wetlands. We've said, in addition, there will be a setback for*  
20 *the lots that are adjacent to the slough of 25 feet from the top*  
21 *of bank. This was brought up in the staff report. I think lot*  
22 *15 is our only lot that actually has true frontage on the*  
23 *slough. We're saying that we'll provide a minimum 25 foot*  
24 *setback for any structure, barn, outbuilding, shop, whatever*  
25 *from the top of bank or from the wetland boundary, whichever is*

□

24

1 *greater. So that's to provide some protection to the slough and*  
2 *just give it an adequate setback from any sort of structure that*  
3 *would go along there.*

4     *It was noted that the developers plan to do a little bit of*  
5 *clean up and actually enhance some of the wetlands to make them*  
6 *a little bit nicer through some of these areas. We've had some*  
7 *preliminary discussions with the Army Corps about that and*  
8 *potentially expanding them and providing some more true water*  
9 *surface areas within them. Some of these areas that are*

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10 jurisdictional have maybe an inch or 2 of water and their just  
11 poorly maintained areas that potentially cause other problems.  
12 So the developers plan to clean some of those areas up and  
13 working with the Army Corps to do that.

14 MR. DAVID POOLE: Is this 25 feet acceptable to the Army  
15 Corps?

16 MR. CLINT BOYLE: It's actually above and beyond. The Army  
17 Corps is going to look at no disturbances of wetland or if we do  
18 we have to work with them for any mitigation.

19 MR. DAVID POOLE: My question is do you think it would be  
20 acceptable to the Army Corps?

21 MR. CLINT BOYLE: Yes.

22 MR. DON WILKERSON: On that map, could you show us where  
23 the drain ditch is?

24 MR. CLINT BOYLE: You probably can't see the lots. Each  
25 boundary sits like this. So it's just kind of running along the

□

25

1 east boundary line of those lots.

2 MR. DON WILKERSON: Have you given any consideration to  
3 giving a setback on the drain ditch? If you look at this map  
4 here, the drain ditch is about a third of the way into the lot.  
5 I think that's lot 21.

6 MR. CLINT BOYLE: We can certainly ask questions of the  
7 developer. Maybe he'll want to clarify that. I don't see that  
8 being a significant issue.

9 Item number 5, you'll see on there that was simply just a

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10 *timing thing with the access. Basically, what we're saying is*  
11 *inspection of approval of that access will be prior to signature*  
12 *at the time of signature of the plat. Then we actually have*  
13 *acceptable time to get it constructed and reviewed. So you*  
14 *still have the final say on that before the plats signed off.*  
15 *The Fire Department has to inspect the emergency access coming*  
16 *into the project. That was more just a timing rather than when*  
17 *we submit the plat because the plat may be submitted before that*  
18 *roadway was completed for that emergency access easement. As*  
19 *long as the requirement's there before the plat is actually*  
20 *signed off by the County, I think it covers the County.*

21 *Number 8 was with regards to the 404 permit with the Army*  
22 *Corps of Engineers. It says it shall be submitted to the County*  
23 *Engineer with the construction drawings. We just changed it to*  
24 *say prior to final approval of the construction drawings by the*  
25 *County Engineer. The reason for that is we're going to prepare*

□

26

1 *the construction drawings and we're going to submit it to your*  
2 *County Engineer at the same time we submit it to the Army Corps.*  
3 *They're going to go through their requirements while the County*  
4 *Engineer can be coming up with any county requirements. Then we*  
5 *can submit their final approval rather than having to wait for*  
6 *the Army Corps to go through their review before we can even*  
7 *submit anything into the County. So, more than anything, that's*  
8 *more of a timing issue. It still protects the County because we*  
9 *won't be able to start any construction until the construction*  
10 *drawings are approved. So those are just some clarification*

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11 items.

12 We had some agency comments, under 11-B, that I'd like to  
13 talk about briefly. We'll comply with most of these, no  
14 problem. There was a letter from Keller and Associates. We  
15 actually had a discussion with Paul Raymond today. There was a  
16 couple of things that we wanted clarified. Unfortunately, he  
17 did not have time to update a letter. This is just from a phone  
18 conversation today that we had with him. Condition 2-A of his  
19 letter indicated that the project was "I just question whether  
20 or not the project was within a FEMA designated flood plain."  
21 It is outside of the hundred year flood pain. I think your  
22 staff has also verified that. We've gone through and checked  
23 that again and Paul recognized that as well. So 2-A, this  
24 project is not within a hundred year flood plain.

25 Under condition 3-A, the right-of-way dedication on

□

27

1 Morehouse Road, the county requirement there is a 60 foot wide  
2 right-of-way. He had actually put in there an 80 foot  
3 right-of-way and the intention there was actually for a 60 foot  
4 right-of-way.

5 Finally, under Item H, which is from the Letha Sewer  
6 District and that is where one of the Commissioners brought up  
7 the testing of the water or whatnot. What I want to convey with  
8 this project is even though they've gone to 5 acre lots,  
9 originally, when they came through, they were 3 acre lots and  
10 they were proposing the extended treatment systems for the

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11 septic tanks. That basically cuts down your nitrates by 65  
12 percent or greater. With these 5 acre lots we've had more  
13 meetings with the Health District. You should have an updated  
14 form in your packet from them. There wasn't a commitment from  
15 them saying we had to do the extended treatment systems but the  
16 developer is committing to do that.

17 I struck through the Letha Sewer District letter and the  
18 reason for that is they talked about testing and pulling some  
19 samples. By having those extended treatment systems, the lot  
20 owners will be required to submit annual testing to the Health  
21 District to show that they're still functioning and operating to  
22 hit that 65 percent reduction of nitrates.

23 MR. WILL MAUPIN: Those extended systems are a deed  
24 restriction on the property; are they not?

25 MR. CLINT BOYLE: Yes.

□

28

1 MR. WILL MAUPIN: And they come with a maintenance  
2 agreement from somebody that's licensed from the DEQ to service  
3 them and inspect them?

4 MR. CLINT BOYLE: Yes. They are very well regulated.  
5 My point here is with those extended treatment systems,  
6 since the developer is going to propose those rather than a  
7 standard septic, which doesn't require annual testing or  
8 anything, there will actually be annual testing on all of the  
9 lots for those septic systems. That has to be reported to the  
10 Health District and the Health District will look at it and make  
11 sure it's in compliance with their thresholds for the different

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12 *pollutants.*

13 *MR. DAVID POOLE: So you have a third party and the state*

14 *that's --*

15 *MR. CLINT BOYLE: -- regulating it.*

16 *MR. DAVID POOLE: They're regulating it. Okay.*

17 *MR. CLINT BOYLE: So I think as far as how those systems*

18 *are operating and the impacts to the ground water, it's going to*

19 *be highly regulated. You're going to have a couple of agencies*

20 *that are watching with that annual reporting.*

21 *MR. DON WILKERSON: So you're saying the extended system*

22 *will not cause contamination down stream from these systems. I*

23 *think that's maybe what Letha's concerned about is down*

24 *stream.*

25 *MR. CLINT BOYLE: I don't know that I could say there's not*

□

29

1 *going to be any contamination. I'm simply saying that it will*

2 *comply with the Health District's thresholds for any*

3 *contamination coming out of these systems and it's a significant*

4 *reduction. It's required to be 65 percent or greater than a*

5 *standard septic system that you have on your typical 5 acre*

6 *subdivision. So it's going to be an exceptional system as far*

7 *as reducing those contaminants.*

8 *MR. DON WILKERSON: What if you have an annual review and*

9 *right after that the system goes bad and nobody knows about it?*

10 *So you could have potential of a lot of months where the system*

11 *is not operating as it should be.*

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12 **MR. CLINT BOYLE:** *That's a great question. You're right.*

13 *That could potentially happen. I know typically with those*

14 *systems what they do is they actually set up an alarm system*

15 *that's mounted on the house or somewhere close to it. It's got*

16 *a couple of different alarms on it. One is a cautionary alarm.*

17 *One's kind of a red alarm. So if the system has a problem, you*

18 *know about it. You're not going to sleep at night with that*

19 *thing going off. It's a very quick response to come out there*

20 *and fix the problem.*

21 **MR. DON WILKERSON:** *Well I don't know anything about it.*

22 *I'm glad it has some safe gaurds.*

23 **MR. DAVID HARGRAVES:** *Is the Health Department requirement*

24 *to put in the extended septic system?*

25 **MR. CLINT BOYLE:** *No.*

□

30

1 **MR. DAVID HARGRAVES:** *What would be required by their*

2 *regulations?*

3 **MR. CLINT BOYLE:** *For a 5 acre lot, typically, it's a*

4 *standard septic tank.*

5 **MR. DAVID HARGRAVES:** *Is there any alarm systems on those?*

6 **MR. CLINT BOYLE:** *No.*

7 **MR. DAVID POOLE:** *I think, as far as Letha Sewer District*

8 *goes, they are better off with this.*

9 **MR. CLINT BOYLE:** *So we can skip down to Item 15, under*

10 *conditions of approval, with regards to irrigation requirements*

11 *and the diversion below the Oxley's property. The Oxley's live*

12 *off of Brogan Road up near the Seven Mile Slough. There were a*

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13 couple of different things that they've requested. Basically  
14 we're going to pipe the existing ditch that services the  
15 Oxley's, which is this ditch right here. It's currently an open  
16 ditch. It's going to be piped. We're going to put in a nice  
17 head gate for them that should supply an even better water flow  
18 than they have today because there won't be the maintenance that  
19 you have in keeping those ditches clean to get the water to  
20 them, at least from where it comes off this larger drain and  
21 comes over their property. So that's something the developers  
22 agreed to do is pipe that existing ditch, which generally runs  
23 through lots 14 and 17 and provide a nice head gate for Mrs.  
24 Oxley.

