

July 14, 2008

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GEM COUNTY PLANNING AND ZONING

Date: July 14, 2008  
Time: 6:55pm - 10:04pm  
Place: Gem County Courthouse

MEMBERS PRESENT:

David Poole, Don Wilkerson, Debbie Rouwenhorst, Dale Reynolds, Will Maupin, and Lawrence Whitsell.

OTHERS PRESENT:

Brad Hawkins-Clark - Planning Director/Administrator and David Hargraves (present for the end of the meeting.)

This transcript is a summary of the meeting, not verbatim.  
Transcription from recording done by Amanda Shaw.

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ITEMS REFERENCE PAGE

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PROCEEDINGS

Gem County, City of Emmett, July 14, 2008

CONSENT AGENDA:

Item No. 1 - Approval of the Minutes of May 12, 2008 and  
June 9, 2008

MR. DAVID POOLE: We'll call this Gem County Planning and  
Zoning Commission meeting, July 14th, to order. The first item  
on the agenda is approval of the minutes for May 12 and June

July 14, 2008

12 9th. Are there any corrections or admissions to the May 12th  
13 minutes? If not, any corrections to the June 9th minutes? If  
14 not, we got a motion to approve as submitted?

15 MRS. DEBBIE ROUWENHORST: I make a motion that we approve  
16 the minutes for May 12th, 2008 and June 9th, 2008 as submitted.

17 MR. DAVID POOLE: Second to the motion?

18 MR. DALE REYNOLDS: Second.

19 MR. DAVID POOLE: Been moved and seconded. All those in  
20 favor signify by saying I. Opposed same sign. Motion carries.

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22 (Motion carries unanimously.)

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2 PUBLIC HEARING:

3 Item No. 1 - (Continued) Variance #VAR-08-0004

4 Jeremy and Becky Davis

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6 MR. DAVID POOLE: Okay. We have a continued variance  
7 that's on our agenda. I think the applicant is asking we  
8 continue that for 6 months. I think if we can maybe continue  
9 that to the November meeting and see if they can come up with  
10 the information they need.

11 MR. DON WILKERSON: I make the motion that we continue  
12 Variance #08-004 for Jeremy and Becky Davis until the regular  
13 meeting in November of 2008.

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

15 MR. WILL MAUPIN: I'll second that.

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

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17 discussion? All those in favor signify by saying I. Opposed  
18 same sign. Motions carries to continue until the regular  
19 meeting in November 2008.

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2 PUBLIC HEARING:

3 Item No. 2 - Rezone #RZ-08-002 & Development Agreement

4 Galan Merrill

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6 MR. DAVID POOLE: The next item on our agenda is RZ-08-002  
7 and the Development Agreement with the Merrill's, LLC. Do you  
8 want to bring us up to speed on that, Brad?

9 MR. BRAD HAWKINS-CLARK: Sure. My first question, Chair,  
10 is if you would like to open the hearing for both Item No. 2 and  
11 No. 3. The rezone and Development Agreement and the special use  
12 permit for the gravel extraction or do you just want staff to  
13 give you testimony on the first one only and then handle the  
14 special use permit after that?

15 MR. DAVID POOLE: We might want to try to avoid a  
16 free-for-all. I think that we can take the public hearing for  
17 it and that sort of thing but I think our determination needs to  
18 be done separately. So I think we can hear them together. I  
19 don't see a problem with that. I just think we need to make our  
20 determination separately. So that may complicate matters a

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21 little bit of pulling it out of the public hearing mode in order  
22 to make those decisions. So why don't we just work with one at  
23 a time.

24 MR. BRAD HAWKINS-CLARK: Okay. So I'll just give you the  
25 staff comments on Item No. 2, the rezone. So this application

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1 is a rezone request with a Development Agreement. This is the  
2 first Development Agreement hearing that Gem County has had.  
3 Again, the purpose of the Development Agreement is to allow the  
4 County to actually condition the rezone. If you did not have a  
5 Development Agreement, the rezone would just be the rezone and  
6 you could not put special conditions on that. So that's really  
7 the main function of that Development Agreement. It allows you  
8 to enter into a commitment, if you will, a contract with the  
9 owner. If an approval is given, that's the purpose of that.  
10 They are running side by side.

11 The application, as stated here on the screen, requests a  
12 change from the A-2 Rural Transitional Agriculture, which is a 5  
13 acre minimum lot size, to an R-2 Residential, which is a 1 acre  
14 minimum lot size. The Development Agreement contains a concept  
15 plan and certain types of allowed uses that go along with that  
16 R-2 zoning.

17 This property is located at 3610 Star Lane, as well as  
18 other properties. This yellow line represents the boundary of  
19 the project tonight. This is Star Lane that runs north/south  
20 here. Sales Yard Road runs across here. Highway 52 runs up  
21 here. Here's the airport runway, golf course, farmers co-op  
22 canal, and the drainage down here.

23 The property consists of 5 tax parcels. They are divided  
24 by the Gem County Drainage District No. 1, which has a large  
25 drain that runs through this kind of north third of the property

1 that runs east/west. That parcel on the north is a separate tax  
2 parcel and then there are 4 other tax parcels south of that  
3 drain.

4 The Comprehensive Plan Future Land Use Map designates a  
5 difference between north of that drain and south of that drain.  
6 So this property north, which is approximately 102 acres is in  
7 the Mixed Plan Development. The property south is in the area  
8 called County Residential Area, Priority Growth Area No. 3. The  
9 concept plan that was submitted with the application is shown  
10 here. You have a copy of it in your packets.

11 I'll just emphasize, at this point, that this is not a  
12 subdivision application. The main reason for this concept is to  
13 discuss compatibility and appropriateness of the uses. So while  
14 there are some basic concepts that I think are appropriate for  
15 the hearing tonight, the actual layout, the streets, and the  
16 utilities are really not a part of this hearing. This is more  
17 of a land use hearing. That being said, this concept plan does  
18 show one connection to Sales Yard, a potential public street on  
19 Sales Yard and then one new potential public street onto Star  
20 Lane.

21 There are ponds proposed in the concept plan. This relates  
22 to the second item, special use permit, Item No. 3 on the  
23 agenda, which we're going to delay on. The ponds, in terms of a  
24 future concept, are there for amenities for any future project  
25 that the Merrill's might do.

1 So what I have here are several site photos and there are  
2 actually a couple of videos. So I'll just quickly run through

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3 these just to help give you orientation since you can't do site  
4 visits.

5 This is looking from Star Lane, looking east. This is a  
6 Gem County Drainage No. 1. You can see it's a fairly sizable  
7 drain. It runs several miles through the County. This is the  
8 drain that I mentioned divides the property right there. This  
9 is at the same location, Star Lane, the access looking south.  
10 Heres a view looking north. This is right near the access to  
11 the Star Lane ponds Fish and Game site.

12 This is southwest. This area that runs right through here  
13 is the former abandoned railroad corridor. This is a portion of  
14 the Merrill's property looking southeast from Star Lane.

15 This is running along the south boundary of the property,  
16 entering several hundred feet into off of Star Lane running  
17 along the south boundary. This is the Bureau of Reclamation  
18 drain, which is what the other drain ultimately dumps into  
19 further downstream. This is their future bridge that they're  
20 going to use, I think.

21 This is the existing house on the property, which is about  
22 in the center of the property. This is directly south from that  
23 same position. You can see some of the dismantling that's been  
24 happening there.

25 The last couple of photos are at Sales Yard, on the very

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1 north end of the property. This is the access off of Sales Yard  
2 Road and the drive extending to the south.

3 MR. LAWRENCE WHITSELL: Is that a drain on the east side of  
4 that road? Is that a drain ditch?

5 MR. BRAD HAWKINS-CLARK: I'll have to ask the applicant to  
6 address that. I believe it is. Unlike the other two though, I  
7 don't believe this one is within the boundaries of the

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8 jurisdiction of a separate company. I think it's more of a  
9 private. The other two fall under separate irrigation entities.

10 So those are the slides. If you want to just bear with me  
11 for a second, there are -- since the commission has asked for  
12 some videos to give you a more 360 perspective, I'll just show a  
13 couple of these.

14 Again this is taking you back to Star Lane. That's the  
15 main Merrill's former administration and egg production facility  
16 there and here's the Star Lane ponds. This is down closer to  
17 the southern boundary. This is from Sales Yard road.

18 So in terms of other comments on the application, the  
19 property, as I mentioned, is about 400 acres in size. There's  
20 about 102 that are north of that center drain and the balance is  
21 about 298 that are south of the Gem County Drain No. 1.

22 As you can see by the photos, the area is largely  
23 agricultural, some pasture, rural residential are the dominant  
24 land uses. The staff report goes into more detail about what  
25 the proposed R-2 Zone allows. It does not allow for individual

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1 domestic wells. The R-2 Zone requires some kind of a community  
2 system and whether that is public or private, that is not  
3 required. It can be either public or private but it does have  
4 to be a community system.

5 The site does currently have private septic. Today's  
6 Zoning Ordinances may allow for individual septics. The  
7 application states that they will not do individual septics.  
8 The proposed Development Agreement says they would have City of  
9 Emmett services of which there is a recorded agreement already  
10 recorded with Gem County. That City of Emmett agreement  
11 address's both water and sewer. That would be one option for

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12 them to extend that to the property. The other option would be  
13 an on-site waste water treatment facility of some type. So that  
14 is the way the application is before you tonight. In addition,  
15 there is a 4 or 5 page analysis from an engineering firm that  
16 discuss's the feasibility of the sewer system for the City of  
17 Emmett.

18 Your decision, as you know, has to be based on five  
19 required findings. The first of which is the Comprehensive  
20 Plan. Does this application comply with the Comprehensive Plan  
21 or not? There are about 9 pages of Comprehensive Plan analysis  
22 here in the staff report, starting on page 5. The first big  
23 issue really deals with that designation on the Future Land Use  
24 Map and for the Commission to discuss whether or not you find  
25 that the property south of the drain, which is the County

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1 Residential Area, which has a 5 acre minimum, is eligible to be  
2 rezoned, at this time. There are three areas that they could do  
3 less than 5 acres. That would be under a Planned Unit  
4 Development. That would allow the Commission and the Board of  
5 County Commissioner's decide that the Planned Unit Development  
6 could be applied for in the future. That may allow for smaller  
7 than 5 acre lots. Those are listed on page 7. I think that  
8 should definitely be part of the discussion tonight.

9 There are a number of uses listed on page 13. That deals  
10 with what the A-2 Zone, today, allows. There are probably about  
11 thirty different types of uses. A lot of them are agricultural,  
12 of course. There are others that, with a special use permit,  
13 may be allowed. The R-2 Zone, of course, is more of a  
14 residential and so a lot of those other types of uses in the Ag  
15 Zone would go away because the R is a Residential Zone intended  
16 to be accommodating to residential uses.

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17           Finally, I wanted to point out the other four findings that  
18 you have to make besides the Comprehensive Plan. Those start on  
19 page 14. Is this amendment detrimental to the public health,  
20 safety, and welfare? Does this property meet the minimum  
21 standards for the Zoning District that's proposed? Are the uses  
22 harmonious with the existing or intended character of this area?  
23 Last is the effects of this requested zone change on public  
24 services and the delivery of those services.

25           The staff recommendation starts on page 17 of that report.

13

1 we do point out that there are four Comprehensive Plan policies  
2 that may not support the application. There are several others  
3 that may support or that do support it. I've kind of pulled  
4 out, looking through the Comprehensive Plan, what I think are  
5 the main four that would need discussion tonight. Those are on  
6 the last page. That deals with that definition of the County  
7 Residential Area, deals with potential ground water impacts, and  
8 what are the gains and losses of allowing development outside  
9 the Area of City Impact. This is outside the Area of City  
10 Impact by about three quarters of a mile. Then also the  
11 existing compatibility.

12           We also recommended some changes to the proposed  
13 Development Agreement. I have met with the applicant on Friday  
14 after they received the staff report. We did discuss a couple  
15 of those items that are in disagreement. They may have some  
16 additional information to give to you that is in addition to  
17 what I had available to me. I think, unless you have questions  
18 for staff, I'll let the applicant kind of address some of their  
19 concerns and I'll give more on the proposed special use permit  
20 after this.

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21 MR. DAVID POOLE: Thank you, Brad. I'd like to commend you  
22 on our videos. Questions from the Commission for staff?

23 MRS. DEBBIE ROUWENHORST: I have a question for staff. As  
24 far as rezoning, why no go through the PUD process first  
25 and not a rezone? A PUD would cover a lot of information on the

14

1 Mixed Planned Development plus the A-2. Planned Unit  
2 Development is allowed in both of those. So I was just  
3 questioning the process. Why a rezone versus the PUD?

