

**Madison County  
Planning & Zoning Commission**

**Public Hearing Minutes  
April 7, 2016**

Chairman Rick Robertson called the meeting to order at 7:07 p.m. Those attending were Rick Robertson, Bill Squires, Aaron Swenson, Doug Sakota, Ed Williams, Mike Munns, Matt Hartline, Brent McFadden, Troy Evans, Judy Coy, Shane Ruebush, Kirsten Ruebush, Bridger Bowen, Blake Sharp, Barbara Lusk, Perry Shumway, Verl Jason Drollinger, Jamie Clark, Tiffanie Clark, Tiffany Snedaker, Kelly McKamey, Thane Siddoway, Deborah Siddoway, Weldon Sleight, Karl Snedaker, Mary Ann Siepert, Michael Holdaway, Dan Goulding, Elaine King, Barbara S. Gibbs, Diann Flores, Rozan Goulding, Ken Poulsen, Patty Poulsen, Carla Dawn Clark, Kathy Moss, and Georgia Hansen. Those excused were Christy Swenson, Arlene Anderson, Mark Hansen and Anthony Merrill. The Pledge of Allegiance was recited and roll call was taken.

March 24, 2016 Public Hearing Minutes

Chairman Robertson asked if there were any changes or additions to the meeting minutes from the March 24, 2016 public hearing. A motion was made by Aaron Swenson to approve the minutes as presented. Doug Sakota seconded the motion. Motion carried.

**HEARING**

Chairman Robertson opened the public hearing at 7:10 PM. He then asked if there was any conflict of interest with any of the commission members. No conflicts were mentioned from any of the commission members. Chairman Robertson then asked if the Public Hearing Notice had been posted appropriately. Judy Coy stated that the notices had been published in the Standard Journal newspaper on March 18th and 25th and on April 1st, 2016 and had also been posted in the appropriate buildings. There was news media present from Channel 8 TV News and Lisa Smith from the Standard Journal newspaper.

**Changes to the Land Use Table – Unified Development Code, Part II, Section 117-51**

Brent McFadden made the presentation for the county stating the changes to the Unified Development Code, Part II Section 117-51. The proposal is to add under Gravel Pit Commercial the use allowed will be added to commercial, agricultural, and light industrial by conditional use permit to operate a commercial gravel permit which is one where they can remove the material off for sale. At present it is only allowed under heavy industrial area, this will open up some additional areas for commercial gravel pits.

**THOSE IN FAVOR:**

Bridger Bowen: 3839 East 400 North, Rigby, Idaho. I would like to approve just to allow for future growth in our area, Madison County as well as to allow for more competitive bids in the area. Benefit private, commercial, county. That's it.

Blake Sharp: 4034 Molly Drive, Rexburg, Idaho. Just want to approve this as well and to get it passed for the same reason.

THOSE NEUTRAL: None

Rick Robertson: Thank you Blake. On our signup sheets we have no individuals that are neutral so we will go to the next category of opposed. We will do the same, you need to state your name and address. If we call your name and something that you agree with has already been said if you could indicate the affirmative and that so we don't have everybody get up here repeating the same thing over and over. The first name that we have on here is Barbara S. Gibbs.

THOSE OPPOSED:

Barbara S. Gibbs, 126 West 1<sup>st</sup> South, Sugar City. I don't want to talk I'm just opposed.

Diann Flores: 5386 South 3100 West, Rexburg. I am not opposed to commercial activity for agricultural. I understand that is necessary. However I do oppose the proposed changes because I believe we need to be more selective as to where a commercial, industrial gravel pit is put. It does not need to be in a residential area. It should not be where there are environmental concerns. And I understand that it can be addressed through the conditional use permit. However I don't think that we need to have a development of that type in an area that would be detrimental to the people who already live there. I believe that quiet enjoyment is a something we need to look at because people who already own the property have a right to have quiet enjoyment of their property without the pollution, without the traffic, without the dust, without the problems that that commercial development would entail. That's my statement.

Shane Ruebush, 1893 West 5350 South, Rexburg. I am opposed to the plan and I will tell you why, for this change, I will tell you why. You have a comprehensive plan. That is the governing document, if you will, for the planning process here in the county. Um in the comprehensive plan it states within Madison County there are many diverse land uses. Among these varied uses are those that the community finds desirable and those that are viewed as detrimental. Residents support the retention and expansion of agriculture, appropriate residential and commercial development as well as certain technological and light industrial land uses. Uses that are viewed as inappropriate include high impact mining or extractive industries, noxious or heavy industrial manufacturing and residential subdivision development on agricultural lands. It continues to say Madison County Comprehensive Plan is a graphic illustration of the community's desired future. This map shows what the land use, the land use. This land use map shows what uses the community would like to see in the county in the future and where those land uses should take place. This map is a guide for county staff and officials as they are evaluating development proposals or revisions to county policy such as tonight. So first and foremost this is the doc, this is the plan, that was adopted by our county therefore this is what we should look to first and foremost to dictate what happens. Um as you hear to whatever means they discern that there are certain things that should be more restrictive that would include what we consider gravel pit mining at this point. Ah interesting enough the comprehensive plan map does not indicate anything at this point in time which I think is something you should stop and revisit first. Where desirable gravel pit resources should be located and put appropriate designations to the to the comprehensive plan map to help other people in the county also know where those are. It would help to alleviate some of the conflict that you have when it comes close to a residential area if you can locate sources that are not in such close proximity. Or at least if it allows for the gravel pit operators who purchase the lands that are surrounding to make sure that they have a situation that is no longer confrontational. Further if you actually go your zoning ordinance for example

in the commercial zone, if you want to look at what that says Section 117-48 in Article three. It says conformance required – lands or premises. Lands or premises shall be used, unless otherwise provided in this part, only in conformity with the regulations herein set forth for the use designations in which such land or premises are located. In other words you are dictating what kind of events should happen in commercial space. Alright. In Section 117-54 it says uses permitted and conditional uses permitted in the Commercial Zone are identified in section 117-51, land use table. Permitted and conditional uses permitted in the Commercial Zone are identified in section 117-51, land use table. Permitted and conditional uses shall be primarily oriented toward light and custom manufacturing and any associated retail sales; repair; storage; wholesale; and support services. Within the Commercial Zone, uses have been divided into three distinct types. So they have a large scale, community, commercial, and also convenience commercial. Now it's interesting as you continue reading through what those those ah none of these, the only thing that I can see that is relevant to this situation is under C business conditions. Manufacturing shall be done wholly within a completely enclosed building, and shall be incidental to and operated in connection with a use permitted in this section. So in a commercial zone you are saying that something that is going to be considered manufacturing or industrial then it has to be done in a closed space. That does not conform with the gravel pit at all. Alright. Um all uses shall be free from objections because of odor, dust, smoke, noise, vibration or other causes. So according to your commercial zone at least it indicates that this would be an inconsistent use. Therefore I would ask that you consider denying moving forward with this particular proposal. Last of all in the gravel pit overlay zone it actually talks about one more thing that I would like to bring to your attention. Um part of what was proposed in this overlay zone was that there would be a process that reclamation would begin so that there would be confidence that the county wouldn't have a pit that lasts forever and become an eyesore or hazard. Or so it actually says in 20 (A) 5 reclamation shall begin at the end of three years from the start of mining or as soon as the first 12.8 acres have been mined. Technically they only have to be three years to mine the 12.8 acres. Now they can get a conditional use permit and they can do five extensions so technically up to eight years they can mine 12.8 acres. My concern is that is this being enforced. Do we, as citizens, have confidence that that will be adhered to or do we have to be the ones that are constantly going out and going after these things. Evidence for this. Over three years ago you approved under the same thing the county's extension on their gravel pit. They have exceeded their three years. Have they applied for an extension on their conditional use permit or not. That is something I think you should look into and understand before you build more or new zones being incorporated. Thank you.

