

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(d) – 31-874 to discuss indigent applications. Roll call vote was taken.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Regular session resumed. The following decision was made as a result of the Executive Session:

K-03-16-01 Motion by Wootan, second by Hofer, to approve with a reimbursement order of \$75.00 per month and 50% of federal and state tax refunds as payment

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Sheriff Rick Layher and Chief Deputy Mike Barclay appeared to discuss a personnel issue.

Motion by Corbus, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(b) to discuss a personnel issue. Roll call vote was taken.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Regular session resumed. No decision was made as a result of the Executive Session.

Motion by Corbus, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(d) to discuss records exempt from disclosure. Roll call vote was taken.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Regular session resumed. No decision was made as a result of the Executive Session.

Motion by Corbus, second by Hofer, to approve the 2016 Cooperative Law Enforcement Operating Plan and Financial Plan between the Elmore County Sheriff and the USDA, Forest Services, Boise National Forest.

CORBUS -**AYE**

WOOTAN..... -AYE
HOFER -AYE

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve and sign the Agreement between the Idaho Department of Parks and Recreation and Elmore County for the Idaho Recreational Boating Safety Program.

CORBUS..... -AYE
WOOTAN..... -AYE
HOFER -AYE

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve and sign the letter of support for the Prairie Quick Response Unit.

CORBUS..... -AYE
WOOTAN..... -AYE
HOFER -AYE

Motion carried and so ordered.

Jennifer Smith, Human Resources Manager, appeared and reviewed revised job descriptions for the Extension Office.

Motion by Corbus, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(b) to discuss a personnel issue. Roll call vote was taken.

CORBUS..... -AYE
WOOTAN..... -AYE
HOFER -AYE

Motion carried and so ordered.

Regular session resumed. No decision was made as a result of the Executive Session.

Blake Watson, Jeff Maffuccio and Mark Stokes, representing Idaho Power, appeared to update the board on the Gateway West transmission line project. Discussion followed regarding proposed action for Gateway West segments and environmental protections measures that need to be taken. Discussion was also held regarding economic development grants offered by Idaho Power. Chairman Corbus discussed the life flight helicopter landing area at the Pine EMS building and the lack of lighting for landings. Mr. Watson will look into the lighting issue for the landing area. Power generated from wind farms and solar farms was also discussed.

Motion by Wootan, second by Corbus, to adjourn for lunch.

CORBUS..... -AYE
WOOTAN..... -AYE
HOFER -AYE

Motion carried and so ordered.

Regular session resumed.

Motion by Hofer, second by Wootan, to approve the minutes for March 18, 2016 and March 24, 2016.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the Ambulance District Expenses in the amount of \$187,919.56, payable to Elmore Medical Center-\$106,622.60, Verizon Wireless-\$206.24, Pine Resort, LLC-\$209.72 and Sawtooth Emergency Vehicles-\$80,881.00.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the Pest Abatement District Expenses in the amount of \$68.97, payable to Verizon Wireless-\$32.80 and Centurylink-\$36.17.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the payroll for 2016 in the amount of \$447,381.08.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the number of ballots to order for the May 17, 2016 Primary Election.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the establishment of polling places for the May 17, 2016 Primary Election.

CORBUS -**AYE**
WOOTAN -**AYE**
HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the Certificate of Residency applications for Ruth E. Abernathy and Perla J. Valdez.

CORBUS -**AYE**
WOOTAN -**AYE**

HOFER -AYE

Motion carried and so ordered.

A short recess was taken. Regular session resumed.

Paula Riggs, Economic Development and Mayor Rich Sykes, appeared to review the Buxton project. Bonnie Layton, Glens Ferry Economic Development Director was on speaker phone. Ms. Riggs stated that Buxton has provided an overwhelming amount of information and she has started with a basic example report. She put in a drive time of thirty minutes from Mountain Home, to include the Glens Ferry, Bruneau and Grandview areas, since residents there often drive to Mountain Home to shop or eat. With that drive time, she generated a report that showed what type of sales Mountain Home is currently making and what potential business opportunities and revenues are “leaking out” to other communities. Discussion followed regarding the report results and the next steps that need to be taken to boost economic development in the area.

Motion by Hofer, second by Wootan, to approve the Finding of Facts Conclusion of Law on indigent case K-11-15-06.

CORBUS -AYE

WOOTAN -AYE

HOFER -AYE

Motion carried and so ordered.