4 MR. BRAD HAWKINS-CLARK: Procedurally, we often leave that  
5 to the applicant to decide what they'd like to do. We can't, as  
6 a County, require them to come in with a Planned Unit  
7 Development if they're not prepared. That does require a whole  
8 new level of detail and usually we don't see those types of  
9 applications until they're pretty much ready to plat the ground.  
10 So the rezone would kind of be step 1 to say, generally, is this  
11 the kind of use and the density that the County supports in this  
12 area. I think that's really the goal of this. The Planned Unit  
13 Development would actually say here's the amenities, here's the  
14 open space, here's this type of use in this type of property and  
15 they really weren't prepared to go to that level of detail.

16 MRS. DEBBIE ROUWENHORST: Okay. I have one other question  
17 and this has to do with the Development Agreement. It's on page  
18 5, under F, Subdivision Plat Information. It says that the  
19 purpose for the drawings submitted with the DA is a basic  
20 concept of land. Then in our staff, on page 15, under 8,  
21 General Regulations, No. 1, it says the allowed uses, densities,  
22 and standards shall be in effect at the time the Development  
23 Agreement is effective. When is the date that the Development  
24 Agreement will become effective?

25 MR. BRAD HAWKINS-CLARK: The effective date is typically  
Page 12

1 the date that the Board of County Commissioner's signs it. The  
2 Development Agreement is required to be signed by the property  
3 owner of record and the Board of County Commissioner Chair.

4 MRS. DEBBIE ROUWENHORST: We have the basic concept but in  
5 our regulations it states that allowed uses, densities, and  
6 standards shall be in effect at that time. So if we're only  
7 using the drawing as a basic concept, how will we know density  
8 unless we know exactly what's going in? It's just we've got two  
9 separate basic concept and a final within the Development  
10 Agreement.

11 MR. BRAD HAWKINS-CLARK: I think it's definitely  
12 appropriate to talk about total number of dwelling units  
13 allowed. That is clearly a Development Agreement condition that  
14 I think is a good thing to talk about. For example, the R-2  
15 says 1 acre minimum lot sizes. They have 400 acres. 400 units  
16 at 1 acre. That would be one way to look at how many total  
17 units, regardless of how they're spread out, that would be the  
18 total number of dwelling units permitted. That is what they're  
19 proposing, is that 400 would be the maximum.

20 MRS. DEBBIE ROUWENHORST: Under a PUD, the maximum that  
21 they could go would be 3 units per acre. So coming under a PUD  
22 is different than coming in under an R-2.

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

24 MR. DON WILKERSON: But doesn't a PUD only give them a 15  
25 percent bump on the density, not 3 per acre? So if you had 400

1 acres and you went with a PUD, it would only give them 460  
2 living units; wouldn't it?

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3 MR. BRAD HAWKINS-CLARK: Right.

4 MR. DON WILKERSON: So if it's 80 acres, they'd only have  
5 80 plus 15 percent. That's around 90 something. So you can see  
6 why they're rezoning it, because they can get more density.  
7 That's the reason why they're rezoning it before they come with  
8 a PUD.

9 MRS. DEBBIE ROUWENHORST: I had read that the variety of  
10 housing and building types therefore permitting an increased  
11 density of no more than 3 units per acre.

12 MR. DON WILKERSON: Right and that could be 1,200.

13 MRS. DEBBIE ROUWENHORST: Exactly. On a Development  
14 Agreement, is what we addressed tonight and is done, that's it?  
15 If it's done tonight, it goes to the Board of Commissioner's and  
16 it can not be changed then. It can't be amended is what I'm  
17 asking.

18 MR. BRAD HAWKINS-CLARK: Well there is a provision in the  
19 Development Agreement that says upon a public hearing it can be  
20 amended. So there would have to be a public hearing before any  
21 changes can be made.

22 MRS. DEBBIE ROUWENHORST: Okay. Thank you.

23 MR. LAWRENCE WHITSELL: Brad, planned communities, how do  
24 they vary from PUD's? Is there a substantial difference between  
25 the two?

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1 MR. BRAD HAWKINS-CLARK: There is. Black Canyon is the  
2 only planned community application that Gem County has seen.  
3 You have to have a minimum of 320 acres to even apply, which  
4 they would qualify there. You also have to create your own  
5 Zoning Ordinance to govern that community. Typically, you see a  
6 lot more dwelling units because of that. It's designed in such  
7 a way that it could almost become it's own separate incorporated

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8 area. Typically, they're much larger acreage's even though our  
9 Ordinances say 320 is what you need to apply. There's a  
10 detailed economic analysis that's required with a planned  
11 community, which is not with a Planned Unit Development.

12 The Planned Unit Development is in here as a requirement  
13 for any future development. That's another thing that a  
14 straight R-2 rezone would not require, of course. If this went  
15 through as is proposed, they would have to do a Planned Unit  
16 Development for anything that went on in the property in the  
17 future. As you pointed out, Commissioner, that Planned Unit  
18 Development could work in the A-2, in the R-2, and in the R-1.  
19 It's the base density that you work with and the R-2 gets 400 as  
20 compared to the 80 today.

21 MR. DAVID POOLE: Any further questions for staff?

22 MR. DON WILKERSON: I agree with Debbie. It says in page 2  
23 of the staff report that the agreement is recorded against the  
24 property, runs with the title, is binding unless amended per  
25 terms of the agreement. So to me, when we leave here tonight or

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1 in future meetings we need to have a pretty tight DA. How is it  
2 amended? Is it amended by request of the County? Like you  
3 said, it's a public hearing or I guess if you get a request from  
4 the applicant for a significant change, then you'll call for a  
5 public hearing before this Commission.

6 MR. BRAD HAWKINS-CLARK: Right.

7 MR. DON WILKERSON: So if we're lax in how we put the DA  
8 together, it could pretty well leave an open checkbook; is that  
9 true?

10 MR. BRAD HAWKINS-CLARK: Well the DA, as it's currently  
11 proposed, says they have to come in for a Planned Unit

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12 Development in the future. Well under a Planned Unit  
13 Development application, the Commission will have another  
14 review.

15 MR. DON WILKERSON: So that could be a real tightening  
16 factor to the whole process, is the PUD, regardless of what the  
17 land agreement says. The land agreement says they can pretty  
18 well look at this basic concept but the PUD is the determining  
19 factor on how they look at it. So that's where the check can  
20 bounce.

21 MR. BRAD HAWKINS-CLARK: Right.

22 MR. DON WILKERSON: You mentioned the City sewer and water.  
23 I read in the staff report that the City of Emmett requests that  
24 the agreement with the Merrill's stays enforced. Is that  
25 agreement binding or can either party back out of it? It says

19

1 that maybe the Merrill's might want to put in their own sewer  
2 and water system. So is it cut and dry that they have to go  
3 with the City?

4 MR. BRAD HAWKINS-CLARK: That agreement says right up front  
5 that you have to go get Gem County's approval before any of this  
6 could apply. So if Gem County says something otherwise and you  
7 say a private system would be acceptable, then no. It doesn't  
8 mean that they have to use the City of Emmett. It says if they  
9 do use the City of Emmett, then it says here's A through Z,  
10 which you have to do. At least that's my understanding of it.

11 MR. DAVID POOLE: Any other questions for staff? If not,  
12 we'll open the public portion to the applicant. We're going to  
13 allow the applicant time to cover what needs to be covered.

14 MRS. NANCY MERRILL: My name is Nancy Merrill. I'm part of  
15 the Merrill family that owns this 400 acres. The bad news is I  
16 was not supposed to present. We actually had a land planner to

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17 do this so you wouldn't see my face up here but he cut and ran  
18 and went to a play in New York. So I will do my best to explain  
19 to you what we are trying to do tonight.

20 First, I would like to give you a quick overview of the  
21 farm again. I did a power point for you. This shows the  
22 property maybe a little more clear and where we are located in  
23 close proximity to the airport and Highway 52. It also shows  
24 some of the folks up on South Slope as well as Star Lane and  
25 Sales Yard Road.

20

1 The history goes back on this farm to 1982 when we bought  
2 the land to someday move over from Eagle to Emmett. We knew  
3 this would be a beautiful valley with Ag and this is where our  
4 roots were. My dad was born and raised here with my family and  
5 we've had a lot of good opportunities and experiences here in  
6 the Emmett valley.

7 In 1982 we bought our first property here. By 1989 we  
8 began the chicken farming business over here when a fire took  
9 over the place in Eagle and forced us to move.

10 In 1993 we then began composting to meet the clean water  
11 act. You can see the pads on there so that we did not land  
12 apply to the land anymore even though the application of the  
13 land did provide some pretty fertile ground for us. It became a  
14 nice place to do some farming.

15 In 2006 we shut the egg farm down and the business due to  
16 the low cost of eggs and the delivery cost and delivery store  
17 practices caused us not to do door to door service. It just was  
18 not feasible any longer to continue the business with the small  
19 margin of 2 cents a dozen eggs, which is what we were making at  
20 that time. Land prices were pretty good everywhere in 2006 and

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21 it seemed appropriate that if we were ever going to sell, that  
22 would be the time to do so.

23 The other thing that was going on at the same time was the  
24 Comprehensive Plan and a moratorium. We wanted to make sure  
25 that the land in Emmett in Gem County was planned properly for

21

1 the future. During that time we did a lot of studies. We did  
2 an environmental assessment. We did assess the ground flow  
3 and the water levels as well as what the gravel opportunities  
4 might be on the property. We did appraisals. We did several  
5 things out there. We also met with the City of Emmett. One of  
6 the things that we know is that in order to have the property  
7 develop out in this County area, as proposed by the  
8 Comprehensive Plan, that we need the proper water and sewer  
9 services. So to filtrate all of the property out here with  
10 septic and drain fields is not, I don't think, good for the  
11 environment, good for the people, or for the future. So we  
12 embarked upon several months of working with the City of Emmett  
13 in coming to an agreement of how we could sewer this land out  
14 here, not only for us but for the others. We ended up with a  
15 sewer agreement with the City of Emmett that would allow for  
16 1,150 hook-ups. Why 1,150? Well, the County residential  
17 designations and PUD's allow for 3 units per acre. That would  
18 allow for 1150 units. That would present a subdivision close to  
19 this. Although we received the hook-ups, when we saw this, we  
20 said that is way too much for out in this area. It is certainly  
21 not what we envision would be good owners or good proprietary  
22 people for this land.

23 We pulled back to look at what we can do to make this a  
24 better place to live in the future and what kind of uses we can  
25 use here in Emmett that will bring people here that will

1 actually help build the economic backgrounds but also be a good  
2 place to live. We looked at what kind of housing would we need  
3 when we talk about diversified housing. We talked about a niche  
4 market. What can we bring that's different from every place  
5 else and will benefit not only the people that live here but  
6 also the surrounding properties and the whole of the County and  
7 the City? So we began to look at all the surrounding  
8 properties, including the airport property. We visited with  
9 those folks as they were trying to also develop. We visited  
10 with Mr. Shipley and surrounding land owners.

11 We talked about a Development Agreement. A Development  
12 Agreement is a much stricter document than the rezone and we  
13 agree that it needs to be. The one thing that we want to make  
14 sure of is that the neighbors and the County understand what the  
15 uses on this property will be for the future.

16 You asked why we didn't do a PUD or go further. What we  
17 are trying to do is sell the property. We are trying to move on  
18 with our family and the best thing we can do is to give future  
19 buyers, as well as the neighbors and the county people that live  
20 out here, a picture of what will happen in the future and tie it  
21 down with an agreement. So we've agreed to do an agreement even  
22 though it's not needed. We would recommend that you look  
23 further at future application for Development Agreement's.  
24 They're a wonderful tool because they go outside the bounds of  
25 what you already have in your regulations and in your laws and

1 Ordinances. It is specific to a certain land and the uses on  
2 that land.

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3           We knocked the densities down to what we considered was  
4 appropriate for an R-2 Zone, which would be a concept plan  
5 similar to this. When our engineer's did this concept plan, I  
6 said there's a lot of things wrong with this plan. It doesn't  
7 have connectivity. Everything's not in the right place but it  
8 does tell us the idea of what we want to do. This is just a  
9 visual of where the lakes and ponds will be based upon where the  
10 drillings and the holes are in the ground. You'll see that in  
11 the special use permit application. That was one of the things  
12 that we wanted you to see.

13           The lakes and ponds are not for a commercial venture. They  
14 are for the building of lakes and amenities and ponds for this  
15 subdivision and to be able to provide open space and  
16 recreational opportunities there. So what we have is a  
17 community vision statement, which says the vision for our  
18 community is that of a beautiful, safe environment with respect  
19 for our rich heritage and local values, insuring a high quality  
20 of life and a sound economy through excellence and leadership  
21 and that's you.