Bill Squires: Shane that first part that you told us. Do you have a reference on that?

Shane Ruebush: You can have the reference.

Rick Robertson: Thank you Shane. And one thing I forgot to mention to you though. When you come up to talk we need to limit it to three minutes.

Audience: It says five minutes outside.

Rick Robertson: Ok. It is five minutes then. Our next name then is Kirsten Ruebush.

Kirsten Ruebush: 1893 West 5350 South, Rexburg. I am not in favor of the proposed amendments to the land use table which would allow commercial gravel pits and mining in

industrial, agricultural and commercial zones within the county. Chapter one of one of article forty seven of Madison County Code which was adopted in 2008. The comprehensive plan states um the comprehensive plan is a broad view of the county's vision for the future whose goals and policies are what all ordinances are derived from. It is recognized therefore that amendments to the land use table should be derived from the goals and policies of the comprehensive plan and should be in accordance with this plan. Chapter 6 of the comprehensive plan entitled Land Use and Agriculture explains the goals of land use and policy directives to Madison County Planning and Zoning. The first goal was to preserve the quality of life and existing rural character of Madison County and one policy was to develop a set of guide lines to be applied at the time of permit to all gravel excavation, hot mix asphalt operations, and other heavy industrial operations within the county. This policy directive was met in 2011 when the county adopted the gravel pit overlay zone section 117-62 which states the purpose of this section is to provide guidelines and requirements for the development and utilization of identified deposits of gravel and sand and their subsequent extraction on lands within the county. Citizens of this county worked for over two years with gravel pit companies to come up with these regulations before they were adopted in 2011. During that time commercial and now commercial gravel pits were allowed in heavy industrial zones with a conditional use permit. However, no clear regulations that could easy be applied to the CUP were provided for in Madison Code. This comprehensive plan policy directive seems to be in response to what the comprehensive code says. The county was experiencing a recent surge in applications for gravel extraction and hot mix asphalt operations. These heavy industrial uses were creating conflicts with residential areas, particularly in the northern part of the county. End quote. It is commendable that the citizens and gravel operators worked so hard to put into place guidelines that would ease these conflicts among land owners. It is unclear however where exactly the idea came from that a gravel pit overlay can or should be applied to all or any other zones in the county. In reading the minutes from the 2011 hearing statements were made by citizens who had worked on these regulations, that they felt that they were working on guidelines for an ordinance and not an overlay that could be used throughout the county. Further while I could be wrong in my understanding it seems clear because of the inclusion in the gravel pit overlay that it can only be applied to areas identified on the land use table and because of the definition of overlays in the comprehensive plan that this idea is not correct and needs to be put to rest. The gravel pit overlay zone section states under applicability that a gravel pit overlay zone shall be applied to any approved gravel pit subject to the regulations in all zones. As my husband said, in the county, and as provided in Section 114-51 land use table the gravel pit overlay is a zone where all gravel pit mining would be temporarily allowed during the operation and reclamation period. As soon as the reclamation is completed this gravel pit overlay zone would no longer be in effect. The gravel pit overlay means an additional designation that temporarily restricts the uses or developments standards within a zone. This idea is explained in chapter 6 of the comprehensive plan under the heading Proposed Overlays. It states within the county there are specific areas and situations that require additional consideration. In these cases, Comprehensive Plan Overlays are identified. Overlays are used to apply a set of additional regulations over the regulations of the base zone. In other terms, the overlay floats above the base zone. An example would be an historic overlay applied to an older part of a downtown area. The base zone would be commercial, but additional regulations would be applied to assure protection of historic buildings within the district. The base zoning would designate the allowable land uses within the overlay area, and the overlay does not additionally allowable land uses to the base zone. The three base zones being discussed tonight, light industrial, agricultural and commercial, none of these um is commercial gravel pit allowed. Purpose of these zones is not for heavy industrial use

and an overlay does not by itself add additional allowable land uses to a base zone. Applying a gravel pit overlay does not work. Um please notice that while overlays are labeled on the comprehensive plan on the map these are um they are labeled on the map there is a sensitive map or a sensitive areas overlay um and one other. These ah sorry um the areas labeled there show the zone floating over other zones and they don't go according to the boundaries of the zones. Um so they just add additional requirements to that zone. The regulations in the current gravel pit overlay zone are fine as they currently stand. As an overlay they provide a set of additional regulations over the regulations, over the base zone which can be applied at the time of permit to all gravel excavation. The land use table cannot be changed so that this overlay will add additional allowable land uses to the base zone. That appears to be possible only if you first change the definition of overlay in the comprehensive plan, not of the overlay on the comprehensive map and change the regulations for land use of commercial, light industrial and agricultural zones. I believe for those reasons you cannot make his change.

Rick Robertson: Thank you Kirsten. The next name that we have is Rozan Goulding.

Rozan Goulding, 2977 West 5200 South, Rexburg: I agree with the Ruebush's I oppose this change.

Rick Robertson: Thank you. We have Ken Poulsen.

Ken Poulsen, 2543 West 5200 South, Rexburg: I agree also with what has already been said with those who oppose this change to the plan.

Rick Robertson: Our next name then is Patty Poulsen.

Patty Poulsen, 2543 West 5200 South: I agree what has been said and I oppose.

Rick Robertson: Ok thank you. Judy just so you know on this list we have good addresses so we can add it in. I believe our next name is Carla Dawn Clark.

Carla Dawn Clark, 5878 South 2000 West, Rexburg: I oppose, but I don't need to say anything.

Rick Robertson: Thank you Carla. I believe Kathy Moss.

Kathy Moss, 5362 South Highway 191, Rexburg: I oppose and I absolutely agree with everything that has been said.

Rick Robertson: Thank you. Georgia Hansen.

Georgia Hansen, 3365 West 5200 South, Rexburg: Well I agree too. I can't pass up an opportunity for. 3365 West 5200 South which diagonally is about 250 yards from the proposed gravel pit. I understand the need and respect for these gravel pits in our area. My concerns are the proximity to the people. A good number of the people that reside here in Thornton are well over fifty. There is not a great many children. I know when my mom was elderly you know she lived there too. She lived on 5200 south and when I would take her in to town and I would take her up 191 and we would go past the bark plant and she would cough and gasp and wheeze because of the odor and the fumes and the industrial dust. I did that once but I would never do it

again so she could breath. My concern is if you put a gravel pit you can have the same kind of issues with the dust and contaminants in the air and being the population there the seniors I don't think it is in the best interest of the people. I don't think where Thornton is most of the houses that are there were established before any of the businesses came in. I mean not all of them but most of them are and most of them resided there before the businesses came in which includes Wilcox's and the Thornton Merc. Most of them were there but I don't think it is in the best interest of the people. I would propose that we go more back out to ah the country side and let me use an example. Where Bowen's ah green house is um there is a lot of farm land over there. That way if people decided to live there they would know what they were getting into. You know you are kind of sneaking it up on us that are already there which isn't really fair. I understand the need but I don't think it's fair in this place. Thank you.

