

**Madison County
Planning and Zoning Public Hearing**



SEPTEMBER 20, 2017

COMMISSIONERS' ROOM

ATTENDEES

**Commissioners: Chairman Jon Weber, Kimber Ricks and Todd Smith
Deputy Prosecuting Attorney: Troy Evans, Planning and Zoning
Administrator, Bradley Peterson
County Clerk: Kim Muir**

Commissioner Weber:

Good evening, welcome to a Public Hearing, we welcome you, we're grateful you are here. We will do a quick introduction. We have our Civil Attorney Troy Evans with us, our County Clerk Kim Muir. We have Bradley running around here, our Planning and Zoning Administrator and of course the three Commissioners. I'm Commissioner Weber and Commissioner Ricks and Commissioner Smith.

We would like to begin with the Pledge of Allegiance and I've asked Malachi Rubish, one of our Scouts, if he'd come forward and lead us, Malachi, thank you.

Public:

Pledge of Allegiance

Commissioner Weber:

Malachi, thank you very much. These proceedings will be recorded and so as we begin we'd like to certainly express our appreciation to the Public and the process that we go through as a community to find some type of common ground that would help lead us and move us in a positive direction. So as we begin we certainly know that some of these issues can be pretty tender and we ask you to take a deep breath and when you address that we are civil to one another. We will be holding each presenter to three minutes. We will be holding that pretty strict so if you're going to speak to us and be a matter of record, that you kind of gather your thoughts so you stick to the three minutes. We also would ask that as we get into the presentations that if it has been said then stand and state your name so it's a part of the record but just simply say "I agree with what's been said previously" so we don't have to go through hearing the same thing over and over and over again. Are we ok with that?

So we first like to have a little background and we're going to turn some time to Bradley, our Planning and Zoning Administrator to bring us up to speed of how we got where we're at tonight.

Bradley Petersen:

First let me say welcome as well. What happened a few years, well not a few years, just last year we became aware that we had a difference between our definition for Commercial gravel pits and our Land Use Table. So last April, we had a hearing to correct that problem. The problem was simply in the Land Use Table, it only listed one. Let me just show you here. The top one is the current Land Use Table, so we only allow gravel pits; it's according to the Land Use Table, in the High Industrial area. The Planning and Zoning Commission after reviewing the definition that we had as requested or recommended to add

four additional zones to the use in gravel pits with a Conditional Use Permit. So everyone can see what's happening, right here in the current map we have posters of that you can see. Then, if you look right now the only place that allows for, you might want to turn that one light off.

Commissioner Weber:

Bruce, the bottom switch, there you go, thanks.

Bradley Petersen:

The only place that allows for Industrial is right where my shaky fingers are at, it is that kind of dark color right there, that's the only High Industrial zone we have in the County.

Commissioner Weber:

Bradley, listen, tell us where that is.

Bradley Petersen:

It's right along Highway 20, right there by the bark plant, its right in that area there.

Commissioner Weber:

Mountain West Bark, the Thornton area.

Bradley Petersen:

Yes sir, the Thornton area. Just so everyone can see if you look, if we add it to Light Industrial is the purple area.

Commissioner Ricks:

Do you want a spotter?

Bradley Petersen:

I've got it but it isn't very bright.

Commissioner Ricks:

This one's a little better maybe.

Bradley Petersen:

Yes sir. If you look at just right there in the purple area, that's our Light Industrial zones or zone I should say. Commercial is the blue so if you look here again it's right along there and then Trans Agriculture or Trans Ag as we refer to it, that's the green area the lighter green in those areas right there. Then Agriculture takes in the dark green as you can see this whole here and here. Now I should add we have two, this is what we call our Ag Rec zone. Even though it sits over the Ag that is we won't, gravel pits will not be allowed in our Ag Rec zone or our Sensitive Land zones which follows the river so right up along the river, as well in the Sensitive Land areas. And again, we are here because our definition and our, what we have for gravel pits and our Land Use Table do not coincide together and we're trying to correct the mistake that was made earlier.

Commissioner Weber:

Ok thank you. I think it's important to point out the process that folks go through to get to this point. In this particular situation, the item of business came before the Planning and Zoning. The Planning and Zoning which we have full confidence in, they're a great group of individuals who serve as volunteers

but they went through the process and they held their own Public Hearing, separate from what we're doing tonight. It's a Public Hearing through Planning and Zoning. At that meeting, the Planning and Zoning Board or Commission voted to approve this and then it comes before the Commissioners; that's the Board of Commissioners, us three here. We look at it and we have an opportunity to do three things; we could pass it at the recommendation of Planning and Zoning, we could deny it and it goes away back to Planning and Zoning and they rehash it and or we could table it. The important thing I wanted to point out is that as the Commissioners we viewed this and went through it, that we decided to table this and hold our own Public Hearing that would give the Public more opportunity to talk to us directly and that's why we are here tonight. I want to make it clear that some of the things that are said outside meetings before we come in that get back to us, at no time and in no way will we try to sneak this or slide this through before we had our Public Hearing. Certainly, if that was our intent we would have just passed it, right? So we didn't do that. Folks, and I see some here, that are I'm not a Facebook fan but it was brought to my attention that some of the folks are here tonight. So I say it in public, I say it to you, that in no way were we trying to slide this through without a Public Hearing. So with that being said we will go into a Public Hearing. I will ask the Clerk if all of the public notices were posted properly and in a timely manner.

Clerk Kim Muir:
Yes, they were.

Commissioner Weber:
I will ask.

Clerk Kim Muir:
They were in the paper two times; we only had to do it once. We elected to do it twice and we put it in where the obituaries were instead of back in the legal; we found that more people saw it there.

Commissioner Weber:
Ok, thank you very much. I will ask for a conflict of interest by vote for the Commissioners.
Jon Weber – no
Kimber Ricks – no conflict of interest
Todd Smith – no conflict.

Ok, we are in a Public Hearing and if I could get Bruce, would you turn the light back on please. I need the papers from the back.

Unknown Public:
I have a question while we are waiting on that. Can the Planning and Zoning gentleman tell me where the (unknown) came from that is now in conflict, was that done in a Planning and Zoning meeting or that language change or was that done in a Commissioners Meeting? Where did that come from?

Commissioner Smith:
I can address that, yes. Planning and Zoning held a Public Hearing, I don't remember when April, probably in April, they did have a Public Hearing. They did all their legal notices and that's when that decision was made when they sent it to us.