22           The question that Brad talks about is the division of the  
23 land on the map, in the Comprehensive Plan, with the drain that  
24 runs through the property. We are asking that you look at this  
25 as a master plan and that you look at this as one piece of

□

24

1 property, one parcel with one plan on it so that we don't divide  
2 this into separate uses. It's really important to us because  
3 all of our loans and all of our liens are on all of the property  
4 and we can't sell it if it's split up into separate zones. So  
5 it's a master plan for a large parcel of property. It's similar  
6 to what you would be looking at if you were playing with puzzles  
7 and you had one large piece of puzzle and one small piece of

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8 puzzle and you tried to create a picture with it. If we divide  
9 the property, we would not be able to do that. It's better to  
10 look at the whole picture even though it's a large parcel. It  
11 will come in phases as the market demands. You will see  
12 different parts of this phase come in under the PUD and under  
13 each of the subdivision, preliminary plats, and final plats. So  
14 you'll get to see it three or four times with public hearings  
15 before it gets to completion. That's going to insure everybody  
16 that it's done exactly right.

17 The map identifies the mix. To the north is the Mixed  
18 Planned Development. Area 3 is the County Residential Area. In  
19 Chapter 12, pages 78, 82, and 83, the land use plan talks about  
20 land areas within the CRA (County Residential Area), which  
21 contribute to an assemblage of properties for the cohesive plan  
22 development that will provide central sewer and water with other  
23 amenities may be considered on a case by case basis. That does  
24 not mean you are setting a precedence when your Comprehensive  
25 Plan tells you can do it on a case by case basis.

□

25

1 Clustering should be committed at a higher density to allow  
2 for a more useful pattern of open space and recreation patterns.  
3 These Planned Unit Developments shall use patterns that will  
4 preserve and utilize these natural topography features. We are  
5 planning on leaving open the drains and the waterway's to make  
6 sure that the water does not get stopped at our property. In  
7 this County Residential part of the Comprehensive Plan it  
8 permits an increased density of no more than 3 units per acre  
9 and that would give you the 1,200 units. We're not asking for  
10 that. We're asking for the 400. We're also asking, when we  
11 bring it in for the PUD, for what Mr. Wilkerson said was the 15

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12 percent bonus.

13 The case by case criteria allows you to look at the  
14 assemblage of large properties. Our property has 400  
15 acres. The Shipley's property to the north is another large  
16 piece that will be able to be used for the sewer services and  
17 the water.

18 Number 2 is the central sewer and water, which we do have  
19 the agreement with the City if approved by the County.

20 This is what we're proposing. We're proposing large acre  
21 transition lots from south slope down to the north. Those large  
22 acre transition lots would consist of ponds and lakes, which you  
23 saw on the map.

24 When I get further in to this you'll see that much of the  
25 area that's on South Slope is shielded and buffered by a lot of

26

1 large trees.

2 This is standing right on South Slope Road looking south.  
3 There are some orchards up there. These are some new homes that  
4 are trying to bring back some of the heritage of Emmett and I'm  
5 really pleased by that.

6 The soil is actually more alkaline and there's not much  
7 farming directly across the street from us.

8 This shows the buffer and the trees that people will see  
9 headed up on South Slope.

10 You can see a little bit of Sales Yard Road and a couple of  
11 the homes that are up there. We are proposing the large  
12 equestrian lots ranging from 2 to 5 acres.

13 This is one that is over in Eagle area and it is definitely  
14 something that brings back the rural character of the land.

15 This is another 2 acre subdivision where there is open  
16 fencing. That is something that we're proposing because it

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17 keeps that open feel and that real rural feel. You can see the  
18 horses back there and the barns where they're housed. These  
19 bump up directly to 5 acre plus homes.

20 One of the things that we're proposing as an amenity in the  
21 2 acre lots is a riding stable, a barn, and a riding arena. You  
22 will see a lot of open space.

23 We transition to the lake. We have proposed in that  
24 concept plan a 40 acre plus lake. This is a 43 acre lake. It  
25 is called Laguna. It is in Eagle and it shows the lake with the

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1 lots around it. This would be similar to a plan that you would  
2 see as part of a PUD. It could also be part of a preliminary  
3 plat as part of the phases. Everyone also wants to know what  
4 that would look like as it's developed. If I was up on the  
5 South Slope, this is what I would be seeing as they are doing  
6 the development and getting ready to place the lots and the  
7 homes around that lake. It now has been reclaimed and has  
8 met all the requirements of the State Lands and the Idaho  
9 Resources and it's ready for homes. They have sandy beaches and  
10 a large area where they can recreate. Ponds also provide the  
11 fishing and other opportunities. You'll see little signs around  
12 that say fishing for residences and others welcome. One of the  
13 Mosquito Abatement folks addressed this in their letter to us  
14 where they asked that we stock these ponds with fish for fishing  
15 and we also provide the mowing and taking care of the area  
16 around the ponds and that could be part of our Development  
17 Agreement. One of the things that keeps the mosquitos away is  
18 keep the water running. You'll see a lot of little falls and  
19 little streams with water cascading and moving. It keeps the  
20 ponds free from algae and also away from mosquitos.

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21 Interconnectivity is really important with an area this  
22 big. You'll have club houses and swim pools, opportunities for  
23 playground equipment, and little gathering places.

24 This is a subdivision that is in an R-2 Zone, which is half  
25 acre lots butting up to agriculture. This is the Williamson

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1 Horse Ranch. There is a sign at the end of the road that says  
2 this road to be extended in the future. That's always important  
3 to connect and make sure that the future connectivity is there.  
4 You'll also see the open fencing where the houses actually butt  
5 up next to the open field. When it's ready for development, it  
6 will be compatible with what's going on there.

7 The drain that runs through the egg farm is a large drain.  
8 It will be kept the same as it is but the important part about  
9 it is it will be separated with a planting strip, a path, and  
10 then a road. So the protection of the drain is important.

11 As we move from the equestrian to the large lake estates,  
12 we move into the retirement village. Retirement villages, such  
13 as the homestead, will allow -- this is a gated community. It  
14 has small homes between 12 and 14 hundred square feet. They  
15 also have duplex's. This is where my mother and father live.  
16 It was actually on the old egg farm part of Eagle. The folks  
17 that live in this are retired. That's one of the little  
18 duplex's. They also have a gathering place for potlucks and  
19 places where they can meet regularly.

20 This is an assisted living center called Spring wood and it  
21 also has homes behind it. Then the people that live there can  
22 transist from the retirement into assisted living. That's part  
23 of this plan also. So when we talk about the niche markets, we  
24 talk about the walking trails and the amenities. These types of  
25 things would be part of the CC&R's, making sure that everything

1 was clean and taken care of and that we don't have problems.

2 One of the recommendations that Brad has made in his staff  
3 report is that when the PUD begins, the gravel extraction  
4 ceases. Once again, the gravel and the ponds are a part of the  
5 subdivision building.

6 This is the Legacy Development in Eagle. It's a 640 acre  
7 development. These homes have just been completed. The ponds  
8 have been completed. That's a 4 acre pond. From the other side  
9 of the subdivision, you'll see that they are extracting gravel.  
10 They are still continuing the development of the subdivision  
11 while the people are moving in on the other side. You can do  
12 that on a large parcel of property. If you stage it and plan  
13 right, you can continue to do everything at once. You can build  
14 your roads, put your lines in, dig your ponds, dig your lake,  
15 and still be able to provide housing as it goes on. That's why  
16 we're asking for that tweak to not have that condition placed  
17 upon us.

18 So this is what we are proposing. We are looking at a  
19 quality type of development that Emmett hasn't seen. We think  
20 it will be phased. It will have the opportunities for you to  
21 look at it through a Development Agreement with the amenities  
22 that are attached to it. In looking at our economic impacts, I  
23 received the letters from the entities such as the Road and  
24 Bridge Department. One of the things that we have done is we  
25 looked at the impact that the egg farm had on Sales Yard Road

1 and Star Lane. I do have a copy of this for you. This tells  
2 about what the uses have been on the egg farm until we shut it

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3 down, the trips per day and the tonnage. We relate that to a  
4 gravel truck or dump. This is what was previously happening on  
5 the egg farm through 2006. We have been asked to enter into a  
6 memorandum of understanding with the County Road Department that  
7 will help mitigate any future impacts on the road and we are  
8 willing to do that.

9 We got a letter from the Mosquito Abatement asking what the  
10 depths of the ponds are. The ponds will be between 18 to 25  
11 feet, constant movement. We'll control the vegetation and stock  
12 the ponds.

13 The engineer wanted to see a concept plan follow the  
14 special use permit.

15 The schools. You can add a condition to the school so that  
16 should the schools actually want a site there, that the  
17 applicant would comply at the request of the School District.  
18 That can actually be added into your Development Agreement.

19 These are things that aren't part of your regular  
20 conditions of approval. They're not in your Ordinances or  
21 Comprehensive Plan. These are things that you, as leaders, can  
22 look at and say these are the things that we think will make  
23 this development even better than we envisioned the others to  
24 be.

25 The Southwest District Health letter required the

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1 developer to meet the staff prior to submitting a PUD. We will  
2 comply with that. Also, when looking at the drains and ditches,  
3 I know there's still a lot of farming, we can add a requirement  
4 that we will comply with any conditions of the BOR or any of the  
5 ditch companies out there as to maintaining and taking care of  
6 the drainage.

7 The total economic impact is the final one. It will be

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8 mitigated with the offset of tax levies and impact fees. A  
9 recent article said the capital improvement fee's, just for the  
10 roads, will provide 2.6 million dollars to the road fund, which  
11 will certainly take care of any mitigation or any problems on  
12 the roads.

13 We talked about buffering and incompatible uses. I think  
14 that this will provide a lot of compatible uses. With the  
15 current tax levy and the average house of around 200,000, you  
16 will receive 80 million dollars from this development. I think  
17 Mosquito Abatement defines it very well. They say, and I think  
18 this applies to all of the entities, as agricultural land is  
19 developed and improved to residential status, property levies  
20 for mosquito control will increase, therefore raising more  
21 revenue for the district than the same land raised, prior to the  
22 development. If there's an increased need for mosquito control,  
23 the additional funding will provide the budget necessary to  
24 control the problem. We just received our tax notice on the 400  
25 acres, for this half here, and it's \$8,000. So our total here

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1 is \$16,000 on this property. So you can compare that to the 80  
2 million dollars this property will bring in the future when it's  
3 fully developed.

4 I've gone over the conditions of approval with the staff  
5 and I think we'll probably discuss that a little bit later after  
6 you have your public hearing. What we're asking for in the  
7 exhibits on the Development Agreement is No. 2, to change Emmett  
8 Code to Gem County Code and we agree. B is the general terms of  
9 the two-family residential unit, that's the duplex's, and we  
10 agree. Multi-family houses are restricted for senior housing  
11 and we agree. The land use concept plan of the individual wells

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12 and septic are prohibited on any new development for the  
13 subject property and we agree as long as we receive the R-2  
14 Zone. If we don't, then that doesn't work. It just doesn't pay  
15 to bring sewer services to 5 acre parcels. Land concept and  
16 use, the developers will pay for and submit a traffic and impact  
17 study. We do agree with most of that. We don't think we should  
18 have to do an impact study for the industrial park and we'd like  
19 you to discuss that part. The other land uses for public street  
20 connections are required to serve adjacent properties. We  
21 certainly agree with that. The last sentence says to clarify  
22 that the density of the 400 units includes any multi-family  
23 residential units. We agree that if they restrict it to the  
24 senior housing and it's clarified, that the 15 percent bonus  
25 would be allowed through a PUD. The last one discusses

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1 non-motorized boating. We'd like to discuss this further. The  
2 boating activities shall meet the noise and Ordinance  
3 requirements and be restricted to inboard motors and hours  
4 restricted from dawn to dusk.

5 Exhibit 3 is the project schedule and we disagreed with the  
6 gravel extraction with the PUD part of that. We'd like you to  
7 discuss that. In requirement No. 1 and also the 20 year build  
8 out as a timeframe, Brad recommended that it was too hard to  
9 enforce. We would agree that it should be struck.

10 So based on all of those, we agree with the staff report  
11 and those few changes in the Development Agreement. We look  
12 forward to hearing from the audience and our neighbors. Thank  
13 you very much. Any questions?

14 MR. DAVID POOLE: Any questions from the Commission,  
15 knowing that she will be here after the public portion of this?  
16 So if there's something that can wait, we will still have the

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17 opportunity to get back into this.

