

Madison County Planning & Zoning Commission

Public Hearing Minutes January 14, 2016

Chairman Matt Hartline called the public hearing to order at 7:12 PM. Those attending were Matt Hartline, Arlene Anderson, Doug Sakota, Bill Squires, Mike Munns, Aaron Swenson, Mark Hansen, Ed Williams, Brent McFadden, Troy Evans, Judy Coy, Bridger Bowen, Justin Bowen, Barbara Gibbs, Rozan Goulding, Dan Goulding, Melanie Walker, Kim Walker, Tara Holdaway, Mike Holdaway, Keith Patterson, Mary Ann Siepert, and Shane Ruebush. The commission members that were excused were Christy Swenson and Rick Robertson. The Pledge of Allegiance was recited by all in attendance and roll call was taken.

Chairman Hartline noted that the Stephen Stokes hearing was postponed until the February 11, 2016 hearing date due to an error on the public hearing notice. He further stated information about the Planning and Zoning Commission. He noted that all of the commission members are residents of Madison County and that there is diversity in the commission members.

November 12, 2015 Work Meeting Minutes

Chairman Matt Hartline asked if there were any changes to the meeting minutes from November 12, 2015. Ed Williams mentioned one addition he wanted to make. A motion was made by Ed Williams to approve the minutes with changes. Bill Squires seconded the motion. All were in favor of the motion. Motion carried. Aaron Swenson abstained from voting due to his absence at the meeting. Chairman Matt Hartline further noted that public hearings are a way for people to let their voices be heard.

HEARING

Jerome Bowen Construction - Gravel Pit Overlay

Chairman Hartline asked if the hearing had been properly noticed in the local newspaper. Judy Coy noted that the Public Hearing Notice had been published twice, on the 1st and 8th days of January, 2016. Chairman Hartline further commented that there was one commission member with a conflict of interest, that individual being Ed Williams. Mr. Williams left the meeting at this point in time. Chairman Hartline noted that it could be a perceived conflict of interest with his employment at HK Contractors because both entities are involved in the mining of gravel and gravel pits. He asked Bridger Bowen if he was comfortable with the scenario. Bridger Bowen asked him if he would not vote in any case. Matt Hartline concurred with that statement. He asked Bridger if he had additional information to add to the application. Bridger stated that he did have additional information which he would explain in his presentation. Matt Hartline stated that there were a few items to be added to the application.

Note: These public hearing meeting minutes are taken as nearly verbatim as possible from the recording.

The hearing was called to order at 7:28 PM. Bridger Bowen from Jerome Bowen Construction gave his presentation stating: First of all I would like to introduce myself, my name is Bridger Bowen, I am Jerome Bowen's son. I started running the business about five or six years ago and got more and more involved as things have gone on. And he (Jerome Bowen) is absent because he had surgery otherwise I wish like heck that he would have been doing this because I am a newby. I don't know a whole lot about this but we have done our homework and this is the direction that we really want to try and move forward to help the community and help ourselves as well. The drawings that you guys have, the drawing number one is going to show the shop and the office coming off of that new road, the farm to market road which is 5000 South. We just did the drawing number two in the event that the county would rather us not come off of 5000 South we are ok to move that over to 3300 West and come in on the Northwest corner of the property but everything else still remains the same as far as phases and reclamation and the third drawing is going to be what we envision this property to be when we walk away from it. Obviously this is conceptual. But we hope to allow for some commercial property there to be sold and premier commercial property, not just a piece of property with some buildings on it. You are going to have a lake, you are going to have some common areas. You are going to have the potential to have a pathway for other people in the area to be able to use it at their time too. With that being said I will go into my presentation.

At Jerome Bowen Construction we propose to mine gravel, of course, out of this property as well as to develop a premier commercial development on the proposed site. We feel that this permit being granted will not only benefit our company as well as many other construction companies in the area but will also help aid in the growth and development of Rexburg and the surrounding areas. After reviewing the ordinances set forth by the county which, Matt I almost just feel like I need to say, in our minds for a lot of years the gravel pits which are in place and which I am not going to name any of them we all have that vision in our mind that some of them are kind of an eye sore. And the county has done a phenomenal job in insuring that these new gravel pits, if we are wanting to go forward with it, are going to not be that eye sore. They are going to be nice. They are going to be clean, they are going to be well protected from vehicles, home owners, and so after reviewing the ordinances that are set forth by the county it is our intent to follow all guidelines, address any concerns that arise with homeowners, business owners or county officials and to make this project a positive experience for all who will be impacted by this undertaking. North is going up here. Terry Bagley owns this piece right here. It is in the works that 5000 South will come through and then tie into the new interchange. And it is our intent to, and I have thought this through in a lot of different ways, if we are granted access ingress egress off of 5000 South it keeps that traffic, of all of our trucks which we know there is going to be trucks involved with this operation, away from all of this stuff and kids and everything else on to this farm to market road. In the event that it does not go through we will put our building right here. And the haul road will come back here like this and we will open up twelve point eight acres on the far east end of this project. And this is all of course after everything is in place, our berm, our trees, which we do not plan to use the minimum standard we plan to use trees that are developed, trees that are more or less not, we are not talking fifty feet trees by any means, but they will be more than a bare root tree and we will be able to put them in place to where this blocks the view to any of the home owners, or car if a car passes, a car is passing right through here, and I am not sure Blake the ag. What was our reasoning here. Brent McFadden stated: you are next to a residentially zoned parcel. Bridger continued: We are required to block that off with these trees and bushes and the evergreens to block that. So we will start our digging here and this will be our staging area and our stock pile area and all of this purple right here will be maintained in