Unknown Public:

You're saying there is a conflict in the language, when did that conflict in the language when was that made?

Commissioner Smith:

About seven years ago. I don't know the exact date but somewhere in that, is that correct about six or seven years ago? A while ago.

Commissioner Weber:

Ok, Troy correct me if I'm wrong, we're going to go and listen, we'll go into those that are in favor, neutral and against.

Clerk Kim Muir:

We do have a lady here that wanted to speak against and she has a class she's trying to get to. Is there any way we could start with that?

Commissioner Weber:

Ok, we received three written notices that we entered into the record. The three, two of them were sent by the same person, it's the exact same letter. I'm not sure that they just forgot that they sent us one but we have duplicate here. The other one is by an individual who is Suri Pinnock and the other two were by Mr. and Mrs. Glen Leak. Those letters will be entered in to the record. There is an individual that has a time commitment that needs to get to a class or something, she'd like to come forward, and we know who that is?

Debbie Siddoway:

I'm sorry, I'm not more important than anybody else.

Commissioner Weber:

You can stay right here.

Debbie Siddoway:

No, I want to look at everybody.

Commissioner Weber:

Ok, we'll give you a microphone so they can hear you.

Clerk Kim Muir:

You need to hold the microphone.

Debbie Siddoway:

I have a pretty loud voice anyway. Kim thanks for all your help today, you were very helpful and I wanted to commend you for that.

I have read the proposed guidelines for the gravel pit overlay proposal. My experience with Planning and Zoning Department for the County of Madison makes me very aware that whatever is written and it can be approved and it gets to be a legal law or Ordinance but never enforced. So let me give you an example. I live at 5200 S right across from D.L. Beck Construction right by where this proposal for the zoning change is. They have been there for many years but they have not complied with the Ordinances for having a privacy fence. I've finally decided that I have waited long enough for them to comply and in

May of last year I contacted the Zoning Department and was directed to speak with Brent McFadden. I had to go to the Zoning offices myself and fill out a complaint even though this was law that was already on the books. I was told that the fence would be completed by the end of summer 2016, it was not. Again, I contacted Brent McFadden; needless to say that was a frustrating process and a long one. D.L. Beck Construction works sometimes from 5:30 a.m. in the morning and goes till 10:00 p.m. at night, it's very noisy. I have been told by many people in the County that they don't have the manpower or the time to enforce the Ordinances that are already on the books. You can say and put regulations into law for the gravel pit, doesn't mean it's going to happen. We bought our property knowing that the current zoning laws and what they were. We do not want them changed. There is already a gravel pit just north of the proposed change in zoning which is owned by Edstrom's, there is also a gravel pit west of Highway 20 and how many gravel pits do we need to supply gravel in Madison County? How much gravel is actually sold for projects in Madison County? Or is this gravel going somewhere else? Then let them have a gravel pit in their own County. I don't know any of my neighbors who want this zoning change. We live here, we pay taxes here. Represent us; we do not want this proposal.

Commissioner Weber:

Thank you very much. We do need name and address for the record, did we do that?

Debbie Siddoway:

My address is right on there, and it's for my husband as well.

Commissioner Weber:

Ok, Debbie thank you. For those who will present, please state your name and your address, we know it's written but we want it through the mike so it's recorded. We've been advised by our Attorney that these letters need to be read. I've asked Commissioner Smith to read one and Commissioner Ricks to read one. Commissioner Smith if you'd read yours please.

Commissioner Smith:

Yes.

Dear Sirs. This is in regards to the proposal and the possibility of expanding business access in creating gravel mines in Madison County. My first reaction to such a proposal is to yell and scream no, no, what are you thinking? Are you blind? Have you not driven around and seen the destruction. But I will restrain myself and try to remain calm and write this letter of comment to the three of you in a civil manner. It is difficult for me to imagine why Madison County wants to get into the same confrontational disruption in the County as Fremont has been facing for year where the fight between the gravel companies, their continued expansion and encroachment into the yards and neighborhoods of the people especially in the Wilford area and to the south around Teton, and the mutilation of the farming ground. I also have a hard time understanding why Madison County wants to make it easier to jeopardize the values of property by allowing the expansion of gravel pits anywhere in the agricultural area. I am feeling the emotion rising which might make me write words that later I may regret. So, I will just end this letter by requesting that before such an idiotic decision is made, take a Sunday or any day and drive around Madison County. Start in Plano where I live, granted we may not be able to be considered a target for a gravel pit but who knows. Sand is just itty bitty gravel. Look at the fields, blazers and their potatoes and the cleared fields of grain. Drive a little more and look at the fields of Browns, so well-kept and orderly. Then drive back closer to town and in the Burton area take a look around near the old Jensen farms near the river. Keep going as you come to the south edge of Hibbard. Beauty, beauty, beauty. Before you go home, drive on up to Wilford and look around at the destructive pits in the ground, look at the smelly, disgusting processing plants connected to those holes in the ground. Now, picture those pastoral scenes

as you previously viewed in Plano, Burton and Hibbard, let alone the Webster farms on the hill. Do we want to make it easier to have those horrible messes you saw in Wilford all over Madison County? No, no, no what are you thinking to even consider such a thing for Madison County. Sincerely, Siri Pinnock.

Commissioner Ricks:

This letter is for County Commissioners from Glen and Cheryl Leak. I am writing concerning a recent article in the Standard Journal informing the public about pending zoning changes for gravel pits and a public hearing to be held on Wednesday September 20th, 2017. I will be unavailable for said hearing so I would like to express my concerns. Madison County has settled and developed by those good people preceding us consists of many small communities and rural areas with churches, schools and rural residences and subdivisions. Those of us fortunate enough to live here have enjoyed a wonderful quality of life. I would hope that you would do everything possible to maintain and preserve this quality of life. I live within one half mile of the gravel pit operated by Madison County on east 7000 south. This pit has forever changed the aforementioned quality of life in the Archer area. It has brought with it unwelcome noise, dust and truck traffic. I feel that over time it will also affect the quality of groundwater in the area. If one or two additional gravel pits were to be opened in the area it would be devastating. The current Madison County Gravel Pit Ordinance allowing pits to be constructed within three hundred feet of existing homes is unacceptable and detrimental to the wellbeing and health of those living nearby. To inflict air pollution and noise pollution from gravel pits on nearby residences is unthinkable. This is also true of additional truck traffic which most County roads are not designed to handle. No matter how many measures are taken to provide a buffer zone, gravel pits are an eyesore and destroy the natural beauty of an area. Our Madison County rural communities of churches, schools and residences are complex and desire our best efforts to maintain and preserve them. I am strongly opposed to changing zoning to allow Agricultural and Trans Ag land to be purchased and used for gravel pit mining. Gravel pits need to be considered on a case by case basis with input from all members of the community. Please use your citizen granted authority and powers to protect our idyllic way of life in Madison County. Signed, Glen and Cheryl Leak.