John Faulkner and John McGrew, appeared to discuss dissolving a herd district. Attorney Grant stated that a public hearing would need to be held in front of the commissioners. He explained that the group will need to file a petition requesting the dissolution of the herd district that meets all of the statutory requirements before a public hearing held. Once the petition is received, he will work with Alan Christy to review the petition and schedule the public hearing.

Mike Simmonds, ZGA Architects, appeared and reviewed the initial findings and proposed layout of the building located at 2180 American Legion Boulevard.

A recess was taken. Regular session resumed.

An appeal hearing was held regarding an approved Conditional Use Permit by Jim Carrie dba Intermountain Development Inc. CUP-2015-09. Present at the hearing were Chairman Bud Corbus, Commissioners Wes Wootan and Al Hofer, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Essl and Land Use and Building Department Director Alan Christy. Several residents from the surround area of the proposed subdivision were present in the audience. Chairman Corbus called the meeting to order. Roll call vote was taken and the public hearing was opened.

Chairman Corbus made a disclosure statement for the record, stating that there was a discussion with Mr. Carrie, during the December 18, 2015 commissioner meeting, after Mr. Carrie received a copy of the

decision on his appeal hearing, and that a verbatim transcript was available for those interested in that discussion.

Chairman Corbus stated that anyone wishing to submit any additional written testimony needed to hand it to the Deputy Clerk at this time to be entered into the record. Several pieces of written testimony were handed in and copies of the documents were made for the board. Chairman Corbus asked if anyone else had any other written testimony they would like to submit for the record and no one else came forward.

Mr. Christy reviewed a summary of the rules for the public hearing. He reminded the audience that those who will be testifying will have a time limit and asked that once the timer rings for them to please end their testimony. He also stressed that the audience members be courteous and quiet while others are testifying.

Chairman Corbus stated that the board wants everyone to have an opportunity to speak and that sign in sheets were available for those that wished to speak.

Mr. Christy gave a brief summary of the staff report which included a background of the procedures used in the history of the project and the board was provided copies of the staff report for their review.

Notice of the public hearing was published in the Mountain Home News on March 9, 2016. Notice of the public hearing was mailed to agencies on March 4, 2016. Notice of the public hearing were mailed to neighboring property owners on March 4, 2016. Notice of the public hearing was posted on site on March 24, 2016.

The site is located in portion of the W1/2 NE1/4, Section 15, Township 3 South, Range 6 East, B.M. A common way of locating property is from Sunset Strip turn onto Frontage Road. The site is located approximately one (1) mile on the right.

The property is currently zoned Agriculture, and is located in the Area of City Impact for Mountain Home. The site is located in the Mountain Home Rural Volunteer Fire District.

The applicant believes he has new and/or additional relevant information that was not previously presented in the prior public hearings. The applicant is contesting the board's requirements for two (2) acre minimum lot size and utilization of a community water system. The applicant is also requesting other subdivision improvements not be required.

The staff report provided additional analysis for the zoning ordinance and the comprehensive plan. The staff report included two letters for the record. A supplemental staff report was given to this board today as well, which included an additional email for the record. The staff report also included seven additional attachments. The board was provided with additional analysis on the required findings, found in

Ordinance Section 6-27-7. The board was also provided with additional comment on septic and water requirements for the subdivision.

Jim Carrie, the appellant, was first to testify. Chairman Corbus stated that the appellant would have fifteen minutes to present his testimony. Mr. Carrie began to hand out written testimony to the board. Chairman Corbus stated that the audience was already asked to submit written testimony and asked Attorney Grant how he should handle the matter. Mr. Carrie became upset, put his written testimony on the desk in front of the board, and left the hearing.

Attorney Todd Lakey, representing Mr. Carrie came forward and stated that Mr. Carrie's documents were submitted only a few minutes late and asked if the board could take another recess and make copies of the documents to be submitted. Chairman Corbus explained that Mr. Carrie was present in the audience when everyone was asked to bring forward any written testimony they wanted to be submitted and Mr. Carrie did not come forward at that time. Attorney Lakey feels that Mr. Carrie may not have considered his documents "written testimony" and doesn't feel that his documents should be excluded from the record. Chairman Corbus agreed that it shouldn't be excluded, but stated that there is a set of rules for the hearing that need to be followed. Attorney Grant stated that he had no objection to the board accepting Mr. Carrie's documents for the record if the board so chooses. Chairman Corbus stated that he felt Mr. Carrie acted inappropriately. Attorney Lakey stated that Mr. Carrie has put a lot of time and effort into this project and asked for a little understanding and allow the documents to be submitted into the record.