25 So the final one is Item 17. This is kind of a carryover

□

31

1 from the original subdivision approval when it was a PUD. We  
2 had a lot smaller lots wrapping around this corner. It was to  
3 preserve an area near Morehouse and Highway 52, a setback area,  
4 so that in the event if there was ever any major improvements  
5 made at this intersection, that there would be some setbacks on  
6 these lots to insure there wasn't a shop or something built. So  
7 lots 4 through 14 of block 4 -- there isn't even a block 4 in  
8 this project. When I talked to Brad it just got kind of carried  
9 over from the previous approval. So what we discussed today was  
10 lots 3 and 4, which is the two lots with frontage on that  
11 intersection, that they would have a 75 foot rear building  
12 setback just to keep any structures off of that intersection.

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13 *Then if in the event somebody needed that down the road, that*  
14 *would be available to them.*

15 *MR. DON WILKERSON: Brad, in one of our previous*  
16 *applications didn't the State Department of Transportation*  
17 *requested a wider potential easement through there so they could*  
18 *go south on Brogan to get to Dewey? I thought we had something*  
19 *there that they required a wider easement through there; do you*  
20 *remember that?*

21 *MR. BRAD HAWKINS-CLARK: Commissioner, I don't right now.*  
22 *Are you talking about actually at this intersection?*

23 *MR. DON WILKERSON: Remember we had an application for a*  
24 *minor sub at Brogan and Dewey Road? I thought there was a*  
25 *letter in there that the State or even the County wanted to*

□

32

1 *maybe realign that intersection.*

2 *MR. DAVID POOLE: You mean Morehouse and Dewey?*

3 *MR. DON WILKERSON: No, from the intersection of Morehouse*  
4 *and Dewey to the intersection of Dewey and Brogan.*

5 *MR. DAVID POOLE: You mean realign it along 52?*

6 *MR. DON WILKERSON: Yeah. You may want to look at that.*  
7 *In that case, it may require more of a setback from lots 4 to 9.*

8 *Another thing, while you're there, you'll have to move your*  
9 *septic tank locations on lots 3 and 4 for that setback.*

10 *MR. CLINT BOYLE: Yes. I appreciate those comments on the*  
11 *Highway. I guess, in looking at the conditions, we do have the*  
12 *condition that we comply with Idaho Transportation Department.*  
13 *So we will comply with their requirements. Currently, we do*

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14 *have that 30 foot landscape easement that's going to prohibit*  
15 *any structures along all those lots along the Highway. So you*  
16 *will automatically have a 30 foot easement. I haven't heard of*  
17 *the additional easement from ITD but we certainly can provide*  
18 *that if they require it.*

19 *MR. DON WILKERSON: I'll see if I can't find the letter.*

20 *MR. CLINT BOYLE: We did get a letter from ITD with this*  
21 *application and they did not mention that easement in the*  
22 *letter.*

23 *MR. DAVID HARGRAVES: In that same letter they mention that*  
24 *no access should be directly to or from State Highway 52. So*  
25 *your contention of that means actual access.*

□

33

1 *MR. CLINT BOYLE: Roadway or lot access.*

2 *MR. DAVID HARGRAVES: So that wouldn't apply to the*  
3 *emergency?*

4 *MR. CLINT BOYLE: No.*

5 *MR. DAVID HARGRAVES: And again, the emergency has some*  
6 *kind of a barrier?*

7 *MR. CLINT BOYLE: Yeah. They'll have a crash gate or some*  
8 *physical barrier. There's a lot of mechanisms and we'll work*  
9 *with the fire department to make sure it meets their*  
10 *requirements as well as ITD. There will be a physical barrier*  
11 *there. ITD's concern is about the flow of traffic. The*  
12 *emergency access, in the event of an emergency, in the event*  
13 *that they'll have to use that route versus the public street,*

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14 *historically speaking they have not had an issue with that at*  
15 *all.*

16 *MR. DAVID HARGRAVES: How would they govern whether to use*  
17 *that emergency access or not? What if they want to take a*  
18 *shortcut? Are there rules? Do they have an understanding of*  
19 *when they use that? Is it only when the other access is plugged*  
20 *up?*

21 *MR. CLINT BOYLE: I can't speak for Gem Fire. First of*  
22 *all, in an emergency event, I think their going to take the*  
23 *easiest and quickest access for public safety.*

24 *MR. DAVID HARGRAVES: Whether the main entrance is closed*  
25 *or not?*

□

34

1 *MR. CLINT BOYLE: Right. In this case, you're going to*  
2 *have a paved road all the way in on the public road or you're*  
3 *going to have something with a gravel base with a couple of*  
4 *crash gates to bust through with your fire truck. If I had to*  
5 *speculate, they're going to take the paved road every time*  
6 *unless there's some obstruction there. I mean, this would be an*  
7 *event where somebody's having a heart attack and there's an*  
8 *accident in the front of the subdivision and they just have*  
9 *really bad luck that day. I mean, it would be an extremely rare*  
10 *event. We could run odds all day. You'd probably have better*  
11 *luck winning the lottery, like I said, then that happening. It*  
12 *just depends on the Fire District and what they want.*

13 *MR. DAVID HARGRAVES: You haven't had any conversations*  
14 *with the property owners that use Brogan Road; right?*

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15 **MR. CLINT BOYLE:** *Personally, I haven't. Mr. Carpenter in*  
16 *our office has.*

17 *The final thing I have is a letter from SOS Well Drilling.*

18 *He just talks about wells in the area. He feels that there's*

19 *adequate water within this area. He's been drilling wells for*

20 *44 years. He's had experience out in this area. The letter is*

21 *dated April 9th from Frank Skinner of SOS Well Drilling. He*

22 *submitted information on the PUD as well. This is just an*

23 *updated letter for the filing indicating there shouldn't be any*

24 *issue or any problem with adequate supply or adverse effects on*

25 *adjoining property owners.*

□

35

1 **MR. DAVID HARGRAVES:** *I've heard references to the previous*

2 *application, previous PUD. It sounds like there's information*

3 *in there that you'd like the Commissioners to be aware of and*

4 *refer to in making their decision.*

5 **MR. CLINT BOYLE:** *Okay.*

6 **MR. DAVID HARGRAVES:** *Is there?*

7 **MR. CLINT BOYLE:** *Definitely. I had the exhibit that was*

8 *up. We had a couple of letters from SOS.*

9 **MR. DAVID HARGRAVES:** *Do you think there would be anything*

10 *else that would be helpful in that previous application? If*

11 *there is, what I recommend to the Commission is that we just*

12 *take judicial notice so it becomes part of the record for this*

13 *application as well. I think there's soil reports that were*

14 *referred to and things like that.*

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15 **MR. CLINT BOYLE:** *There was a lot of information in that*  
16 *previous PUD. I don't know if we have to drag everything back*  
17 *in.*

18 **MR. DAVID HARGRAVES:** *I don't suggest that we drag it in*  
19 *but if you want the Commissioners to take judicial notice of it,*  
20 *if you think there's important things in there, then they can*  
21 *consider all of that as part of this application as well.*

22 **MRS. DEBBIE ROUWENHORST:** *I have a question that's in*  
23 *regard to the Letha Irrigation and Water Company. It was*  
24 *talking about, in the original application, that the water would*  
25 *be coming directly from the slough. In her letter it states*

□

36

1 *that there was a new head gate and adequate water rights for*  
2 *your needs and services for the Wood Ranch.*

3 **MR. CLINT BOYLE:** *We're in agreement. Mr. Carpenter*  
4 *actually met with Marcia and another representative of Letha*  
5 *Irrigation on site. They've put in some new water works that's*  
6 *off site from us but it does supply water to this site. It*  
7 *comes in off the slough, well beyond our site to the east,*  
8 *travels kind of along the slough and eventually comes into the*  
9 *site. It comes in roughly mid site along the east boundary.*  
10 *There's a ditch that came across. Mr. Carpenter can speak to*  
11 *the exact route. They just put in a brand new weir and other*  
12 *structures. We'll utilize that water coming from that new head*  
13 *gate and structure that they put in.*

14 *That irrigation water actually comes out of the slough, in*  
15 *that new head gate that they have, crosses that aerial crossing,*

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16 comes in about middle of the site and wastes into kind of a  
17 drain ditch. Then along that drain ditch is where we have our  
18 pressured irrigation pump station. It's pulling out of that  
19 drain ditch. I believe, from the meeting, that they were happy  
20 with it.

21 MRS. DEBBIE ROUWENHORST: Okay. Thank you.

22 MR. DALE REYNOLDS: Lot 14, you think that lot will be  
23 buildable with that ditch being in there?

24 MR. CLINT BOYLE: Yes. Basically what you're looking at is  
25 the alignment. That ditch is most likely going to have a bit of

□

37

1 realignment on it. We have to provide the same flow to Mrs.  
2 Oxley that she's always had. Generally speaking, we're going to  
3 try to put that down a property line rather than coming kind of  
4 cross country on that. So it's going to run down property line  
5 and then up to the existing discharge point at Mrs. Oxley's  
6 property.