Commissioner Weber:

Ok, thank you. We'll go back to our in favor and first up is Matthew Hartline.

Matthew Hartline:

Is it ok if I just come up here? You guys are the ones I want to talk to.

Matthew Hartline

817 Heritage Road, Rexburg, Idaho.

I put together a nice long, not long but very detailed view of what I wanted to talk about tonight. I am going to put that aside because I want to talk to the three of you and look at you guys as opposed to my paper. As you know, I am on the Planning and Zoning Commission; I also help manage a company that owns gravel sources in adjacent Counties to Madison County and adjacent States. Tonight, I am here as a resident of Madison County; this is where I have chosen to live. I've lived here in Madison County for roughly nineteen years of my life. I've raised my kids here; my kids are fifth generation to be raised in Madison County. So I take this pretty seriously. I'm not going to talk about why we need gravel, that's pretty obvious. Anybody who drives through here sees the growth, sees the development, sees the paved roads, sees the buildings. All should realize why we need gravel, and you three definitely understand that, you're all, you would know why we need it. What I am here for tonight though is to discuss this change and why we need this change. So, like Bradley said, we recognize that there was a conflict in the wording between the definitions, the Gravel Pit Overlay zone and the Land Use Table. So, what this change here tonight does is corrects those inconsistencies that were in there. I was also part of

the group before I was on Planning and Zoning that put together this Gravel Pit Overlay Ordinance so I know what the intention was at the time of that group. It was not the intention of that group nor was it, I presume, the intention of you three to shut gravel pits out of Madison County by only allowing them in a Heavy Industrial zone. That was nearly an oversight when it was adopted; the Land Use Table was not corrected. The former Planning and Zoning Administrator has mentioned on several times that when they adopted that and added the gravel pit overlay to the unified development code it did not update the Land Use Table. We're not here really looking at whether gravel pits are good or bad, we have an Ordinance that protects or provides the guidelines the regulations all of that. This is merely to correct the mistake that was made several years ago when it was adopted.

Commissioner Weber:

Ok, thank you, excellent thank you. James Walters.

James Walters:

James Walters

1772 E 250 N, Driggs, Idaho.

I'm representing Walters Ready Mix

342 W 4th N, Rexburg.

I am in favor of the proposed change to the Unified Code; I would like to address the Commissioners with perspective of an Ag producer. I understand gravel pits are a contentious issue and there are many concerns in regards to it. However, they are a necessity in any area that is experiencing any type of growth in infrastructure, residential, educational, industrial or agricultural sandy gravel or the foundation to any type of construction development. Sandy gravel is considered low value products, yet they are extremely expensive to process and transport. In order for an adequate source of material to be considered a certain criteria needs to be met. The material itself needs to have a certain level of quality and there needs to be a balance of rock verses sand. For instance, the gravel on the south end of Madison County has an abundance of rock, but the north end is better sand, both of which are necessary. Not only are the physical requirements for material critical, but for permit, extraction and transportation of the final processing are equally important. Currently in Madison County, there is no available land zone for future mineral extraction forcing producers to look further away for a source driving up transportation costs. Now, I know the public has legitimate concerns over gravel pits. Concerns such as air and water quality, safety, noise, aesthetics and property values. I would like to touch on each of these briefly. All mining operations are heavily regulated and monitored by the Local, State and National agencies such as Mine Safety, Idaho Department of Environmental Quality, Idaho Protection Agency and Idaho Department of Water Resources ensuring the public and environment are not greatly impacted. The Gravel Pit Ordinance of Madison County Comprehensive Plan also set certain requirements to mitigate excessive noise, dust, aesthetics and safety. Regarding property values, gravel pits can negatively impact adjacent land in residential and other zones where a gravel pit would not fit in. But in relation to agricultural, gravel pits are actually assessed more valuable, thus being taxed more. Also by allowing gravel pits in Agricultural and other zones, land owners would have more flexibility and options for land sales. In regards to aesthetics short and long term, with proper screening berms and vegetation and trees, the gravel pit can have minimal impact on neighboring land owners. I myself live less than a half a mile from one of our gravel pits. We use the above mentioned methods to improve its aesthetic appeal. Also gravel pits can have a positive effect on land. I'd like to cite Rainbow Lake, Crystal Springs, Rigby lake, Lone Pine Nursery and Walters Ready Mix Pond in Rexburg as an example of how gravel pit with a well-made reclamation plan can enhance the community. In closing I'd like to say that I believe Madison County has an obligation to facilitate the growth and development of its own

community and this can be achieved in various zones by local government, land owners and producers working together. Thank you.

Commissioner Weber:
Thank you. David Walters.

David Walters:
David Walters
1240 S 2nd E, Rexburg.

I'm in favor of the proposed additions to the Land Use Table. In '09 I was asked by Madison County to work with other gravel pit operators, concerned citizens and representatives from Planning and Zoning. From that came a very detailed plan to produce gravel pits. I thought Commissioners had accepted this plan and gravel pits were allowed by Conditional Use Permit in the proposed zones. But when Bowen Construction wanted to use their property for a gravel source, it became evident that gravel pits were allowed only in Heavy Industrial zones; there are no Heavy Industrial zones in the County. I don't think it was the Commissioners intent to adopt a Gravel Pit Ordinance and then shut us out because of no available zoning. At the April 13th Planning and Zoning hearing Brent McFadden, the previous Planning and Zoning Administrator, made the following statements in reference to the addition of the proposed zones to the Land Use Table. "It was my fault, because when we passed the overlay zone I forgot that where it was going be allowed in the zones. Then why we are here doing this?" Additions to the Land Use Table proposed today don't automatically allow gravel pits in proposed zones. Each pit must obtain a Conditional Use Permit by going through Public Hearings and conform to the great detail throughout the Gravel Pit Ordinance. The County Comprehensive Plan is very supportive of agriculture as it should be. It should also be supportive of the Agricultural gravel pits not only benefit the owner, they also provide a good many paying jobs. For example, my company provides over 40 good paying jobs with benefits. Gravel pit operators also pay property taxes on all owned equipment and a large amount locally for fuel and supplies. There is a need locally for additional gravel pits and there is a very effective Gravel Pit Ordinance in place. It had been suggested that local companies get their materials from Fremont County. I think Fremont County would be reluctant to permit a pit for a Madison County business that supplies mostly Madison County. To purchase gravel from the Fremont County supplier and resell it would not be economically feasible. Gravel pits should be allowed in the proposed zones as they were meant to be before being excluded from the Land Use Table and oversight. Thank you.