Chairman Corbus stated that the board would take a short recess to make copies of Mr. Carrie's documents to be submitted into the record.

Attorney Lakey thanked the board for accepting Mr. Carrie's documentation. He reviewed the first document showing ninety three signatures that Mr. Carrie acquired from business owners in Mountain Home and one hundred thirty signatures from Mountain Home residents, all in support of his subdivision. Attorney Lakey stated that the board has limited opportunities to support economic development in Mountain Home and feels that this subdivision is an opportunity to do that and that the petition from the business owners show the recognition and support of that. Attorney Lakey requested that the board not include curb, gutter and sidewalk on lots that are so large and rural in nature, as infrastructure like that is more of an urban style requirement. Attorney Lakey stated that if the board is going to impose a community water system, it should be consistent with what is there as far as the residential character of the area. He feels that having requirements of two acres lots and a community water system is essentially like a denial, as the project will not work with those requirements. A community water system with one acre lots fits with the character of the area as far as residential projects, with a number of them being done by Mr. Carrie in the past. If the lot size is doubled, then they are going outside the character of the area. If the board is going to impose the community water system, they ask that it be consistent with the existing subdivisions that are out there. Attorney Lakey concluded his testimony and asked if the board had any questions for him.

Chairman Corbus asked if Mr. Carrie has acquired a water right for the well for the proposed subdivision. Attorney Lakey stated that he could not answer that definitively, as he was not involved in that process. He stated that Mr. Carrie's plan was to pursue those community water rights, but he did not anticipate being successful. Commissioner Hofer held up a document, which was part of the record, showing a water permit report from the Idaho Department of Water Resource, in the name of Intermountain Development Corp., and asked Attorney Lakey if that was a water right for Mr. Carrie's proposed subdivision. Attorney Lakey stated that, according to the document, it looks like the water right must have been approved. Commissioner Hofer stated that the document has a "water right number" on it. Attorney Lakey stated that he is only going off of the document Commissioner Hofer showed him and again stated he was not involved in Mr. Carrie's water acquisition process. Chairman Corbus pointed out that the document stated the water right is for fifty three homes and that the right is for the use of "trust water", subject to review five years after the initial approval to re-evaluate the availability of the trust water. He stated that he wants to be clear on whether Mr. Carrie has procured a long term water right and if someone buys a home in the subdivision, they will be guaranteed water from that point forward, without a water call or a "priority date" in the near future. Once again, Attorney Lakey stated that he would not be the one to answer that question, as he was not involved in the process.

Attorney Grant asked if Mr. Carrie is still opposing the requirement for the community water system, in light of the water right he has obtained. Attorney Lakey stated that Mr. Carrie would be the best person to answer that. He stated that Mr. Carrie still has concerns regarding the technical requirements that may be imposed with a community water system. He stated that Mr. Carrie obviously pursued a community water right, but his preference would be to have the ability to do either one, as far as a community water system or individual wells. Attorney Lakey again stated that if the community water system is imposed, they ask that it be consistent with existing subdivisions and allow him to utilize one acre lots. Attorney Grant asked Attorney Lakey if he was aware of any procedural defects throughout this process, either with Planning and Zoning or with the commissioners prior appeal hearings. Attorney Lakey stated that he would have to say he has not had an opportunity to fully review that. Attorney Grant asked if there was any part of the commissioners prior findings that he feels were not compliant with the county ordinance. Attorney Lakey stated that he would like to reserve his answer on that question as well to have an opportunity for further review.

There were no further questions for Attorney Lakey at this time.

Chairman Corbus stated that testimony would now be heard from those in favor of the reconsideration of the appeal. There were no others wanting to testify in favor of the reconsideration.

Chairman Corbus stated that testimony would now be heard from those neutral of the reconsideration of the appeal. There were no others wanting to testify as neutral of the reconsideration.

Chairman Corbus stated that testimony would now be heard from those opposed to the reconsideration of the appeal.

