

Speaker 1 ([00:01](#)):

Okay, this is Chairman Brad Holton gonna bring the meeting back to order. We had a brief recess and time is 2:46, so we start in a couple minutes later than we had scheduled. All right. , Is there other discussion before we keep continuing?

Speaker 2 ([00:17](#)):

Mr. Chairman?

Speaker 1 ([00:18](#)):

Yes.

Speaker 2 ([00:18](#)):

I have a question for staff and maybe legal, but is, is this the first conditional rezone that we have seen, , that then if it moves on in the process, it becomes an administra- administrative land division that doesn't come back to us for the preliminary plat? ,

Speaker 3 ([00:40](#)):

Mr. Chair, commissioner Brooks, no, I think you've had several that are land divisions after that I've, I've done for you guys recently. , So if you want any particular conditions attached to the land division, , are you talking about the, are you asking about the condition that says land division or subdivision? Or are you asking if it's just gonna become a land division after this?

Speaker 2 ([01:03](#)):

If we were to approve this - Yeah. Does it come back to us?

Speaker 3 ([01:05](#)):

, Mr. Chair, commissioner Brooks, probably, I, I don't think so. I think it'd become a land division.

Speaker 2 ([01:11](#)):

Okay. Okay. So that, that's kind of my concern here. So to say that I am, , a wee bit muddled on the easement and the irrigation and whatnot would be an understatement. I'm not exactly sure what's going on, but we have it addressed in the conditions of approval. It's not at this stage. So my concern is we're going to hear all of this and then we're gonna pass it on to a director that has not participated in this at all yet when we're the ones that are familiar with it at this point. , So I'm not exactly sure what to do with that.

Speaker 4 ([01:50](#)):

Chairman? Yes. I have some of the same concerns that you do. There's some missing information and in my mind we have conflicting testimony about what does and doesn't exist. And I would potentially like to submit that we continue this hearing. There is information on capacity for the storm drain. I went back and read the, the bullet letter again. There appears to be water according to Mr. Wong's testimony that could potentially be available and tied into. But again, that's a, a question for the HOA and Mr. Merrill to take back to his group. There's the 12 inch irrigation pipe that a land use attorney says exists,

who's been a cattle operator there or a livestock person there. , There's a question of a, for, in my mind, the safety. And, and so I need to have the questions because that is part of our decision making process to protect public, the interest of public safety on a road that is going to be a main thoroughfare at some point in time with the growth.

(03:00):

And so, and I have unclear questions in my mind like Commissioner Brooks about fencing, easements, all of that. So I need additional information on this application.

Speaker 3 (03:20):

- May I please do rebuttal?

Speaker 2 (03:23):

Mr. Chairman, , trying to artfully say this. I, I think Commissioner Van Beek's, , concerns are quite valid and I agree with her on some of that, but I think her bringing those up at this moment kind of muddled where I was at. , Wondering about the process and if this is going to go beyond us to then be an administrative decision. I wanted some clarity on that.

Speaker 3 (04:02):

, Mr. Chair, Commissioner Brooks, if there's specific information you're wanting the applicant to provide now, , you could always continue the hearing and ask them to provide that information, you know, relevant to the criteria. You know, if you're wanting a more detailed irrigation plan or more information about the access, you're more than welcome to ask that. , And then if you want to craft, craft conditions that are more specific so that staff knows exactly what to look for at the land division stage, you can do that as well. , It's kind of just up to you and what you'd like. And then obviously the applicant may have some more information during rebuttal to provide that might help with some of it.

Speaker 2 (04:38):

Okay. So Mr. Chairman, that kind of addresses where I'm at, but a lot of these questions, when I review the A criteria, , are for the next step. And again, that's why I go back to my concern is if we move this on, it's not going to come back in front of us for those questions and whatnot to be addressed. So

Speaker 3 (05:06):

I'm - Mr. Chair, commissioner Brooks, I guess one option you could do is just, if you want, let's say to look at an irrigation plan, you could say, you know, the condition is that they have, it has to be reviewed by the county commissioners at a later date, and then the land division's not approved until that's reviewed. But I don't know, I'd have to ask legal to make sure that's okay because we don't generally do that. It's more like we come back and show you how the, , conditions have been met. And as you know, we're doing the resolution of an order of intent to rezone. So then you would see all the conditions being met before you'd actually issue approval of the rezone on the map anyway.

Speaker 2 (05:37):

And then to top it off, Mr. Chairman, kind of going along with Commissioner Van Beek's concerns, I don't know that we have the jurisdiction to force them to essentially join Osprey's subdivision. And that's, it

seems what the reasonable, , or the logical thing would do, be to do for, for this to join into that. But, , logical and legal do not always align. So...