7 MR. DAVID POOLE: So there will be an easement to maintain  
8 that pipe line?

9 MR. CLINT BOYLE: Yes.

10 MR. DAVID POOLE: Any other questions? Thank you.

11 MR. CLINT BOYLE: Thank you for your time.

12 MR. DAVID POOLE: State your name and address please.

13 MR. JOHN CARPENTER: My name is John Carpenter. I'm at 332  
14 North Broadmore in Nampa. Clint and I work together. Clint's  
15 Land Use Planner and I'm a Civil Engineer. We've spent a lot of

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16 *time on this project over the last few years.*

17 *One of the things I wanted to bring up first is we were*  
18 *talking about the wetlands along that drain ditch. That drain*  
19 *ditch, right now, takes basically tail water from several fields*  
20 *and it hasn't been maintained for years. What we're planning on*  
21 *doing is cleaning it out. We're planning on working with the*  
22 *Corps of Engineers, planting trees along there, making it more of*  
23 *an amenity than a drain ditch. There's certainly value to the*  
24 *wetlands there but we could dress it up a lot nicer than it is*  
25 *today. The Corps of Engineers is on board with that. As we get*

□

38

1 *into the construction drawings we'll work through the conditions*  
2 *with them.*

3 *As far as that setback we were talking about earlier, I*  
4 *think somebody wanted an actual distance from that edge of the*  
5 *wetlands. That edge of the wetlands is going to move because*  
6 *we're actually going to encroach a little further into the lots.*  
7 *We envision having some pond areas along that wetland area.*

8 *There are small wetland areas on the map that are non*  
9 *jurisdictional. Basically the Corps says if you can shut off the*  
10 *water to it and it's no longer wetlands, they don't consider it*  
11 *jurisdictional. So the irrigation laterals or waste ditches*  
12 *that are no longer going to be used on this site are not*  
13 *jurisdictional.*

14 *I did meet with the Letha Irrigation District. We had a*  
15 *nice meeting on site. Basically, we have a way to open water to*  
16 *the woods lateral specific for this property. It serves the*

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17 *Woods Ranch and the ditch will discharge into the drain ditch*  
18 *and it will point adjacent to one of these ponds we're talking*  
19 *about and we'll pump out of it. So it's a nice little settling*  
20 *basin for us and a way to store water for the pump station.*

21 *You guys did talk briefly about the drain fields, the*  
22 *extended systems. As Clint said, the Health District is not*  
23 *requiring extended systems. We're trying to go above and*  
24 *beyond. We want to do what's right for the community. The*  
25 *Health District and the DEQ are comfortable with the drain*

□

39

1 *fields out there. They're obviously more comfortable if we had*  
2 *the extended systems.*

3 *I had the opportunity to meet with several of the neighbors*  
4 *through more than one neighborhood meeting but the last one was*  
5 *pretty nice. Everybody there liked the fact that the*  
6 *subdivision was smaller. The general consensus was the 5 acre*  
7 *parcels blended into the community better than what we had*  
8 *before.*

9 *I met with the Ratcliff's; very nice people. We talked*  
10 *about the right-of-way along Morehouse. At the time, I think*  
11 *they didn't realize how much property was on the other side. We*  
12 *talked about a trade for the right-of-way; paving a driveway or*  
13 *something like that. Since then I think they've had a chance to*  
14 *discuss it amongst themselves. They probably hadn't given it a*  
15 *lot of thought up to that point. I talked to the Ratcliff's a*  
16 *couple of weeks ago and they wanted to work directly with the*

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17 *developer and work out some kind of financial exchange for it,*

18 *which is fair. I think a lot of people would feel the same way.*

19 *I hope we can work something out. If not, as Clint said, we*

20 *have room there to further construct a perspective right-of-way.*

21 *MR. DAVID POOLE: So you could be comfortable with the*

22 *requirement of 60 feet?*

23 *MR. JOHN CARPENTER: Well, I think the requirement of 60*

24 *feet would put the developer in a negotiating bind, if you will.*

25 *Our goal would be to build it to the County's standards. We*

□

40

1 *would just assume not have a little land strip. I mean, you*

2 *look at County Assessor's maps and I'm sure you see these little*

3 *strips of no-mans-land. I see it all the time in Canyon County*

4 *and Ada County. Obviously, the road got built in the wrong spot*

5 *a long time ago is what happened.*

6 *MR. DAVID POOLE: What is the amount of land that's on the*

7 *other side of Morehouse?*

8 *MR. JOHN CARPENTER: Between the two properties, I think is*

9 *1.35 acres. It's not a bunch of land.*

10 *MR. DAVID POOLE: So to avoid a land strip, if you purchase*

11 *that, you can move it to a 60 foot easement all the way and*

12 *adjust your lot.*

13 *MR. JOHN CARPENTER: Yes.*

14 *MR. DON WILKERSON: But you'd also have to buy ground on*

15 *the south side of Morehouse to get your alignment to the east,*

16 *wouldn't you?*

17 *MR. JOHN CARPENTER: Our requirement is typically not to do*

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18 both sides.

19 **MRS. DEBBIE ROUWENHORST:** There were two letters going back  
20 to the pressurized irrigation and the suggestion that there be  
21 an engineers copy of the pressurized system. Has anything been  
22 done with that?

23 **MR. JOHN CARPENTER:** When we get into the construction  
24 drawings we will do that. We'll provide calculations and be  
25 specific for every lot as to what the flow is to the lot and

□

41

1 what the pressure is to that lot. When we submit the  
2 construction drawings to Keller those calculations will go along  
3 with it and they'll have those.

4 **MR. DON WILKERSON:** I have a couple questions. One  
5 question is concerning easements. I don't see easements along  
6 side your roads or utilities. I don't see any notes or anything  
7 about easements on Wood Ranch Road.

8 **MR. JOHN CARPENTER:** It does say in number 4, it's hard to  
9 find them sometimes in the notes, but it says there's a 10 foot  
10 wide easement adjacent to the road right-of-way.

11 **MR. DON WILKERSON:** But it says public right-of-way?

12 **MR. JOHN CARPENTER:** Yes, along with the boundary too,  
13 there will be an easement.

14 **MR. DAVID POOLE:** Any other questions? Thank you, sir.

15 **MR. JOHN CARPENTER:** You bet. Thank you.

16 **MR. DAVID POOLE:** Any questions for the developer? If not,  
17 let's open this to the public for those in favor of this

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18 development. Any of those that are neutral? Any of those that  
19 are opposed to this development? Step forward and state your  
20 name and address.

21 MR. CLARK RATCLIFF: My name is Clark Ratcliff and I live  
22 at 1415 Morehouse Road. I'm part of the property owner along  
23 that one strip. I have a couple of drawings I'd like to show  
24 you guys. This is the road that they had specked out. If that  
25 picture there was scrolled down, there's actually a road segment

□

42

1 on there. This is drawn to scale so you can get what a 60 foot  
2 road looks like. I went out and I took some elevations off of  
3 the road for the existing culvert. I did the calc's and this  
4 comes out 4 to 1 and this is a 2 to 1 and it shows the amount of  
5 road they need.

6 MR. DAVID HARGRAVES: Is this the same? Is that drawing  
7 you have on your board the same as you presented to the  
8 Commissioners on paper?

9 MR. CLARK RATCLIFF: This is to scale. This is the actual  
10 drain ditch out on the side. I took a 2 by 4 and slid it over  
11 and got the shoulder depth. What you're looking at is the drain  
12 ditch part in this area here. If you measure off of the road,  
13 you've got 6 feet instead of this 2 foot 6 for the existing  
14 culvert now. I guess my question is how are they going to  
15 jerry-rig an 88 foot road into a 50 foot easement? I just don't  
16 see it.

17 My other comment is on the road. If you look where  
18 Morehouse and 52 connect -- do you care if I walk up there?

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19 MR. DAVID POOLE: Go ahead.

20 MR. CLARK RATCLIFF: When I'm coming down this road in

21 winter time and roads are slick, there's been a lot of times

22 when I almost end up in the ditch. Something needs to be done

23 with this connection. My biggest concern is my kids are going

24 to be coming out of here. They're going to be parked here

25 getting ready. I've got three girls. Somebody could come by

□

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1 and hit them and I'm going to be cutting them out of a car.

2 That is unacceptable to me.

3 MR. DAVID POOLE: Do you own the property on the other side

4 of the road?

5 MR. CLARK RATCLIFF: My father-in-law does. This dotted

6 line is our property.

7 I have one more thing. I know they talked about having it

8 approved by Gem County Road that they could put a 50 foot in

9 there. I just want to know if that meets the Federal erosion

10 control. A lot of times the slopes of the road is for erosion

11 control. I'm just asking.

12 MR. DAVID POOLE: Not really being a road engineer, I can't

13 answer that. That's why we have Keller and Associates to make

14 sure that's addressed.

15 MR. CLARK RATCLIFF: Okay.

16 MR. DAVID POOLE: Thank you. Any further negative input?

17 MS. MARCIA HERR: My name is Marcia Herr. I'm President of

18 Letha Irrigation Company. I received a copy of this in my mail

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19 *the other day. I have noticed that the property lines cross the*  
20 *slough and it looks like they're within the boundary of the*  
21 *slough itself. I'd like to know if that's typical for a*  
22 *property line to encroach upon the water itself because our*  
23 *guidelines for Letha require a 25 foot easement on each side for*  
24 *our ditch for our slough area that we get our water from. I*  
25 *noticed that most of these lots along here all encroach upon the*

□

44

1 *slough.*

2 *MR. DAVID POOLE: Okay, not being able to answer that*  
3 *question, can he answer it here?*

4 *MRS. DEBBIE ROUWENHORST: In his exhibit B, under number 3,*  
5 *the setback for the lots adjacent to the Seven Mile Slough shall*  
6 *be 25 feet from the top of the bank or the wetland boundary,*  
7 *whichever's greater.*

8 *MR. DAVID POOLE: So no matter where the property line is,*  
9 *it's where the wetland or ditch is, the bank of the ditch will*  
10 *be a 25 foot setback.*

11 *MS. MARCIA HERR: All right, but if it shows a property*  
12 *line, does it mean that they'll still have access to that ground*  
13 *on the other side? Then we have pie shape pieces floating*  
14 *around out here.*

15 *MR. DON WILKERSON: Well, they can develop the east of this*  
16 *subdivision here in the future and probably but right up against*  
17 *those property lines.*

