

Commissioners Minutes

December 2, 2024 – 3:01 p.m. to 3:08 p.m., and 3:28 p.m. to 3:33 p.m.

CONTINUATION OF PUBLIC HEARING: CONSIDER THE PRELIMINARY PLAT AND AN IRRIGATION AND DRAINAGE PLAN FOR ALYSON MEADOWS SUBDIVISION, CASE NO. SD2021-0039

Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek

DSD Planning Supervisor Carl Anderson

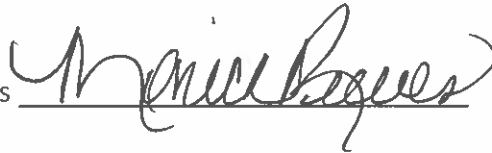
DSD Principal Planner Michelle Barron

Deputy PA Zach Wesley

Elwin Butler

Other interested citizens

Deputy Clerk Monica Reeves

A handwritten signature in black ink, appearing to read 'Monica Reeves', is written over a horizontal line.

CONTINUATION OF PUBLIC HEARING: CONSIDER THE PRELIMINARY PLAT AND AN IRRIGATION AND DRAINAGE PLAN FOR ALYSON MEADOWS SUBDIVISION, CASE NO. SD2021-0039

The Board met today at 3:01 p.m. for a continuation of the public hearing in the matter of a request by Elwin Butler, PE for Cory Swain, CS2, LLC, for approval of a preliminary plat and irrigation and drainage plan for Alyson Meadows Subdivision, Case No. SD2021-0039. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Michelle Barron, Deputy PA Zach Wesley, Elwin Butler, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from November 19, 2024 where the Board asked for additional information relating to the development agreement and the City of Caldwell's subdivision improvement requirements.

Today, DSD Principal Planner Michelle Barron gave a recap noting there are several subdivisions ordinance requirements that the City of Caldwell would like the applicant to follow. Originally, they wanted them to connect to city services for water, and there are requirements for putting in a dryline for future septic expansion, curb and gutter. During the rezone process there was a condition that stated the applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell P&Z Department letters, with the exception of the requirement connecting to the public water system which is waived. At the time, the applicant was only asking for a waiver of the connection to city water. During the subdivision process, there was a new applicant who is represented by Elwin Butler and they asked for a waiver of the subdivision requirements and the P&Z Commission agreed and recommended that all city requirements would be waived.

Deputy PA Zach Wesley said if the Board approves the application and waives the city conditions on the plat it would be out of compliance with the development agreement and someone could come forward and trigger a complaint and we'd have to go through a public hearing process where the zoning could be revoked. The options are to either table the plat and come back for an

amendment on the development agreement which could be done at one hearing and we could also have the plat tabled to that point and do both at the same time; or, the developer can go forward and meet the requirements of the development agreement and get the plat approved under those conditions today.

Commissioner Brooks wants to go into Executive Session and discuss his questions with legal counsel. The Executive Session was held as follows:

EXECUTIVE SESSION – COMMUNICATE WITH LEGAL COUNSEL REGARDING
PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Brooks made a motion to go into Executive Session at 3:08 p.m. pursuant to Idaho Code, Section 74-206(1) (f) to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Leslie Van Beek, and Zach Brooks, Deputy PA Zach Wesley, DSD Planning Supervisor Carl Anderson, and DSD Principal Planner Michelle Barron. The Executive Session concluded at 3:28 p.m. and the hearing resumed in open session.

Commissioner Holton said we cannot work around the development agreement so the Board will give the applicant three months to file an application to modify it and if nothing happens in six months the Board will hold a final hearing and make a decision with the information it has. Elwin Butler said they are agreeable to that. The applicant will be required to have a neighborhood meeting as part of the public hearing requirements. Commissioner Van Beek said the modification request will come to the Board, not the P&Z Commission, and the merits of the modification will be deliberated by Board at that time with no guarantee. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing and give the applicant three months to apply for a development agreement modification, and in six months this hearing will be continued if nothing else has happened then the Board will finish the business and make a final decision. The hearing concluded at 3:33 p.m. An audio recording is on file in the Commissioners' Office.