Speaker 4 ([06:17](#)):

Commissioner Brooks, can I address that? Yeah. So part of that, what I heard, , the applicant state was that there was a willingness to do that. So that's number one, is that that is their preferred access method is to go through Osprey. And then number two, , I did not hear a, a no, a hard no from the HOA representative here for Osprey, that development group. So I heard that the door, there was a, the door was open if, if the price is right. And so again, there's some questions in my mind that haven't been answered.

Speaker 3 ([07:00](#)):

, Mr. Chair, Commissioner Van Beek, I emailed Namp Highway District earlier and asked them why they, or about the, , why they decided not to have them access through Osprey. And Eddi Thiel said the commissioners decided not to pursue that and just granted them accesses to South Side subject to the deed restriction. He didn't give me any more, you know, like discussion. But of course, if you want more of that information, I can, you know, try to get more of that detailed discussion from them. Mm-Hmm.

Speaker 2 ([07:29](#)):

He gave us what he was obligated to give us. Yeah. I mean, that's the thing. It's just... I'm okay with rebuttal at this point, Mr. Chairman.

Speaker 1 ([07:45](#)):

Do you feel that you have enough information? I, to me, I'd really like to have Osprey give us... I'd like the applicant to have a formal request to Osprey and have them wait and see if she, they can get a formal response from Osprey stating the exact issues. 'Cause It sounded to me like that their representative represented that they hadn't gotten a formal question that their engineers could take a hold of and actually come down to the exact dollar impact that it might be.

Speaker 2 ([08:25](#)):

It would be nice, but then Osprey is under no obligation to respond to that request either.

Speaker 1 ([08:30](#)):

Well, I'm totally - So then you're, then you're - I would totally agree with that, but I'm also a commissioner that is considering making a connection to Southside that if I drive by this in the decades to come, it's gonna just kind of torque me off that we allowed two generalized additional connections to the Southside Boulevard when in the future there's gonna be improved conditions, connections to that through the highway department stipulations rather than, than an improved driveway.

Speaker 4 ([09:04](#)):

Agreed. I

Speaker 1 ([09:06](#)):

Think that's my concern. Why, why do these lots get to get by with it and all the rest of those subdivision lots didn't? So that's, that's what I'm wrestling with. And I totally agree. I don't... The applicant has no power over Osprey. Sure. I, all I have is a request for them to make an official request to them. And if they don't get a response in 45 to 60 days, then they can come back with that they've had no response. That would be the answer that Osprey didn't wanna put or they did and they, whatever that is, that... I wanna be sure that that door's slammed shut before I have to make a decision on two additional connections to the south side.

Speaker 4 ([09:53](#)):

Right. I think that's good business chairman. If you drive along Highway 44, Midland Boulevard, Middleton Road, 12th Avenue, any of those in the early days, nobody thought that would, that this area would explode like it did. But those single access points that are hundreds of them create traffic congestion and issues and safety and security for people that we're governing.

Speaker 1 ([10:20](#)):

So here's what I would... This is a suggestion. It's, it's not an official motion. I would make a suggestion that we direct legal to summarize this, what we're asking additional information of the applicant and for legal to produce that in seven days for the, for the applicant to have as an official communication from the county that they can come back with in a continuance.

Speaker 2 ([10:46](#)):

Before you hear rebuttal.

Speaker 1 ([10:48](#)):

Before I hear rebuttal. Otherwise, you can have rebuttal on top of rebuttal.

Speaker 4 ([10:53](#)):

But I could answer some questions I feel

Speaker 1 ([10:54](#)):

Like. I don't. I appreciate

Speaker 4 ([10:57](#)):

Your willing. Due process.

Speaker 1 ([10:58](#)):

Don't. No. You're not a lawyer. We have one in the room. So thank you. That's where I'm at for needed additional information. Do you two concur with that direction or do you feel comfortable with that or do you want to do something different?

Speaker 4 ([11:17](#)):

And Chairman, I like the suggestion. I would want us to, , discuss that so that our attorney has clear direction on what it is that we're seeking for information. So, and then she can craft that. We've talked

about some of that. I just don't wanna miss it. I mean, I've tossed out several ideas and you've tossed out some ideas and commissioner Brooks has had some... There's appears to be a number of questions that still need to be answered for the boards.

Speaker 1 ([11:52](#)):

To me, the, the, the egress is the, is, is a major issue for me. The water is, is, is of in - of concern also. So both drinking water, irrigation, water and the 12 inch -

Speaker 4 ([12:07](#)):

And Chairman, can...

Speaker 1 ([12:08](#)):

Across, so...