Rick Robertson: Thank you Georgia. Our next name is Tiffany Snedaker.

Tiffany Snedaker, 5347 South 2785 West, Rexburg: I just agree with what has already been expressed and I am also opposed to a gravel pit being in that location.

Rick Robertson: Thank you. I believe the next name is Kelly McKamey.

Kelly McKamey, 868 Widdison Lane, Rexburg. Um I am opposed to this for a couple of reasons. One is that as has been stated we have existing planning and comprehensive zoning system and plan. And that has already been proved and it's already something that needs to be adhered to. There is a mechanism already in that plan to allow for conditional use permits. But the important thing that has been stated, and I just wanted to reiterate, is that this does not conform to a conditional use permit so then you are going to try and change the whole plan simply to benefit one entity. Um and I don't understand why we would consider that we would change the entire plan and have an overlay to benefit one entity. It is not the government's job to pick one winner or one loser. It is something to look at as a planning and zoning commission to look at the entire impact of the entire county and how this applies. So if a business applies for a permit to do something that is not allowed, that doesn't conform to the existing conditional use permit, it should just simply be denied. And it's not like there is no gravel pits in the area. I mean we have gravel pits in multiple places so it's not it's not consideration for saying holy smokes we can't find any gravel in the local area, there is availability and so I just state that we should not make an entire comp plan change or an overlay simply to benefit one entity. We shouldn't be making wholesale changes in what we've got when it's only benefiting one or two minorities. It should be either benefiting the entire county or not.

Rick Robertson: Thank you Kelly. Our next name on here is Thane Siddoway.

Thane Siddoway, 5237 South 2785 Wes, Rexburg. I am opposed to this for a couple of reasons. One is that I don't think that the ah Planning and Zoning, the way it is laid out right now allows for this to happen and ah to go in and make a change from commercial if you make a commercial gravel pit so that it can be placed in any commercial or any farm land or light industrial. I am not opposed to light industrial but if you put this in place, it is my fear that anyone can come in and apply for a permit for a gravel pit and that there is no place in the code that will then allow. We would have to change it. If you don't change it, you will allow for you to turn it down. Right now you can turn down these requests based on your current code. If you allow this to go through you won't be able to do that. You will have to have another reason to turn it down.

That means that anyone can put a gravel pit anywhere. For that reason I am opposed to this. I am a county resident of Teton City and you are probably aware of the impact the gravel pits have had on that town and the impact zone surrounding that town. It is huge and I hate to see mistakes made in this county similar to what happened out there. Thank you.

Rick Robertson: Thank you Thane. Our next name is Deborah Siddoway.

Deborah Siddoway, 5237 South 2785 West, Rexburg. My property butts right up against 5200 South. I oppose part two of Section 117-51 of the land use table changes to the land use table. In reference to gravel pits commercial, and the zones in which they will be allowed through a conditional use permit. I was going to read some of the items that Shane Ruebush read but I just want to emphasize one of them now. Within Madison County, and I am quoting from your website under community vision statement. Within Madison County there are many diverse land uses. Among these varied uses are those that a community feels are desirable and those that are viewed as detrimental. Residents support the retention and expansion of agriculture, appropriate residential and commercial development as well as certain technological and light industrial land uses. Uses that are viewed as inappropriate include high impact mining or extractive industries, noxious or heavy industrial manufacturing and sprawling residential subdivision development on prime agricultural lands. End of quote. I have many concerns in my opposition to this. I have some very valid concerns in opposing these changes. Will these changes allow for harmony with the surrounding areas? Would these impact our already valued property changes and values of our property? Increase in traffic and safety hazards that would impact 5200 south. Would new development be compatible with the existing surroundings that we already have. Is it compatible to the zonings that we already have? We would also have unwanted light, dust, visual, air, and ground water pollution and contamination. Our home and neighborhood is peaceful. We enjoy its quiet peace and enjoyment. Most of us own several acres of land. We have chosen to live away from the city due to these amenities. If changes to the zoning are made who will protect us and our private property. There are already ordinances and codes which are currently not being implemented that are on the books. My concerns and examples are as follows. 5200 south is not a wide street. On the south side is a ditch which provides water to many of us. We have these water rights outlined in our title agreements with which we purchased our properties. The road could not be possibly widened to the south. 5200 south has four bus stops along the street. Children K through 12 use this transportation four different times of the day beginning at 7:30 a.m. and ending at 5:20 p.m. Zoning for gravel pits or heavy commercial use would add great concern about water contamination, air, dust and noise pollution. Concerns would be with compliance to existing ordinances and codes that are now in place and also future compliance and mandates on these new zones. Why am I concerned about compliance? We already have an ordinance code for commercial zones that is not being followed. I refer to Section 117-54 (C) 6 and I quote from that code. Outdoor storage of commercial materials will be screened from view from an existing adjoining residence or residentially zoned area whether or not such property is separated by an alley way or a street. I refer to this and bring this example because I live directly south of DL Beck Construction that purchased the property that the old Lyman School was on. They now use it for storage and commercial equipment storage. They have not built or provided any type of fencing or screening to prevent our view from their mess. They have had this property for over three years. They have had more than enough time to comply with your ordinances yet they have not. Who is going to be our watch dog. Why are ordinances and codes over looked. This is a single example. What ordinances and regulations would be held to heavy industrial and gravel pits. We have existing ordinances and codes, let's insure the ones that we

have, and observe them before allowing new industries with higher safety concerns to be zoned in our areas. Thank you for your consideration.

Rick Robertson: Thank you Debbie. Our next name we have on here is I believe Weldon Sleight.

Weldon Sleight, 2581 West 5200 South, Rexburg. I oppose this change in the code but, and I agree with what has been said, but I just want to talk to the commission personally for just a moment. The majority of the people here tonight are here because of this code change. Even with a conditional use permit this wonderful planning and zoning commission will be having this type of an audience every time you approve one of these in the future. I just encourage you to think about this if this gravel pit is put across the street from your home. You will have this every time it happens even with the conditional use permit. I just think that we need to recognize that it is not a good thing for families to have this type of industrial development in this type of location.

Rick Robertson: Thank you Weldon. Our next name that is up is Karl Snedaker.

Karl Snedaker, 5347 South 2785 West, Rexburg. In view of what has been said I don't have a lot to add. I just want to reiterate what has already been said. The fact that there are already several pits in the area so it's not like it's not available, like they have to go miles and miles to out of their way to get it. There are already pits operating so I see no reason for that. I don't like to tell people what to do with their land but in this situation I oppose this.

Rick Robertson: Thank you Karl. Our next name I believe is Mary Siepert.

Mary Ann Siepert, 2955 West 5000 South, Rexburg. It is Mary Ann Siepert and I agree with the Ruebush's.

Rick Robertson: Thank you Mary. I believe the next name is Michael Holdaway.