farm ground as long as we can possibly do that to avoid dust to avoid any anything of that nature to where we are not creating a lot of dust and a mess if you will. When we get this completed right here and we just move over to phase two then the next twelve point eight acres and we will take an aggressive approach in reclaiming this piece of property to commercial property and to start selling lots immediately if possible. Obviously things are not just going to go perfectly hand in hand. There maybe a little bit of time here and there but we plan on trying to get this reclaimed as quickly as possible. We are given three years to reclaim that after the mining process takes place on the twelve point eight acres, however we plan. However we plan to want to beautify it as quickly as possible. And phase two we will start digging right here and then it will come jump to here with our gravel staging area and these trees will continue along. Correct Brent? They will have to continue right along and we will continue that process right through all the way to here. And as we are moving this process forward of digging this gravel I wish I could tell you that we can have this thing all built and a business park started here in five years but I can't, I don't know exactly what Thornton is going to do, I don't know how fast this will all take place but just we want you to know that we will be wanting to beautify it as much as possible and reclaiming it as soon as we can. That is our goal. I mean we feel like this is going to benefit the community. I feel like with the interchange coming into play it is definitely going to be a lot of growth in this area whether we like to, whether we want it or whether we want it or whether we don't. It is going to be an area that is going to grow fast and we feel like that this will help in aiding that growth and allowing our growth to go in that direction. And it will benefit all of us if we can do this in the right fashion in the value of all of our homes or our interests in this property. That is pretty much it. We want to start a gravel pit but I want everybody to know that I don't take it lightly and I know Jerome's interest as well, we won't take it lightly. We won't take it lightly of making this just a hole in the ground and we leave it at the end of the day as a hole in the ground. I mean there are several things that could potentially happen from now until then, we don't know. There is interest in 3100 going through the center of this property. We have set these phases up strategically so that we can allow for that to happen if the county chooses to do so. But bear with me a little bit. You think you have got it all in your head but you really don't. I'm kind of wishing you could ask questions as we go. But he says you can't so. Regardless we will do our best to do everything we possibly can to keep the homeowners happy, to make it safe, to follow every guideline we possibly can, all of the guide lines that are set forth by the county and to be amenable to all of the concerns with all of the homeowners in the area and that is it.

Bill Squires: Have you got the county's ok on that road?

Bridger: No.

Blake Sharp: I can answer that. I talked to Reo Jensen today. Where we still don't have. Blake Sharp. I am the controller with Jerome Bowen Construction. I'm in Burton do you need the address. 4034 Molly Drive. We are still not sure and the county hasn't given us a clear idea yet on where the road, if that farm to market road is going to pass. We've got some issues there. Number one if it goes there whether or not we can get access to that through Terry Bagley. And if that is not the case then we will come in off of 33rd and I have mentioned that and had visits with Reo today, Madison County Road and Bridge Supervisor. He is aware of that and once that gets planned out then we will sit down and have a conversation with him and make sure that everything matches up and that we are in compliance as well.

Bridger Bowen: One other thing that goes right along with that. David Beck owns the property just to the east of where we will be starting Phase 1 and has already, I have been in communication with David and he wouldn't mind having a combined access more or less off of that north end as well. If we were able to get more or less off of that north end as well. If we were able to get that access off of 5000 South. So there are two options basically there through Terry Bagleys and David Beck.

Mike Munns: Does David Beck own all of the property to the east of you clear across the proposed 5000?

Bridger Bowen: Yes. No.

Blake Sharp: No I think he just owns to Terry Bagley's property.

Brent McFadden: No he owns clear back to where 5000.

Aaron Swenson: Is there a reason other than as far as I know 5000 is just about to go to construction. Is there a reason that you couldn't get access to that road other than maybe to get access through the Bagley property. To me 5000 sure seems like a last choice to access.

Bridger Bowen: Ya. Well we feel, I feel like it is a good place but that is just me. But I know the county might have a different idea there. I know they want to limit the amount of traffic.

Aaron Swenson: It is a limited access road.

Bridger Bowen: Right otherwise you are defeating that purpose of the farm to market road. So, but I feel like if we could kill two birds with one stone and get you know the majority of the trucks and that type of stuff and 3300 isn't a highly trafficked road anyway so that is why we are 50 – 50. We are happy with either direction.

Doug Sakota: Is this third map the reclamation.

Bridger Bowen: That is my reclamation.

Doug Sakota: The first part. So the commercial is going to be right here and this is whole.

Bridger Bowen: Brent can you pull that up? Yes those are buildings. This is deceiving believe it or not Doug. You've got three hundred feet from right at the corner of Gordo's home to our set back which is required by the county for residential. So when you look at it in that aspect there is a lot more room there than you think. The smart way or the most economical way for me to dig a gravel pit would be to go as close as I possibly can and dig a square out, however, we feel like we can recoup some of those costs with the commercial end of it versus dig right to the maximum which we still want to try and do, however, this is conceptual but at the end of the day we are going to have a contour and something that is very appealing to the eye. Go ahead.

Doug Sakota: Are you going to have more than one pond or just one large pond?

Bridger Bowen: A lot of it depends on what the county wants. I mean if they want 3100 West and are amenable to taking that through and that potentially could be two. You know I mean.

Doug Sakota: What do you think?

Bridger Bowen: I'm just wanting to get a permit for the whole thing. Until the county comes back and says we really want this.

Doug Sakota: What is your time frame?

Bridger Bowen: You know we've looked at our past records as far as how many yards of gravel we typically use in a year and it varies pretty significantly. However, are you talking one phase or are you talking the whole project.

Doug Sakota: The first phase.

Bridger Bowen: I'm going to say three to five years. Or it could be a year and we are already starting reclamation you know. I wish I could answer that a little bit better but it is pretty, it's and a lot of it does depend on the growth in Thornton. I mean where Matt he's an estimator he knows. You get gravel where you can get it the cheapest and the closest so your truck, time slows down you know. I would say an honest fair time would be three to five years before you are moving on to phase two.

Aaron Swenson: How are you going to deal with the water during the mining operations? I assume you getting into water a few feet down.

Bridger Bowen: Initially, and I can only answer half of that honestly, but initially we will take it to the water which our water table down is down low right now. And then in the event we go on the next round where we are to go in water we might quite. You know you've got, let's say it's fourteen feet right now, you take fourteen feet, you jump down on that level you pull another fourteen feet out or fifteen or eighteen, however deep your excavator can go and you start getting in to the question of is it really worth it, unless you have the right equipment to mine that material out of there.