18 MR. DON WILKERSON: So your suggestion is to wait until  
19 then.

20 MR. DAVID POOLE: That would be my suggestion.

21 MR. DON WILKERSON: Okay.

22 MR. DAVID POOLE: So, public, if you would step forward if  
23 you are in favor of this, state your name and address and give  
24 us your input.

25 MR. GARY SHIPLEY: My name is Gary Shipley. My property is

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1 located at 2719 West State Highway 52. My property lies within  
2 600 feet of the northeast boundary of the Merrill's. Between  
3 myself, the Merrill's, and Cliff Miller who joins me on the west  
4 side, we hold a block of over 720 acres. I have personally  
5 given the Merrill's permission to bring their sewer line through  
6 my property so that it does reach Highway 52. We are in favor  
7 of their project.

8 MR. DAVID POOLE: Thank you. Further input from those in  
9 favor.

10 MR. FARRIN FARNWORTH: My name is Farrin Farnworth. I live  
11 at 2220 Haw Creek Circle, which is a subdivision on the other  
12 side of the valley. I just wanted to make a comment that I'm  
13 for this project. I happened to farm that land for several  
14 years as a partner in the egg farm and it's not good for  
15 anything else. The only thing that made it work was the  
16 chickens and the fertilizer we put on the land. That's what  
17 made it work. Now with that gone, that land is going to go back  
18 to alkali just like it has been in the past. It won't be any  
19 good except for houses, as far as I'm concerned. I just wanted  
20 to put that as an input. Thank you.

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21 MR. DAVID POOLE: Thank you very much. Further public  
22 input in favor of this rezone.

23 MR. DAVEY THOMPSON: My name's Davey Thompson. I live at  
24 8066 South Buffalo Creek Lane in Meridian. I'm part of  
25 Diversified Capitol Investment Group. We are in the midst of

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1 putting together a plan to do an airport property. I believe  
2 that the Merrill's property would just really enhance what we're  
3 trying to do. So I'm all in favor of it.

4 MR. DAVID POOLE: Thank you very much. Further public  
5 input in favor.

6 MRS. CHARLENE TAYLOR: Charlene and Don Taylor. Our  
7 property is the property that Mr. Thompson was just speaking  
8 about. It is contiguous to the airport. What the Merrill's are  
9 doing, we believe, would be a tremendous asset to the whole  
10 community. We are in favor of this project.

11 MR. DAVID POOLE: Thank you. Further input in favor.  
12 Public input in a neutral position.

13 MR. MATT FOWLER: My name is Matt Fowler. I live at 3210  
14 Star Lane. I think it's a beautiful plan but I think there's a  
15 lot of questions that need to be addressed about how long it's  
16 going to take, the gravel pit end of it. I mean, what are we  
17 looking at for long term? How long is this going to take? How  
18 long are we going to look at gravel pit ponds before we see nice  
19 homes around them and things of that nature? Thanks.

20 MR. DAVID POOLE: Thank you.

21 MRS. LARA GOERS: My name is Lara Goers. I live at 2615  
22 West South Slope and I am undecided, mainly because of lack of  
23 information. I think we need a lot more definition. While we  
24 have these beautiful plans and it looks wonderful on paper, I'm  
25 concerned about timeframe. If we do pass the rezone and then

1 their property is sold, what exactly will happen then? what  
2 stipulations will be placed on the new buyers to go with these  
3 things that we've come up with and agreed to? They talk about  
4 soil incompatibility. I'm concerned about what effect that's going  
5 to have on the ground water. It may not grow corn. It's not  
6 going to grow really nice grass and beautiful landscapes and all  
7 these beautiful trees. So what impact are we going to have when  
8 we have all these fertilizers and soil amendments? Everyone  
9 around there is on a well. So I'm concerned about that.

10 I'm concerned about how you're going to keep a 40 acre lake  
11 moving. It seems like those nice little water falls isn't going  
12 to make that happen. I just need a lot more information before  
13 I lend my support for or against this property.

14 MR. DAVID POOLE: Thank you. Is there further public input  
15 in the neutral position? If not, those that are in opposition  
16 of this rezone please step forward.

17 MR. BOB KING: My name is Bob King. I live at 2825 West  
18 South Slope Road and I have a letter that I'd like the Board to  
19 take a look at.

20 MR. DAVID POOLE: Enter that into the record, is that what  
21 you want to do?

22 MR. BOB KING: Yes.

23 MR. DAVID POOLE: Did you want to make any statement at  
24 all, Bob?

25 MR. BOB KING: No. I agree with Lara.

1 MR. DAVID POOLE: Okay. Thank you. Further public input in  
2 opposition.

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3 MS. SUZIE BENKSTEIN: I'm Suzie Benkstein. I live at 2645  
4 West South Slope Road. Two of the pictures that Mrs. Merrill  
5 showed, those homes belong to us. We sold one and we had moved  
6 down the road and built another one. Those ponds, subdivision  
7 with lights and noise would effect the South Slope greatly. You  
8 can hear the traffic from the Highway. You can hear them talk  
9 from the football field. You can here the Merrill's drive corn  
10 for over a month, 24 hours a day. It sounded like there was a  
11 mill down there. There's going to be lights and dust. We are a  
12 residential area and I don't feel that any of the pictures here  
13 tonight truly reflected the number of homes and families that  
14 are on the South Slope. So I oppose it. Thank you.

15 MR. DAVID POOLE: Thank you. Further public input in  
16 opposition.

17 MR. ED DEWITT: I'm Ed Dewitt. We're at 2616 Sales Yard  
18 Road. We're just across the road from one of the entrances to  
19 the property. I think the impact on rezoning it to R-2 is too  
20 early to tell. There's not enough information. Like she said,  
21 she's going to sell it as soon as she gets the rezone. It's  
22 just too many questions. Once you open up to R-2, you're going  
23 to have to open up to other people. I'm going to imagine that  
24 Shipley or somebody else is going to want to do the same thing.  
25 Then it's going to change the whole thing from agriculture to

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1 R-2 zoning. It isn't compatible with that right now.

2 MR. DAVID POOLE: Thank you.

3 MS. LITA MALOY: My name's Lita Maloy. I'm at 2555 South  
4 Slope Road. We're new in the area and I was kind of standing  
5 neutral on this situation but we're very uninformed. I received  
6 one letter in the mail of what's going to happen to the whole  
7 thing and it just doesn't seem -- it's beautiful from the way it

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8 looks from these pictures, but it doesn't seem realistic.  
9 There's no time frames, no dates of when the housing is going  
10 in, how long the gravel pit is going to be there, and how long  
11 we're going to breathe the dust. I'd like to know more about  
12 it. Until then, I stand opposed to the whole thing.

13 MR. DAVID POOLE: Thank you.

14 MS. LITA MALOY: Thank you.

15 MR. DON WILKERSON: The letter you received, was that an  
16 invitation to the neighborhood meeting?

17 MS. LITA MALOY: Yes.

18 MR. DON WILKERSON: Okay. Thank you.

19 MR. DAVID POOLE: Further public input in opposition.

20 MR. HOLGER UHL: My name is Holger Uhl. I live on  
21 3905 West South Slope Road and we can over look from our  
22 property this proposed development. My first comment I want to  
23 make on this is that the photos that we saw -- I think there was  
24 some creative photography used because I am very familiar with  
25 that area -- it made it look like there's a forested area that

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1 is covering South Slope from the Merrill development. That's  
2 not the case. There is a few trees far and in between. If you  
3 have trees, they're on the slope itself, on the orchards. They  
4 do not cover that development area. I also think some of the  
5 other photos that you've seen have some creative license here.  
6 What I did notice is that a lot of these photographs are from  
7 Eagle developments. What I'm seeing here is that Emmett is  
8 going to become Eagle. I don't think that's a good idea. What  
9 we have in Eagle and some of the other developments in the  
10 valley, we should learn from that. We should learn from the  
11 mistakes and not make the same mistakes that those communities

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12 have made. Those are communities that do not have a center and  
13 do not have a unity. You have individual subdivisions jumping  
14 all over the place. This is a prime example of this, where you  
15 have a development that does not comply with the long term  
16 Comprehensive Plan. You have to rezone it. You have to have an  
17 extra Development Agreement to put it in compliance. This  
18 development is surrounded by A-2 properties. If you're going to  
19 rezone this area, what are you going to tell these other land  
20 owners? You're going to have a domino effect on this and with  
21 that you're going to overthrow your whole Comprehensive Plan.

22 MR. DAVID POOLE: Thank you. Further public input opposed.

23 MR. BILL GOERS: My name's Bill Goers. I live at 2615 West  
24 South Slope. I agree with the majority of my wife's comments.  
25 My biggest concern is the large size of the lakes. I mean, 40

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1 acres of gravel 25 feet deep is just a massive amount of earth  
2 moving. The undetermined amount of time this is going to take  
3 if this is approved, whose going to actually make them conform  
4 to this? Is this gravel pit just going to continue to expand  
5 and expand? Does Gem County really want to be known as the  
6 gravel pit capital of Idaho? I believe there's four gravel pits  
7 already in the area. So I just oppose it.

8 I want to agree with the other gentleman's comments about  
9 if you allow this, what does that do to the other area that has  
10 been restricted to 5 acre lots in the past? I agree that 5  
11 acres is a lot to take care of and a lot of other individuals  
12 around us find it difficult to take care of as well. So we're  
13 not necessarily opposing the small size of it, it's just the  
14 impact of the local area. You're going to have to answer for  
15 that Comprehensive Plan.

16 MR. DAVID POOLE: Thank you. Further public input opposed.

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17 MS. JOYCE VARRED: I'm Joyce Varred. I live at 3300 South  
18 Slope and I oppose all of this. One of the reasons is the  
19 water. I'm concerned about the aquifer. We live above this.  
20 I'm concerned about the traffic, the noise, the dirt. Just  
21 recently a gravel pit was denied by one of our neighbors and now  
22 you're going to okay this one. I'm also against going from 5  
23 acres to 1 acres.

24 MR. DON WILKERSON: Which gravel pit was denied?

25 MS. JOYCE VARRED: It was right on Star Lane.

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1 MR. DON WILKERSON: I don't remember one.

2 MR. DAVID POOLE: Anyway, further public input opposed.

3 MR. ERNIE BENKSTEIN: My name's Ernie Benkstein. I live at  
4 2645 West South Slope Road. We moved to Emmett about 12 years  
5 ago because we liked the area the way it was. We liked the  
6 ruralness of it. We liked the feel of it. Right now we live  
7 right above where all this is going to happen. We can see it  
8 all clear as day even though there's trees below us. I can hear  
9 their radios. We're going to hear every bit of noise that  
10 happens down there for the next 10 years. I just recently moved  
11 into our new house. Had I known this was going to happen, I  
12 never would have built a new house. I moved into this valley  
13 because I liked the way it was and now it's changing. I got to  
14 go.

15 MR. DAVID POOLE: Thank you.

16 MRS. DEBBIE ROUWENHORST: The gravel pit came in front of  
17 the Board when?

18 MR. BRAD HAWKINS-CLARK: It was early '06, I believe.

19 MRS. DEBBIE ROUWENHORST: Okay because just to let people  
20 know, a gravel pit was not allowed in A-1 or A-2 prior to July

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21 of this past year. So if he was turned down, there was no  
22 allotment for that at that time. Since then, an Ordinance has  
23 been passed that gravel can be extracted in A-1 and A-2 with a  
24 special use permit.

25 MR. DON WILKERSON: I'm going to dive right in with a

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1 question that I gave to Brad when I first walked in and I didn't  
2 get a clear answer. Before us is this rezone from an A-2 to an  
3 R-2. Then right after that we're looking at a special use  
4 permit for a gravel pit. As I read the matrix, a gravel pit is  
5 not authorized in an R-2 Zone. So what does that do to us? Do  
6 you delay the approval of the rezone until the gravel pit is  
7 completed?

8 MR. BRAD HAWKINS-CLARK: It's a good point that staff did  
9 not actually pick up on. We apologize for that. So we haven't  
10 discussed it. Clearly the Ordinance says only in the A-2,  
11 outside the area of impact, and with a special use permit can  
12 you do gravel extraction. The R-2 prohibits gravel extraction.  
13 So the Board of County Commissioner's could not formally rezone  
14 the property to R-2 if the gravel was going to go. My  
15 understanding, the main objective of the Merrill's to file them  
16 together was if there is no support for an R-2 Zone, then what's  
17 the purpose in creating the ponds and lakes? That's the whole  
18 end objective. So to go and begin doing gravel without any  
19 understanding of the County's position of the future development  
20 is just not a risk they want to take. So I think one option  
21 would be to use the Development Agreement. You could condition  
22 the Development Agreement with a timeframe. You've heard a lot  
23 tonight about timeframes being a concern. No. 2 would just be  
24 to not have the Board of County Commissioner's approve any kind  
25 of rezone. Planning and Zoning has the final word on the

1 special use permit. The gravel does not go to the Board of  
2 County Commissioners. So we have a little bit of a timing  
3 thing there that would probably need to be talked more about.