Michael Holdaway, 2891 West 5200 South, Rexburg. I absolutely agree with what has been said and I oppose this. Just like to think about maybe just the compatibility it is obvious that the residents out here in this area have done their homework, obviously you guys have been quoted to and read from your own books and the code that is already there. I would just add that it's not compatible with the residential area that we have. A lot of us over there, we could throw a baseball to the property. And it just does not comply, it is not compatible with the property with the code that we are trying raise out there with what's been said already with the residential area how peaceful it is. The whole road is residence and then you go across the road and all of a sudden you have this this proposed zone change in the overlay and so I just want to agree completely with what has been said already and I oppose this highly.

Rick Robertson: Thank you Michael. Our next name is Dan Goulding.

Dan Goulding, 2977 West 5200 South, Rexburg. I too could throw a rock into this gravel pit I live that close to it. I agree with what virtually everybody here has said. There is opposition to it. They have quoted you quotes and your own codes and your zoning and regulations involved and that to me is an established issue to all of a sudden come out of nowhere and decide to

change the planning and zoning to make it allowable for gravel pits to be more easily given the permits to. I think that is going to have an impact on the entire county and it is going to allow gravel pits in my opinion to pop up wherever and I think there is something in your zoning and planning permit conditions that restricts spot zoning and I don't know if that falls in to this but to me it does and I would like to appeal to the commissioners. You are all voted in and elected officials and in that being said you are representing the people to be here and there is thirty people here and there is two for it and there are thirty opposed. That being said I think that carries a lot of weight with what this future holds on this change. I appeal to you to do the right thing and do the right thing that ah you are voted in to do. Protect the people and serve. We appreciate your efforts and that is all I've got to say.

Rick Robertson: Thank you Dan. I believe the next name is Elaine King.

Elaine King: 433 Palomino, Sugar City. I am very much opposed and many of the points have been brought up already especially going against the comprehensive plan. I had the opportunity to be on the committee that wrote the ordinance for the gravel pits and it took us more than two years, Matt you were on with us representing the gravel industry. We weren't against gravel pits, but we knew that there was a place for them and we knew that an ordinance needed to be in place to control the negative effects and so we felt like we had a pretty good ordinance in place. I am wondering if it is being enforced. That would be a concern. I would like to read to you from a letter from another member of the committee that served with us. She couldn't be here with us tonight and I will skip some of the points that have already been made. But this is something that I think that is important. Before the committee was formed Mr. McFadden tried to institute an industrial overlay over a large portion of property in the northeast Madison County which included her two hundred acre farm. It too was also adamantly opposed by the people who lived in the proposed area and by those who bordered it. She says she still has copies of all the petitions signed by those people and the opposition was a hundred percent. This was the feeling that we had putting an overlay and allowing gravel pits to be anywhere. This almost undermines all the work we did in putting this ordinance together. She says, do not allow overlays which would circumvent the proper order of the way ordinances, especially those regarding gravel should be followed. And of course I agree with that whole heartedly. I hope you will make the right decision.

Rick Robertson: Thank you Elaine. Our next name on here is Barbara Lusk.

Barbara Lusk, 126 West 1<sup>st</sup> South, Sugar City. The north country, that was the original gravel pit area that we were struggling with back in 2006. And I also helped on that committee for a while. I quit after several months of serving on it because I saw a lot of politics and got treated pretty poorly as women, there were three of us. We all have an education and degrees and we all got treated like we were little five year olds and I got really tired of that but I still continued in the background to help fight it and it was exactly the same issue. It was putting an overlay over and allowing gravel pits in areas were light industry and farming and agriculture and I own three farms in that area with my husband where that overlay was involved. That was voted out. We did a lot and there was a lot of give and take and when we served on that committee we gave a lot up for what we really wanted done because there were a lot of gravel pit people there and they pushed for a lot of things and some of our ultimate goals didn't get reached but we still felt like we had put a good protection in place for communities like ours, places where they don't want those right in the middle where people are living and have health issues and everything

else. And it was after everything we got done with that process, and they came to P & Z who knew nothing of the agreement and the give and take that we had gone through and they took away some of our things that we had placed in there. I was really frustrated because we weren't allowed to talk and finally they realized and did allow us to but it still took a lot of stuff away before they realized that so it was a hard won battle. And it still isn't what we wanted and now we are going back to square one again. It upsets us and we had if you will remember and maybe some of you, I know Brent McFadden will remember the first time we showed up, not at a planning and zoning but at a County Commissioner meeting over it or a hearing over the gravel pit situation out there in Sugar City there were 250 people showed up. They had to move it to the courtroom. It was the biggest hearing they ever had they said over those kind of issues. So it is dear, and that was just Teton City and Sugar. So it is near and dear to people's hearts and how their land is being treated and your consideration is really important. We hope that you will really think about the people that you are serving and vote against this change.

Rick Robertson: Thank you Barbara. The next name I believe is Perry Shumway.

Perry Shumway, 2488 West 5200 South, Rexburg. I have lived here for about ten years and I am very close to this. I agree with everything that has been said tonight and so I have a couple of quick comments. Um 5200 south is my home that is where my kids ride their bikes every day, it's where my family goes for walks every night. Um I am very much a believer in growth and I love free markets but I also believe in the rule of law. Um some years ago I built a metal building 2800 square feet on my property on my two acres and when I did that I was very careful to conform to all of the ordinances and regulations imposed upon me by the county. Um in doing that I voluntarily gave up a little bit of my own liberty and I did that voluntarily because it was an exchange for something. It was an exchange for an idea that by giving up this little of liberty ah by conforming to these zoning laws that my quality of life and that of my neighbor would be better than if we were totally on our own. So I was willing to do that um it is clear to me that if a gravel pit were built in the proposed location today it would be in violation of the law. If you guys are contemplating changing the law just so one business can essentially do what today would be a violation of the law. That does not sound like rule of law to me, that sounds like ah rule by whim or arbitrary. So I am very opposed to it and I leave these thoughts with you.

Rick Robertson: Thank you Perry. The next name I believe is Verl Jason Drollinger.

Verl Jason Drollinger. I am also opposed.

Rick Robertson: Thank you. Our next name if Jamie Clark.

Jamie Clark, 5916 South 3900 West, Rexburg. One thing that I don't think has been touched on really, well they have touched a little bit on it, but there are two spud warehouses in Thornton so when you come through Thornton at night after work there are trucks blocking the road, there are trucks parked on the side of the road. Everything is really congested. So if you had a gravel pit in Thornton it is just gonna congest it that much more. So I am opposed to this. That's it.

Rick Robertson: Thank you Jamie. Our next name is Tiffany Clark.

Tiffany Clark, 5916 South 3900 West, Rexburg. I am also highly opposed to it and I agree with what has been said.

Rick Robertson: Thank you Tiffany. Is there anybody that came in late that didn't have a change to sign up.

Heather Sharp, 3187 West 6200 South, Rexburg. I agree and oppose.

Rick Robertson: Thank you. Judy did we have any written comment.

Judy Coy: Mr. Chairman there was a letter submitted to the commission by Shane and Kirsten Ruebush however they did send an email desiring that the letter not be read into the public record.

Rick Robertson: Ok thank you. One more. Would you state your name and address.

Hyrum Flamm, 5290 South 1650 West, Rexburg. I oppose and agree with those things that have been said.

Rick Robertson: Thank you Hyrum. At this point then we will close the public hearing and open it up to discussion. Would you come forward here and state your name and address please if you could.