Speaker 4 ([12:09](#)):

Can I follow up on that on the water on point six on the Bolen Bullet? It's domestic water use for the 6.25 acre parcel. It says that water is accessible. There are water lines currently on Osprey subdivision. So that would be what I would want Mr. Merrill specifically to provide feedback on. So the request is to not drill additional wells to cap the well. That was a question legally, I guess. , But the potable water that would be provided for those splits, potentially, if there's capacity, could be provided by Osprey if they could evaluate that from their subdivision engineer.

([12:58](#)):

All right. So storm drain capacity, Mr. Merrill brought that up. 12 inch irrigation pipe. There's two conflicting statements. One assures us it's there, the other one ensures that it's not. , The county water service, , there's a request, you know, on a turn lane, the fencing, the easements. There's a request to state, again, the right to farm. So that question that's come up about fencing, gate access, all of that, I, I wasn't clear on that easement and how that would work either. So if there's a way, that's what was stated in the letter, that door has to slam for me and it's still open, so...

Speaker 2 ([13:48](#)):

Public testimony's still open, I guess, at that point? Yeah.

Speaker 1 ([13:51](#)):

Yeah, public testimony still be open. What do you want it to continue to?

Speaker 2 ([13:58](#)):

Well, that's predicament. Like

Speaker 1 ([14:02](#)):

The 10th of December? Mm-Hmm.

Speaker 4 ([14:04](#)):

You'll be back then? Okay.

Speaker 1 ([14:06](#)):

You'll be available?

Speaker 4 ([14:06](#)):

Yes.

Speaker 1 ([14:09](#)):

That's December. December 10th is a Thursday. And we don't have anything in the afternoon. You're encompassed till 1:30, so it'll be a late start at 2:30. Is

Speaker 2 ([14:24](#)):

That... Which one is it?

Speaker 1 ([14:27](#)):

Finance.

Speaker 2 ([14:30](#)):

, there's no way it'll last that long. So set it - But schedule, yeah.

Speaker 1 ([14:36](#)):

Settle, set it at 1:30 or -

Speaker 2 ([14:38](#)):

Yes, 1:30. Okay.

Speaker 3 ([14:40](#)):

, Mr. Chair, just wanted to ask a quick question. For materials deadline for this, would it just be 10 days before the hearing - Yes. Like normal? Okay.

Speaker 1 ([14:48](#)):

Yeah, 10 days before the 10th. So it'd have to be in on November 31st, 30th. It's not a leap year.
<Laugh>

Speaker 4 ([14:58](#)):

Chairman, I have a question for you.

Speaker 1 ([15:00](#)):

Yes.

Speaker 4 ([15:01](#)):

You did charge me with reminding you, , that there was a, a document out there for Mr. Wong. I can -

Speaker 1 ([15:09](#)):

I'll be here. He can, he can submit that during this time period.

Speaker 4 ([15:11](#)):

There. Thank you. So that answers the question. So Mr. Wong, if you would make sure that you provide the information to our staff so that's included in where public testimony is still open. Does that make sense? Yes. Yeah. Thank you. ,

Speaker 3 ([15:23](#)):

Mr. Chair, I'm sorry to, ... The applicant just told me she's not available on December 10th. Is there any other days that we could move it to?

Speaker 1 ([15:31](#)):

Yep. There's some other days further out. What would that be?

Speaker 2 ([15:38](#)):

The following week is fine. Following

Speaker 1 ([15:41](#)):

Is fine? Okay. Pardon me?

Speaker 3 ([15:42](#)):

The, the next week would be fine, she said. Okay.

Speaker 1 ([16:02](#)):

Let's do the Tuesday and the 15th. Okay. So we'll set it for the 15th. 15th of December, 1:30, this room. Mm-Hmm. Does legal have enough information to think that's the same kind of communication?

Speaker 4 ([16:25](#)):

Yes. And just commissioner, , you'd like a letter summarizing the needs within a week?

Speaker 1 ([16:31](#)):

Yes.

Speaker 4 ([16:32](#)):

Okay. All

Speaker 1 ([16:32](#)):

Right.

Speaker 4 ([16:33](#)):

Thank you.

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Speaker 1 ([16:34](#)):

All right.

Speaker 4 ([16:39](#)):

Chairman, are you ready for a motion on continuance? Yeah. Chairman, I move that the board continues this hearing to a date seven - certain of December 15th, 2026 at 1:30 PM.

Speaker 2 ([16:50](#)):

Okay. I second.

Speaker 1 ([16:52](#)):

All right. Motion's been made and seconded for continuance. All those in favor say aye.

Speaker 4 ([16:57](#)):

Aye.

Speaker 1 ([16:57](#)):

Aye. Aye. Motion carries unanimously. So let's , be in recess until we reopen on the date of continuance. Thank you.