18 *MS. MARCIA HERR: I'm talking about the individuals who buy*  
19 *properties like 19, 20, and 21. That's my main concern.*

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20 MR. DAVID POOLE: *The assumption is if the waters on their*  
21 *property, that's still their property line. If the survey line*  
22 *is in the middle or clear across the ditch, that's where their*  
23 *property line -- that's where this 25 foot setback will be.*

24 MR. WILL MAUPIN: *I think her question may be that in the*  
25 *exhibit they're calling it a setback from top of ditch and the*

□

45

1 *ditch company's concern is whether that ditch runs inside of*  
2 *property line or not, they want to make sure they maintain their*  
3 *25 foot easement on either side of the slough. So from the*  
4 *exhibit on 3, that isn't clear. I think it needs to be*  
5 *clarified that easement would be maintained and it typically is.*

6 MS. MARCIA HERR: *All right.*

7 MR. DAVID POOLE: *If we decide to recommend this to the*  
8 *Board of County Commissioners, we can make sure that's clear.*

9 MS. MARCIA HERR: *Thank you.*

10 MR. DAVID POOLE: *Any questions? Thank you. Do we have*  
11 *any more negative input?*

12 MR. LEE RIGDON: *Lee Rigdon, Letha Sewer District and also*  
13 *representative for the town site of Letha. The concern we have*  
14 *is the misinterpretation of the letter that was sent. We are*  
15 *asking for the town site to have the water testing done as being*  
16 *down stream from this project.*

17 *Another question is how deep are these wells going to be?*  
18 *Are they going to be 30 feet, 60 feet, 90 feet? That wasn't*  
19 *clarified or even brought up. That will effect the kind of*

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20 water that we will have because I would say 2/3rd's to 3/4's of  
21 the people in Letha are strictly artisian and do not have  
22 pressurized pumps. You are exhibiting using pressurized systems  
23 that will eventually effect our water table, the amount of water  
24 that we are getting, that we rely on by not using pumps and by  
25 just using artisian type water.

□

46

1 MR. DAVID POOLE: Do you have an answer for that, sir? I'm  
2 sorry I'm opening this back to you but I think now's a good time  
3 to address it.

4 MR. JOHN CARPENTER: One of the things that we'll certainly  
5 do before we actually get into putting houses out there is we  
6 will do some investigative work on the depth of the wells in the  
7 area. The last thing we want to do is put in a subdivision and  
8 have problems with neighbors concerning water or anything else.  
9 Typically, well drillers are not putting in shallow wells  
10 anymore. The upper aquifer in this area is relatively shallow,  
11 pretty wide, and is typically contaminated from farming  
12 practices. Most guys are going to go past that first section of  
13 gravel and get through that clay layer. That's going to seal  
14 off the upper contaminated water. I'm assuming most of the  
15 wells you're referring to are in that shallow area. We'll get  
16 past that large clay layer and into the deeper zone. I'm going  
17 to say that most of the wells out there are going to be 120  
18 plus. There's also a sulfur problem in the area. Some of the  
19 well drillers that we have talked to say that there are depths  
20 you can get a little deeper to avoid that. I don't know if I've

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21 answered your question. I can't say it's going to be at some  
22 specific depth, but we'll attempt to be at different intervals  
23 than what you're at. We're going to make sure that there's not  
24 a potential for pollutants into the wells that we're sticking  
25 in.

□

47

1 MR. DAVID POOLE: I think that's actually one of the  
2 requirements when they put the well in now days.

3 MR. LEE RIGDON: I can clarify about the sulfur water. My  
4 well's down 92 feet. I do have sulfur water but you just let it  
5 stand over night, you don't have it. It's also been proven that  
6 sulfur water will not grow any bacteria. Some of the wells are  
7 down as far as mine. We have some that are 60 feet and we have  
8 some that are 35 feet. That was a concern with some of the  
9 people is how this is going to effect our water. How's it going  
10 to affect our pressure? So that's the question that we had.

11 There was one other question. You mentioned redressing and  
12 revitalizing the wetlands area. Does that mean all the area  
13 that's shown on the map that's wetlands? Are you completely  
14 redoing it? Are you moving it or is it going to stay where it's  
15 designated? You were talking about having trees and things on  
16 it and stuff like that. From what I see on the lots, there's an  
17 awful lot of wetlands involved in that one whole section.

18 MR. DAVID POOLE: I think what he was trying to explain was  
19 the fact that they're going to do all this under the Army Corps  
20 of Engineers guidance and direction. So whatever they accept or

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21 *require they're going to have to work with. They're just trying*

22 *to make the wetlands more palatable for everyone.*

23 *MR. LEE RIGDON: Thank you.*

24 *MR. DAVID POOLE: Further input?*

25 *MR. SHAWN HOEM: My name is Shawn Hoem. I live at 8004*

□

48

1 *West Highway 52. We talked about water. We talked about the*

2 *wells. I'm talking about sub irrigations and stuff like that.*

3 *Some of my property is sub irrigated by the very ground water*

4 *that we're talking about putting in 30 home sites. I'm sure*

5 *it's going to draw down some of the water in that area. He*

6 *talked about putting in some ponds. I don't know if you're*

7 *aware of the mosquito problem in this area but open water means*

8 *more mosquitos.*

9 *MR. DAVID POOLE: Thank you. Further input?*

10 *MS. STEPHANIE OXLEY: Negative. I'm trying not to be too*

11 *negative. I am Stephanie Oxley. We are the property owner at*

12 *issue with the irrigation system.*

13 *Our irrigation system for over 100 acres is at risk. The*

14 *point of adjudication is east of the current collection*

15 *reservoir, which was filled directly from the Seven Mile Slough*

16 *in earlier years. I'd like to present what we tried to work up*

17 *for the PUD application. We call it an SOP. There's an aerial*

18 *map of the system. All though the developer and engineer*

19 *continue to assure us that the water will be delivered as per*

20 *our legal adjudicated rights, there has been no written*

21 *agreement approved by Water District 65 and the Oxley's as the*

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22 *singular water users on this Columbian water system addressing*  
23 *our concerns over the drastic changes to the reservoir, the*  
24 *conveyance of water through pipe for over a quarter of a mile,*  
25 *the change in adjudicated point of delivery to the current*

□

49

1 *diversion structure, which is just west of Brogan, nor provision*  
2 *for the 100 feet of the system including an overflow control*  
3 *into the drain. Until such time as there is an engineered plan*  
4 *and written authorization from the Oxley's addressing issues of*  
5 *changes and perpetual maintenance, we respectfully deny*  
6 *permission to make any changes in this water system with this*  
7 *development.*

8 *The developer has acknowledged the challenges of building*  
9 *in an area where the summer water table is often 6 to 12 inches*  
10 *below surface. Special septic systems and elevated home sites*  
11 *seem to be the developers solutions of choice. Water quality is*  
12 *still at risk due to the increased use of lawn chemicals and*  
13 *household cleaning product infusion.*

14 *There seems to be little concern of an increase in mosquito*  
15 *habitat from these 25 elevated home sites. I know on the PUD*  
16 *the Mosquito District said it should not increase the mosquito*  
17 *breeding area. I wonder if anyone has factored in the banquet*  
18 *to be spread for those selectively troublesome West Nile Virus*  
19 *carrying mosquitos with the concentration of human and horse*  
20 *population into this already mosquito infested environment.*  
21 *Thank you.*

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22 MR. DAVID POOLE: *Questions for Mrs. Oxley?*

23 MR. DON WILKERSON: *In your letter you're concerned about*  
24 *access to your head gate or --*

25 MS. STEPHANIE OXLEY: *This was the standard operating*

□

50

1 *procedures that we submitted with the original PUD application.*  
2 *We were clarifying the wetlands is our irrigation system.*  
3 *That's where we get our water from. It originally came from the*  
4 *Seven Mile Slough through a head gate, which I've indicated on*  
5 *the SOP, was closed off a number of years ago. We determined,*  
6 *at that time, with the then owner that there was enough water*  
7 *collection coming from the subbing and the other irrigation that*  
8 *they were doing, that we were fine with the amount of water.*  
9 *This is what we're calling our reservoir, in this area here.*  
10 *The drain out of that has been unmaintained because it has not*  
11 *needed to be maintained because it is a natural system. It*  
12 *flows across the corner of the old Perrigo place -- forgive me.*  
13 *I don't know the people's name that live there now. There is*  
14 *about a hundred foot in there that's not on the developers*  
15 *property. Again, it's kind of one of those situations like the*  
16 *Morehouse Road situation. At this point, when the irrigation*  
17 *water comes into 7 mile it takes about two weeks for all of this*  
18 *to sub, and flood, and overflow the reservoir. We have to*  
19 *maintain a waste off valve, which would be just to the east of*  
20 *Brogan. It's not indicated on that map. Our diversion*  
21 *structure is just west of Brogan. That water is piped under*  
22 *Brogan, which has already been indicated as a gravel, private*

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23 road. The diversion structure is right at the corner of this  
24 parcel here. We've got over a hundred acres that is irrigated  
25 off of what collects in that waste wetlands area.

□

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1 MR. DON WILKERSON: So you're basically getting water from  
2 subbing the wetlands, and the reservoir, and stuff like that.

3 MS. STEPHANIE OXLEY: Yes. That was adequate after they  
4 closed off the head gate from 7 mile.

5 MR. DON WILKERSON: Where the developers represented and  
6 stated -- they call it the drain ditch. They go in there  
7 looking at cleaning it out, redesigning it, putting in trees and  
8 you're seeing that as could effect you're 800 cubic feet per  
9 second or something like that.