James Smith, 5200 South, Rexburg. I have lived there for seventy five years. I have seen a lot of changes in our community and I am really opposed to this gravel pit. There is already two of em within and eighth of a mile or a quarter of a mile of each other now and this will make three. I can see a need for gravel pits but I think there is a need for that many of em that close in proximity to the people who live in our area. So I am highly opposed to it. Thank you.

Kim Walker, 2861 West 5200 South, Rexburg. I agree with what has been said and I am also opposed.

Rick Robertson: Thank you. Is there anybody else that didn't have a chance? Judy was this all published in the paper and everything?

Judy Coy: The necessary publications were made in the Standard Journal newspaper and the appropriate buildings were posted.

Rick Robertson: Thank you. At this point then we will close the public hearing and we have a chance for the commission to make comments.

**The hearing was declared closed at 8:00 p.m.**

Rick Robertson: Matt.

Matt Hartline: Mr. Chairman there were a couple of things I guess I would like to probably know on this that weren't mentioned at the beginning. Probably the first one is that it is my understanding that this tonight there were some conflicting wording in the code and that this

change is to correct some of that conflicting wording. For instance in Section 101-1 in the definitions under a Gravel Pit Large it says means the mining, dredging and excavation of land. Gravel that is surplus in excavations for ponds, buildings, or structures and is not utilized on site and is disposed of off-site will require a conditional use permit in Agricultural, Transitional Agricultural, Residential and Commercial Zones. However, it will be permitted in Gravel Pit Overlay Zones. On-site use will not require a permit. So there was a conflict in there saying that in those areas a conditional use permit would be required however the land use table did not have as that as being a requirement in those areas, the transitional ag, commercial. It talked, so ag, transitional ag, says residential and commercial. I wasn't at the work meeting that talked about this but I think that from the minutes of that work meeting it was discussed that residential was not appropriate and that also that light industrial was more appropriate putting it in a light industrial. The other item that I wanted to point out was that they still require the conditional use permit and that is where things are taking into account based on the different areas of the county and those various zoning designations. So that is when, if an application comes in certain conditions can be put on in addition to the stuff if it is in an area that is close to residential and things like that. So these areas that we are adding there are lots of areas in the county that fall under those zoning designations that do not have people close by.

Rick Robertson: Thank you Matt. Doug do you have a comment.

Doug Sakota: I just wanted to clarify that a lot of the people who are talking to us are talking about the Bowen Construction hearing but, and on the agenda that we are just discussing changing the comprehensive plan. This is not the Bowen hearing.

Brent McFadden: It was tabled. We are just changing the land use table you are not changing the comprehensive plan.

Doug Sakota: And it wasn't anything to do with the hearing for the Bowens'.

Rick Robertson: That is correct.

Ed Williams: Mr. Chairman I would like to make a comment that said we can go any place and find gravel. We cannot in this county it is only located in certain places so we need to take that into consideration.

Rick Robertson: Thank you Ed. Did you have a comment Bill.

Bill Squires: A lot of their concerns which I can appreciate, the dust, the traffic, just a comment on the dust. The wind usually blows from the south so it is blowing away from the homes. As far as the water pollution I can appreciate that too. The water flows from the south to the north, from our last hearing which goes away from them. Traffic problems Brent would the county have any control on the traffic going on that road.

Brent McFadden: When we had the hearing they were looking at going, they had approached going onto 3100 west which is a road that comes into the backside of that triangle that goes through Thornton.

Bill Squires: And basically go out on to the highway.

Brent McFadden: Go out onto the highway.

Bill Squires: They won't necessarily be going up the road.

Brent McFadden: No.

Bill Squires: So, on that side.

Brent McFadden: Those are things that are asked if they were to come for a hearing would be discussed. Not on the land use table thing.

Bill Squires: On the land use table comment, then I agree with what was said if you look at the comprehensive plan what they said I can see that it does say that. It is inappropriate for high impact mining. Also when I look at the commercial zone what the theory is there I don't see that commercial is, that a gravel pit fits in commercial. That is my comment.

Rick Robertson: Any other comments from the commission? Do we have a motion on this?

Bill Squires: I move a motion that this not be accepted.

Ed Williams: I second.

Rick Robertson: Bill has made a motion that it not be accepted and Ed has seconded it. Aaron did you have a comment.

Aaron Swenson: So if we don't accept it we still have the conflict that Matt pointed out.

Bill Squires: In the definition.

Aaron Swenson: In the definition and that is the place where we are really conflicted is in the definition versus comprehensive plan and land use table. So that would be something for a different work meeting/hearing.

Rick Robertson: Yes. So Bill do you want to go ahead with you motion then, repeat it again please.

Bill Squires: I would move that this not pass.

Rick Robertson: Did you get that Judy?

Judy Coy: Yes. Matt Hartline.

Matt Hartline: No.

Judy Coy: Mike Munns.

Mike Munns: Yes.

Judy Coy: Doug Sakota.

Doug Sakota: Yes.

Judy Coy: Bill Squires.

Bill Squires: Yes

Judy Coy: Shane Sutton.

Shane Sutton: Yes.

Judy Coy: Aaron Swenson.

Aaron Swenson: No

Judy Coy: Ed Williams.

Ed Williams: Yes.

Judy Coy: Rick Robertson.

Rick Robertson: Yes.

Judy Coy: We have six in favor and two against. Motion passes.

Rick Robertson: It did not pass, it stays the same. At this point we would like to open up the public hearing for Madison County code regarding septic systems. Did you have a comment Doug?

Doug Sakota: Could we have about a one minute recess to let people that don't want to stay to leave.

### **Amendments to Madison County code regarding Septic Systems**

This hearing was for the purpose of making amendments to the Madison County code regarding Septic Systems. A new section is to be added under the Unified Development Code, Part II§ 107-2: Sub-Surface Waste Disposal Systems or Septic Systems, for a central location in the code, and removing all other references in the UDC, to include Resolution No.: 236, UDC, Article 27, Appendix A – Resolutions.

### **The public hearing was called to order at 8:10 p.m.**

Rick Robertson: You bet. That is fine. Could we get everybody to get ready for this next public hearing then. If you are here for this hearing please take a seat. Yes Brent do you want to explain this part to us for the public. Yes Brent do you want to explain this part to us then.

Brent McFadden: Ok this is changing our subdivision ordinance our septic requirements in the county. These are the changes we have made: All lots less than two acres located within a subdivision, the aggregate of which will produce an effluent output of more than 2,500 gallons per day, shall be required to install a subsurface sewage disposal system that provides additional protection of groundwater resources above and beyond that of a “standard” or “basic” septic system or connect to a public/central wastewater treatment system. All sub-surface septic systems (replacement, repair, expansion or new) in a subdivision with less than 2,500 gallons per day or any stand-alone lot must be applied for, permitted, and inspected by an Environmental Health Specialist (EHS) from District 7 Health Department prior to being installed no matter the size of the parcel, or zone designation. What we have done is under 2,500 gallons is about ten homes. Over 2,500 gallons of course is ten homes and more. So what this says is in a smaller subdivision that has ten lots or smaller does not have to have the engineered system or have to do the other stuff. What it is saying is that anything else in the county that is a stand alone does not have to have the enhanced system no matter the size of the lot or where the lot sits. So if you build a home out there in the boonies or somewhere on an acre we have those in the county that are old lots that have been there for years that were divided off that are only an acre in size they do not have to put in the enhanced system in. Any questions?

Bill Squires: Is there a reason about having it as an ordinance versus having it in the comprehensive plan.