Commissioner Weber:
Thank you David, Richard Bowen.

Richard Bowen:
Richard Bowen, am I loud enough, can everyone hear me?
Richard Bowen
3839 E 400 N, Rigby, Idaho.

Jon, Kimber, Todd, I'm assuming that we are all aware of the absolute necessity of gravel pits in order to allow growth in our community as well as maintaining our existing infrastructure, buildings and roads. I won't go over that here, however I do want to address some of the concerns that we have heard in the past regarding gravel pits. Much of what we have heard relates to the Environmental Impact on the surrounding areas such as the view, the dust, noise, and potential traffic issues created by this operation. Two years ago, prior to finding out, maybe it wasn't quite two but a few years ago finding out that we were limited to only a Heavy Industrial zoning. Jerome Bowen Construction attempted to get permission to start our own gravel pit. In the process of that we quickly learned that we had a lot of

work to do and a lot of agencies and people to meet. We had to present the plans for mining, maintenance, and the reclamation to the following agencies; Department of Lands, Department of Environmental Quality, Department of Water Resources, Idaho Transportation Department, Madison County Road and Bridge Department, Madison County Weed Department as well as Environmental Protection Agency, the EPA. Each one of those has certain individual and very specific criteria that had to be met in order to protect the environment, the County and especially the surrounding home owners and their concerns. We felt that as we followed the criteria most of if, not all of those concerns mentioned were going to be addressed. Passing this Ordinance will not simply guarantee one the right to a Conditional Use Permit. It will only provide an equal opportunity; it will only provide an equal opportunity to obtain that permit. The requirements to obtain a Conditional Use Permit will still remain in effect. The multi page application will still need to be filled out properly with permission from all the agencies named prior. The proper paperwork will still need to be presented to the Planning and Zoning Committee and the plan must be approved by the County Commissioners, you guys. The Ordinance will provide the Commissioners the opportunity to aid in the potential growth; community growth as they determine the correct locations for future gravel pits. It's my hope that you will pass this Ordinance. Thank you.

Commissioner Weber:

Thank you Richard. Ok Brian Edstrom.

Brian Edstrom:

Brian Edstrom

2868 W 3200 S, Rexburg, Idaho.

I'm going to come around here because I feel like. So, as mentioned prior to one of the negative against, Mrs. Siddoway spoke, we do have a gravel pit under construction. In fact, Mrs. Siddoway recently bought a bunch of gravel. That being said, gravel is a necessity. A lot of people, it's been said prior to, we all understand that we need gravel but gravel pits don't last forever. Our gravel pit has approximately, the pain on the growth and how much it's used; we have about five years left in that gravel pit. If this is not passed, what are we willing to sacrifice for this? There is a local area, Jackson Hole, Wyoming as we are all familiar with; they don't allow gravel pits in there anymore. There is very few companies there that actually have one; opposed to where you can come to our gravel pit and buy gravel today. You're going to spend approximately twenty dollars more per yard if you went to their gravel pit; it's all about supply and demand. As we're all aware of the laws and where things go the County is not going to. If this passes we can all go dig a gravel pit in your backyard tomorrow. I think it is important to understand the County has always been respectful and understanding of the circumstances in the areas. It's our livelihood so we take it personal and we take it serious. I am definitely in favor and in agreement with what everybody else has spoken about.

Commissioner Weber:

Ok, thank you Brian. Angela Morgan.

Angela Morgan:

Hi, my name is Angela Morgan

My address is 4531 S 2000 W

We live on Archer Lyman Highway and the Edstrom pit is in our backyard. We have never had a problem with them having noise after hours, they're very respectful of the times and the rules and regulations and stuff that the County requires. I also work for them so I get to see the other side of things also; I get to see how all the gravel that we supplied for the new overpass in Thornton. Had we not supplied that,

that would have cost the State probably twice as much if not three times as much money and we were able to supply that for them.

Also, the new road in Lyman we were able to supply. I'm really in favor of it because of the growth and everything that is going on in town; we worked on the Center Street project also and supplied all of that gravel. I don't think the people quite understand how much we do use our resources here. I just think you need to kind of consider not just the aesthetics because they do have regulations on how they are supposed to look. Others have said you can't just open up a gravel pit and do whatever; you have to do certain requirements in order to get that. I think that we need to take that into consideration when we're opposing it or going for it. Thank you.

Commissioner Weber:

Thank you Angela. That concludes those in favor, we'll go to neutral. Kirsten Ruebush.

Kirsten Ruebush:

Kirsten Ruebush
1893 W 5350 S.

Actually, I'm neutral because I am not opposed to gravel pits. I believe that we need to work together. I appreciate the planning that has gone into the Conditional Use Permit requirements in the overlay. I've reviewed the State laws for surface lining and I see where they got some of their the ideas for the laws and I can see how it would benefit people. My concern however, recommends that there has, they've talked about this being a mistake, that it supposed to be in all these zones seven years ago. My question is seven years ago the Comprehensive Plan was in place. I think the mistake was that the Comprehensive Plan was not followed when they decided to put these overlays. The general objectives in the Comprehensive Plan talk about developing a set of guidelines and they did that which would be the Conditions Permit in Heavy Industrial to help protect the area. But, then it seems they went further and made a gravel pit overlay. The overlay definition is a set of additional regulations over the regulations of base zone. They do not add additional allowable land uses to the base zone. A Conditional Use Permit has to be in harmony with the Comprehensive Plan. You can't, the gravel pit overlay says that mining will be temporarily allowed. So, it's actually not keeping the base it's changing the base zone allowable uses. So, I just think that if this wants to be changed you need to change the Comprehensive Plan first and decide if this is what you want to do. The Comprehensive Plan is up for review again and if that's what you want to do, do it. There's already some parts in the Comprehensive Plan that say the development should occur in designated cluster areas along highways. You should encourage and support expansion of industrial development in primary city impact areas. Whether I agree with that or not, that's what the Comprehensive Plan says right now and that's what Madison County should support and encourage at this time. If you want to change that you need to review the Comprehensive Plan. Having said that however, I am neutral and this is probably going against some of my neighbors. I think that the regulations are there if they are enforced by the County which has been a problem in the past. Mr. Bowen came to that hearing without having everything ready and that was an issue. If it's all according to regulation, according to zoning, we have to plan for everybody to use their property the way they need to. I just think they should apply for a zone change as it is and I think Madison County should take their Comprehensive Plan into that and allow for Heavy Industrial. It's not fair to keep having industrial very high priced, out of reach; its needs to be fair to everybody. Thank you.