Aaron Swenson: So you are not going to try to pump it out you are just going to try to deal it in the water?

Justin Bowen: 2747 West 3800 South, Rexburg. Typically gravel pits work like this. In our past experience you will dig one chamber and you will mine that as Bridger said down to the water elevation and that varies from sub and you know different times of the year. So you will typically dig one chamber. So in phase one, we might have a chamber and I don't know if you understand the distance but it is several hundred yards from one end to the other so you will have one chamber where you may take it down twenty feet until you hit the sub water. Now the gravel can still be mined and typically you will dig it down another twenty feet but your question was what do you do with water. Well you can do another chamber right next to it and yes you can pump that water out, not on the surface but into the other chamber and continue digging down so most commonly that is how they do it. You exchange the one water and put it into the other chamber, dig it down and then sometimes we may have three chambers there or whatever

but usually it is not just discharged out on the ground and flooded and pumped, it goes from one to the other and as that chamber fills it allows you to keep notching yourself down and digging deeper.

Bridger Bowen: That was kind of the other half of that we've got several ways of doing it but I hadn't thought it through. Whatever is going to be the most effective I guess.

Chairman Matt Hartline: Are there any other questions for Mr. Bowen. We will now have Brent McFadden give the department presentation.

Brent McFadden: So you know the purple is the Transag zone which would be considered a residentially zoned area. All of the orange is Commercial zoned. The Commercially zoned area runs all of the way down and includes DL Beck's property. Goes north to 4700 South and takes in Tom Luthy's property. So that is all Commercial zoned. It says Commercial zoned. The gravel pit overlay is just a conditional use permit that is put over that Commercial zone. So when he is done it goes back to being Commercial. I'm not trying to sell it for him but with the new interchange coming in and 5000 coming through this going to become expensive property. He may not ever mine the other half of it. If development starts coming in it is part of my job I'm looking forward and Bridger and I have discussed this. He might be better off just doing this half and leaving that and putting buildings on all of it. But that is up to him. The county has, I talked to the Commissioners on Monday, and they are interested in running this road all of the way through. It makes sense for that road to go clear through and tie into 5000, the new 5000 South. They have talked to me and Bridger has said he is amenable to building the road for them in exchange for donating the land to them in exchange for them berming that part which he doesn't have to do. He can just put the trees along there as he wants. He really doesn't have to do that because it is Commercial zoned on both sides. But the Commissioners have already expressed to me that they are interested in running that through. It makes sense to do that because when the interchange comes in if they don't do that everybody south of there that wants to get on the freeway will have to go back into the west into Thornton and out. It makes more sense for them to get on 5000 and then just go on to the interchange and get on there. So we have discussed that. How far or how fast that will go I don't know. Just to let you know that, I don't know how far into this you want me to go. We spent two and a half years writing this ordinance because we had citizens that looked, especially from Sugar City, that saw frankly a pit between Teton and Sugar City that is a mess. At that time when they went in we had no regulations. But we spent two and a half years with HK at the table and Walters at the table hashing this out. We think it is a pretty good ordinance. I have been going through it again, there are a few changes that we need to make but really it protects. He has to have those trees established, and he has to have a berm behind those trees. He has to keep them watered and alive, and if they die he has to replace them. And I have told Bridger that this panel can actually put more restrictions on it above and beyond it. That is what part of a conditional use permit allows. This is what the property looks like without the zoning. All of this is his that is in, you can see on that line. I just took some pictures when I was out there the other day that shows the view. That is looking down 5200 looking east. That again is kind of looking, that is DL Beck's shop. This looking to the North, or rather east. The roads always screw me up. This is another view of it. This is looking Southeast that is. Well actually isn't that your house Bridger. That is their house that they are going to take out. And then the other house is just past it. This is looking down 3300 West and that is the road that cuts off and then we are looking back to the Northwest a little bit. That is the old grainery in Thornton. It is their property. It is out there I

know that there are concerns about it but we really think that we have written a pretty good ordinance for this. He will have to follow that. That is my job as Planning & Zoning Administrator.

Mark Hansen: What about the townsite boundaries?

Brent McFadden: The townsite boundary is 3300. This road right here. Everything that is on that side of it. I could tell you stories about it but it is pretty much just a mess because a lot of the homes aren't built on the lots, when you bring it up, they are in the road. But any way that is the original townsite right there of Thornton.

Chairman Matt Hartline: Brent did you want to elaborate at all. As far as the commission there are annual inspections.

Brent McFadden: Yes will go out annually and check on it. They have to pay us a \$25.00 inspection fee annually. We go look at it and make sure they are following the ordinance and then you know neighbors are your biggest police force.

Chairman Matt Hartline: He also responds to complaints and things like that.

Brent McFadden: People call us all of the time, in fact I can tell you that most of my enforcement comes from the neighbors calling on a neighbor and saying he's doing this. We go out and see if there is something we can do. In this case there would be if there is mining restrictions there are hours that they can operate. No Federal holidays, no Sunday work. They can come in, you are asking me stuff I am trying to get off the top of my head. Saturday work is restricted somewhat. No crushing. There are a lot of restrictions so you know if they are breaking those you can call me up and say that they are mining at midnight. My job is to go out there and slap him around and we can actually pull their conditional use permit and put a stop to them completely.

Barbara Gibbs: What are the daily working hours? Because we, no offense against the Bowens but we hear them daily now. So what are we looking at?

Brent McFadden: Seven in the morning to seven in the evening. Twelve hour days. Saturday nine in the morning to six pm. Our ordinances are on line, you can go to Madison County, Idaho, go to departments, under departments go to Planning & Zoning. Click on that and it will bring up planning and zoning and about half way down the page there is a little green line that says code of ordinances. That will take you to a website called Municode. It has a search bar up on the corner and you can just key in whatever you want to search for and it will take you right to it.

Question: Say that again.