Brent McFadden: Just that it is not really needed in the comprehensive plan. The comprehensive plan is a master addition for the whole county for ten or fifteen years that you see happening. We have a lot of stuff in the ordinances that aren't really in the comprehensive plan. So that is why we took it out of there, it was a resolution that put it in the comprehensive plan and we just decided we really didn't need it in there, we would just put it in the ordinance. Any other questions? Hearing none I will take my seat.

#### THOSE IN FAVOR:

Jamie Clark, 5916 South 3100 West, Rexburg. I hope I signed the right sheet when I came in. I'm a you know I live on two acres in the middle of a forty acre field and they made me put one of these advanced septic systems in. We have been fighting this septic system from the day they put it in until we haven't really heard anything about it the last little while but um pretty much the DEQ said they don't pass, they don't work now, they want to come back and their first plan was to come in and do a bunch of updates to it and I had to pay for the updates. So I'm in favor of changing this to where it doesn't have to be. I can see it in subdivisions but you know I live in a forty acre field and I don't like people telling me what to do I guess, they are trying. Thanks.

Rick Robertson: Thank you Jamie. The next name we have on here is Tiffany Clark.

Tiffany Clark, 5916 South 3100 West, Rexburg. And like my husband and I hope we signed up on the right thing. We were kind of confused on what it was for. But like he said we do live on two acres in the middle of forty acres and we were required to go to District 7 and sign the proper papers in order to be able to even do anything with as far as breaking ground and stuff we were required to put in a septic system. Up until the last two years when Kim Walker took over my husband is right there was an update they kept sending me or we keep getting information in the mail saying that they don't pass and that you are required to pay what is required to make

these pass. But they never passed and like in Walker's defense who is here today he actually has come to our home and he said this is what we need to do to get this to pass. And they have actually been tested the last year and we have gotten the information saying that they have at least been tested these last two years. But up to that point we were billed every year for somebody to come check our septic system and we never received any results. We never received anything and so I am in favor of doing away with them. I think that especially in a situation like that I can see when they are a lot of homes and a large area for them to have some kind of requirement for that. But for somebody that lives on two acres in the middle of forty acres I don't see the necessity of that.

Rick Robertson: Thank you Tiffany.

#### THOSE NEUTRAL:

Maria Nate, 2139 Ferris Lane, Rexburg. Kim Walker was at my house last year as well fixing my septic which failed and we had the enhanced system and ended up spending close to five thousand dollars to put in a holding tank ahead before it and then drain it through. Whatever is going on with these enhanced septic systems in this county they are failing all over the place and we were forced into putting that in our house when we built it and we had no choice about which one to put in. We were told also that it was mandatory to have it tested. My neighbor actually went to the door of the person who was doing the testing and asked for the results. They could not come up with any results. There was nothing, they were never testing our septic they were never doing anything. We have been sort of trying to fix it on the black market because we don't want to go through when it failed and we called Kim to come out and had him fix it and I have never been more secure in my septic tank than I am now and I think we got sold down the river when we put in that enhanced tank that was supposed solve all of our problems so I would just encourage you to keep taking a look at this and we need to fix this fake enhanced septic that is supposed to save the world.

Rick Robertson: Thank you. Is there anybody else in favor? Is there anybody else that didn't have a chance to sign up in favor of this amendment being changed in Madison County code. And there was no neutral so we will go to those that are opposed to the septic hearing. The first name that we have on here is Shane Ruebush.

#### THOSE OPPOSED:

Shane Ruebush, 1893 West 5350 South, Rexburg. I am totally in favor of getting these systems out the county. You know that, I have testified before that they need to be out of all properties if possible only in places where they required by the DEQ. Um a couple of things I do need to bring up though that is why I feel like we need to continue the discussion about this law it is not quite there yet. Um first off um unfortunately Mr. Fortunati sent a letter but it went to the commissioners and not the planning and zoning so there are a couple of issue that he has. He is over septic systems at DEQ.

Rick Robertson: Who is this?

Shane Ruebush: Tyler Fortunati. I can leave the letter that we have a copy of it. It was addressed to Kimber Ricks on April 1<sup>st</sup>, 2016. So um he has a couple of suggestions on the

wording um specifically the 2,500 gallons per day um less than that should be struck from the proposed ordinance. Um his reasons why he states this because they have to have a permit regardless. They don't need to go it kind of suggests that they only need a permit if it is something less than something more than that they have to have a permit. Everybody has to have go in a get a permit, none of us can escape that. At least that is the way it is supposed to be. Alright. Um the other thing is there are some issues with what is referenced in the comprehensive plan so you will need to continue with me on that and take making some changes despite the fact that you are just trying to make it an ordinance. You may want to make these material changes to your code and discuss this issue once more before actually taking this forward. Um so some of the concerns I have you might want to consider are I am in favoring of repealing the law for everyone in the county based on my understanding um what was said in the work meeting. The local health department was capable of deciding proper individual septic systems for everyone. I still prefer that even in subdivisions. Why, because there if you are in favor of adding additional regulations on subdivisions then why are you not discussing all of the other areas with similar density if not higher than already exists in the county. I am not trying to put them under the yoke I am trying to free us all from this yoke. Alright. There are places where homes are on half an acre, clustered together on one acre lots, half acre lots, all clustered together in the same area you would call a subdivision. But they were built at different times therefore they are not a subdivision. You guys released those people and I feel that you should do that, but why not help all of the others out too. Let the health department determine where you have to place the enhanced or engineered systems. Um I am also interested in the policy guidelines in the comprehensive plan Chapter 9 in which it states that an objective to refuse the number of existing septic systems and minimize new construction of individual septic systems. It suggests by doing this, by creating policy that consolidates septic systems in town centers or if possible in your comprehensive plan it does actually talk about septic systems and what you should be thinking about. So you do need to consider that. Your ordinance alone is not enough, because there is the comprehensive plan we have to look after. Um so you need to take a look at that as well. Um also um as you are aware that with gravel pits for two citizens to come to some agreement. Why not take time to consider it as well. Invite citizens in, find out what kind of situations people are in. If we hear, between these meetings we hope you can take something away from that. I appreciate that you are not feeling rushed to pass this law because you were told in a previous work meeting that there are people waiting to get this done. Good law is what is required, not quick law. Alright. Um specifically um Commissioner Rick's name was brought up in the January 24 meeting and is waiting for the change and it's in your own minutes. Um I would appreciate that you take the time to make sure that this is needed and that it works. Because quite frankly, um as for Commissioner Ricks, he did not wait. He is actually building. Alright. And that building permit was issued on November 18, 2015. As of the March 18, 2016 there hasn't been a septic permit issued for him. So this brings up another concern of mine. How are we going to regulate this? Your concern when this first started was that the health department didn't do anything to regulate it. It appears that we also need to have regulations on our end as well. So I wish, I would like you to take a look at that when you go forward.

Bill Squires: So you are saying the house is being built with no septic permit.

Shane Ruebush: As of March 18, as of March 18. So I would say that we need to consider enforcement. We need to consider how we are going to police ourselves. Sure you blame the health department in the past but are we policing ourselves. We have our own laws let's comply with our laws please. Thank you.

Rick Robertson: Thank you Shane. Our next name we have on here is Kirsten Ruebush.