Commissioner Weber:

Ok, thank you Kirsten. Shane.

Shane Ruebush:
Shane Ruebush
1893 W 5350 S.

I also stand neutral just because I've experienced enough meetings now to realize that nothing is one sided. There's a lot of work and effort that goes into these things. Although as many of you are already familiar that do work in the government, you realize that I will come up with things that kind of put a thorn in your side maybe. The first question I have is for all the times that it's been cited, that the original intent was to go into these zones, no one has ever produced a document that shows that. Its' all hearsay as far as I'm concerned, for that reason it probably should be disregarded unless you have evidence for it. Because there are consistencies that show that this is a heavy industrial use, therefore it should be in a Heavy Industrial zone. Specifically in your comprehensive plan, you actually say the following, "The County is experiencing recent surge in applications for gravel extraction and hot mix asphalt operations". These heavy industrial uses are creating conflicts with some residential areas, so this is not a new problem, we all know that. The language that's used needs to be followed. I do actually like many of the features that are found in the actual what is called the gravel pit overlay. I do disagree that it should be considered an overlay, primarily because if we look at the commercial zone for example. If we place a heavy industrial use in the middle of the commercial zone how likely is the commercial zone going to develop; it's probably not as long as there is heavy industrial in that area. In that regard, it make more sense to actually look at rezoning in accordance with the Comprehensive Plan so we can fulfill the vision that was put in place about ten years ago. Thank you.

Commissioner Weber:
Thank you Shane. Lane Moss.

Lane Moss:
Hello, I moved here twenty one years ago and bought what I thought was a pristine piece of property up here. Just over night I had a gravel pit moved in next to me.

Commissioner Ricks:
State your name and address please.

Lane Moss:
Lane Moss
2551 W 6800 S

I thought I had a nice place. But I found out the next day, no I don't have such a nice place. The rock crusher, I've got an old International grain combine that's as loud as you can imagine and that rock crusher was drowning out that combine. Another thing, zero attempt made at lessen the impact of that gravel pit on my farm. There was no berms, there was absolutely nothing done to lessen the impact of that gravel pit. I was just sick to my stomach, because I love my place. I found out that well, no, you don't quite have what you thought. It just happened overnight. If you're not already enforcing the laws and that you've got I can't imagine that you're just going to open this thing up and take on even more. Thank you.

Commissioner Weber:
Ok, thank you Lane.

Commissioner Smith:

I just wanted do a response to Lane on that. The gravel pit he is referring to was actually, we've discovered, was given a Conditional Use Permit to have a gravel pit seventeen years ago. It was a very simple, zero restriction. He is right. It was before any Gravel Pit Ordinance was in place, but it is a legal binding document for that person. It was given seventeen years ago with very few restrictions. He is absolutely right. Now if that same applicant come in today he would have to follow the Ordinance.

Lane Moss:

Yes, would you follow the rules? If you're not already with this thing that Siddoway talked about?

Commissioner Smith:

We'll get into later. I just wanted to clarify what the gravel pit he was referring to was given a permit seventeen years ago.

Commissioner Weber:

Ok, Lane you can just set that right there. Thank you very much, that concludes Neutral. We're going to go into against. Now again, we have here five pages of folks that have signed up against. There's ten on each page, if I do my math right we're at fifty right? Three minutes each. Let me remind you, if it's been said and you want your name on the record, come up state your name and your address and say I agree with what's been said and we'll move forward, ok? But we'll certainly call each one and leave that up to you folks. Valerie Williamson you're up.

Valerie Williamson:

My name is Valerie Williamson

I live at 3737 E Highway 33 in Sugar City.

I live approximately a quarter mile from Zollinger's gravel pit. Now, when I moved in there Zollinger's was already there. But when my boyfriend moved in there it wasn't. He had a beautiful view; beautiful of the Tetons. We have very stressful jobs. We used to be able to go out and sit, or he used to be able to and relax and enjoy and de-stress. Now we have a beautiful mountain of gravel that we get to stare at. When the wind blows, I am sorry, but we get a shit ton of dust in my house that I get to clean. Now, I've heard of berms and I've heard of fences and I've heard of environmental impact; I see none of that. We have no berms, we have no fences, they consider up agriculture, they don't care because its agriculture. Well our house is there. Ok we have a wheat field but our house is there. But they don't care that our house is there. They built it wherever, they didn't come to us and say where can this not impact you? They just put a mountain. They didn't care. Now it's full of water, what are they going to do? They're bringing in asphalt now. I've see it, piles of asphalt, that's not gravel, maybe with tar. I don't understand where this is going to be good in agriculture, I just don't. Maybe in an industrial, I get it, we expand, we need to we're a growing nation. People need jobs, people have businesses, I get it. But there has to be an equal medium somewhere where you take into considerations people's lives, their livelihoods, and the impact that it has and it's not going to happen if you put all four. It's just not.

Commissioner Weber:

Thank you Valerie. Shelly Powell. Shelly with us? Ok. Lynne Rydalch.