Richard McMahan was first to testify. Mr. McMahan asked if he could have a copy of the petition that was submitted by Mr. Carrie and requested a recess to review it because he has a rebuttal regarding how the petition was worded. A copy of the petition was made for Mr. McMahan and after a quick review he continued his testimony. Mr. McMahan stated that at the time the petition was being distributed around town, it had already been determined by the board that the subdivision would not contain fifty three homes, it would be one home per two acres, which is roughly twenty six homes, but the petition stated a "fifty three lot subdivision". Mr. McMahan spoke with someone from the Department of Water Resources (IDWR) after the Elmore County Ground Water district meeting last week about the proposed subdivision and mentioned fifty three lots on sixty five acres and stated that the person was surprised that anyone would approve that because Mountain Home already has enough water problems. Mr. McMahan reviewed the drops in his static water level and stated that his level dropped thirty vertical feet in eighteen months. Mr. McMahan discussed a permit approval notice with a priority date of December 4, 2015, for a permit to appropriate water by Intermountain Development Corp. for domestic water and fire protection. He stated that Mr. Carrie initially applied July 22, 2015 and wanted irrigations rights included, but was informed by IDWR that he would have to make some changes, which he did. His last application was filed in December 2015. Mr. McMahan stated that Mr. Carrie has been fooling everyone, saying since July that it would take two to three years to get water rights, but as of February 25, 2016 he has received a permit to appropriate water in two community wells.

Martha Ralphs was next to testify. Ms. Ralphs stated that she is the secretary for Town and County Water. She reviewed the water levels and how far down they had to go down in order to get water in their area. She showed a graph depicting the how the water flows across the area of the proposed subdivision into their two wells and how the proposed development would greatly impact the water levels for her subdivision. She stated that information came from a report she received from the Department of Environmental Quality (DEQ) in 2002. She stated that their water license is from 1980, so if something were to happen to their water, they could consider that it is due to Mr. Carrie's development in the proposed area. She also stated that the Town and Country subdivision was created in 1970 with forty nine homes, but only thirty three homes are on the community well, and it took twenty seven years for some homes to be built in the lots. She stated that she was ok with the community wells in the proposed subdivision, since they do testing on their community wells for e-coli and other hazardous waste each month and keep a record of the testing for the residents.

Jim Blanton was next to testify. Mr. Blanton stated that he is a licensed water tester in the state of Idaho and does all of the water testing for Town and Country Water, which includes e-coli and nitrate testing and all other testing required by DEQ. He has invested a lot of his time every day making sure the water quality is good for all of the residents in his subdivision. Mr. Blanton stated that one of their community wells is one hundred three feet from the property line of the proposed subdivision and the other is one

hundred ten feet from the property line. Part of his concern is with the number of septic tanks Mr. Carrie wants to put in the proposed subdivision. He was told by DEQ that the nitrate levels in southern Idaho are on the rise and if their levels go above the national limit, it will cost tens of thousands of dollars to do a reverse osmosis system to fix it. Mr. Blanton asked the board to consider denying the application due to the number of homes and the number of wells that are being proposed. He stated that, according to public record at DEQ, Mr. Carrie met with DEQ in December where he stated that he plans to move forward with fifty three homes and start off with eleven wells. Mr. Blanton stated that if there are fifty three septic tanks situated on top of their wells, he is afraid that it will increase their nitrate levels in their water. Mr. Blanton is also concerned with the amount of water that will be used in the proposed subdivision and feels that a community water system is a must have so the water usage can be regulated just like everyone else.

Connie Guyer was next to testify. Ms. Guyer stated that she was very offended by the way Mr. Carrie acted earlier in the hearing by throwing papers at the commissioners. She stated that everyone in the audience was given the rules for the hearing and then was told the proper etiquette and behavior that was expected. She feels that Mr. Carrie blatantly disregarded those rules and she is very offended that they have to continue on with the hearing. Ms. Guyer stated that she moved to that area to not have other houses right on top of her and does not want new homes impeding her view. She stated that water is an issue and she doesn't want to have to drop her well. She is also concerned that fifty three septic tanks have the high potential for contaminating the ground water. She stated that it is called a conditional use permit for a reason, because there are conditions to follow. She stated that Mr. Carrie wants a reconsideration because the decision was not feasible for him. She feels that it's not feasible for him because it doesn't fit within "his" parameters. She stated that at one of the hearings, Commissioner Hofer asked if they could reach a compromise and this is why they could never reach a compromise, because you give Mr. Carrie an inch and he wants a mile. She stated that she has missed work to be at every hearing. She has not seen Mr. Carrie's petition with the signatures showing support of the project but stated that none of these business owners ever show up at the hearings to show their support in person. She feels that this speaks volumes and thinks the board should reconsider their decision. She also stated that when he walked out of the hearing and said that he was "done", that should tell them something, if he doesn't get his way he throws a temper tantrum like a child.