Brent McFadden: Just click on the green line it will take you to a website called Municode. And they do a, we send them stuff. Everytime we pass a new Ordinance it goes to them and they update our codes for us and update our code books once a year. So that is the way if you want to go through and check and make sure that they are following this ordinance. You can go through

and read it and if they are not, you can call me I will go out there and slap me around. He is a little bigger than I am I might have to take somebody with me but.

Barbara Gibbs: How many trucks a day are they going to be running and what is the order. I live right next door to Jerome's shop and have for forty years and sometimes in the summertime early in the morning.

Chairman Matt Hartline: Mam have you signed up to comment?

Barbara Gibbs: Yes I have but I will forget by then I am old.

Chairman Matt Hartline: You bring that up in your comments that way it will give them a chance to answer your questions.

Brent McFadden: But I can tell you that in the code we have no restrictions on the number of trucks in the day. We have just restricted their hours. So in fact I don't remember when we had when we went through if that ever came up. Nobody ever said anything about it. So I know that there have been complaints from others even at the county pit for using their jake brakes. There is a noise level in their also. That is pretty much all I've got to say. It is a temporary thing. They can mine the 12.8 acres until it is gone and they can't go into the other until that 12.8 acres. They will have to say when they are done with it. If you saw their one picture they only went down the road a little bit. Before they could start down they would have to get the rest of that berm and the trees planted. So their restrictions are there and when they get down here they have got to be three hundred feet from his home. We did that because we were really trying to protect anybody that lived close and the berm and the trees are supposed to are there trying to mitigate the noise and the dust and stuff. And they have to keep it watered that is part of the ordinance. Their stock piles they have to keep them watered to keep the dust down they can't just let it dry and let the dust blow.

Bill Squires: It says the contractor must submit a copy of the written approval from both the county and the road department and the state department of transportation and reviewing all entrances and exists to the property.

Brent McFadden: Yes and they will before they start. I will get those before they start. And you guys if you both can make that stipulation that they get those to me. I would appreciate it if you do. I gave them permission to do that afterward. But I will not let them start until I see those. They also have to have a state mining license.

Mike Munns: Shouldn't that have come to the commission prior to the hearing.

Brent McFadden: Yes I apologize for that it was my fault.

Aaron Swenson: We can make that a condition.

Brent McFadden: But you can you can put that on it. It is in the ordinance they have to have that before then can start. They have to have the mining they have to have the state mining license and water resource license on it. They also will let you know if they go into the water they have to have it bermed around the edges of the mining thing so that nothing on top can run

down into the water to protect the water table. We were mindful of that, we were worried that they would service their machinery and they might get some water on the ground and we don't want that oil running back into the water, ground water.

Chairman Matt Hartline: The ordinance calls for a professionally prepared plan for the prevention of ground water pollution.

Brent McFadden: So you guys want to do that we can table this and then they can come back with it. It is up to you.

Aaron Swenson: We could make that a stipulation.

Brent McFadden: Well it's a stipulation that they have to do it. You can say that you want to see it and I will make sure it is done. It will have to be in to me before we go to the county commissioners with the findings of fact. Any other questions? Do you want me to read the letters?

Chairman Matt Hartline: Read the correspondence that we received.

Brent McFadden read the two letters received from Dan and Rozan Goulding and Jared Tonks which are made a part of these minutes. See attached.

Chairman Matt Hartline: Thank you Brent. At this time we will move into the verbal testimony from those that wish to testify. Those In-favor – None, those Neutral – None, those opposed we will start out with Barbara Gibbs. When you come up would you please state your name and your address so we can have that on the record.

THOSE OPPOSED

Barbara Gibbs: My name is Barbara Gibbs, I live at 5378 South 3100 West. Right next door to Jerome Bowen Construction. They are friends of mine. I watched them grow up so it isn't that issue at all. But I have concerns, I'm a widow. I have concerns about the water table. The year after my husband passed away I had a new well a new septic system and several other things. I have lived there for almost forty years with a sand point well. Have had no problems with it all. Two years ago they drew the river down, my sand point went dry. Several other people on my street have lost their water and have had to have new wells in a direct line to me. I went down eighty feet should have probably only gone sixty because I hit a sandbar and it was a mess. It has taken me until about six months to get it taken care of. So that is the biggest concern. The noise and the dust and all of that as a home owner is a concern. Jerome has been really good business partner but sometimes in the mornings, early mornings when they start at 5:30 AM or 6:00 AM and start all of those diesel trucks if I have my windows open it is actually sickening. It can make me very nauseated. So that is my concern about the trucks and how many there will be. I am very close to the area where they are going to put that pasture, where the pasture is now. So I do have concerns. I really don't have a lot of knowledge about this, I'm a widow, so that is my only property. I am sure there will some devaluation of my property which truly isn't worth very much anyway. I have two and a third acres and I own my own home. And so I do have concerns. I guess that is about it they have addressed a lot of my concerns in the letter and I

kind of go along with the concerns the other people have. It is going to come awful close to where I live. Thank you.

Chairman Matt Hartline: Thank you very much. Rozan Goulding.

Rozan Goulding: I live at 2977 West 5200 South. Right next to the Bowens. We think the world of them. But this isn't about them it is about, we don't like gravel pits and our ideas on homes are peaceful places and going home to a gravel pit. I really don't think you guys would want that next to your homes because you have all moved away. So I think that you all understand that gravel pits bring everything that we have talked about, the noise, the dust, the traffic, the roads being beat up, the working hours are a huge concern because we are woke up every morning by the construction, the banging and stuff. It is an eyesore. I mean I can't talk about my yard either but just the construction that you guys have now I've looked at that red crane for twenty years. I hate to see it leave. I know that companies have good intentions about keeping things in order and where they are supposed to like we have talked about tonight. But that is in the real world. Probably not going to happen. The thing that really concerns me on the top of this list is if we don't take care of the water. Because we reading a lot of things about how the water is contaminated by gravel pits. We have already. Call me Aaron Brockovich but we have already had about seven cases of cancer up and near our road including my husband. We need to keep the water non-contaminated. We need to make sure it is clean. That is my biggest thing with this. So that is why I opposed it. I don't oppose a lot of things but I do oppose a gravel pit.

