

RESOLUTION NO. 606-16

A RESOLUTION AMENDING THE BUDGET OF THE ELMORE COUNTY GOVERNMENT TO PROVIDE CONTINUING FUNDING AND ADJUST FOR CHANGES IN SPENDING PRIORITIES.

WHEREAS, The Board of Commissioners of Elmore County have the authority and duty under Article XVIII, Section 6 of the Idaho Constitution and Title 31, Chapter 6 of the Idaho Code to provide funding operations of the Government of Elmore County for expenditure of those funds; and

WHEREAS, The Board considered this adjustment to the 2017 County budget during a regular session on October 7, 2016 and the need to make transfers within the County budget has been satisfactorily demonstrated to the Board of Commissioners.

IT IS HEREBY RESOLVED:

1. That \$60,406.00 from line item 138.338.00.099.00 PILT, be transferred to line item 135.335.00.098.00 Drug Court, to cover expenses.
2. That \$200,000.00 from line item 138.338.00.099.00 PILT, be transferred to line item 643.843.00.098.00 Juvenile Justice, to cover expenses.
3. That \$100,000.00 from line item 138.338.00.099.00 PILT, be transferred to line item 126.326.00.098.00 District Court, to cover expenses.

This resolution shall be effective October 7, 2016.

PASSED, at a regular meeting of the Elmore County Board of Commissioners in the County of Elmore, State of Idaho, held on the 7th day of October, 2016, upon which roll call vote was duly taken and said Resolution duly passed by a unanimous vote.

ELMORE COUNTY COMMISSIONERS

/S/ FRANKLIN L. CORBUS, Chairman

/S/ ALBERT HOFER, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Motion by Corbus, second by Hofer, to approve and sign the Independent Contract Agreement with Allen’s Water Tender Service, Inc. for Snow Removal at the Pine EMS building.

CORBUS..... -AYE

WOOTAN..... -ABSENT

HOFER -AYE

Motion carried and so ordered.

This public hearing is for a proposed zoning change from Agriculture (A) to Light Industrial (M1) and a comprehensive plan amendment to amend the future land use map from Highway Interstate Commercial (C2) to Light Industrial (M1). Chairman Corbus called the meeting to order. Roll call vote was taken and the public hearing was opened.

Chairman Corbus asked if the commissioners had anything disclosures to make at this time. Commissioner Hofer stated he has no disclosures at this time. Chairman Corbus stated the same.

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. No one had written testimony for the board.

Mr. Christy reviewed a summary of the rules for the public hearing. He 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. The applicant is proposing a zone change from Agriculture to Light Industrial along with a Comprehensive Plan change to the Future Land Use Map to change the site from C2 Highway Commercial to M1 Light Industrial.

Bonnie Layton, representing Elmore Development, LLC, was first to testify. They are requesting the zone change because of economic development opportunities in Elmore County. The future land use map has the property zoned as heavy commercial and they feel that with the amount of land that is available and the easy access to the interstate, the property would be more attractive to businesses that are light industrial. Some of the uses on the land use chart overlap, which means that something that is allowed in heavy commercial is also allowed in light industrial, so that is why they are requesting the zone change. Once the zone change is done, it will make the property more marketable for site selectors and businesses. Ms. Layton stated that often times light industrial, light manufacturing or even a distribution center has certain land size requirements. She also stated that not many available parcels in the county offer good road access as this property does.

Chairman Corbus stated that testimony would now be heard from those in favor of the request for the zoning change and comprehensive plan amendment. There were no others wanting to testify in favor of the request.

Chairman Corbus stated that testimony would now be heard from those neutral of the request for the zoning change and comprehensive plan amendment. There were no others wanting to testify as neutral of the request.

Chairman Corbus stated that testimony would now be heard from those opposed to the request for the zoning change and comprehensive plan amendment.

David Ascuena was first to testify. The referenced property borders his property to the south and east and the southeast portion of his property is farmed. Mr. Ascuena stated that although he is opposed to the request for the change, he is not opposed to development and improvement. Of the many surrounding properties, he is one of only two who lives on and farms his property and he just wants to know what is coming in and how it will impact farming operations on his property, be it negatively or positively and how it may affect his property value. He feels that he should be notified when a business is planning to come in so he can have his say. Mr. Ascuena stated that if the use were to be for something other than agriculture, he would like to get some sort of notice so that he can have a say in whether or not it would be egregious to his operations. Commissioner Hofer asked if there was any limitations regarding "light industrial". Mr. Christy stated that in the chapter eight of the ordinance there is a list of prohibited uses and a list of uses that would be allowed with administrative approval and a conditional use permit approval. Mr. Ascuena stated that he has seen the list of uses but would still like a notification and a say in what is planned. Chairman Corbus asked Mr. Christy if there is a procedure for notifying neighbors. Mr. Christy stated that if the use would require a conditional use permit or an administrative change, then the neighbors would be notified.

Dallas Snyder was next to testify. The referenced property border's his property on all sides, like a "donut hole". Mr. Snyder attended the Planning and Zoning hearing and heard mention of a truck plaza or distribution center going onto the referenced property. It was stated that the location is perfect because it is the midpoint between Seattle and Denver. He stated that the drive from Seattle is approximately eight hours and he is not positive, but he thinks that truck drivers can only drive eight hours max. He has concerns that trucks may be starting up in the middle of the night, causing noise issues, so he would be opposed to a truck plaza or distribution center going in. He is also concerned that the road may need some repairs, as it is already starting to crack and deteriorate due to trailers hauling beets driving on that road 24-7 for several months at a time and he wonders if the county is ready to take on responsibility for repairs to the road if there is additional truck traffic. Chairman Corbus stated that the Mountain Home Highway District would be responsible for the road repairs but thanked him for the concern.