10 MS. STEPHANIE OXLEY: We actually have two water rights on  
11 that system because there were two original parcels that are now  
12 ours. I have all kinds of confidence that they will somehow  
13 deliver the water. I guess part of my concern is who pays the  
14 cost for maintenance. As I mentioned, we haven't maintained  
15 that run off area because it is just a natural area. It hasn't  
16 needed any maintenance. Pipe and cleaning and whatever can be  
17 costly, which is one of the reasons why we decided early on not  
18 to pursue the low lift Oregon pump system because that would be  
19 entirely our responsibility. Right now we have absolutely no  
20 cost on maintaining this ditch or irrigation system. We have  
21 absolutely no water fees on this system. So because the land is  
22 marginal, it's been used as pasture all these years, that can

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23 *make quite an impact on what we can do with our acreage if we*  
24 *had to pay maintenance fees on any of this. I just want to make*  
25 *sure that we have everything in writing.*

□

52

1 *MR. DAVID POOLE: Further negative input?*

2 *MR. DALE KNECHT: My name is Dale Knecht. I am the unknown*  
3 *neighbor that she just referred to. I live at 1826 Brogan.*

4 *There's only two of us on that street that have the Brogan*  
5 *address. Most of my questions do refer to what effect this is*  
6 *going to have on Brogan.*

7 *When you referred to Oxley's ditch, that's also Knecht's*  
8 *ditch. It goes across my property first. We have approximately*  
9 *412 feet of that same ditch. When you are talking about the*  
10 *pipng, that means it goes up to the east side of Brogan and*  
11 *does not go on the west side; is that correct?*

12 *MR. DAVID POOLE: I don't think they own on the opposite*  
13 *side.*

14 *MR. DALE KNECHT: It was mentioned before that they talked*  
15 *to the neighbors. I know we've never been talked to. You'll*  
16 *notice a little square cutout and that's the other neighbor*  
17 *that's on Brogan. We are primarily the people that use and*  
18 *access that road. We were concerned about if that will be*  
19 *private road status and be maintained. Will the developer be*  
20 *doing anything to maintain that road since he has half ownership*  
21 *in it? It is in severe need of at least graveling, if not*  
22 *paving. It's quite chopped up.*

23 *There was a concern -- I assume from what I have heard*

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24 tonight that this will be the responsibility of the purchasing  
25 owners down Brogan, whether they will be putting up any type of

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1 fence or wall down Brogan. My main concern is that as I'm  
2 driving down there after dark or something if any children or  
3 animals might be running out in the street, if there will be any  
4 access of those people that own the property, will they be out  
5 there in my road or not?

6 MR. DAVID POOLE: Questions from the Commissioners? Any  
7 further input from the public? If not, we'll give the  
8 applicant's an opportunity to rebut.

9 MR. JOHN CARPENTER: I wanted to address two things for  
10 Stephanie Oxley. We are going to work with her and give her a  
11 chance to review the plans before we do anything. We will make  
12 sure water is to her existing ditch. State law requires we  
13 can't reduce the amount of water she is to get.

14 As far as the mosquito's, I want to say there's typically  
15 more mosquito's on pasture ground. I have a lot of pasture  
16 ground on my place. When I water throughout the summer, that's  
17 when we get mosquito's.

18 The maintenance on that pipe -- I was just talking to the  
19 developer. If there is any maintenance needed on the pipe  
20 through the development, the Home Owner Association would take  
21 care of that and obviously we're going to grant her access to  
22 get to whatever she needs to get to.

23 For Dale Knecht, as he said, we didn't bring it up earlier

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24 but his easement is partially on the developers property. That

25 easement is wider than the road and extends into the

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1 development. The gravel section of the road is not on the

2 developers property but the width of the easement straddles

3 both. Basically, as far as fences along Brogan Road, the

4 covenants for the subdivision are required that people put in

5 fences as they develop houses.

6 MR. DAVID POOLE: Okay. Any questions from the Commission?

7 MR. DON WILKERSON: Did you address the item about the

8 maintenance of Brogan? Do you want to address it?

9 MR. JOHN CARPENTER: Well, I don't know. All we're looking

10 to do is use it for emergency vehicles. We're not going to have

11 traffic on it.

12 MR. DAVID POOLE: Well, under those circumstances, you

13 should be part of a maintenance agreement.

14 MR. JOHN CARPENTER: I agree with that.

15 MR. DON WILKERSON: On Mrs. Oxley, you mentioned she was in

16 agreement with your engineer design. I think if I was her, I

17 would more want to be in agreement with whether it's going to be

18 operational when you're done with it.

19 MR. JOHN CARPENTER: Sure.

20 MR. DON WILKERSON: That's where her sign off on your

21 development should come up.

22 MR. JOHN CARPENTER: Sure.

23 MR. DAVID POOLE: There's no sense in them putting in

24 something that she won't be happy with.

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25 MR. DAVID HARGRAVES: *On the agreements between the*

□

55

1 *developers and private parties, if you make that a condition of*

2 *approval of the application, that becomes really tough to*

3 *enforce. I mean it puts the developer in a bad position. I've*

4 *seen those and they don't work.*

5 MR. DAVID POOLE: *Okay. What we need to do then is address*

6 *that up front and have it in writing to go in.*

7 MR. DAVID HARGRAVES: *Or you can set the requirements.*

8 MR. DAVID POOLE: *Understood, but that means we have to*

9 *negotiate with Mrs. Oxley.*

10 MR. DAVID HARGRAVES: *No it doesn't. It means that you set*

11 *what's required.*

12 MR. DAVID POOLE: *Well my assumption is if I don't know*

13 *what she's wanting required, how can I set that?*

14 MR. DAVID HARGRAVES: *I think the law requires exactly as*

15 *the developer has suggested, that the amount of water be*

16 *delivered there --*

17 MR. DAVID POOLE: *-- that's been delivered there before.*

18 MR. DAVID HARGRAVES: *Yes.*

19 MR. DAVID POOLE: *Or that legally should be delivered*

20 *there.*

21 MR. DAVID HARGRAVES: *Yes.*

22 MR. DAVID POOLE: *Back to the maintenance that she's*

23 *concerned about, you said the Home Owners Association will*

24 *maintain the pipe lines. Under those circumstances, she will*

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25 get delivered the water she wants or has had coming and it will

□

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1 be maintained.

2 MR. DAVID HARGRAVES: That's my view of it.

3 MR. DAVID POOLE: Thank you, David. If we're done with the

4 public hearing portion, we'll close the public portion of this

5 and bring it before the Commission.

6 MR. DON WILKERSON: I have a question for Brad. In your

7 staff report, the original preliminary plat and PUD application

8 expires May 14 of '08. So are we approving this on top of that?

9 MR. BRAD HAWKINS-CLARK: The way the entitlement works is

10 you can't have two entitlements on the same piece of ground.

11 This isn't actually an entitlement until the Board of County

12 Commissioners signs off on it.

13 MR. DON WILKERSON: So what if they come in for an

14 extension on the PUD? How does that effect the rest of the

15 portion of the PUD?

16 MR. BRAD HAWKINS-CLARK: They have actually filed for an

17 extension on the PUD and we just continue to view the old PUD as

18 a whole, but if this were approved, the other PUD really becomes

19 obsolete because the boundaries have changed and they don't

20 match up exactly as the old PUD.

21 MR. DAVID POOLE: Any further comments?

22 MR. BRAD HAWKINS-CLARK: I think that you should also

23 include in your recommendation whether you feel paving

24 Morehouse, the majority of which is off site and is not required

25 by County Code, can be counted toward the mitigation. So if you

□

1 multiply the amount that the County has come up with times 25  
2 building lots, that 135,000 is about 15,000 shy. So you could  
3 look at it and say well there's 15,000 that will be spread  
4 across 25 lots or maybe there's other improvements that they  
5 will propose that will make that up. So part of the Capital  
6 Improvement Program needs to be included in this. At this  
7 point, they're proposing that a majority of it be made up with  
8 the paving of Morehouse.

9 MR. DON WILKERSON: We discussed the 40 foot landscape  
10 strip along Highway 52. Staff recommends landscaping be done by  
11 the developer. I kind of agree with that because then you would  
12 have consistency on the type of landscaping that's done on those  
13 lots. So I think that ought to be installed by the developer.

14 MR. BRAD HAWKINS-CLARK: I think that's a good thing for  
15 you to talk about. I mean, as I pointed out in my introduction,  
16 this subdivision does not fall under the Landscape Ordinance.  
17 It's really silent on that section that says there should be  
18 landscaping along there and about whose responsibility it is. I  
19 think it's pretty clear with ITD and the County that it's  
20 desired. So, at this point, that's your call.

21 MRS. DEBBIE ROUWENHORST: There should be a buffer zone.  
22 Per ITD, what we're trying to do is make the areas -- and this  
23 too in your staff recommendation, that it will be leading into  
24 Letha and that it will be a nice beautification project.

25 MR. DAVID POOLE: Any other comments?

□

1 *MR. WILL MAUPIN: I have a question on the landscape. If*  
2 *this subdivision isn't subject to the Landscape Ordinance, what*  
3 *is our jurisdiction if ITD wants it?*

4 *MR. DAVID POOLE: So what you're saying is if it's not*  
5 *governed by the Ordinance, what authority do we have?*

6 *MR. DAVID HARGRAVES: I think you'd have to tie it into*  
7 *your authority that mitigation impacts over subdivision.*

8 *MR. DON WILKERSON: It says here in the Idaho Department of*  
9 *Transportation letter noise abatement will be the responsibility*  
10 *of the developer.*

11 *MR. DAVID POOLE: Well I think the noise abatement is going*  
12 *to be a berm or a fence.*

13 *MR. BRAD HAWKINS-CLARK: The bottom of page 7 of the staff*  
14 *report sites the Gem County Code. It says frontage roads,*  
15 *landscaping, or other designed devices to screen or separate*  
16 *traffic shall be required.*

17 *MR. DAVID POOLE: It sounds like that is within our*  
18 *jurisdiction and so we'll require it. Further comments,*  
19 *Commissioners?*

20 *My personal feeling towards this is we probably need to*  
21 *continue it to digest as much as we've been fed tonight. That*  
22 *would give us the opportunity to confer with staff and legal*  
23 *counsel.*

24 *MR. DON WILKERSON: I think we'll be asked by staff about*  
25 *what kind of guidance to give the applicant to come back with.*

□

1 I'm going to start off. I think they need to come to an  
2 agreement on their emergency access to the road. Also, that the  
3 developer is responsible for the trees or whatever landscape he  
4 does along Highway 52.