Dan Goulding: I live at 2977 West 5200 South. I too have known the Bowens forever and appreciate all they have done in the world. They have done a lot of stuff with their talents. My concern, I apologize I didn't read this permit as close as I should have. There is some stipulations in here that I didn't realize that were there. But there are some that I still have concerns with. One is saturation. It says that the maximum amount of active mining in the county shall not exceed ten percent of any given section. Is that a section of land or is that a plot of 80 acres they've got or is that a complete section of ground. I don't understand that because if it is they are saying ten percent of any given section where the maximum amount of any mining contract or company shall not exceed two percent of the total given section. So if twelve and one half acres is two percent then they want to add into twelve point eight acres. That is just for my clarification. I don't understand how you are dealing with a section. So maybe that is something you need to clarify.

Brent McFadden: A section of land is 640 acres.

Dan Goulding: Ok so if its 640 acres you are saying it cannot exceed more than two to ten percent of that for the gravel pit. So the 12.8% meets that 2%.

Brent McFadden: Well no 64 acres is the 10% but we only allow 12.8% to be mined at a time.

Dan Goulding: The other things we mentioned, and you read my list of concerns, and at the time I wrote those I didn't really realize without a little more research that open gravel pits are a like an open sore to your ground water. That ground water is setting there unless there is a constant flow or activity it can breed ecoli bacteria and such stuff like that which sucks into your underwater ground table. Pocatello has a real issue with the gravel pit right now that they are

fighting because it is an open pit with a water base left in it. That would be a concern to me. I am 300 yards from the front of their property down and that ground water is going to come right in to my well. That being said, like I say, I don't know how that is to be mitigated. There are some concerns back here in this part of the ordinance that stated. Anyway it was to maintain control of that but how will that be controlled and how will it be monitored how will that be regulated so that no contamination comes from that pond. Item 12B, if there is standing water on the site. Well that is part of it. Creates mosquito breeding environment, contractor must make arrangements with the county park storage areas. Anyway it boils down to the open water is somewhat become by biggest concern. I think the other stuff is like you say seems to be well written and covers a lot of the stuff but as far as how we would maintain that until all of sudden we find ecoli in our wells. So that is something to consider and that being said I hate to say it but I am opposed to the gravel pit. I don't know if it weren't as close residential areas the ones in Sugar City and the ones out in Burton I don't think are that close to residential places. But this one is close to a lot of people. That is pretty much my say on it. Thank you.

Chairman Matt Hartline: Melanie Walker

Melanie Walker: 2861 West 5200 South. My concerns are pretty much the same as everybody else's have been. In looking at that when he was introducing the first. To me that berm isn't going to do much of anything. It is going to let the dust and the wind and the noise. It doesn't mine enough to cut noise. Noise travels. It is going to still have a water effect. I agree with that. When we, when this land was first zoned as commercial and we were here to object to that with DL Beck there were certain conditions that were set with DL Beck that some of them have not been met. The original land proposal that was going to take place there is now changing. And so what else is going to change. To me this is just a stepping stone for more things that are going to be introduced. That we will slowly lose control over our area that we live in and that is one of my biggest concerns. Property value is another one and of course the noise. This has been a nice pleasant area to live in and gravel pits are not wanted. That is all I have to say.

Chairman Matt Hartline: Tara Holdaway

Tara Holdaway: 2891 West 5200 South. Same thing. I pretty much have a repeat of what everybody else has said. I have little kids that play outside and we do live literally right across. I look out my front window and see DL Beck's shop. He starts from six to twelve. He goes all the time. And it is still going to be. We can't, you go outside and you are unable to hear he makes a lot of noise. So the noise situation is a big thing for me too. Just with everything that they will be doing and how they will be running and what not. And my little boy has got lung problems so as the air pollution gets going it's going to cause more problems for him. I agree with the fact that it is not going to keep much of the dirt down even though it's supposed to be watered. We know the wind here in Rexburg dries everything out really so how well is that going to be taken care. Plus we have most of us are on wells out there. How are they going to check it to make sure that our water line is always clean and taken care of. We are not like a city situation where they do checks on it all the time. So how are we going to be taken care of that we know our water is going to be clean unless we you know go in and do all of that. That is another concern of mine.

Chairman Matt Hartline: Mike Holdaway

Mike Holdaway: 2891 West 5200 South. Obviously I live with Tara who just spoke previously. Again the same concerns that have been addressed. We have lived in this area for about ten years and it has been a nice quiet place to live with the exception of DL Beck who has come out there and changed a little bit of the topography and just the esthetics of how it looks out there. Again the water concerns, the air pollution concerns, the noise concerns. We hear it every day with DL Beck. Again a lot of the gravel pits, the way that they look, now I am sure it wasn't intended. They had great plans to make it look really nice it just didn't happen. As well as was said earlier with the trees there that little area of trees isn't going to cover very much. It is going to cover a small angle of the property and so without a doubt I am opposed to the gravel pit.

Chairman Matt Hartline: Keith Patterson

Keith Patterson: 2664 West 5200 South. I live just east of the proposal. I was not informed, but I am out of the distance apparently. Certainly this would affect my neighborhood for sure. My concerns a few of them, one if the exit is on 5200 South that road is so so narrow. With the canal right there, there is no way that can handle a bunch of truck traffic. So if there are other options, I know you guys go down their already off of 3100 but you have to turn clear in to the field almost to get your trucks out of there. That is not a very wide road to handle that kind of truck traffic in my opinion. I have nothing against Bowens. Jerome dug the hole for my foundation for my house, I appreciate it, he did a good job. With the dust and those issues that have been addressed. One point I would like to clarify, if you can't have more than 10% of a section in gravel pits what about the Edstrom's that is just the next road over basically. Is that one in the same 640 acre section or is that a different section. I have no idea. I will bring that point up. My daughter and her husband also are affected. They are the Tonks' that wrote a letter in. They are right across the street. Their house is for sale. They put it for sale in December and they pretty much had an offer on it until they had to reveal that there was this hearing tonight and now no sale. So to say that it doesn't affect values is totally bogus. So I would be opposed to this.