4 MR. DAVID POOLE: That's one of the reasons we didn't  
5 really want to pull it together either, Brad. Does that answer  
6 your question, Don?

7 MR. DON WILKERSON: Yeah. I just would like to hear what  
8 process we would go through.

9 MR. DAVID POOLE: Yes and I think the legal counsel would  
10 probably be important here as well.

11 MR. DON WILKERSON: If we approve the rezone and they can't  
12 get the gravel, what does the Merrill's think of that? Do they  
13 have any concerns about that at all? We'll ask that later.

14 MR. DAVID POOLE: I think to pull both of these together,  
15 it's probably not going to happen tonight, in my estimation.

16 MR. DON WILKERSON: Right. I agree.

17 MR. DAVID POOLE: I think, at this point, we had no further  
18 public opposition. Let's give the Merrill's the opportunity to  
19 answer some of these things or rebut some of these things.

20 MRS. NANCY MERRILL: This is a rezone with a Development  
21 Agreement. It's not the details, but what we are asking is for  
22 the uses. As far as the lakes, they will be aerated. They are  
23 interconnecting lakes, as engineered. That keeps the water  
24 moving down below the water level, as well as the ponds and the  
25 cascading little water streams. So those are aerated and this

1 will be highly engineered. That will go to your engineers to  
2 insure the water quality. It also has to go through Idaho water

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3 Resources to get the approvals of that.

4 To address lights, noise, dust, and gravel, we'll get to  
5 the dust and gravel with the next application. I just wanted to  
6 mention that if this property was left in the A-2 Zone, what we  
7 could do with the property. So these are the things that could  
8 be done on this A-2 property with a PUD: We could have an  
9 agricultural fertilizer service and plants. We could have  
10 animals on pastures and farms, poultry, feed lots, dairy  
11 commercial, feed lots, and dairies domestic. We could have  
12 kennels, livestock, feed processing and sales, and livestock  
13 sales. We could have a veterinarian or animal hospital. We  
14 could have an above ground transmission lines, telephone  
15 exchange stations, transmitting towers, utility buildings and  
16 structures. We could have schools, a halfway house,  
17 rehabilitation centers, shelter homes, auto and technical  
18 repairs, day care facilities, equipment repairs and rentals. We  
19 could have recreational vehicle parks and storage. We could  
20 have sewage lagoons. We could have athletic sports arenas,  
21 golfing golf courses, indoor recreational facilities, miniature  
22 golf, public parks, playgrounds, riding stables, shooting ranges  
23 for pistols and rifles, swimming pools, tennis courts, air  
24 fields that are public and private, auto parking lot or garage,  
25 and boat house or docks. That's without any rezoning and some

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1 special use permits. So the uses that are already allowed on  
2 the land are much more restrictive than what we are asking. We  
3 can take these uses and use them in an A -2 zone and bring them  
4 into the County and go ahead and develop this land like that.  
5 We don't think that's what this community wants out there. We  
6 think this is slated for residential. We think that the 400  
7 acres seems like a lot of homes but it's 400 acres. 1 acre lots

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8 are deemed compatible, as are 2 acres and 5 acres in your  
9 Comprehensive Plan. So bringing a high quality, well developed  
10 subdivision into this area with niche marketing, large lots,  
11 lakes and ponds, as well as a retirement village and assisted  
12 living will be, in my opinion, much better than any one of these  
13 uses that would be allowed on this land.

14 As far as noise and dust, if you sit on the hill, you're  
15 going to see everything in this valley. We would agree to an  
16 agreement that would allow us to have dark sky Ordinance type of  
17 lighting, which is low sodium penthol and shielded. Anybody  
18 that lives in that development will not have that same luxury  
19 because every time they look up on the hill they will see the  
20 lights from those that live up on the hill. So light pollution  
21 is going to go both ways. Noise is going to go both ways and  
22 right now we have a lot of things going down in the valley that  
23 will always transfer. Noise is going to transfer when you have  
24 hay bailing. Noise is going to transfer when you turn on your  
25 lawn mowers or when your dog barks. When you live on the hills

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1 it's going to transfer. That's just the nature of the beast up  
2 there on that hill. There isn't anything we can do to abate  
3 that.

4 Once again, we're not looking for Eagle. We definitely  
5 don't want Eagle over in Emmett. What we're looking for is  
6 something that's different even than in Eagle. What we're  
7 looking for is quality. That's what we're trying to bring to  
8 this development and to this community.

9 People believe this is not detailed enough. It's not  
10 supposed to be detailed at this point. You'll have more public  
11 hearings. You'll have more opportunities as each phase of the

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12 PUD comes in. The plats come in individually. You'll see the  
13 design criteria. You'll see the landscaping. You'll see where  
14 the roads go and how big they are. You'll see where the  
15 landscaping fits. You'll be able to address the water, the  
16 sewer, and where everything fits on those. That's the part of  
17 the puzzle you'll see then. This is just the first step. Thank  
18 you.

19 MR. DAVID POOLE: One of the concerns was the time frame.

20 MRS. NANCY MERRILL: Timeframe. I'm sorry. I wish we knew  
21 what the market is going to be like. When we get into the next  
22 hearing on that it will all depend on what we can do with the  
23 lakes and ponds and what the timing will be on that. What we  
24 anticipated is a 10 year timeframe from start to finish.  
25 Hopefully, if it becomes a destination and it sells out quick,

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1 it will be faster.

2 MR. DAVID POOLE: Thank you. Questions for Nancy while  
3 she's here.

4 MR. DON WILKERSON: One question. You've had two  
5 neighborhood meetings.

6 MRS. NANCY MERRILL: We have.

7 MR. DON WILKERSON: Can you tell us or have a piece of  
8 paper that tells us the result of those meetings?

9 MRS. NANCY MERRILL: I do have that. I have a sign up  
10 sheet of those that attended. We sent the letter around.  
11 Unfortunately, we are not the County or the City and we had a  
12 hard time identifying where those people were. So we contacted  
13 the people that were within the 300 foot radius and then we  
14 asked them to tell their neighbors.

15 we had the first neighborhood meeting for the special use  
16 permit for the gravel extraction. What we heard at that meeting

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17 was, what are you going to do if you don't move forward with the  
18 project? what you will have is holes in the ground and another  
19 gravel pit operation. So instead of bringing that through, we  
20 tabled that application. We said what we need to do is you need  
21 to see the whole picture, neighbors. You need to be able to see  
22 how this whole thing plays together and why this is not just a  
23 gravel extraction operation. It is directly tied to what we are  
24 doing as part of the subdivision. It's not the same as Idaho  
25 Concrete or Idaho Sand and Gravel. It's not that type of

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1 operation. It's going to have to be reclaimed. It has to go to  
2 Idaho State Lands. So we had a second meeting and we invited  
3 people back. Once again we asked them to tell their neighbors  
4 and we had fewer people that came to the second meeting. We  
5 presented them the concept plan, the Development Agreement, and  
6 exactly what you are seeing tonight. We asked them for their  
7 input and what their plans were. The ones we heard from was the  
8 Hanes next door. They asked for a connection and we said  
9 absolutely. Connectivity is very important to us. There's also  
10 a gentleman that was worried about the dust and noise. We will  
11 address that in the next application of the special use permit.

12 We really tried. A neighborhood meeting is not a  
13 requirement of this kind of a hearing but we just felt like we  
14 needed to reach out and at least try to talk the neighbors. We  
15 wanted to see what their worries were and see how we could  
16 mitigate those worries and concerns and incorporate them into a  
17 Development Agreement before we got here tonight. That was our  
18 intent and that was what we tried to do.

19 MR. DON WILKERSON: Due to the increase in the density,  
20 whether it's an A-2 or as a PUD, are you looking at any

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21 improvements to the intersection of Star Lane and Highway 52?

22 MRS. NANCY MERRILL: We are not. That is quite a ways away  
23 from the Idaho State Transportation road. There was a letter  
24 that went out to them. They have not responded back. Usually  
25 if there is not a concern, they don't respond back. If there is

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1 enough properties developed there we would participate in that  
2 with other properties along the way, but 400 lots, even though  
3 it seems like a huge amount, doesn't warrant for a light.

4 MR. DON WILKERSON: well, I'm not saying a light but maybe  
5 a turn lane or something like that.

6 MRS. NANCY MERRILL: Could be. You bet.

7 MR. DON WILKERSON: Okay. So that could be addressed later  
8 on. I think I read in here that you contacted the School  
9 District but you contacted the old administration.

10 MRS. NANCY MERRILL: Yes.

11 MR. DON WILKERSON: I think one of the suggestions of the  
12 staff was that you contact the new administration and obtain a  
13 letter from them.

14 MRS. NANCY MERRILL: Yes. We will do that. I did put that  
15 in as part of the conditions of approval, that the applicants  
16 would work with the School District to secure a site should that  
17 be what they wanted. So we're good with that. If the letter  
18 says they don't want it, you will see it when it comes through  
19 with a PUD at the preliminary plat stage.

20 MR. DON WILKERSON: One of the concerns I had with the  
21 application was the density. In staff's report, they're saying  
22 that we should look at anything that's in the mixed use be zoned  
23 mixed use. In one of your comments earlier, you mentioned that  
24 you looked at one parcel and I guess you had no problem if it  
25 was zoned two different ways.

1 MRS. NANCY MERRILL: That is correct. If we look at the  
2 whole plan, and I believe the staff's recommendation is if you  
3 actually do the zoning with the mixed use on the top part and  
4 the rezone of R-2 on the bottom, then that is acceptable.

5 MR. DON WILKERSON: Okay. Staff may want to enter into  
6 this but if you take out, let's say, 40 acres for your mixed use  
7 and I don't know if you can take out the ponds because your  
8 letters show different acreage's of the ponds. One says 40  
9 acres and the next time it's 55 acres. That gives you your net  
10 acreage for the residential a smaller amount of the 400.

11 MRS. NANCY MERRILL: I think Brad and I discussed that. He  
12 understands the numbers better than I do. I think he can  
13 probably help me out.

14 MR. DON WILKERSON: So will the MX reduce the available  
15 acreage for residential?

16 MRS. NANCY MERRILL: Actually, MX allows for a higher  
17 density. What we are proposing is not necessarily a higher  
18 density but the uses be for the senior housing and retirement  
19 village.

20 MR. DON WILKERSON: My concern is you're putting the same  
21 amount of homes on less acreage than 400; right?

22 MR. BRAD HAWKINS-CLARK: I think the question is maybe a  
23 definitional one because density, really you're talking about  
24 dwelling units on X number of acres. Density doesn't, at least  
25 in our Ordinance, doesn't talk about how that total number is

1 configured. It just says 400 acres, 400 units. It doesn't say  
2 you can't do some of those 400 on less than an acre. You're

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3 still talking about the same number of total units in our  
4 Ordinance. If I understand your question, it's saying they  
5 actually don't have 400 acres of developable land because if you  
6 take out the roads and the ponds, they actually end up with  
7 whatever; 200 acres.

8 MR. DON WILKERSON: Right, but the PUD Ordinance does not  
9 say that you can't restrict the density; right? Like you said,  
10 the PUD says nothing about density.

11 MR. BRAD HAWKINS-CLARK: Just that you can't go maximum 15  
12 percent over and it says three dwellings per acre, maximum.

13 MR. DON WILKERSON: That's in the Comp Plan.

14 MR. BRAD HAWKINS-CLARK: In the Planned Unit Development.

15 MR. DON WILKERSON: So maybe you can't take out the ponds,  
16 but if you take out the Mixed Use, it doesn't reduce the maximum  
17 amount of acres available for dwelling units, in your opinion.

18 MR. BRAD HAWKINS-CLARK: In my opinion, yes. I think it's  
19 on the table because the Ordinance doesn't give the guidance.  
20 So it really is coming back again to compatibility. Do you  
21 think that zone works in this area?

22 MR. DAVID POOLE: I think that's one of the things we can  
23 hammer out a little bit later.

24 MR. DON WILKERSON: My next question, and it was brought up  
25 here, is about the size of the ponds. Maybe, for the public,

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1 you can tell us what the true size of the pond is.

2 MRS. NANCY MERRILL: I believe it's actually 55 acres is  
3 what their planning for the large lake. It's a total of 70.