5 MR. WILL MAUPIN: I have one comment on that Brogan Road  
6 access for emergency services. It's my opinion that Brogan Road  
7 is a better place for that in case you have a mass casualty  
8 event. You're staging EMS off of the Highway on a private lane.  
9 They have access off of Highway 52 already. I just think if  
10 we're going to plan for worst case, it would be my opinion to  
11 have it off of Brogan Road.

12 MR. DAVID POOLE: Under those circumstances, they certainly  
13 need to be part of maintaining Brogan Road. It appears to me  
14 that Brogan Road does not have a private road agreement. I  
15 think they need to get a road agreement if we're going to do  
16 this sort of thing.

17 MR. WILL MAUPIN: I'd rather see them get together and come  
18 to some kind of agreement then to put another access on Highway  
19 52.

20 MR. DAVID HARGRAVES: Where's the first access on 52 that  
21 you're referring to?

22 MR. WILL MAUPIN: I misspoke. It's not 52. It's  
23 Morehouse.

24 MR. BRAD HAWKINS-CLARK: So, Commissioners, before the next  
25 meeting, if the developer and the other property owners on

□

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1 *Brogan can come to some kind of agreement, then you're okay.*

2 *MR. DAVID POOLE: Yes and we need something in writing.*

3 *I got one further thing that still is a thorn in my side*

4 *and that's the fact that I understand that this is not their*

5 *property but if we start making variances for a 50 road to 60*

6 *road when our Road Department and Keller are suggesting that*

7 *these things be 60, it was 80 feet but you corrected it to be 60*

8 *feet, I think we should concur with them that what needs to*

9 *happen however it needs to happen. I think that dialogue needs*

10 *to be opened up with the Ratcliff's. I hate making those*

11 *variances whenever we do have Ordinances in effect right now. I*

12 *feel we need to address that problem.*

13

14 *(Inaudible comment from the audience.)*

15

16 *MR. DAVID POOLE: I'm talking about, under the*

17 *circumstances, either move the road since you're going to pave*

18 *it anyway or purchase whatever's necessary from the Ratcliff's*

19 *since from your property line to the middle road is 30 feet.*

20 *Then the balance is going to be their property. I guess it is*

21 *already. So their going to have 30 feet to their boundary line,*

22 *which gives the County 60 feet through there.*

23 *It's my feeling to correct the problem right now instead of*

24 *making a variance for it. There's nothing in the way of doing*

25 *that except money, unfortunately.*

□

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1 MR. DON WILKERSON: In the staff report on page 4, item 6,  
2 the Seven Mile Slough is a large body of water that carries  
3 water year round. Lot 15 has frontage on the slough. It has  
4 very flat banks and is easy to access from adjacent grades.  
5 This or other potential hazards should be addressed by the  
6 public hearing and I guess, Brad, you're talking maybe about  
7 safety of children.

8 MR. BRAD HAWKINS-CLARK: My main issue there was flooding.  
9 Yes. This is not in a designated flood plain area. We did have  
10 testimony on the record where people witnessed a couple of  
11 pretty significant flooding events and that lot particular is  
12 right on the Seven Mile Slough. So that was the driver behind  
13 that for just a buyer beware situation or do we want to have  
14 some elevation of the foundation.

15 MR. DAVID POOLE: But it's not in the flood plain.

16 MR. BRAD HAWKINS-CLARK: Correct. The question relates to  
17 if there are hazards, then do you find that is one or not. If  
18 you find that it's not, then they don't need to address it.

19 MRS. DEBBIE ROUWENHORST: Was this in the previous PUD? I  
20 don't recall seeing any information.

21 MR. DAVID POOLE: In our last hearing testimony came in  
22 that this particular area had been flooded.

23 MRS. DEBBIE ROUWENHORST: Okay. So that's one that the  
24 three of us haven't seen because it's prior to us being on the  
25 Commission.

□

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1 MR. BRAD HAWKINS-CLARK: Right.

2 MR. DON WILKERSON: So I guess that's something that maybe  
3 the applicant needs to look at before they come before us again.

4 MR. DAVID POOLE: If you have any suggestions for  
5 protecting that particular lot or at least making sure the home  
6 owner knows the problem.

7

8 (Inaudible comment from audience.)

9

10 MR. DAVID POOLE: Elevating the lot is one of the ways to  
11 resolve that particular area.

12 MR. BRAD HAWKINS-CLARK: Can I just ask for clarification  
13 on the proposed change on the stub street?

14 MR. DAVID POOLE: Yeah. I think they addressed it and I  
15 think that is something that we need to have changed. It's that  
16 80 foot corridor but straighten out the street so that it goes  
17 down the corridor.

18 MRS. DEBBIE ROUWENHORST: And to realign the lots.

19 MR. DAVID POOLE: They said they'd be willing to do that.

20 MR. DON WILKERSON: Another item on Exhibit B, the  
21 applicant shall comply with all recommended conditions of  
22 approval from the following entities. I'd like to see us add  
23 Fire District Number 1 to that list.

24 MR. DAVID HARGRAVES: So you're requesting input from the  
25 applicant at your next meeting?

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1 MR. DAVID POOLE: Yes. That's why we were trying to

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2 *itemize it for them. Then we can continue and address those*  
3 *issues.*

4 *MR. DAVID HARGRAVES: So the hearing will be left open.*

5 *MR. DAVID POOLE: Yeah. We closed the public hearing but*  
6 *we have not determined the determination. Rather than determine*  
7 *it, we're going to continue it to give you the opportunity to*  
8 *give us and the public that input.*

9 *MR. DON WILKERSON: Brad, are you comfortable with what*  
10 *we've discussed.*

11 *MR. BRAD HAWKINS-CLARK: I'm fine.*

12 *MR. DON WILKERSON: I make a motion that we continue the*  
13 *Woods Ranch application to our next meeting. We will address the*  
14 *issues that will be presented by the staff.*

15 *MR. DALE REYNOLDS: Second.*

16 *MR. DAVID POOLE: It's been moved and seconded.*

17 *Discussion?*

18 *MR. DON WILKERSON: Do we need to set a date?*

19 *MR. DAVID POOLE: Meeting moved to May 12, which is our*  
20 *next meeting. All those in favor signify by saying I. Motion*  
21 *carries. He'll deliver the information of what you need.*

22

23 *(Motion carries unanimously.)*

24

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2 PUBLIC HEARING:

3 Item No. 2 - Amendment to Gem County Code, Title 11, Chapter 5,  
4 to Create Zoning Overlay for Shadow Butte Industrial Park

5

6 MR. DAVID POOLE: Okay. The next item on the agenda is an  
7 amendment to Gem County Code, Title 11, Chapter 5. Do we need  
8 to be brought up to speed on that?

9 MR. BRAD HAWKINS-CLARK: I'll just give you the quick run  
10 down. This application came from the Shadow Butte Industrial  
11 Park Association. The park is owned by Gem County out on  
12 Highway 52. The Architectural Control Committee had some  
13 discussions about the potential users out there. It's zoned  
14 M-1, light industrial. If you look at our Zoning Matrix, the  
15 M-1 zone is actually pretty restrictive. This was an Economic  
16 Development Grant. It came through the Economic Development  
17 Agency (EDA), a \$500,000 grant for the purpose of generating 50  
18 jobs in Gem County.

19 Ten of those lots have been sold and some of those uses  
20 that they attracted the jobs for are not even in the M-1 Zone.  
21 So, basically, they were saying they're going to have to go  
22 through a special use permit. That's 2 months of process to be  
23 taken through for something that the County already said that  
24 they want ed. So that was the instigator for this.

25 I suggested to that Committee that rather than changing all

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1 of the M-1, throughout the whole County, if you know this is  
2 where you want job creation and this is where you want to focus

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3 on, you just do an overlay for just that park. So the idea  
4 being you're basically removing the special use permit  
5 requirement on probably about 60 percent on that list. So they  
6 are by right zoning. So they don't have to go through any  
7 special process. In the absence of this, a lot of those would  
8 have a lot longer process to go through. So that's the reason  
9 for it.

10 The Architectural Control Committee consists of five people  
11 that are interested in the park. Three of them own lots. The  
12 other two are myself and Shawn Charters.

13 So what's shown here is basically the Industrial Park,  
14 about a 120 acres. The part that's being developed, phase 1, is  
15 not the entire thing that's outlined here. Phase 1 is, I think,  
16 about 55 acres but the overlay would apply to all of it.

17 MR. DAVID POOLE: Okay. Any questions from Commissioners?

18 MR. DON WILKERSON: My question to Brad is why would you  
19 include Phase 3, not knowing what the buyer wants?

20 MR. BRAD HAWKINS-CLARK: Well the grant was really  
21 applicable to the whole park, as I understand it.

22 MR. DAVID HARGRAVES: I think it was just phase 1 actually,  
23 Brad.

24 MR. DON WILKERSON: What about Phase 2? The paper said  
25 they would sell in Phase 3.

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1 MR. BRAD HAWKINS-CLARK: I don't know the final position  
2 from the Board. I know that the discussion was if you're going

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3 to sell it or even if you don't sell it, for the purposes of  
4 encouraging industrial development, this is going to make it  
5 simpler and they didn't want to add an extra burden on.