Chairman Matt Hartline: Mary Ann Siepert

Mary Ann Siepert: 2955 West 5200 South. I have lived out there since 1977. I run a state mandated certified family home to take care of my son that is in a wheel chair. I have my water checked every year and my water has been clear. And the state's concerned that my well is going to be degraded. Now I found this online and it has to do with the water and the gravel pits and the exposure like the lake he wants to leave. May I read it?

Chairman Matt Hartline: Yes

Mary Ann Siepert: If ground water quality were unaffected by the sub-bacterial emergents then there would be no problem. However, when ground water discharges into a surface body it naturally undergoes a variety of chemical modifications. The addition of foreign substances for example and its exposure to the atmosphere relatively high dissolved carbon dioxide content of ground water will be reduced thereby raising our PH promoting mineral precipitation. And if the dissolved oxygen content of the ground water has been lowered by chemical oxidation in the water aquifer the oxygen content will increase upon exposure to air initiating a potential claim and chain of chemical readjustment. Organic photosynthesis respiration reaction due to the surface water biota will similarly affect the dissolved gas concentrates and organic matter content, metal uptake and mobility of the water. In addition to these and other natural chemical

changes accidental or intentional releases to the surface water body of fertilizers, pesticides, petroleum, metals, sediment, sewage or any fecal waste will alter the chemistry of the water re-entering the aquifer regardless of the particular chemical changes the impact of exposing the water in this situation and this is relating to the highway pond in Pocatello will alter the ground water quality in the surface exposure and impact the surface water infiltration is well known. If these changes are minimal, nature can take care of it. If the pond is large enough and put the new chemical equilibrium then the infiltrating surface water will have impact and can carry ecoli and a variety of other diseases to us.

Now my well is literally the width of this room from the canal in the front of my house. You've got their property, the road, the canal, and my well right over there. And I am really worried about it. So because of that I would prefer that they didn't put a gravel pit over there. And I am concerned about that picture there that showed the berm. Now does the berm include slurry walls? No slurry walls, you are just going to put a pile of rock or dirt and trees in front of it. There are no slurry walls. The steps of, in the pod where they dig it they have to leave to catch any debris so it doesn't go in our ground water. Now I know you guys have landscaped. If you put those trees in like that thinking you are going to protect us all and then five years you put the next chunk in how are they ever going to look consist and nice going up the road. They are going to look like this. They at least need to come down to 3100 so that we have a consistency on the road. It is going to look like, you know, do you know what I am saying. And I think that is something that needs to be addressed because you can't put those kinds of trees give a five year head start and expect anything to catch up and look nice. And what kind of businesses want to buy property and put their business on expensive property as it has been said with a lake in the middle. Boat dealers? How many of those do we need. I mean I don't know I can't. Your fishing even if you put fish in it and you've got a fishing shop you are not going to put ten around it. So I am really curious what kind of businesses. In my mind if you covered the whole thing and made a business park out of it or an industrial park or something that to me would be more appealing to the run of the mill business than just you know you can put your plumbing shop here and you got a pond. That to me just doesn't make any sense. And maybe that is just me. Are we going to have ground water monitoring for contamination. No Ok.

Chairman Matt Hartline: Shane Ruebush

Shane Ruebush: 1893 West 5350 South. My first concern was one that has yet to be resolved that is with the traffic patterns. Because certainly putting traffic entry onto 5000 South makes sense in terms of traffic going through at the same time the concern is that it is going to make for a dangerous situation potentially with the traffic that is supposed to flow. Large trucks turning on to the road is probably not the ideal thing. My major concern now, which has been brought up by Mr. Squires, and I ask the council to follow your own rules. It says they must submit the reports from both the county road department and the state at the time of application. Nothing personal but if you cannot follow your own rules why even have the hearing. Thank you.

Chairman Matt Hartline: Thank you Mr. Ruebush. I would just like to comment and thank everybody for being very civil during all of this. Emotions can get really strong in situations like this and these are tough situations. You have been neighbors with them for years and that kind of stuff. Everything has been handled very very good. Bridger and Justin you know, I have known both of them and this has probably been one of the most pleasant public hearing I have

actually witnesses. So thank you. We would like to turn some time over to Bridger for a rebuttal and comments on some of the things that we have heard.

Bridger Bowen: First of all just hearing all of those it humbled me quite a bit just to get your points of view. And I respect every single one of your comments. And in my presentation, where I touched on being amenable to everybody's concerns I truly meant that. If you knew my dad which you mostly do he is an honest man, he will follow through with what he does, he will be fair. And I hope I'm not speaking out of turn so some of you will want to kill him but that I have been in business with him, he's my dad, I've seen how he has treated and been treated and he looks out for the interest of his friends and his contacts. A lot of this stuff it is just going to take time to digest. I don't know the answers to all the water pollution and the all the stuff. I feel like personally you and maybe some of you have but we have dug a lot of properties and every single one of those properties are beautiful. They are beautiful. We have never left a single piece of ground that is just a box walk away, we got what we wanted out of the deal. It has been set up for somebody that might really want a pretty lake to walk around. You know what I mean. I can name Parley Velora's pond. I can name Twin Bridges. We are not done with Bryce's pit in Burton so if you are thinking of that one, we are still not done. Some things take time. And that is definitely our intentions going into this. Like Brent said we might get, if we do get this permit passed we might stop before we get a scoop in the ground if things go fast enough and we can use the property for something else. But I am hopeful that we can resolve all of your concerns and everybody feels like they are getting treated fairly, that is my number one hope. And that is all I have to say.

Chairman Matt Hartline: Are there any questions from the commission.

Bill Squires: I have two real quick ones. Did you have a host meeting with the neighbors at all telling them what you plan on doing and all about your plan.

Bridger Bowen: No we never really did.

Bill Squires: Where you planning on parking your trucks?