Kirsten Ruebush, 1893 West 5350 South, Rexburg. Um like Shane said I um, I was a little bit confused at what was going on. Why the subdivisions were continually being kept in this law when it seemed like everybody else was being shoved out. And or freed from it I guess. And I was kind of confused because my understanding after attending the work meetings was that DEQ or the Health Department was OK to take care of this and decide their own areas of concern and decide what system is. I have been in conversation with Tyler Fortunati. I asked him for his advice because I didn't understand if there was something in the Technical Guidance Manual that made it so that subdivisions would need an ordinance like this. Um he mentioned that density is included in the overlook, the testing that the Health Department does. They take that into consideration. Um and they know what areas of concern are. I do want to point out that I am not, I am not really sure whether or not. Um this has taken you over a year and a half you have been looking at this and discussing. It keeps coming to public hearing and you keep having little issues come up that need to be changed. And um, and Mr. Fortunati sent a letter to the to the County Commissioners and they are, they agree with this but they have suggested that you take out the 2,500 gallon. We have a copy of the letter and we can get that to you. The DEQ agrees with what you are doing. Not the commissioners but but um my understanding the reason is that letter came was because I asked for explanation and so I am kind of confused why you have this discussion for a year and a half and at no time have you solicited input from people in the county when you are hearing from some of them and actually there is a difference between the the enhanced systems that are failing in the county um that are not being maintained in the county and there are problems with those. Those are different than other enhanced systems so there is a difference here. And so anybody that is actually here right now saying they want this to pass has one of those problem systems. That is a whole different ball game than changing this law. Who are the people in the county that are complaining that this that this law is too restrictive. And why? Who wants this this change to be made. If it is Commissioner Ricks, he is building of course he wants it to be changed. Where is somebody here supporting this change? Is it, does it really protect water to make this change. Or does it need to be looked at with all the density and consider town sites as well as subdivisions. My concern with this is you can have developers that will find a loop hole in this and make a subdivision with six houses close together and they will it will be right next to another one and they will put another in and before you know it you will have a whole bunch of small subdivisions with the same density. I just, to make a law that provides loop holes I think you need to to look at it again not feel rushed take your time consider putting it out there for people to just make comments on it before your bring it to public hearing. Solicit people's help and make this so that all of, so that it is a good solid way to protect our water and that everything is considered. That is what I would appreciate. This I, I have stood for three times and turned this down because of carelessness. Things were taken to hearing that weren't voted on, things were put in there that were never, that you never agreed to. It's been turned down and you may feel like it is frustrating but, but you haven't taken the time to get everybody's interest. So I would just encourage you to just slow down. Thanks.

Rick Robertson: Thank you Kirsten.

Marie Nate: Would it be possible for me to change mine to neutral instead of in favor. I mean it is very unclear to me what it was. I am just here to say that I hate my septic system until it got fixed. I am just putting that out there.

Rick Robertson: Thank you. The next name I believe we have on here is Mary Siepert.

Mary Ann Siepert, 2955 West 5200 South, Rexburg. And I agree fully with everything Kirsten just said.

Rick Robertson: Thank you Mary. Let's see here we've got Verl Jason Drollinger.

Brent McFadden: He must have left.

Rick Robertson: He must have left. Another name we have on here is Dan Goulding. I couldn't decide rather it was crossed off Dan Goulding. Did you. Come forward please.

Dan Goulding, 2977 West 5200 South, Rexburg. Um my issue is somewhat a little unrelated but related. I've got some property in St. Anthony. I have been trying to get it approved for a septic system there. In working with the Department 7<sup>th</sup> District Department and Health they told me that it has to be an engineered system. And I say OK what kind of system. And the lady says well it's got to be like this, it's got to be like this and I have been here for four or five years and I have never seen one. And I went to the DEQ site and is there any engineered systems out there that would work that could get me a septic system. It is in a posted area and it is close to the river so you have to have a certain type of system. And the DEQ says well I understand what that system is that you are talking about but there are some systems out there that I don't think this lady knows about. I haven't been able to get back with the DEQ to find what that system is. But that tells me that there are systems out there that are viable. I have seen this this system that they are talking about and I wouldn't want it on my home. I think with maintenance that I have heard about other people doesn't happen. The people are supposed to come out and check on it and give you the OK you are doing fine. I have heard people say "I never see the people" and then they send a me a \$125.00 bill. I have never seen them, I've never seen the results. That in its self is another issue of importance or at least some kind of testing issue so the system seems to be a little bit broke. So how that gets fixed that would be my recommendation or my opinion. I would like to get rid of these kind of systems and get something that works. Because this system doesn't seem to work and then too, the DEQ is up on systems that are available that maybe we haven't explored. Something that is out there. So I would say it is time to step back and take a look at it and see if there is something out there that does a better job. Because people are going to need homes and we don't want to just you know we don't want to contaminate the ground anymore than anybody else. Thank you

Rick Robertson. Thank you Dan. Is there anybody else that did not have a chance to sign up that wishes to speak at this time. Judy were the notices published on this.

Judy Coy: The notices were published as required by law and posted in the appropriate buildings.

Rick Robertson: Thank you. Was there any written comment.

Judy Coy: There was no written comment received.

Rick Robertson: Ok thank you. At this point we will close the public part of the hearing and comments will be heard from the commission.

**The hearing was declared closed at 8:38 p.m.**

Rick Robertson: Bill

Bill Squires: You know I think we all agree that the purpose behind this to begin with is to protect the ground water. It is something that the citizens have told us over and over again and requested this to make sure we do that. I like the way we are headed on this on the large subdivisions we have already had protection in force ah but it does not protect the people against the density which has always been a concern with the many small subdivisions. The basic or standard septic system is just the bare minimum of protecting ground water. On five or sixteen acres you know a standard system works. But not for the density in small subdivisions and I agree that we need to remove Rresolution 236 but I also think that we need to strike the wording “the aggregate of which will produce an effluent output of more than 2,500 gallons per day” on the first paragraph as well on the second paragraph strike the wording “ in a subdivision with less than 2,500 gallons per day or any stand-alone lot”. That way we are protecting ourselves on the small subdivisions because it, no it is obvious as was commented here is that you get this little one and another little ones goes there and then we have forty of them all together and they are all on this basic stand-alone system. And I still think it needs to be in the comprehensive plan instead of being an ordinance. That is my comment.

Rick Robertson: Thanks Bill.

Ed Williams: I have a comment Mr. Chairman. We have a representative from Eastern Idaho Health Department here. I wonder if she would be willing to make some comments at this time.

Rick Robertson: Would you like to make some comments?

Kathleen Price: No really no but I would answer questions if you have some questions.

Rick Robertson: Can you state your name for us so the group knows.

Kathleen Price: I am Kathleen Price from Eastern Idaho Public Health District. I cover both Fremont County and Madison County generally and several other areas at this time.

Matt Hartline: Kathleen I have a question. Mr. Chairman is it ok.

Rick Robertson: Go ahead.

Matt Hartline: It was mentioned that the only ones that we are hearing about, who are opposed to this are those with systems that are failing and that it is all strictly the one type of enhanced or engineered system. Are there cases in the county where given the current code you have had individuals who come in that live on say lots less than two acres who have standard systems but are then required to install an enhanced system because of the way the code is currently written?

Kathleen Price: No. The way the code is currently written if they have a system that is, has been in place for many years if they need a repair and it is permitted correctly if they need a repair they can do a repair to that system.