Lynne Rydalch:

Lynne Rydalch

2593 N 2000 W, Rexburg.

Idaho statute requires that each County prepare and adopt a comprehensive long term plan. Madison County has done that and a lot of time and research was put into that plan and it's found on the County website. My husband, initially when they were starting to do it, he was part of some of the research committees. He wasn't on the Planning and Zoning but he was part of the development of that plan. I'm not sure but I've heard tonight is consistent with the intent initially with that plan. I think they intended to provide just certain areas for gravel pits. The Vision Statement includes the following: "Madison County is a community of values." And then it goes on to list some of the values and then says, "preservation of the rural character of the community is of utmost importance to County residents". Residents are proud of their unique close knit community and its ideal natural setting. Madison County desires to guarantee the perpetuation of these unique qualities into the future. It describes many different land uses in our County. It is interesting to note there are only four land uses, as viewed as inappropriate in the County. Two of those land uses are high impact mining or extracted industries. By definition, a gravel pit is an open pit mine for the extraction of gravel. For some reason we like to use euphemisms, when talking about them. But at the core they are simply open pit mines used for extraction. I repeat, from our plan, land uses for high impact mining or extracted industries are inconsistent with the vision of Madison County. So Conditional Use Permits in areas we're discussing tonight should not be an option. Now I recognize gravel pits are necessary and were grateful for the raw material they provide us. I believe the problem is that companies don't have enough options on where they can engage in open pit mining. In just looking at the map it's obvious that there is not enough land sold for industrial. I believe that we can all agree we want property for all people and businesses. Our plan states, "Industrial development should occur in designated cluster areas, industrial uses comprise one of the few land uses which is appropriately separated from others in most cases. By clustering industrial uses, efficiencies and transportation in infrastructure are created. Aesthetic quality will also be preserved. I believe this could be resolved by adding more zoned industrial acres in a clustered manner near if possible our current industrial areas to give businesses more options, yet at the same time preserve our unique quality of life in Madison County. I ask our Commissioners to use prudence and vision in their decision.

Commissioner Weber:
Thank you Lynn. Christy Davis.

Christy Davis:
Hi, I'm Christy Davis.
I live at 7164 S 2000 W, south of town kind of near Lane.
I agree with everything that's been said, things that I listed on the green paper such as noise. What's left over after the mining is done and you've got all these holes all over the place, they're not pretty. I just agree with what's been previously said. This is a beautiful County and we love living here so that's it.

Commissioner Weber:
Christy, thank you. Bruce Bowler.

Bruce Bowler:
Bruce Bowler
2257 W 4700 S
I'm in opposition of the way this is stated, especially with Trans Ag. Trans Ag means we're going to have houses around and there's a lot of places in Madison County; we can get away with building this correctly for a long time in future use. There's no question in our minds that we need gravel pits. We appreciate them, were glad they're there. I live across the road from Edstrom's; it's not that far, I get to

see the trucks, I get to hear the noise, I know what it does, but the cost to each and every one of us for our living in our homes; there is a cost. I don't have a complaint, I moved there with knowing what was there. Somebody that's been zoned there as Trans Ag now they're going to have a gravel pit within three hundred feet of the property, that's pretty close. A semi-truck coming down the road will burn, my knowledge, department of Transportation a semi-truck legally loaded is equal to ten thousand cars driving on that road. How long does it take a rural road in Rexburg or Madison County to be decimated by heavy duty running across, that's if they are legally loaded? And they scales and so forth but there's a cost. Who's going to pay for those roads to be upgraded, their taxes? Also who gets to live with the damage and debris that's left on the road, the local citizens. I think we need to really look at this industrial zone. Has it expanded in the proper areas where we're not competing against homeowners? There's a lot of Madison County that doesn't have people, doesn't have roads; dirt roads are fine if you look at Walters and Edstrom's gravel pits, those roads are all gravel, there's a reason for that; they can maintain them. They can water them, they can go ahead keep them built, re-grade them. Go in our back roads in Madison County, it tears them up. How about water quality? If your well is only eighty feet deep and you've got an eighty foot hole in the ground where is your water possibly going? So those things need to be addressed and I think we ought to be moving forward in Madison County so the change in Trans Ag to go to have heavy duty, heavy industrial areas and designate more spaces for them to compete effectively within the business in our community. They are a great resource, they need to be utilized, we need to have them here. Let's just make it in a place that's good for them as a business and for us as homeowners. Thank you.

Commissioner Weber:
Bruce, thank you. Wayne Davis.

Wayne Davis:

My name is Wayne Davis.

I live at 7164 S 2000 W, Rexburg, Idaho.

I want to agree with just about everything that has been said, we need gravel. I mean that's just a fact. But I lived across the street from a gravel pit in Salt Lake City for ten years. The trucks coming out of that gravel pit every day, it was terrible. Out house was constantly filled with dust, we didn't but the house to be inundated with the dirt from there and the noise. The other part, I lived in Moody. I was not too far from an old gravel pit, it was closed down but the gravel pit was right next to the Teton River. One year it flooded from the Teton River. It filled up and I know I heard somebody say look at the beautiful lakes and all that we had. Ever since that pond filled up we had sub water. We had neighbors that had sub two feet deep in their basements, so we've never had water before. I think that's a consideration, what is the reclamation? Now, I live out west and I knew that we had some gravel pits close, but the number of trucks that are already going past our house; we live by South Fork Elementary, we don't have the kids on the street but we sure have a lot of buses and parents coming in and out and we have gravel trucks constantly going up and down. I heard somebody say, "Well we put the berms up". We have a gravel pit out by Sutton Cemetery that has berms and I thought this is kind of nice. We don't have to see what's going on. They planted trees, and everything and the trees are dead, they didn't water them. I'm definitely against having gravel pits just wherever. Thank you.

Commissioner Weber:
Thank you Wayne. Brent Bean.

Brent Bean:

Before my time starts, can I ask a question?

Commissioner Weber:
Sure. The map Brent?

Brent Bean:

Just want to make sure I understand this correctly. Can I just have you, and I don't even need a legal definition, but what is the difference between Trans Agricultural and Agricultural, in a layman's terms? The two acres means that you'll have more people living there; increased density of people and homes. So the reason I wanted to bring that up is because I sat in on a lot of meetings years ago. I know we talk about this, yeah that's the one. When I look at this my biggest concern is that all of that green and that light green, or that darker green, I don't know what it's called lime green, that's Trans Agricultural and that's where the people live. If we open this up then we are basically opening up Industrial. That map now becomes basically pretty and pink or red whatever the color is. I'm just saying that you basically said that everything can potentially be industrial and that's my concern. People say when this was a mistake that was made, I wasn't there in all the meetings. I did attend a lot of meetings; I was part of a committee that looked at creating the Comprehensive Plan. I do know that on July 9th of 2009, the Supreme Court of Idaho, Case no. 33753 made a decision that Madison's Comprehensive Plan which Ms. Rydalch already mentioned, which said that we encourage the clustering and the grouping together of industrial areas was challenged by Burns Holding who wanted a concrete plant and a gravel pit north of town. At that same time, at the same meeting, they approved Walters to have a gravel pit south of town. The argument was by Burns was, this was an arbitrary and capricious decision to deny Burns. But it was supported and upheld by the Supreme Court of Idaho that the Comprehensive Plan was intact. You grouped together industrial areas so you lessened impact as it states in the Comprehensive Plan on people who live in Trans Agricultural areas. We're opening up to people who live in what we call higher density areas. So if you pass this overlay, my concern is that now you've lost control. The Supreme Court upheld Madison County that has the right to follow its own Comprehensive Plan. So the mistake that was made again, I haven't seen any documentation. I've tried to find it; I haven't found any documentation that there was a mistake that was made. But the Supreme Court of Idaho upheld Madison County Commissioners, not you fine gentleman but Passey and Muir, I can't remember the other fellows name. They were upheld by the Supreme Court of Idaho to follow the Comprehensive Plan. So if we need aggregate, which we all know we need, let's look at expanding those existing areas or even identifying areas that will have the least amount of impact. Someone who lives, again Brent Bean 3431 Cottonwood Lane, Rexburg, Idaho who lives in a Trans Agricultural area. I can see this impacting many, many lives and you won't be able to enforce it with one if you allow another because then you will become arbitrary and capricious and the Supreme Courts mandate, support for you has just fallen.