There was no others wanting to testify.

Attorney Grant stated that if the board has any questions, now would be the time to direct those questions to Mr. Christy. Chairman Corbus again asked if there is a way neighboring property owners can be notified on what business may be going on the property so that they can be part of the process so they can protect their property rights. Mr. Christy believes that the board has the authority to impose that as a condition on the approval if they so choose. Chairman Corbus asked what would happen if a neighbor was opposed to what would be built because they felt it would be harmful. Mr. Christy stated that without doing a thorough review of the ordinance, the first thing that would come to mind would be any impacted

individual could always file an appeal. Even if it is an allowed use, an allowed use requires a zoning permit and the issuance of a zoning permit for a certain use can be appealed.

Ms. Harper, representing the applicant, gave additional comments. She stated that they respectfully acknowledge the concerns of the adjacent neighbors, they feel that these individuals have already had a right to be heard when the future land use map was developed and again when the land use chart was developed with what types of uses would be allowed on the property. She stated that there may even be some land uses that are in the agricultural zone that the neighbors may not agree with, but they still are permitted, so they would respectfully like the commissioners to consider that. She stated that a development agreement was discussed that would address some of the issues. She wanted to clarify the comment made earlier that there was discussion of a truck plaza as a midpoint between Seattle and Denver. The route that was discussed was actually Seattle to Salt Lake City, so that changes the scope of that discussion. She had a site selector visit Mountain Home a few years who mentioned that area and the property would be a perfect location for a distribution center. She stated that in Elmore County in general, there are not many properties that are flat and big enough for a larger operation and manufacturing or as accessible from the interstate as this property is. As she has mentioned before, she believes that this property will be a strong, marketable property with great road access when it is zoned properly.

Attorney Grant stated that Ms. Layton has provided economic development services for Elmore County and asked for her to clarify who she is employed by. Ms. Layton stated that for the last three years, the City of Glenns Ferry, Elmore County and the Department of Commerce have contributed to funding her position. She also stated that the contract expired as of September 30, 2016 and she chose not to renew the contract, so she is no longer in that position. She has known the applicant for ten years and is providing her help to him because of her background and knowledge into economic development. Attorney Grant asked the board if their prior relationship with Ms. Layton doing economic development for Elmore County would have any influence on the board. Chairman Corbus and Commissioner Hofer both stated that it would not have any influence on their decision. Attorney Grant also asked Ms. Layton if they had any proposals to try and mitigate any of the concerns of the adjacent property owners. Ms. Layton stated that they held two neighborhood meetings about a year apart where this same discussion was held. The same issues came up in the Planning and Zoning hearing and they proposed having a condition that there would be a development agreement put in place where the concerns would be addressed. Discussion followed.

Commissioner Hofer suggested the possibility for continuing the hearing so the applicant and adjacent property owners can meet and discuss addressing the concerns in a development agreement.

Mr. Ascuena gave additional comments. He feels that a development agreement may be too restrictive or too liberal depending on what type of business comes in. He stated that one thing to consider is that

regardless of what goes in there, whether it is light industrial or agricultural, there is Mountain Home Irrigation District water and a canal running through the property as far as water rights go.

Ms. Harper gave additional comments. She just wanted to reiterate that they are following the land use code and the process that was set up with the future land use map, the land chart and the ordinances. She understands the “I don’t want this in my backyard”, but there are also the applicant’s property rights that have to be respected as well. She just wants to make sure that they are not headed down a road far away from the intent of the code as it was written as they have already been through the process. The applicant has already done a lot in the community to improve several properties that he owns and is very motivated to bring jobs into the area and this property is the perfect for that.

Attorney Grant asked if the board has any conditions that they want the applicant or Mr. Christy to consider. Chairman Corbus stated that he would like for the applicant and the neighboring property owners to meet and try to work out some sort of agreement that works for all sides. Mr. Ascuna suggested a short recess so the groups can have a discussion in the hall to see if they can come to a resolution.

A short recess was taken. Regular session resumed.

Mr. Christy reviewed the land use chart which describes all of the allowed uses and uses that would not be allowed depending on how the property is zoned, along with what permits may be required or procedures that would need to be followed so that everyone at the hearing would be clear on the requirements.

Mr. Shakoori stated that he has been here for ten years and has purchased many properties in Mountain Home trying to renovate and make the city better. He purchased the property in question because of the great location with the hopes of bringing jobs to Mountain Home. He also wants to work with the neighbors and make sure they are happy with whatever goes on the property as well.

Ms. Layton stated that the discussion of the allowed uses is very broad. The property has already been developed once, from desert to agricultural land that has been farmed. The purpose of the future land use map and the zoning ordinance is for future development and growth. They have been follow the ordinance and have gone through the public hearing process like they are required to do. They have also acknowledged the concerns that the neighbors have raised, but does that mean that the process just goes away because someone voiced a concern. She stated that Mr. Shakoori is very passionate about bring jobs into the area and about developing in a responsible way.

The hearing was closed. The board will deliberate the matter on Friday, October 14, 2016 at 2:00 p.m. The public is encouraged to attend but no public testimony will be accepted.

HOFER -AYE

Motion carried and so ordered.

Motion by Hofer, 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