4 MR. DON WILKERSON: On your consent plan it says around 77.  
5 You're looking at 82. On your Development Agreement it says at  
6 the Merrill's or the successors discretion, up to 150 acres of  
7 water service may be provided. So are you looking at possibly

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8 having ponds up to 150 acres?

9 MRS. NANCY MERRILL: No, sir. We're not looking at that.  
10 That was based upon the actual report from MTI that showed  
11 available gravel sources on that much land. We're looking at  
12 maybe half of that.

13 MR. DON WILKERSON: So that's not something in the DA that  
14 has to be corrected.

15 MRS. NANCY MERRILL: Correct.

16 MR. DON WILKERSON: Thank you.

17 MR. LAWRENCE WHITSELL: If you're denied rezone on this,  
18 are you going to go ahead and pursue the A-2 and do eighty 5  
19 acre lots.

20 MRS. NANCY MERRILL: I don't know what we'll do. At that  
21 point, we may re-evaluate what we can do on this property and  
22 look at some of the other uses that are here. We have had an  
23 offer from a dairy. That's something that we do not want to do  
24 but we do need to sell our property. So we would look at some  
25 of our other options and regroup to see how we can move forward.

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1 MR. LAWRENCE WHITSELL: How large a dairy?

2 MRS. NANCY MERRILL: It's fairly large.

3 MR. DAVID POOLE: Any further questions for Mrs. Merrill?  
4 Thank you.

5 MRS. NANCY MERRILL: Thank you.

6 MR. DAVID POOLE: Okay. We'll bring this from the public  
7 hearing stage before the Board. Commissioner's, any comments?

8 MR. DON WILKERSON: One item of the Comp Plan is this  
9 Priority Area 3. Priority Area 3 is 5 acre minimums and it says  
10 that Priority 2 has to have 80 percent of the infrastructure in  
11 place to support it before you migrate into Priority Area 3. I

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12 don't see where it meets that criteria of the Comp Plan.

13 I think we, as a Commission, really need to look at the  
14 five items that were identified by the staff report that does  
15 not support this application. Thank you.

16 MRS. DEBBIE ROUWENHORST: Under the Land Use as being  
17 Priority Growth 3, it's a 5 acre area but any area within the  
18 County can come in for a PUD. That is something that is also in  
19 the Comprehensive Plan. So under a PUD application, where they  
20 are in Priority Growth Area 3, that would be with the current  
21 Land Use Comprehensive Plan.

22 Also, the question was on the Mixed Planned Development and  
23 I realize that the Mixed Planned Development splits the property  
24 and being on Land Use at the time, we should have looked at the  
25 owner property verses natural boundaries so that all owner's

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1 properties were not split in the middle. The Commissioner's, on  
2 a Priority 3 on the north bench, did that by property owners  
3 versus splitting things through the middle of a piece of  
4 property. In that respect, I see that was a mistake by the Land  
5 Use. Then, as far as Mixed Planned Development, there is no  
6 minimum lot size and multiple family residential is allowed in  
7 that. So if that were to stay, the MX, the assisted living, and  
8 the senior housing would fit under that.

9 MR. LAWRENCE WHITSELL: One of the things that I struggle  
10 with is when we improve developments, sewers are always such a  
11 huge issue. We approved many 1 to 5 acre parcels that have got  
12 sewer and septic and individual wells and whenever we can entice  
13 or encourage somebody to put in a sewer system, it's a plus for  
14 everybody. It's something that the Committee needs to look  
15 towards to try and alleviate some of these long term issues  
16 because we're filling our ground full of sewage. Somehow we

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17 need to address that. That's one of the issues. The PUD is a  
18 tool that we have addressed as doing that and a good tool. So  
19 keep that in mind.

20 MRS. DEBBIE ROUWENHORST: Another thing on the Land Use is  
21 that when all the process was going through on the Land Use, it  
22 was the consensus, through public hearing, that development go  
23 to the south valley therefore protecting the bench and the prime  
24 agriculture. There's no sewer systems up on the north bench.  
25 You do have the accessibility through the City to service the

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1 south area.

2 MR. DAVID POOLE: Further input, Commissioners?

3 MR. WILL MAUPIN: I'd agree with Commissioner Rouwenhorst  
4 on the designation on MX versus A-2 and how all that was put  
5 together in this case and there's probably more of them. I  
6 agree with Lawrence about improving the ground with community  
7 services. I think the statement that was made by that about the  
8 potential for taxes to be brought into this County because of  
9 developments like this is large. I do have a little bit of a  
10 concern about what Don brought up. The zoning matrix and the  
11 gravel extraction in an R-2. I'm still undecided. I'm going to  
12 need more time to think about that one.

13 MR. DAVID POOLE: I think, in that situation, we may even  
14 need some legal advice. Other comments? I guess my feeling is  
15 that probably we need some more input and some legal advice. I  
16 think we need to probably continue this if for no other reason  
17 than the fact of the next item on the agenda. I think under  
18 those circumstances, we should but when we continue anything we  
19 do need to lay out what we feel is necessary for the continuance  
20 as far as public input at the next meeting.

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21 MR. DON WILKERSON: Can we have a joint motion?  
22 Everybody could probably pick it over.

23 MR. DAVID POOLE: I think that would be great.

24 MR. DON WILKERSON: I make a motion that we continue the  
25 rezone and the D.A. for Merrill Farms, LLC until our next

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1 meeting with the following additions: Number 1, that Merrill  
2 Farms -- and tell me if I'm wrong, Brad -- and staff get  
3 together and update Exhibit 2, Conditions of Approval, with the  
4 changes per Exhibit 2 on page 16. I guess on item E you need to  
5 look at whether we want to remove the Shadow Butte Industrial  
6 Park from the traffic study. On H of Exhibit 2, to redefine  
7 non- motorized water craft.

8 Exhibit 3, Project Schedule Number 2, it sounds like  
9 there's been an agreement that we remove from the exhibit 2 of  
10 D.A. Also, that the applicant provides a letter from the  
11 current school administration concerning a school at that  
12 location. Even though enrollment may be being reduced, the  
13 School District may want to try to reserve ground for a  
14 different school.

15 On Item 7 of the Conditions of Approval, where it addresses  
16 discretion up to 150 acres of surface water may be provided,  
17 that either needs to be scratched or reworded to the proposed  
18 80-some acres that they're look ing at.

19 Exhibit 3, it looks like there has been an agreement that  
20 possibly the PUD be presented within 5 years and that possibly,  
21 Item 3, the time frame from your staff report, where it's not  
22 enforceable, to be removed.

23 I would like to see the applicant provide us, in writing,  
24 some of the results of the neighborhood meeting.

25 That's all I have. If somebody wants to add to that

1 motion, please do.

2 MR. WILL MAUPIN: I motion that we add that we allow time  
3 for staff and the Commission and counsel to revisit the gravel  
4 extraction in an A-2.

5 MR. DON WILKERSON: From an R-2 Zone.

6 MR. DAVID POOLE: We really can't make a determination on  
7 the special use permit until we have an answer to that. So I  
8 think we can probably pull that into a continuance motion on the  
9 special use permit.

10 MR. WILL MAUPIN: Oh, okay.

11 MR. DAVID POOLE: Further items on this rezone.

12 MRS. DEBBIE ROUWENHORST: This is on the body of the  
13 Development Agreement and since this is the first one that we  
14 have reviewed, on 3-2 I'd like to add in there that there be an  
15 annual review so that Development Services at least knows what  
16 the process is as far as sales development. In section 6 --  
17 this is from looking at other Development Agreements that I  
18 reviewed -- and it was under 6-1, that if there is an  
19 assignment, that there is a notification in 30 days to  
20 Development Services of that transfer of property. In here it  
21 says that obligations under this agreement shall not require  
22 County approval, however, I'd like to see that go out so that  
23 the County has an idea that the person that the property is  
24 assigned to has put up a bond or has the funds to complete the  
25 project as the Development Agreement states.

1 MR. DON WILKERSON: There's two other items on Conditions  
2 of Approval, Item 3, that the staff brought up. They will

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3 correct the definition of two-family residential and I think  
4 multi-family residential. There's some restrictions on the  
5 number of multi-family residential. Also, it might just be a  
6 typo error, but on paragraph 3.2 of the Development Agreement it  
7 says violation by the City. Should that say violation by the  
8 County?

9 MR. BRAD HAWKINS-CLARK: What number was that?

10 MR. DON WILKERSON: 3.2 of the actual D.A.

11 MR. DAVID POOLE: Any other additions you would like to  
12 make to this motion for a continuance? If not, do we have a  
13 second on this motion?

14 MR. LAWRENCE WHITSELL: I'll second it.

15 MR. DAVID POOLE: Discussion? All those in favor signify  
16 by saying I. Opposed same sign. Motion carries.

17

18 (Motion carries unanimously.)

19

20 PUBLIC HEARING:

21 Item No. 3 - Special Use Permit #SUP-08-001 - Galan Merrill

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23 MR. DAVID POOLE: Let's move on to the special use permit.  
24 I guess, at this point, you want to bring us up to speed?

25 MR. DON WILKERSON: Shall we just make a motion to

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1 continue?

2 MR. DAVID POOLE: I think that's all we can do at this  
3 point, under the circumstances. Until we have a little more  
4 input, I don't believe that we can move forward on this.

5 MR. BRAD HAWKINS-CLARK: You need to at least open the  
6 hearing in order to continue it. It's up to you. If you want a  
7 little more detail presented now and then followed up or you

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8 just want the staff presentation at the next meeting. I think  
9 that's the Commission's decision.

10 MR. DAVID POOLE: I've read the presentation. I know maybe  
11 the public hasn't had that opportunity but at the same time  
12 maybe Nancy can give us a short presentation on the special use  
13 permit. I think maybe she can step up. That will give us a  
14 chance to open it. So I already have opened it. So the  
15 applicant can step forward and make a comment.

16 MRS. NANCY MERRILL: You really have heard the application  
17 for the rezone. It does include the gravel extraction. In a  
18 normal situation, you would not even have to do a special use  
19 permit. It would be part of your development process unless  
20 you're selling it off-site in a commercial. So it would just be  
21 part of the accessory use of a subdivision is the building of  
22 the ponds and the lakes. In our case, because of the size of  
23 the lake, there will be so much access material that we can't  
24 use it all on-site. So the only reason we are applying for a  
25 special use permit is to use the excess and to be able to sell

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1 it and get rid of it. The rest will be used on-site for the  
2 building of the roads, the laying of the pipes, the building of  
3 the berms, and all the things it takes to do a subdivision.  
4 That is the reason why this application is a special use permit  
5 in the first place. As far as noise and dust, we have read all  
6 of the staff site specific conditions of approval. There will  
7 be dust abatement. Operations will be limited from 7 to 7.  
8 Safety fencing will be erected at all the pits. There will be  
9 no lighting because it will not be operating at night. We will  
10 comply with all of the requirements of the Gem County Road and  
11 Bridge Department as adopted by the Planning and Zoning

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12 Commission.

13       So it's a very simple application. It will be used right  
14 where you saw the ponds and the lakes. That's where they're  
15 planning on being excavated. When they're completed, they'll be  
16 reclaimed as required by Idaho State Lands. Once this  
17 application is approved by the County Commission, then it still  
18 has to go before the Idaho State Lands for their approval with a  
19 full reclamation plan before we have a final approval. So we  
20 are under a lot of scrutiny. It has to go to Idaho water  
21 Resources. If we could use all of the material on site, we  
22 would. It's the only reason we're doing this as a permit, is to  
23 allow the neighbors and the County to have some control over it  
24 in the future and to make sure it's done right.

25       MR. DAVID POOLE: And on the sign up sheet for special use

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1 permit I have one signature in opposition.

2       MS. SUZIE BANKSTIEN: Suzie Bankstien. I'm at 2645 West  
3 South Slope. It says here applicant shall provide appropriate  
4 lighting for project if hours of operation demands such. She  
5 said there wouldn't be any lighting in there but this leaves it  
6 open that she could. To listen to trucks and traffic 12 hours a  
7 day, 6 days a week, I think is unacceptable to ask anyone to do.

8       MR. DAVID POOLE: We do have the ability to do that.

9       MS. SUZIE BANKSTIEN: Okay.

10       MR. DAVID POOLE: Any further public input in opposition?  
11 If not, those in favor? Neutral? Okay. Obviously there's  
12 probably no rebut at this point. We'll close the public hearing  
13 portion of this special use and bring it before the Board.  
14 Discussion or comments. Anyone want to move for a  
15 continuance?

16       MR. WILL MAUPIN: I make a motion that we move for a

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17 continuance on this.