Bridger Bowen: As far as.

Bill Squires: When they are sitting on your parking lot.

Bridger Bowen: We plan on moving locations so Dan it isn't going to be like you are going to hear a truck fire up right outside your door. I mean we plan on using this location to stage our equipment and eventually be out of that place for the most part. So this would be our new location for Jerome Bowen Construction. This will be servicing a shop to work on all of our equipment, a staging area as well as our personal offices to run the businesses. And to answer your question Bill I mean it would be in this location.

Mark Hansen: There has been a lot of concern about the ground water and we all know that ground water flows. Do you know what direction the ground water flows in this area.

Bridger Bowen: No I sure don't but I should.

Mark Hansen: I can tell you it is this direction.

Bridger Bowen: North to south?

Mark Hansen: It is from south to the northeast kind of west.

Bridger Bowen: So that might help some of you guys concern. I mean we will get more involved with that and definitely answer that question about the wells and all the concerns you guys have there. But you say it goes south to the north. Ok.

Bill Squires: So in your experience of having these gravel pits does the DEQ ever say anything about having the water open to contaminate the water? Have they ever talked to you about it?

Justin Bowen: They do random checks just like the county does theirs. They will come out and monitor fuel I mean we have already addressed those issues with our property at where we at existing now as well as Lone Pine Nursery. They come out and monitor everything making sure what is going in and what is coming out whether it be farm ag water versus irrigation water or sprinkler systems. So yes they, we have to follow their guidelines.

Bill Squires: I appreciate your concern with ground water. I am sure that the letter she read or news article if it was such a big issue I would think DEQ would stop somehow having gravel pits from being their if it was such a potential threat.

Justin Bowen: Usually once a year somebody will come around and address everything. I'm not sure how they interface with the county but I know we have had to meet some of their criteria especially with fuels, oils, all that stuff and they take that fairly serious. We as business owners and heavy equipment we have oils and fuels that is our number one priority. So yes we have a strict order in yearly reviews that comes into play.

Bridger Bowen: We do have a BMP that we have in place that we will strictly uphold which basically it's just a set of guidelines set forth that in the event of an oil spill or a hydraulic leak or that happens it immediately gets taken care of. And we enforce that with every project that we do.

Anthony Merrill: What is your estimated start time. When do you think you would start this pit?

Bridger Bowen: It could be as early as, what are we January. As early as February. Next month.

Anthony Merrill: Berming and planting trees.

Bridger Bowen: Oh that would start immediately if we could. I mean I don't know if we could get our scoop in but as soon as we could frost wise.

Anthony Merrill: Having the permit in place first. You could start immediately, have you thought that this might be drug out that you might not start for a year or two or three. Have you thought that way too? What is kind of your anticipation is what I am after?

Bridger Bowen: We are eager to start. I mean there are definitely several projects that could use it. You know and.

Anthony Merrill: My other question is what about the water rights on the property? Have you kept all of those on the property? Do they have to stay with it?

Bridger Bowen: Yes.

Anthony Merrill: Have you thought about the water rights at the end of the project? When you do the reclamation would you incorporate that into the ponds so they flowed in and kept the natural flow through that pond?

Justin Bowen: So basically the water shares there are several ways you can do that and that does accomplish some of the flows that have been talked about. Obviously we don't control the shares too. So we can transport them in but that all has got to be passed and approved before we can bring water in and let it out but that could be a viable way and we have done that in other sources. But you are asking what we are going to do with the shares.

Anthony Merrill: A lot of these wells are going dry across the country and there are a few recharge sites. Will the ponds recharge the aquifer? I don't know if this is something that needs to be done.

Mark Hansen: Contamination of the ground water is an issue. So is putting surface water into the ground.

Justin Bowen: We don't intend to sell the water rights. But yet if there is a need in the community or something happens you know that might be a viable thing where we could transfer the water rights to someone that could use them more properly. Now the pond is basically all off of sub so when the water comes up it rises and lowers, we are still going to continue the farm land there as long as we can and try to continue that so that won't change, so we will need the water rights on the property still.

Arlene Anderson: On the gravel pit overlay zone C3 it says groundwater protection. No gravel pit mining shall excavate material below the water table or groundwater unless specifically permitted as part of the gravel pit mining. I think we need to address that now so what is the average water level, ground water level or how does it vary?

Barbara Gibbs: My water level is thirty feet and we have been here since 1976 just after the flood. All that time until two years ago when they pulled the river down our sand point had of its water we needed. I went down sixty feet and that is what I am told most people do. But I was advised to go eighty feet and they hit a sand bar.

Chairman Matt Hartline: The groundwater in the area is going to be determined based on irrigation uses.

Arlene Anderson: Right, I understand that it will fluctuate.

Chairman Matt Hartline: It will fluctuate. When we talk about based on the gravel pit mining approval and groundwater that they tend to take into account two different approvals. One where we are at right now they going to look at the Department of Lands and their approval at the gravel pit also. So both entities will be involved. It doesn't say the Department of Lands right there but that is the other step of its getting the approval and the reclamation and the EPA and they are the ones that determine whether or not you can or cannot mine below the groundwater level.

Arlene Anderson: That would be an conditional use permit requirement.

Chairman Matt Hartline: So it will require the county and the state.

Justin Bowen: I can kind of answer a little bit of your question. So did you understand the process that all of these contractors use is to wait until the water table is low which is generally right now. The river has dropped, everything is down and so you will mine what gives you the most depth to excavate and mine that gravel out so you don't usually get into the water table. Now everybody around here excavates deeper but that is the idea of letting the water chamber dry or holding it down as long as you can so that you are not mining wet gravel. You are mining a gravel that has been dewatered. Do I make myself clear on that?

Arlene Anderson: I understand that process, I guess the question that first occurred to me as water then comes during high water time. When is the impact to the quality of that water then? Because water will flow into the pit and then ebb out back into the ground. Right? I guess my question is what will be the impact?