Matt Hartline: How about a replacement?

Kathleen Price: If they need a replacement then we start at scratch. One problem that is causing confusion is that most of the people have addressed an ETPS unit or an ATU unit or aerobic treatment device. There are failures in those. They were put in incorrectly in some cases. The science wasn't really good at the time when they were kind of pushed in this county and especially in Jefferson county so we have had some failures. So when that happens people are required to put in a tank in that situation and make sure that the aerobic treatment unit works. And then have a full sized drain field. There has been a lot of talk that oh this was pushed because somebody wanted something. There are many many areas in the county of one acre or one and one half acre lots or stand-alone lots. But their reason to have an engineered system or any kind. Where there are many lots that are required due to ground water, soil types, closeness to surface waters and there are some areas in several counties that are not buildable. This is due to the proximity of surface waters on either side and there is no system that would in the state of Idaho that would fix that. Everything that the DEQ has I know.

Matt Hartline: The systems that are failing. Those aren't something that that brand or whatever that ATU that isn't something that is mandated by District 7 that they install that kind that was the kind that was the kind that was sold to them by their installer.

Kathleen Price: By their, probably by their developer or contractor. There is one subdivision in Madison County that has it on the plat that they will use that type of system. Of course when those systems were banned we had to come up with something else.

Matt Hartline: So there could be also spots in the county that may have more than an acre or I guess even more than two acres that is because of their location, they would still require some type of an engineered system. And what we are doing here is not telling them that if they are on greater than two acres you can install a standard system, what we are doing here is saying you have to go to District 7.

Kathleen Price: No we will take into consideration every environmental impact both positive or negative. And basic systems I have heard that they are a danger to the area. If the ground water is low or deep enough, if the soil types are correct, if it is installed correctly a basic system will not pollute our ground waters. Will not.

Bill Squires: Mr. Chairman a question. So how are these put in incorrectly if you oversee them.

Kathleen Price: Oh I didn't oversee them. That was long before I was here.

Bill Squires: Not your department either?

Kathleen Price: Not my department either. At the time that they were being put in was a period of time when there was really heavy development in the area, there were a lot of spec homes being built. I don't know the numbers, you know we can maybe come up with them.

Unfortunately too, some of the systems didn't require things that we have now discovered they need to have. So it wasn't done as though it were illegal or behind the scenes or something. They were, this was a system that was sold to DEQ you know as far as technology and that it would work.

Bill Squires: Why are you saying they were put in incorrectly then.

Kathleen Price: They were put in incorrectly as of today's compliance.

Bill Squires: But not back then.

Kathleen Price: Right. So when they failed let them go out and look for these things but when they fail then we have, we say ok now we have to come into compliance just as we do with every other system.

Bill Squires: And what we are talking about in this is subdivisions. First paragraph is subdivisions the bottom paragraph is everything else including stand-alone. So when we are talking about two acres or one acre if it is a stand-alone. So ok they can put in anything they want in as long as they approve it.

Kathleen Price: Not whatever they want. As long as it meets all of the specifications required by the state. By the state. As long as the state approves it. I just facilitate what the state approves.

Bill Squires: I don't understand that.

Kathleen Price: I don't make the rules.

Bill Squires: Well but you are the one that oversees it.

Kathleen Price: In this county

Bill Squires: But if they are in subdivisions, that is where the concern is with the density. Add them all together have them side by side this ten acres this twenty acres this thirty acres.

Rick Robertson: Just a second Kathleen.

Ed Williams: Do you think we need this in our ordinance.

Kathleen Price: I would have to not say that.

Rick Robertson: Doug do you have a question for Kathleen.

Doug Sakota: If they have someone who is replacing or they want to replace their septic system and they have had an enhanced system and now they go to a standard system.

Kathleen Price: If they were to remove this and they were outside of the subdivision and the only reason they did this was for some unknown reason. Because they are a cheap engineering

septic. You buy the product and it supposedly works, right. And they do work I just, I gave a permit for one in Jefferson County the first one I have ever written because we found out they are mess. If you have a crash tank and you have a system, then you have a full sized drain field and they will work. Now if you have a lot that somebody has built on and for whatever reason the builder proposed this system and then I go out there and they need a complete replacement we do test holes, we check ground water, soils, separation, distances and there is no reason for them to have an engineered system I would have a basic system.

Rick Robertson: Any other questions from the commission for Kathleen.

Kathleen Price: One thing I will say, Kimber Ricks has started building, he is adding on to an existing dwelling. He is not building a new home. We have been in discussions over the septic systems. It wasn't because he was waiting for this to pass or not pass. There was discussion going on over the size. I have been in discussion with the family and I know what they are building, it is not heresay.

Doug Sakota: So how do we look at that or not.

Rick Robertson: I think you are talking two different things.

Troy Evans: Are you talking about the Ricks' permit or Fortunati.

Doug Sakota: No I am talking about Fortunati's letter. That is heresay because we don't have it.

Troy Evans: You can view it any way, you can accept it completely you can ignore it completely it is completely your call. But it is not necessarily heresay. You can't exclude it just because it is a letter because we accept written comment all the time without people being there.

Doug Sakota: It wasn't given to us.

Troy Evans: Right. Your call.

Rick Robertson: You have a comment Matt.

Matt Hartline: Actually I would like to make a motion that we approve this.

Rick Robertson: Ok we have a motion by Matt to approve this.

Shane Sutton: I will second it.

Rick Robertson: Shane you seconded it.

Ed Williams: I have one question before we get far. It says resources above and beyond that of a standard or a basic septic system. Who determines standard or basic?

Kathleen Price: DEQ. Department of Environmental Quality.

Ed Williams: So if we pass that then it kind of lets you be the one says. I think that is the way it ought to be myself.

Bill Squires: We you have looked at the past and all of the mistakes I still think that we need this protection in there. In the subdivisions.

Rick Robertson: Matt would you like to restate your motion again. Just tell us.

Matt Hartline: I move that we approve as written.

Rick Robertson: Ok, thank you Matt and then Shane seconded it. Can we have a roll call vote Judy.

Judy Coy: Matt Hartline.

Matt Hartline: Yes.

Judy Coy: Mike Munns.

Mike Munns: Yes.

Judy Coy: Doug Sakota.

Doug Sakota: Yes.

Judy Coy: Bill Squires.

Bill Squires: No

Judy Coy: Shane Sutton.

Shane Sutton: Yes.

Judy Coy: Aaron Swenson.

Aaron Swenson: Yes.

Judy Coy: Ed Williams.

Ed Williams: Yes.

Judy Coy: Rick Robertson.

Rick Robertson: Yes.

Judy Coy: The voting is in favor of accepting.

Rick Robertson: I would like to thank the commission for being here tonight.

Brent McFadden: We are a recommendation committee only it will go to the county commissioners for approval.

Rick Robertson: Just to make it known to the public we are a recommendation board and this will go to the county commissioners and they will decide. Could I have a motion Doug.

Doug Sakota: I move that we adjourn.

Brent McFadden: Just so that you know we have a work meeting next Thursday because I will be gone at the end of the month.

The meeting stood adjourned at 8:55 PM.

Meeting minutes accepted by:

Meeting minutes prepared by:

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Rick Robertson, Chairman

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Judy C. Coy, Coordinator