18 MR. DAVID POOLE: To get the information that's required  
19 from legal counsel and the date will be the same.

20 MR. WILL MAUPIN: For August.

21 MR. DAVID POOLE: Is there a second to that motion?

22 MRS. DEBBIE ROUWENHORST: I'll second it.

23 MR. DAVID POOLE: It's been moved and seconded.  
24 Discussion? All those in favor signify by saying I. Opposed  
25 same sign. Motion carries.

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2 (Motion carries unanimously.)

3

4 MR. DAVID POOLE: I think at this point we will take a  
5 short recess the public portion of this is closed.

6

7 (A short break was taken.)

8

9 REGULAR MEETING:

10 Item No. 1 - Items from the Public

11

12 MR. DAVID POOLE: I'm going to bring the meeting back to  
13 order. Items from the public. would you like to step forward  
14 and state your name?

15 MR. WILLIAM SMITH: My name 's William Smith. My address  
16 is 1025 Lilac Lane. We have a petition here. I have some  
17 pictures here that show the reason for the petition. What we're  
18 asking for is for these pig pens to be removed from within 200  
19 feet of the subdivision.

20 MR. DAVID POOLE: I think, Brad, don't we have a zoning

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21 police now?

22 MR. WILLIAM SMITH: Yes. You do have Mark Heath.

23 MR. DAVID POOLE: And this has been brought before your  
24 staff.

25 MR. WILLIAM SMITH: Yes it has. We would just like to have

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1 the pig pens moved out so that they don't devalue the property  
2 and everything else there in the subdivision.

3 MR. DAVID POOLE: There are some Ordinances. Whether  
4 they're in violation of those Ordinances, I don't know. That's  
5 where our staff comes into effect. One of the ways you can  
6 approach it is if there's a violation of the Ordinance, then the  
7 police can actually cite them. I think that's one of the  
8 reasons we got the Code Enforcement Officer.

9 MR. WILLIAM SMITH: I talked with him and he came out and  
10 he said I should bring this before the Commission because he  
11 stated they are not in direct violation of the code, but the  
12 Commission could maybe ask them to control the stink some way.

13 MR. DAVID POOLE: Well, I think there's a Nuisance  
14 Ordinance.

15 MR. WILLIAM SMITH: There is a Nuisance Ordinance.

16 MR. DAVID POOLE: Have you gone to the police about this?

17 MR. WILLIAM SMITH: I went to the County Sheriff about this  
18 and about a couple other things that was going on and they said  
19 they're within the state laws.

20 MRS. DEBBIE ROUWENHORST: How many hogs?

21 MR. WILLIAM SMITH: There's 11 hogs.

22 MR. LAWRENCE WHITSELL: Who owns this?

23 MR. WILLIAM SMITH: Phillips, 1343 Sunset. I don't know  
24 the first name on it.

25 MR. DAVID POOLE: The only thing I feel would work would be  
Page 54

1 the Nuisance. Have you gone to the County Sheriff with your  
2 petition?

3 MR. WILLIAM SMITH: No. I have not done that.

4 MR. DAVID POOLE: Because I think that would explain to  
5 them that it's not just one person that's concerned about this.  
6 They have the power and even if it's in compliance with our  
7 Ordinance, if it's creating a nuisance, I think they have the  
8 power to do something about it but I think you need to do that  
9 in unison.

10 MR. WILLIAM SMITH: You can't keep the windows open in the  
11 house. My wife has allergies to air conditioning and we do need  
12 to have windows open sometimes. If you're out in the backyard,  
13 there's times it would almost drive you to vomit.

14 MR. DON WILKERSON: Are their animals being treated  
15 humanely?

16 MR. WILLIAM SMITH: well, you've seen the pen. They're sun  
17 burnt.

18 MR. DON WILKERSON: Have you talked to the Humane Society  
19 or maybe the State of Idaho?

20 MR. WILLIAM SMITH: There was two dead pigs left to lay  
21 out.

22 MR. DON WILKERSON: That's why I brought it up.

23 MR. WILLIAM SMITH: I called the State of Idaho out. The  
24 State of Idaho came out and made them get rid of the two pigs  
25 but he said they were in compliance because you don't consider

1 them a dog or a cat that you would consider as being mistreated  
2 or anything by leaving them out in the pen. He says there's not

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3 anything he can do. This is the reason why we were advised to  
4 bring it before you.

5 MR. DAVID POOLE: I just don't know, as a Planning and  
6 Zoning Commission, if we have any teeth to this. We have the  
7 teeth to have public hearings and try to generate rules and  
8 regulations that are in our Ordinance that we pass on to our  
9 County Commissioner's to avoid these kinds of things. We try to  
10 put buffer zones now between that sort of thing and the  
11 subdivisions. If it's creating health hazards, there's  
12 directions to go. If it's creating a nuisance, there's  
13 directions to go. It's just as far as them raising pigs and  
14 it's on a land that's zoned to raise pigs, then darn. I know  
15 where you're going. I know how hogs smell. I raise them  
16 myself.

17 MR. WILLIAM SMITH: Where do we go from here?

18 MR. DAVID POOLE: Brad, any suggestions?

19 MR. BRAD HAWKINS-CLARK: Is this considered a commercial  
20 operation; do you know?

21 MR. WILLIAM SMITH: No. I wouldn't think so.

22 MR. BRAD HAWKINS-CLARK: The only Ordinance that we  
23 currently have on the books is 11-6-5C, which defines a feed lot  
24 as the operation or maintenance of a commercial stock yard where  
25 livestock are fed concentrated feeds, particularly for the

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1 purpose of fattening for market. It does say that if it's a  
2 commercial feed lot, it has to be 1,000 feet from a residence.

3 MR. DAVID POOLE: Is there any size to a commercial feed  
4 lot? There is in cattle.

5 MR. BRAD HAWKINS-CLARK: There is under State. Did you  
6 talk with the Department of Ag, sir?

7 MR. WILLIAM SMITH: The Department of Ag are the ones that  
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8 came out and made them get rid of the two dead pigs that they  
9 had laying out there for 4 days.

10 MR. BRAD HAWKINS-CLARK: Under our current Ordinance,  
11 that's probably the best we could do. It would actually have to  
12 be defined as a commercial feed lot for us to act. Short of  
13 that, the nuisance, as the chairman said, is probably the way to  
14 go.

15 MR. WILLIAM SMITH: They never butchered one. They sell  
16 them all. So I would say you got to call it commercial.

17 MR. DAVID HARGRAVES: I think the first place to start is  
18 the Sheriff's Department and with the Planning and Zoning  
19 Commission so an investigation can be done to see if any laws  
20 have been violated. Then the determination is made in our  
21 office whether to prosecute and enforce those laws.

22 MR. DAVID POOLE: Any other items from the public? If not,  
23 we'll go to Item No. 2, Black Canyon Partners final plat  
24 extension request. Brad, comments?

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3 REGULAR MEETING:

4 Item No. 2 - Black Canyon Partners Final Plat Extension  
5 Request

6

7 MR. BRAD HAWKINS-CLARK: The applicant has brought this in  
8 tonight.

9 MR. DAVID POOLE: Do we need to get the spokesman for the  
10 applicant up here to explain what this is?

11 MR. KELLY BARBER: Kelly Barber, 688 South Torino in

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12 Meridian. I'm representing Black Canyon Partners. What you've  
13 got in front of you is a letter requesting our extension. I'll  
14 just summarize that briefly. Under tab 1 of this is the  
15 original letter, back in June, requesting an extension that went  
16 to the full Board of County Commissioner's. As was pointed out  
17 by Mr. Hargraves, that was the improper venue for that extension  
18 request to be filed. We then filed it through P&Z. The June  
19 16th minutes, deferring the expiration of the deadline for the  
20 final plat approval until tonight's meeting. That's under tab 2.

21 Tab 3 is just a reminder. It's just the preliminary plat  
22 map, kind of in 4 pieces for phase 1 of the Black Canyon  
23 Community.

24 Tab 4 is the original conditions of approval letter. The  
25 thing I want to highlight there is the November 1st, 2008

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1 deadline for construction of improvements on Frozen Dog Road and  
2 then there's a little map there that's not a very easy to read  
3 map. I've got a bigger one here just for reference.

4 Tab 5 is just the correspondence from the engineering  
5 companies and construction companies that we have come to terms  
6 with in regards to constructing those improvements. I mentioned  
7 June 20th as the deadline for final plat submission for the  
8 Black Canyon Community project, phase 1, was due. There was a  
9 request for an extension in mid June and it was sent to the full  
10 Board. The Board correctly referred that to the Planning and  
11 Zoning Commission. So that's why we're here tonight. That  
12 letter spelled out some of the concerns that have caused there  
13 to be a delay in that submission.

14 You guys are well aware, I'm sure, of some of the economic  
15 and financial conditions in the area and some of the development  
16 issues that have risen as a result of that.

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17           As I pointed out in tab 4, in the conditions of approval  
18 for the improvements for Frozen Dog Road, those were asked to be  
19 completed by the Commission, originally, and then the 2 year  
20 extension, 2006, for those to be constructed by November 1st of  
21 this year. So Black Canyon is working, at this point, to get  
22 those completed on schedule and we intend to do so. Black  
23 Canyon is prepared to make any insurances that the Planning and  
24 Zoning Commission would like to have from them to make sure that  
25 does in fact take place on that date. We're making every effort

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1 to do that.

2           Tomorrow morning a representative from Black Canyon is  
3 meeting with Kim Reed to discuss some of the engineering issues  
4 to make sure we've cleared that hurdle. We worked with Tara  
5 West Inc and Murrey Smith and Associates for the engineering.  
6 They've assured us that they're going to do everything they can  
7 to work with us to get those things done.

8           My understanding is that we don't need a permit for the  
9 portion of the road that crosses over Black Canyon Canal. There  
10 was a conversation with the Canal District. That's not the  
11 case. We go to Black Canyon Canal. We don't cross Black Canyon  
12 Canal in this initial phase. I apologize. So there's no permit  
13 needed there. That was one of the concerns that was raised in  
14 the engineer's letter. We talked to the District this morning  
15 and they said that's not necessary. So we don't for see any big  
16 obstacles for getting that done.

17           So, as we did mention in our initial request for extension,  
18 Black Canyon has been working with potential buyers for the  
19 property. There are two issues there that I really want to  
20 emphasize. There have been a number of different parties that

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21 have expressed interest in this property over the last several  
22 years, since this project was originally in design phase. One  
23 of the things that's very important to Black Canyon is making  
24 sure that anyone that comes along and wants to buy this property  
25 has the same concept as Black Canyon does of how it's going to

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1 be developed. So there have been some discussions and  
2 negotiations that have bogged down at times over that. As you  
3 guys are well aware, there are a lot of developers that have  
4 come to communities in different areas around here and just want  
5 to put as many roof tops as they can and want to make housing.  
6 You, obviously, through the Planned Community process, you know  
7 that's not how this was approved. That's not how the Zoning  
8 Ordinance was prepared and the plan for the subdivision doesn't  
9 include any of that in the approvals. Certainly, we're not  
10 meant for that. We're talking about 40 percent open space,  
11 recreational use. It's important to Black Canyon that's  
12 maintained. We have recently been in contact with a developer  
13 who is interested in buying the project who we believe shares  
14 the same vision. We're hopeful that we're going to get a  
15 settlement agreement signed here in the very near future. I  
16 know because I've been working with them and talking to them and  
17 we're pretty close, at this point. On behalf of Black Canyon,  
18 our concern is that we make sure that we can preserve what we've  
19 got so far in the entitlement process including not just the  
20 preliminary phase in the subdivision plat, although that's  
21 important and that's why we're here tonight, but the fact that  
22 it's within the Planned Community as a whole. We think there's  
23 some value to both our buyer and to Black Canyon but also to the  
24 Commission as far as the time and energy that's gone into  
25 providing those approvals and getting the necessary requirements

1 and restrictions into place for the initial phase. We think  
2 there's some value of preserving that rather than have this  
3 expire, lapse, and go back to square one with either Black  
4 Canyon or another entity that comes through. Obviously, the  
5 later phases would still be subject to approval, the preliminary  
6 plat process. The Planned Community concept itself hasn't  
7 changed by extending the deadline for final plat approval. We  
8 think there's some value here. Black Canyon is willing to move  
9 forward and do everything they can to construct the roadway  
10 improvements by that November 1st date.

11 MR. DAVID POOLE: Okay. Questions from the Commission?

12 MR. DON WILKERSON: I'd like to take a few minutes and read  
13 this first letter.

14 MR. DAVID POOLE: I can understand that.

15 MR. LAWRENCE WHITSELL: I have a question for staff. If  
16 this is denied, they go back to the 2006 Ordinance rather than  
17 the 2003 Ordinance.