6 MR. DAVID POOLE: I don't see a real problem on any of the  
7 uses that were there.

8 MR. DON WILKERSON: I just want to get the clarification.  
9 This overlay is just of Phase 1.

10 MR. BRAD HAWKINS-CLARK: We haven't written up the metes  
11 and bounds but what's reflected as exhibit, which would be  
12 attached to the Ordinance, represents Phase 1, 2, and 3.

13 MR. DON WILKERSON: On this development standards, I think  
14 that the standards should agree with the Matrix Secondary Street  
15 Standards. Side Street Standards on the Matrix is 30 feet and  
16 they're requesting 20. I think it should meet with Matrix.  
17 Also, why isn't Matrix determining the building height?

18 MR. BRAD HAWKINS-CLARK: Well, if your lot happens to be on  
19 a corner of two streets, in front of your building is going to  
20 be the one and then the other one is your side street. Only  
21 corner lots are going to be impacted.

22 MR. DAVID HARGRAVES: I think I would recommend that you  
23 actually put a number in there. The reason for that is because  
24 standards are required to be adopted by Ordinance.

25 MR. DAVID POOLE: But we're developing an Ordinance, is

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1 what you're saying.

2 MR. DAVID HARGRAVES: It's best to not leave that target.

3 MR. DAVID POOLE: What is our Ordinance in here?

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4 MR. DON WILKERSON: 35 feet max. Well, no. I didn't know  
5 what the true showing was but it's 125 feet on M-1. Any  
6 building over three stories must have sphincters installed. I  
7 think we ought to put a figure in there of 125 feet.

8 MR. DAVID POOLE: Okay.

9 MR. DON WILKERSON: Item 4 on the last page, if I heard you  
10 right, Brad, the use is not listed under 2 and 3. The  
11 Architectural Committee approves the use, not the Planning and  
12 Zoning. Who actually approves the special use permit?

13 MR. BRAD HAWKINS-CLARK: The Planning and Zoning  
14 Commission.

15 MR. DON WILKERSON: So the Architectural Committee will say  
16 yes, it's a go to submit a special use permit to us and we make  
17 the decision.

18 MR. BRAD HAWKINS-CLARK: Right.

19 MR. DON WILKERSON: Now about this grant, is this a new  
20 grant? I thought the original grant was about 2 million.

21 MR. DAVID POOLE: Did they acquire more than one grant?

22 MR. DON WILKERSON: I thought there was about a 2 million  
23 dollar grant put out there to help it.

24 MR. BRAD HAWKINS-CLARK: I was just referring to the EDA,  
25 which I'm almost positive that one was 500,000.

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1 MR. DAVID POOLE: Well I think they've got some additional  
2 grants. It very well may be a total of 2 million.

3 MR. DAVID POOLE: Further comments? If not, are we ready

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4 to suggest something to the Board of County Commissioners? Do  
5 we have any public input? Okay. If not, we're going to close  
6 the public portion of this meeting. Now do we have any  
7 suggestions.

8 MR. DON WILKERSON: I'd like to see us maybe continue this  
9 to get clarification if all 3 phases are involved or just Phase  
10 1 and possibility Phase 2.

11 MR. DAVID POOLE: And the reason for that is because it  
12 won't come underneath the Architectural Review Board. So if  
13 they sell that extra piece, it won't come under the  
14 Architectural Review Board.

15 MR. DAVID HARGRAVES: That's right. Only Phase 1 is  
16 covered by the Architectural Review Board.

17 MR. DAVID POOLE: Under those circumstances, I think phase  
18 1 is the only one we should be concerned with at this point.

19 MR. DAVID HARGRAVES: You could probably make a  
20 recommendation to the Board to clarify that if you want to make  
21 the decision tonight.

22 MR. DAVID POOLE: Well, I think that's a good idea.  
23 They're going to have the final decision anyway but we can just  
24 bring it to their attention that it needs to be addressed.

25 MRS. DEBBIE ROUWENHORST: My concern is this is an

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1 industrial area where we want to have growth and industry in  
2 this area. So I would like to see this overlay for the whole  
3 entire area. Then the design and review from Shadow Butte, only  
4 do one, and then it come in front of Planning and Zoning or some

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5 other body for Phase 2 and 3.

6 I make a motion to the Board of County Commissioners that  
7 the overlay be used for the entire project of Shadow Butte  
8 Industrial Park. That the division 1, or the first part, go  
9 through the Shadow Butte Architectural Review Board and that  
10 section 2 and 3 be under Planning and Zoning or some other  
11 entity of the County so that it can go through the Ordinance.

12 MR. DALE REYNOLDS: Second it.

13 MR. WILL MAUPIN: I think you need to add to that, that the  
14 developers standards comply with the Matrix.

15 MRS. DEBBIE ROUWENHORST: Okay. I will add to this that we  
16 go with the Matrix for M-1, meaning the minimum secondary side  
17 setback be 30 feet versus the 20 feet, and that the maximum  
18 building height be at the Matrix of 125 feet versus Gem County  
19 Fire District 1 standards.

20 MR. DAVID POOLE: Well if it's 125 feet high, it's going to  
21 come under their standards anyway. Okay we've got a motion on  
22 the floor to recommend this.

23 MR. DALE REYNOLDS: Second.

24 MR. DAVID POOLE: Okay. All those in favor signify by  
25 saying I. Opposed same sign. Motion carries.

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2 (Motion carries unanimously.)

3

4 REGULAR MEETING:

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5 *Item No. 1 - Items from the Public*

6

7 *MR. DAVID POOLE: Items from the public. I see three of*  
8 *you out there. No items.*

9

10 *REGULAR MEETING:*

11 *Item No. 2 - Cherry Gulch Boys Ranch SUP #465 Review*

12

13 *MR. DAVID POOLE: Okay. Second item on the regular meeting*  
14 *is the Cherry Gulch Boys Ranch review. I suppose you're going*  
15 *to bring us up to speed on this one.*

16 *MR. BRAD HAWKINS-CLARK: As you know, this body has issued*  
17 *specialty permits and every once and a while a question comes up*  
18 *on a special use permit where it is staff's preference, shall we*  
19 *say, to have you to provide some feedback. This is one of those*  
20 *situations where the permit that was issued a couple of years*  
21 *ago is not terribly clear. Andy Sapp, who is here, I'll just*  
22 *have him explain most of it. He came into our office and we*  
23 *talked about their desire to provide some modular units. This*  
24 *second slide shows where those would be.*

25 *This is the lodge that is up there. Does everybody know*

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1 *where we're talking about? It's up, just across from the Black*  
2 *Canyon Dam. There's a road that goes on the north side of the*  
3 *Highway. You follow that up and you get towards the top and*  
4 *this is the lodge and the bunk house is up here.*

5 *The request has to do with modular buildings. The permit*

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6 that was issued by the P&Z Commission a couple of years ago did  
7 approve the use a separate building for education uses. It was  
8 anticipated to be permanent. There really wasn't any discussion  
9 about there being temporary structures on the site other than a  
10 contractor trailer. We're really of the opinion that it meets  
11 the basic intent of their permit, which is to allow for an  
12 educational type use and facility on the property. Our main  
13 issue would be maybe putting in a time line.

14 MR. DAVID POOLE: Andy, you're on.

15 MR. ANDY SAPP: Andy Sapp, 869 Commanche Trail in Emmett.  
16 This is just to keep form with growth. We now have 20 students  
17 and 30 employees. The goal is to get to 40 students, which  
18 would up our employees to 55 or 60. So we finished this other  
19 building that can hold 20 students. Then we have 20 students  
20 that can eventually stay on either side of the lodge that's  
21 pictured on the lower section of the photo.

22 We fully intend to build an academic building that would  
23 have five classrooms and then some administrative offices in it.  
24 Both of those buildings are going to cost considerably more than  
25 we were expecting. So what we'd like to do is bring in just a

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1 couple of these modular trailers that we could have 10 kids in.  
2 They would be approximately 12 feet wide and 44 feet long. We'd  
3 have an administrative office in one end and then the classroom.  
4 I applied for four but I will hopefully only need two or three.  
5 Once we get up to 30 students we'll just save for a couple of

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6 months until we're feeling more confident in building that other  
7 building.

8 We hope to have that building built in 18 months. So if we  
9 had the timeline of 18 months, I think that would give us plenty  
10 of time to use those temporary buildings to bring in more  
11 students. With more students we'll actually have the revenue to  
12 afford to build the new building and haul those trailers out.

13 MR. DAVID POOLE: Questions from the Commissioners for  
14 Andy?

15 MR. DON WILKERSON: Are there restrooms in the bunkhouse?

16 MR. ANDY SAPP: We do have restrooms in the bunkhouse and  
17 in the lodge. So, from the bunkhouse, anywhere there would be  
18 within the 500 feet, which is required.

19 MR. DAVID POOLE: Required by the State?

20 MR. ANDY SAPP: It's either County or State but I know it's  
21 required.

22 MR. DON WILKERSON: Would you like to be walking 500 feet  
23 to the restroom in the middle of the night?

24 MR. ANDY SAPP: No. In fact --

25 MR. DAVID POOLE: These are day time classes.

□

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1 MR. ANDY SAPP: They are day time classes. I don't know  
2 the exact footage, but it's much closer than 500 feet. I would  
3 prefer to have those buildings there and have a porta potty  
4 beside them because that way I'm within the requirement and that  
5 way I don't have to have the staff go all the way up into that  
6 building with the kid. I'd rather let them just go out and use

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7 a porta potty and give them like a 2 minute time limit. It  
8 just cuts down on the amount of staff that have to do these  
9 potty runs.