Ken Guyer was next to testify. Mr. Guyer stated that water levels and water contamination are also his major concerns. He also feels that when Mr. Carrie stomped his feet and walked out the hearing, saying he's done, just shows that he does not care about the community, he just wants to make money and Mr. Guyer hopes that his project gets shut down.

Anthony Klazura was next to testify. Mr. Klazura agrees with everything his fellow neighbors have said in opposition to this project. He feels that the only rights Mr. Carrie cares about are his own and no one else around him, it's all business to him. He is also confused as to why the hearing is proceeding, since Mr. Carrie said he wanted to kill the project and stormed off like a child. Mr. Klazura stated if Mr. Carrie wants to kill the project then that's exactly what should happen. He attended the last meeting and was

agreeable to a compromise with Mr. Carrie and now at this meeting, it seems like they are back to square one again, so now he is totally opposed to the project.

Jeffrey Hobbs was next to testify. Mr. Hobbs thanked the board for their due diligence on the impact of building the proposed subdivision and what effects it would have on the surrounding subdivisions. He reviewed a plat map depicting fifty three lots in the proposed subdivision and stated that Mr. Carrie is still pushing the fifty three lots through DEQ, even though the decision was for half that many lots. Mr. Hobbs discussed Idaho statute Tile 39, Protection of Water Quality and Safety, which states cities and municipalities, state and local, will enforce safety of water issues, which Mr. Hobbs feels means it comes down to the commissioners. He would like to see the water issues become part of the twelve conditions of the conditional use permit. Mr. Hobbs stated that it is evident that Mr. Carrie has a blatant disregard for the CUP process because he is trying to “backdoor” everything. He stated that all of the written testimony that has been handed in by him and his neighbors is all based on scientific facts and they are all hoping that the board will base their decision on those facts. He asked the board to stick to their guns and deny any further proposals because Mr. Carrie is ignoring the board’s decision and still trying to push for the fifty three lots.

Robert Peace was next to testify. Mr. Peace stated that he has listened to all of the information that was given today and without seeing the information Mr. Carrie gave to the board, he does not see a reason for the board to reverse their decision that they already made regarding the two acre lots and a community water system. He understands that development is needed and that the population in the county has gone down. He understands the need to bring people back into the county and the need to have jobs and housing for these people. But they also need a good community where people get along and where the water quality is safe.

Ralph Cole was next to testify. Mr. Cole stated that not only are we in a critical water area, but we are reaching critical mass. Three years ago he had to pay \$800.00 have his well lowered. In the first twelve years of living at his address, his static level dropped 3.26 feet per year and the next time he has to lower his well it will probably cost \$8,000.00. His concern is, if water is such a critical resource, why do people keep building?

Charles Nicholson was next to testify. Mr. Nicholson lives right next door to the planned subdivision. He attended the IDWR meeting last week and asked what they thought of fifty three wells on sixty five acres of land and was told that fifty three was a lot of wells for that acreage. He was told by IDWR that they have the right to turn down subdivisions and have done so due to water issues. He was also told that all wells that are used for farming are going to be metered, so no one will be “stealing” water from their neighbor. Mr. Nicholson is concerned about what happens if Mr. Carrie starts drilling wells and his well goes dry because of it. He is very concerned over what will happen to the water situation if fifty three wells are drilled in the proposed subdivision.

There was no others wanting to testify.

Attorney Grant wanted the record to reflect that Mr. Carrie voluntarily left the hearing prior to making his presentation to the board and did not return. Mr. Carrie’s attorney gave the board a brief presentation and then left the hearing without returning as well, so neither were present to rebut any testimony from those in opposition.

The hearing was closed.

The board will take the matter under advisement. Deliberations will be on Friday, April 8th at 2:00pm.

Motion by Corbus, second by Wootan, to adjourn.

CORBUS -AYE

WOOTAN -AYE

HOFER -AYE

Motion carried and so ordered.

/S/ FRANKLIN L. CORBUS, Chairman

ATTEST: /S/ BARBARA STEELE, Clerk