18 MR. BRAD HAWKINS-CLARK: That's correct. Yes. The  
19 preliminary plat would go back. If it was denied, they would  
20 have to file a new application and that would come under the  
21 '06.

22 MR. LAWRENCE WHITSELL: And there's some drastic  
23 differences between '03 and '06 Ordinances.

24 MR. BRAD HAWKINS-CLARK: I would not call them drastic.  
25 No.

1 MR. LAWRENCE WHITSELL: This is more of a time thing with  
2 you rather than actually having to change what you're doing.

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3 You just don't want to have to go through that whole process  
4 again.

5 MR. KELLY BARBER: Yes. In response to your question, I  
6 did talk to both Brad and Dave last week and then reviewed the  
7 two Ordinances and I think the concern was making sure that  
8 there was no big differences here. I think what sets us apart  
9 from a normal extension request would be that this was all under  
10 the purvey of the Planned Community process. So a lot of those  
11 restrictions that you might not have had in the old Ordinance  
12 were already put in place because it was under the umbrella of  
13 the Planned Community. For example, the lot of the roadway  
14 dedications, the open space commitments, and the specifications  
15 in the road. A lot of those things were already addressed  
16 through the Planned Community Ordinance as it wouldn't have been  
17 normally through the Subdivision Ordinance.

18 MR. LAWRENCE WHITSELL: And if this is denied, how much  
19 time will it cost you if you have to go back through this review  
20 process?

21 MR. KELLY BARBER: That's up to you guys, right?

22 MR. BRAD HAWKINS-CLARK: 5 to 6 months.

23 MR. DON WILKERSON: What's the status of the final plat?  
24 Has it been started?

25 MR. KELLY BARBER: I know it's been started. I don't know

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1 exactly where we are as far as when we could have that thing  
2 here in front of you to be submitted. As you may recall from  
3 previous meetings, when there was an agreement last year to try  
4 and sell the property, at that point, that buyer was going to  
5 use their engineer's to do the final plat. That didn't happen.  
6 Since that time, when it was determined that Black Canyon was  
7 going to go forward and move toward completing these

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8 improvements, they spoke with their engineer's to contract them  
9 to do it. They weren't able to get them, just time wise,  
10 because of the lateness of date and calendar year. There are  
11 some new folks on staff and we think we can get them to pay  
12 attention to it.

13 MR. DON WILKERSON: The question I have, as Mr. Whitsett  
14 has mentioned, there hasn't been enough changes to the  
15 subdivision Ordinance to cause you to get through your  
16 preliminary plat process again. I question whether there's been  
17 enough design changes in the road and design guidelines. Can  
18 you address that, Brad?

19 MR. BRAD HAWKINS-CLARK: I think that for the Planned  
20 Community and the Ordinance that was a part of that had a  
21 chapter dealing with road design. So the Planned Community  
22 Ordinance itself is really not on the table. I mean, that's  
23 running with the land and that's what sets the road design  
24 guidelines.

25 MR. DON WILKERSON: Right, but what I'm kind of getting at

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1 is do we deny this because maybe two of the three of these items  
2 have changed significantly since this was started in 2003? Even  
3 though you mentioned here that you think improvements to Frozen  
4 Dog may give credit to the owner, as I mentioned before, I'd  
5 like to see the offset figures to make sure that the County  
6 residences aren't helping to pay for this project. So I guess I  
7 don't have a problem with the Road Division Ordinance but I do  
8 have problems with the Road and Design Guidelines and the CIP  
9 program. I guess what you're saying is if we require those to  
10 be enforced as currently written, we have to go through the  
11 complete preliminary plat process again, but again, there's

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12 nothing been done with the final plat.

13 MR. KELLY BARBER: To your point about the CIP, there's  
14 also an 80 foot right-of-way dedication on Shalerock Road,  
15 which we're pretty sure more than offsets that.

16 MR. DON WILKERSON: well, I'd like to see it in black and  
17 white.

18 MRS. PAM GARRISON: Pam Garrison, 2545 South Substation.  
19 If you remember, when the Black Canyon Planned Community was  
20 approved, part of the application process was to submit a  
21 circulation plan. In that plan, we submitted typical road  
22 sections for the different roads within the community like  
23 Frozen Dog Road and Shalerock Road. It appears that our  
24 restrictions are, if not the same, more restrictive.

25 MR. DON WILKERSON: My question was just do the guidelines

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1 put together at the time it was approved agree with the  
2 guidelines we have today?

3 MR. DAVID POOLE: Any other questions from the Commission?

4 MR. WILL MAUPIN: I have just one because I wasn't involved  
5 in any of this before. The 80 foot dedication is on Shalerock.  
6 So that would be at the top of the hill to the east, off Frozen  
7 Dog.

8 MRS. PAM GARRISON: At completion of the final phase we  
9 will have improved Shalerock Road through to the eastern  
10 boundary of the Black Canyon property. We have signed a  
11 Development Agreement for mitigation on each Shalerock Road  
12 from our property line to Montour. That a portion of each  
13 building permit will go to a dedicated fund to improve east  
14 Shalerock Road. What the right-of-way would be on east Shalerock  
15 Road beyond our property boundary lines, I don't know.

16 MR. DAVID POOLE: Any other questions?

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17 MR. DON WILKERSON: How long of an extension are you asking  
18 for?

19 MR. KELLY BARBER: We initially requested a 1 year  
20 extension in the letter.

21 MR. DAVID POOLE: Any other questions?

22 MR. WILL MAUPIN: In your portfolio, you have this July  
23 14th letter. Under tab 1, paragraph 2, it says Black Canyon  
24 Partners is prepared to provide additional insurance to the  
25 Commission to demonstrate it's willingness to complete these

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1 improvements. Can you elaborate?

2 MR. KELLY BARBER: There was an initial requirement in the  
3 preliminary plat condition for a letter of credit, which I don't  
4 believe has ever been requested to be posted. They're prepared  
5 to do that in the next 30 days or whatever would be requested by  
6 the Planning and Zoning Commission to get that money up to make  
7 sure that even if Black Canyon's not there or if there are  
8 issues down the road, it's paid for.

9 MR. DAVID POOLE: Any other questions? David, you see any  
10 problem with the legality of this?

11 MR. DAVID HARGRAVES: I can't really speak to all of the  
12 technical standards. It's 100 percent within your discretion.  
13 My advice to the Commission would be to carefully consider the  
14 reasons for either denying or approving it and just make sure  
15 you have good reasons for whichever way you choose. The  
16 technical aspects of it on whether it would be more advisable to  
17 have Black Canyon apply under the new Ordinance to meet the new  
18 standards, I can't really speak to those. I usually don't get  
19 into that level of detail.

20 MR. DAVID POOLE: Okay.

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21 MR. DON WILKERSON: I brought it up last time when they  
22 were here 2 years ago, is 1 year enough? Last time you asked  
23 for 1 year and we gave you 2.

24 MRS. PAM GARRISON: We'll take all the time you can give  
25 us. I say that because when we approached Holladay to help us

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1 with this section and get back to work on the final plat for  
2 phase 1 they said they're too busy. They said it would take 10  
3 months for them to gear up to help us again. So we've been  
4 scrambling to have someone on board by tonights meeting so we  
5 could say to you yes, we have engineers on board. So whether  
6 this firm is ready to move forward with any more extensive  
7 engineering, we don't know.

8 Tony and Tom would love for you to give us another 2 years.  
9 That would give the new purchasers time to get their engineers  
10 on staff if they're not happy with our engineers. We'll be  
11 grateful for what you can do for us.

12 MR. DAVID POOLE: Anybody want to address this?

13 MR. DON WILKERSON: I make a motion that we approve a 2  
14 year extension to the Black Canyon Partners final plat for the  
15 following reason: That we will not require the applicant or  
16 this Commission to go through the preliminary plat process  
17 again.

18 MR. DAVID POOLE: Second to the motion.

19 MRS. DEBBIE ROUWENHORST: I second it.

20 MR. DAVID POOLE: Discussion.

21 MR. WILL MAUPIN: Does that mean at the end of 2 years we  
22 can't give them another extension? The way that's worded it's  
23 pretty final about us going through a preliminary plat process  
24 with them again.

25 MR. DON WILKERSON: I would say that at the end of 2 years

1 we'd end up just like this if they're not prepared.

2 MR. WILL MAUPIN: They'd have to go under the new  
3 Ordinance.

4 MR. DON WILKERSON: No. They'd come back and ask for an  
5 extension and at that time we might say they have to go under  
6 the new Ordinance.

7 MR. LAWRENCE WHITSELL: Let's make an amendment to the  
8 motion to have in writing an insurance letter of performance or  
9 credit that this is going to happen this time.

10 MR. DAVID POOLE: You want to amend the motion?

11 MR. LAWRENCE WHITSELL: Yes. I made an amendment and I  
12 want to add that to the motion.

13 MR. DAVID POOLE: Okay. Is there a second to this  
14 amendment?

15 MR. WILL MAUPIN: I'll second that.

16 MR. DAVID POOLE: It's been moved and seconded that we  
17 amend the motion, getting a letter of insurance, credit, what  
18 did you want?

19 MR. LAWRENCE WHITSELL: What works the best?

20 MR. KELLY BARBER: Letter of credit.

21 MR. LAWRENCE WHITSELL: Okay. Letter of credit.

22 MR. DAVID POOLE: Okay. Discussion. All those in favor of  
23 the amendment signify by saying I.

24 (Four Commissioner's in favor.)

25 MR. DAVID POOLE: Opposed same sign.

1 (One Commissioner opposed.)

2 MR. DAVID POOLE: So the motion for the amendment carries.

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3 Now the motion as amended would be that we give them a 2 year  
4 extension with a letter of credit. Discussion on that motion.

5 MR. BRAD HAWKINS-CLARK: What is the letter of credit  
6 amount based on? Just so we can enforce that.

7 MR. LAWRENCE WHITSELL: We should put a dollar value on it;  
8 \$400,000.

9 MR. DAVID POOLE: You want to amend this motion again?  
10 Okay. If there's no opposition to \$400,000, I think we can just  
11 write it in here.

12 MR. DON WILKERSON: What you're looking at, Mr. WhitSELL,  
13 is the work on 7/10ths of a mile, but I thought we were just in  
14 here doing an extension on the final plat.

15 MR. KELLY BARBER: It was a condition to approval of the  
16 preliminary plat to have those improvements done.

17 MR. DON WILKERSON: Oh, okay.

18 MR. DAVID POOLE: Discussion. If not, all those in favor  
19 signify by saying I. Opposed same sign. Motion carries.  
20 Sounds like you got your extension.

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22 (Motion carries.)

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24 MR. KELLY BARBER: Thank you.

25 MR. DAVID POOLE: A letter of credit within 30 days.

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1 MR. KELLY BARBER: Sounds good. We can do that.

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3 REGULAR MEETING:

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

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6 MR. DAVID POOLE: Items from the Planning  
7 Director/Administrator.

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8 MR. BRAD HAWKINS-CLARK: I was just going to point out that  
9 within about 2 weeks we'll get the draft from Terri, our  
10 consultant. She would like to review what she has drafted for  
11 that Ordinance amendment with you in a workshop. The goal was  
12 to keep this thing moving so that we could go to public hearing  
13 with this Ordinance amendment. She might work with some  
14 targeted groups in the community to get some input but she  
15 really wanted to have a workshop with you first because these  
16 are pretty significant changes to our Ordinance. So I'm  
17 thinking a couple hours probably to go through and hit with you  
18 these highlights and get your feedback. I know summer is a busy  
19 time for everybody. What are your schedules like? We could add  
20 it onto your next regular meeting in August if you want but  
21 given the Merrill's, that might be kind of a long night.

22 The workshop will be open to the public but they won't be  
23 able to testify.

24 (Commissioner's discussed their schedules and decided to  
25 have the workshop on July 31st at 6pm.)

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3 REGULAR MEETING:

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

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6 MR. DAVID POOLE: Comments from the Deputy Prosecuting  
7 Attorney.

8 MR. DAVID HARGRAVES: Nothing.

9 (A few comments were made on the language of a Development  
10 Agreement.)

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REGULAR MEETING:

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

MR. DAVID POOLE: Any further comments from the Commission?

(No comments from the Commission.)

REGULAR MEETING:

Item No. 6 - Adjourn

MR. WILL MAUPIN: I make a motion that we adjourn.

MRS. DEBBIE ROUWENHORST: Second.

MR. DAVID POOLE: Motion carries.

(Motion carries unanimously.)