

Motion by Corbus, second by Hofer, to approve the Pest Abatement District Expenses in the amount of \$7,178.76, payable to Centurylink-\$114.36, Verizon Wireless-\$32.81, Elmore County-\$4,879.57, Walmart Community-\$474.27, Express Employment Professionals-\$1,165.67 and Office Value-\$512.08.

CORBUS -**AYE**

WOOTAN -**AYE**

HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Hofer, to approve the Certificate of Residency applications for Randy E. Scales and Sierra J. Tucker.

CORBUS -**AYE**

WOOTAN -**AYE**

HOFER -**AYE**

Motion carried and so ordered.

Motion by Corbus, second by Hofer, to adjourn for lunch and a jail inspection.

CORBUS -**AYE**

WOOTAN -**AYE**

HOFER -**AYE**

Motion carried and so ordered.

Regular session resumed.

The board conducted deliberations on Elmore Development, LLC regarding an application for a zoning ordinance amendment from agriculture to light industrial and a comprehensive plan amendment. A public hearing was held on October 7, 2016 regarding the application. Attorney Grant prepared finding of facts for the boards review and deliberation. While preparing the findings, Attorney Grant found that a development agreement is required for a re-zone application or a change in the map. Specifically, the ordinance reads that a development agreement application and approval shall be required for all zoning ordinance map amendments, final approval of the zoning map amendment shall be contingent upon an executed and recorded development agreement and applications for a zoning map amendment shall require a concurrent submission of the development agreement application. Attorney Grant stated that the Planning and Zoning Commission recommended approval of the application with an added condition to “recommend” all “future” development projects submit a development agreement. The Commission is recommending, not requiring, that future development projects submit development agreements, which is not consistent with the zoning ordinance in two ways. First, development agreements are required and not recommended and second, they are required as a condition of any zoning ordinance map amendment. Attorney Grant stated that according to the ordinance, the development agreement must be in place at the time of approval if the board so chooses to approve the application. Based on that, Attorney Grant prepared an initial finding that the matter be remanded back to the Planning and Zoning Commission and the Land Use and Building Department Director to correct the application and obtain the necessary development agreement application from the applicant. It would then need to back to a hearing with Planning and Zoning after they have followed all of the notice and hearing requirements. Once they make