Commissioner Weber: Thank you Brent. Brad Gardner.

Brad Gardner:

Thank you, I'm Brad Gardner.

I live at 3737 E Highway 33, Sugar City.

I appreciate this gentleman's comments and the couple over here, they're pretty well read and pretty good speakers. I'm not such a great speaker, and I get a little more emotional. I've been part of this, I don't know what you want to call it, a system this gravel pit the ordinances and the Planning and Zoning decisions for about twelve years now. I was on the committee that helped develop the ordinances. I just want to point out a couple of things. It's kind of interesting, the people that are on the committee that worked for gravel pits or owned gravel pits were happy with the ordinances; the people that represented homeowners weren't. I stood here in a meeting and I told you Kimber, to be careful how far

you let somebody put a gravel pit to somebody's house. Because once you make that decision, you can't grandfather it out. We have an Ordinance that says you can build a gravel pit within three hundred feet of a person's house. Mr. Walters lives within a half of a mile of a gravel pit, that's five times that three hundred foot, five times. They can build a gravel pit three hundred feet from my house. I wonder if he'd let somebody build a gravel pit three hundred feet from his house. So, I think that you need to go and relook at some of this. I like the comments about looking at the Comprehensive Plan again and you need to find the places that aren't that people don't live to put a heavy industrial use. I kind of lost track a little here. I have had problems with no enforcement of rules myself. Zollinger's when they built the expand when they re-did Highway 33, they ran that gravel pit twenty four hours a day, and that's a quarter mile from my house and nobody would do anything about it. Thank you.

Commissioner Weber:

Ok, thank you Brad. Dwight, is there a Dwight out there?

Commissioner Smith:

Looks like Dwight Butikofer, 3070 N 125 E

Commissioner Weber:

Ok, we'll move on. Alan Call. Is there an Alan Call?

Bradley Petersen:

Some people wanted their names on there just to show that they were against this, maybe that's.

Commissioner Weber:

Ok, Ken Poulsen. Is Ken with us still? Ken took off. Dwight Butikofer, he took off ok. Charles Ricks. Is Charles with us?

Charles Ricks:

Just wanted my name on the list.

Commissioner Weber:

Ok, thanks Charles. Kara Lee Ricks, same? You want to speak? Sorry Kara Lee, come on up.

Kara Lee Ricks:

Thank you very much. My name is Kara Lee Ricks

I live at 100 S Maple, Sugar City, Idaho.

I am opposed to this for many reasons. I'm not sure if I can even list them all. I do believe the Comprehensive should be followed. I am kind of confused, and so I am going to just mention this. I was on the committee that worked to bring together the Gravel Ordinance. And Brad is exactly right, the gravel companies agreed to it and we were not happy, particularly because of the setbacks. We did not feel like the setbacks were protective enough for the individuals that have homes. Now the overlay title is a surprise to those of us from that were on that Commission. So whatever anybody else said about it that was a surprise to us. It was never called; in fact the only time overlay was brought up during our meetings we vigorously protested that title, vigorously. Because we did not feel like that was appropriate, especially as the name for the Gravel Ordinance. I don't know where to go with that because I think there are about five of us here that were on that committee and that's what we recall but it certainly didn't come out of our committee with that name or with that intention. I wanted to thank you for tabling this because you could have passed it.

Commissioner Weber: Thank you.

Kara Lee Ricks:

Maybe the idea of that that you were trying to deceit that originated with my letter to the editor. But that certainly was not its intention. I have never ever said that to anybody that I thought that the County Commissioners were being sneaky or trying to do it. Carefully, when I used the words "under the table" I meant that we had missed it; as community members we had missed it.

Commissioner Weber:

Thank you.

Kara Lee Ricks:

So if that was me that you're referring to than I am fully willing to take responsibility for that. But I've never meant that or never meant it to be that way. I know the comment was said that gravel pits aren't forever. Well twenty years ago plus, one started on the edge of our farm. It might not be forever, but it will be there for the rest of my life. This idea that gravel should be able to be in these four zones, does that mean I'm up or I got three more seconds?

Commissioner Weber:

No you're fine.

Kara Lee Ricks:

They don't come in and they don't go away quick. Those are an awful lot of zones with people in it that would like some protection. For it to be such a blanket covering over the whole County does not even compute to me as being the right thing for this County to do. I thank you very much for allowing us this meeting so we could come and voice our opinions and I hope that you'll figure something out, something different out.

Commissioner Weber:

Ok, Kara Lee thank you very much. Weldon, is there a Weldon here?

Kara Lee Ricks:

A lot of these people could not be here and they asked me to submit their names, addresses and phone numbers to you as being opposed.

Commissioner Weber:

Ok. We'll add that.

Commissioner Smith:

Let me just read it, it's very simple. It says, "We were published to allow gravel mining in the Ag, Trans Ag Commercial or Light Industrial zone in Madison County. We are opposed to the changes in the current land use map and would allow this by Conditional Use Permit." There's about seven or eight pages of signatures here.

Commissioner Ricks:

Are they signatures?

Kara Lee Ricks:

They're not signatures, they were emailed and texts that were sent to me or phone calls that were sent to me saying please put me on the list to present to you.

Commissioner Ricks:

Ok, thank you.

Kara Lee Ricks:

I mean I could get their signatures.

Commissioner Weber:

Ok, I'm trying my best to read some of these, Stacy Moss. It's Stacy, did I get that right?