10 MR. DAVID POOLE: Where do you plan on putting your  
11 educational facility?

12 MR. ANDY SAPP: We plan on putting it right between the  
13 circle for location 1 and the circle under the alternative  
14 location. There's a space there. That's a pad that we plan on  
15 putting the next building.

16 MR. DAVID POOLE: You're using a septic system, I assume.

17 MR. ANDY SAPP: We are using a septic system.

18 MR. DAVID POOLE: Is there any way to put in your septic  
19 system and then attach these buildings to it or you want to stay  
20 away from plumbing in these portable ones?

21 MR. ANDY SAPP: I'm really trying to stay away from  
22 plumbing in the portable buildings if possible because it just  
23 adds to the time of getting them and the cost. It's really not  
24 far to restroom facilities.

25 MR. DON WILKERSON: I'd like to see, if you're putting in

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1 three, put them as close to the bunk house as possible.

2 MR. ANDY SAPP: Okay.

3 MR. DAVID POOLE: Put them on site 1 is what you're saying  
4 rather than 1 and 2.

5 MR. ANDY SAPP: Brian Sullivan looked at it and he thought  
6 that we had enough room there for 3 but, for sure, 2. It also

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7 depends on what that roof to roof spacing needs to be. I

8 believe that for a permanent structure it's 50 feet. It may not

9 have that rule at all for the temporary buildings. I'm not

10 sure.

11 MR. DAVID POOLE: You can get together with Brad to find

12 out but it may be a situation where you can push those together

13 a little closer and use that one facility there as opposed to

14 the longer distance.

15 MR. ANDY SAPP: We have to consider that we're going to

16 need those while we're building that other spot and if they were

17 close, it would be easier. We'd be less likely to intrude on

18 any construction zone.

19 MR. DAVID HARGRAVES: Is school going on up there right

20 now?

21 MR. ANDY SAPP: Yes. School currently takes place in the

22 bottom of the main lodge. Where we designed out a conference

23 room is one classroom. The next classroom is kind of a sitting

24 area that we've put book cases around to block out some of the

25 sound and things. It's not an ideal location for it with sound

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1 transfer. The physical size is a little smaller than we would

2 prefer. We would probably continue to have school in one of

3 those sections. We have 20 students now. We'd like to move 10

4 of them into a trailer and then bring in another 10, as we're

5 growing, into another trailer. That would give us the revenue

6 to build this third building. Then we would move all the kids

7 out of there and turn that building into it's intended use of a

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8 conference area and a library and just more space for the kids  
9 to socialize and recreate.

10 MR. DAVID HARGRAVES: In the Ordinance, when we're dealing  
11 with temporary structures, it limits the length of time that  
12 they can be there to 180 days, which is 6 months. Is 6 months  
13 enough or are you looking at longer than that.

14 MR. DAVID POOLE: He's looking at three times that.

15 MR. ANDY SAPP: I'm confident that in 18 months I can get  
16 that building built. In 6 months, that would help somewhat but  
17 it would crunch me so that I would have to go find some money to  
18 build that building and overextend ourselves, which I'd rather  
19 not do. If I had 6 months to wait, essentially, then I'm able  
20 to get the numbers up and save and then start building it. That  
21 way it would give me the time to pay off some debt before we  
22 take on another project. Those buildings that we're looking at  
23 are probably 1.4 million sitting there.

24 MR. DAVID HARGRAVES: As I look through the Ordinance, I'm  
25 having a hard time to try and pigeon hole this. It kind of

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1 looks like a temporary structure. It kind of looks like  
2 temporary housing. A special use permit, I'm not seeing where  
3 that authorizes a waiver to the normal building requirements.  
4 Maybe one option would be to grant it for 6 months with the  
5 opportunity for an extension. I'm just thinking out loud here  
6 but --

7 MR. DAVID POOLE: So if we did it with 6 months and the

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8 *opportunity to grant an extension of no more than two 6 month*  
9 *periods, are we still trying to circumvent the law by doing*  
10 *that?*

11 *MR. DAVID HARGRAVES: Well --*

12 *MR. DON WILKERSON: Is there a limit on temporary housing?*

13 *MR. DAVID POOLE: It's not really housing. It's an*  
14 *institution. So the Ordinance is telling us 6 months.*

15 *MR. DAVID HARGRAVES: Yes. The only argument I could see*  
16 *is you could grant it for 6 months and then apply for another*  
17 *one.*

18 *MR. DAVID POOLE: I hate to put him in a financial*  
19 *difficulty. Is it not unusual to make an extension on a special*  
20 *use permit?*

21 *MR. BRAD HAWKINS-CLARK: Most of our special use permits*  
22 *just run with the land and perpetuity.*

23 *MR. DAVID POOLE: I understand that. So we've never done*  
24 *one of these, that I'm aware of, that we put a time limit on it.*

25 *MR. DAVID HARGRAVES: They're kind of two different things.*

□

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1 *A special use permit goes for a long time but within the special*  
2 *use permit of a structure being built it still doesn't comply*  
3 *with the standards for the rest of the Zoning Ordinance.*

4 *MR. DAVID POOLE: And that's what you're calling a*  
5 *construction trailer, what exists?*

6 *MR. DAVID HARGRAVES: Yeah. The temporary housing seems to*  
7 *be the one that fits this more than any other.*

8 *MR. DON WILKERSON: Can they come in just for a review*

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9 every 6 months?

10 MR. DAVID HARGRAVES: I think what you can do is include  
11 that. The closest thing I can suggest is maybe grant it for a  
12 period of 6 months and then have them apply for a new permit for  
13 another 6 months.

14 MR. DAVID POOLE: What's the application fee on this?

15 MR. BRAD HAWKINS-CLARK: There is not on this current one.  
16 This is just viewed as an amendment -- not even an amendment but  
17 an interpretation of an existing special use permit provision.

18 MR. DAVID POOLE: In other words, those trailers I see  
19 parked out there are supposed to be moved every 6 months, right?  
20 There's a photograph here with trailers there.

21 MR. ANDY SAPP: Those were construction trailers. That was  
22 before the building was completed.

23 MR. DAVID POOLE: So they're not there any longer.

24 MR. ANDY SAPP: No.

25 MR. BRAD HAWKINS-CLARK: That wouldn't apply anyway because

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1 construction trailers can be there as long as the construction  
2 job's underway.

3 MR. DAVID POOLE: He's still constructing.

4 MR. ANDY SAPP: We can certainly make some construction  
5 projects.

6 MR. DALE REYNOLDS: What time does the construction begin?  
7 Is it going to be after 18 months or 6 months?

8 MR. ANDY SAPP: I'm just saying we need to get these in

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9 here soon because I need to get in 30 students. To do that, I  
10 need a place where they can all go to school. Right now I'm  
11 kind of cramming them into two spots. So if we have a place to  
12 put some more kids for the academic day, then I can bring in  
13 those 30 students. Then we can save for a period of 6 months or  
14 so until we're feeling more financially stable. We're also kind  
15 of feeling out how easily we're going to get these students that  
16 we're building school for and then we'll start construction.

17 MR. DALE REYNOLDS: So you're saying you would have the  
18 whole project complete within an 18 month time frame?

19 MR. ANDY SAPP: Yes.

20 MR. DON WILKERSON: How big of building are we proposing?

21 MR. ANDY SAPP: The third building would be probably about  
22 2,500 square feet.

23 MR. DON WILKERSON: Why don't we grant him this 180 days  
24 and he can come back for a review.

25 MR. DAVID POOLE: If he can still do it under this review

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1 basis, we can probably manage it. I think we all agree that's  
2 not a problem. It's just the matter of making it plug into the  
3 rules and regulations.

4 Do you feel it's a problem if we just do it for 180 days  
5 and then he has the opportunity at that point to come in for  
6 another review? It's not a public hearing portion of this  
7 anyway. He can come in and then we'll know where we stand in 6  
8 months and we'll go from there.

9 MR. WILL MAUPIN: I make a motion that we approve the

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10 request with the restriction of it being for a 180 days. At  
11 that time, we will revisit further approvals.

12 MRS. DEBBIE ROUWENHORST: I second it.

13 MR. DAVID POOLE: Any discussion on the motion?

14 MR. DON WILKERSON: Do we need to also add it's on a  
15 temporary foundation?

16 MR. DAVID POOLE: I think that's what it states in the  
17 Ordinance.

18 MR. BRAD HAWKINS-CLARK: It may not be in the Zoning  
19 Ordinance but it's in the building code.

20 MR. DAVID POOLE: So that resolves the issue. All those in  
21 favor signify by saying I. Opposed same sign. Motion carries.

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23 (Motion carries unanimously.)

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2 REGULAR MEETING:

3 Item No. 3 - Items from the Planning Director/Administrator

4

5 MR. DAVID POOLE: Okay. Items from the Planning

6 Director/Administrator.

7 MR. BRAD HAWKINS-CLARK: Since we had a workshop last

8 Monday, I really don't have anything to add.

9

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10 **REGULAR MEETING:**

11 *Item No. 4 - Items from the Deputy Prosecuting Attorney*

12

13 **MR. DAVID POOLE:** *Okay. Items from Dave.*

14 **MR. DAVID HARGRAVES:** *I just want to compliment you on the*

15 *great work that you're doing. I see that you're thinking hard*

16 *about these issues and that's great. You're doing a good*

17 *thorough review.*

18

19 **REGULAR MEETING:**

20 *Item No. 5 - Items from the Planning and Zoning Commission*

21

22 **MR. DAVID POOLE:** *Planning and Zoning Commission, any*

23 *items? You guys are good. All right.*

24

25

□

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2 **REGULAR MEETING:**

3 *Item No. 6 - Adjourn*

4

5 **MRS. DEBBIE ROUWENHORST:** *I make a motion that we adjourn*

6 *this meeting.*

7 **MR. DAVID POOLE:** *Motion carries.*

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