Justin Bowen: Well typically we are not down into the major aquifer which is sixty to eighty feet down there. We are talking a depth of maybe thirty to forty feet. Most of your ponds don't get that depth to go down into that major vein. Mr. Hansen might be more up on that. But as far as like there is a vein down there that is where our supply comes from and as the water shed in the mountains is higher or lower, that all plays into our wells and everything so we don't excavate down into that so what we are seeing is all the water sub above that will rise up or lower but all of that supply water comes from down lower.

Kim Walker: My pond is 20 feet deep and it has three feet of water in it now.

Justin Bowen: Typically but that is where you do the dewatering. Where you can't dewater and suck the water out and then you mine dry gravel.

Doug Sakota: This isn't really a question but rather a comment. A lot of your concerns were brought up prior to us coming up with the gravel pit ordinance and so those concerns came into the ordinance and there is a lot of policing that goes along also if there is a problem. Mr. McFadden can be contacted. There were problems with previous gravel pits. You should have seen the Sugar City people. So I just make the statement many of your concerns are viable concerns. If there is a problem and they are not abiding by them you have the right to approach Mr. McFadden and he can check and if they are not abiding then he can shut them down.

Arlene Anderson: My question has to do with what is required at the time of application and prior to the hearing.

Chairman Matt Hartline: I am actually going to comment on that. I don't know if that is more directed more towards Mr. Bowen.

THE PUBLIC HEARING WAS DECLARED CLOSED AT 9:00 PM.

Chairman Matt Hartline: No in regards to where I think we are going. The gravel pit ordinance does state in there that there are several items that shall be submitted at the time of application. It has been commented on that several times. Some of those items include items such as a sketch plan showing setbacks, buffering, berms, parking and paving operations. We've got a lot of that there but some of the items that we have not seen would be the reclamation plan, cost of the reclamation and estimated time of completion. The cost of the reclamation, the reason they are asking for that is the county has the ability, if the reclamation bond that is established with the state is not sufficient to cover those costs of reclamation the county can add additional bonding requirements for that work. That is why they are asking for if so the company can add in after the fact so that is why they ask for that. The ground water pollution plan is obviously very important. The ground water plan has to be a professionally prepared document along with the review of DEQ. There has to be sufficient water rights for the land. The plan to control noxious weeds, am I missing any of them yet? There need to be letters of review from the ITD, Madison County Road and Bridge, Idaho Department of Lands, and Madison County Mosquito and Weed Departments. So those are some of the items that need to be submitted with the application. My thoughts are to the commission are that perhaps the application ought to be tabled for a decision once all of those items are submitted. But I will leave it up to you to make those recommendations or if you have any other recommendations.

Doug Sakota: I agree with you, especially access to the roads.

Aaron Swenson: Is there a traffic impact study required on gravel pits?

Brent McFadden: I think the only thing that we ask for is that they have a statement from road and bridge that the roads can handle the traffic.

Mike Munns: Chairman at this point I feel that the information that we have and don't have that I would like to make a motion that we table this until all of the requirements are met prior to the hearing so that we can have those for discussion prior to the vote.

Chairman Matt Hartline: We have a motion do we have a second.

Arlene Anderson: I second the motion.

Chairman Matt Hartline: We have a motion and a second.

Aaron Swenson: Given the nature I am sure they are in a hurry to get this done I think if we do make the decision to table I just throw this out there that we may be willing to have a special meeting you know as quickly as possible to review it.

Brent McFadden: We have to have it in to at least 25 to 30 days before we could hear it because we will have to republish so all of these fine people can come back and hear that they have met

the demands. There is no way even if you guys were to pass it tonight that they would be started before March at the very earliest because the Findings of Fact has to go the commissioners and they have to approve it and then there is a 28 day appeal period for anyone to contest it in the District Court. So you know you are looking at, it is a long process. I apologize, it is really my fault I was trying to help them get through it. They were told they could bring it to me later. But you are well within your rights to do what you are doing on the property.

Mark Hansen: Mr. Chairman could we not put it as part of the conditions that these things are met as quickly as possible.

Chairman Matt Hartline: If there were on the conditional use permit it would not come back to the board for any review.

Anthony Merrill: Mr. Chairman I look at this a little bit like this is actually part of the application process because we are not the body that makes the final decision that has to go to the county commissioners. So they are still actually still trying to put everything together before it hits the county commissioners. So we can ask for certain things at this point if we have to do that prior to that. I don't disagree with tabling.

Chairman Matt Hartline: Mr. Sakota.

Doug Sakota: What is the earliest they could have another hearing?

Brent McFadden: The next hearing date is the 11th of February. That would be our next hearing date. If they get me everything we do it on the 25th.

Chairman Matt Hartline: Just so that everybody knows as far as this application as a commission we want to ensure that when it goes to the county commissioners that if we do approve something that we have done everything according to the ordinances and according to the law. If we were to approve something that was outside of that it does open us up to having to use Troy. Scrutiny. So we had a motion and a second.

Doug Sakota: Can they have a meeting with the neighbors to try to resolve some of these issues.

Brent McFadden: They can do whatever they want to do outside.

Chairman Matt Hartline: Judy would you go ahead with the roll call vote:

Judy Coy: Arlene Anderson

Arlene Anderson: To table aye

Judy Coy: Mark Hansen

Mark Hansen: Yes

Judy Coy: Anthony Merrill

Anthony Merrill: In favor

Judy Coy: Mike Munns

Mike Munns: Yes

Judy Coy: Doug Sakota

Doug Sakot: Yes

Judy Coy: Bill Squires

Bill Squires: Yes

Judy Coy: Aaron Swenson

Aaron Swenson: Yes

Judy Coy: The voting has been unanimous for tabling.

Chairman Matt Hartline: The motion has carried. That brings us to the conclusion of the meeting. Do we have a motion to adjourn?

Doug Sakota: I so move.

Anthony Merrill: Second

Chairman Matt Hartline: All in favor.

The motion carried and the meeting was adjourned at 9:10 PM.

Meeting minutes accepted by:

Meeting minutes prepared by:

Matthew J. Hartline, Chairman

Judy C. Coy, Coordinator