Stacy Moss:

Stacy Moss

2549 W 6800 S

I live right by Lane Moss and when somebody says that these gravel pits aren't just going to be showing up in your backyard well that is exactly what happened to us. We woke up one day and it was there, just popped out; it is the seventeen year old. Somebody got the seventeen year old permit seventeen years ago. They don't have to follow the rules and regulations of today. They don't have to comply with that. How many times is that going to happen? How many times are a gravel pit just going to show up? Out of nowhere and say oh, this was something from twenty years ago, sorry about that it's just the way life goes. So I just wanted to add that and then say that I agree with what everybody else has said.

Commissioner Weber:

Thank you Stacy, Rebecca. Jeppson, yes.

Rebecca Jeppson:

I don't have a lot of words to say or anything provocative except for that I am a mom and that I've had a couple of kids play football. I think a football field is three hundred feet. I can be up in the bleachers and when those helmets bat against each other I hear them and I've heard a broken bone. And I probably wasn't three hundred yards when I heard that but three hundred feet doesn't seem enough to. If I had that across the street from my house, it would change the way I let my sixteen year olds learn to drive on the street. It would change the way I open or shut my windows and I just think it needs to be guarded closely; though I do realize there are two sides to every story. I have friends in this room that are opposing and that's the way it is in a community. I think without some careful boundaries that we're opening Pandora's Box. So I am opposed, as I understand it.

Commissioner Weber:

Ok, thank you Rebecca. Julie Powell. Is Julie with us still? Dewey Furness. Is Dewey with us? Dewey, ok we'll keep your part of the. Kathryn Butikofer? Layle Bagley I believe. Glenda? Jared Ashcraft.

Jared Ashcraft:

So my Grandpa actually sold.

Jared Ashcraft

3752 E Highway 33, Sugar City

My grandpa sold the piece right behind my house to H&K before I bought the house which is great.

Gravel pits need to come in. I don't think they should be able to pop up anywhere; it needs to be an area

for them. The boundaries or the barriers need to be better kept. H&K does a better job than most and I every time I drive past their pit I can still look inside and see it. The noise doesn't bother me very much; I grew up on a farm so I don't care if I hear a little bit of noise. There is a little bit and there is a little bit of dust. I knew that before I moved in so not a big deal to me.

Commissioner Weber:

Ok, thanks Jared. Devon Weekes, 335 E 3250 N. Devar? He's not here? Gwen Weekes, she's gone. Barbara Lusk? Barbara.

Barbara Lusk:

Barbara Lusk
126 W 1st S, Sugar City

I helped on the committee when they did the Ordinance, I quit part way through because I found it to be quite politically being maneuvered and so I quit, I saw it as a waste of time. A lot of things were being said and done that were gravel pit people were there and three of us women were there, all College degreed but treated like young girls; like we didn't know anything and we were trying to protect the citizens. But anyway, there was an overlay before we ever had that meeting that was on when we first started fighting gravel pits. We were told that they would take it off, Brent McFadden took it off. Then the committee was formed months and months and months later and then that was never brought up again. We were told that it would not be so. I don't know why they're talking about it again because it wasn't. There was a lot of things we wanted, including more than three hundred feet. There were lots and lots of things we gave up so we could have some of the things that we did get and some things we still didn't get. But we worked hard on that and it was not, it just seems they are trying to undo what we did do. A lot of things aren't still being enforced. We haven't seen any gravel pits with twelve feet of trees. I mean twelve foot tall trees and things that they were supposed to be that ordinance. They are not being kept up and kept that way and it bothers us because like they said it is not being upheld to the level that it was. I am concerned about all the ponds that keep getting made or lakes because you don't have just West Nile virus anymore you also have Zika virus and it is a prevalent thing and its coming more and more this way; I mean it's going to take a while but it will be here. So I think we have some concerns for the way we're reclaiming and what we're saying were doing with those after the lots of years before they do it. But I also got this map today and it has, I know in 2007, when we looked at the map there were like eleven active gravel pits, now there is only eight it says and there is proposed five though, and inactive sixteen. So there is quite a few gravel pits and the best I can tell from a lot of it is, people want to do the gravel pits with construction stuff because they can get it cheaper on their own land. If they are working on them, then reclaim it after and they don't have to pay the price that they would at Walters or some of those that have been here for a long, long time. But to me that's not the total consideration, it should be for the people that live this community and in the agricultural area. We live within ¼ of a mile of H&K and a couple of those around Teton. I have asthma and it's been a struggle to live with the dust that is in the air. I used to, could dust my house when I moved here forty years ago. I could dust my house once a week and it would stay good now I have to dust it every day if I don't want a layer of dust in my house and I know that's what it is from.

Commissioner Weber:

Ok, thank you very much.

Elaine King:

Thank you and I also wanted to commend our County Commissioners for calling for a Public Hearing on this issue. I am grateful that they want to hear from the people. As you know I was on the Gravel

Ordinance writing committee as well in 2009, and many of the things have already been stated we worked on that for a couple of years, right Brad, it seemed like an eternity. And we also did survey during that time of about four hundred County residents and the citizens strongly opposed gravel pits being only three hundred feet away from the existing residence without the homeowner's permission. And with that exception there were some good from that Ordinance including buffering. It's been already mentioned that buffering says there should be a perimeter landscaping shall be required with four rows of approved tree system; that is supposed to be maintained before, during and after. In fact, it has to be it says the system should be established for at least three years before the mining operation commences, or until one row of tree reaches the height of twelve feet. Well, since that Ordinance was passed there have been a couple of noticeable gravel pits that appear to have not completely complied with that Ordinance, and I have a concern with that. They're complying with the ordinances that are already set. It appears also to me that allowing gravel mining in agricultural zones goes against the Constitution of the State of Idaho and as well as the Madison County Comprehensive Plan. As Lane has explained, Title 67 Chapter 65 under local land use planning, it states the purpose of the Title as to encourage the protection of prime agricultural land and ensure that development on the land is commensurate appropriate with the physical characteristics of that land. I would suggest that gravel mining activity does not protect agricultural land nor does it match the physical characteristics of agricultural land. In the Madison County Comprehensive Plan, Lynne had stated the vision statement and also under the goals on page 51 in the objectives in the Comprehensive Plan it states. "The objective is to preserve agriculture as a key component of Madison County's economy." And it further states that "within Madison County there are many diverse land uses", this is a quote, "uses that are viewed as inappropriate and could high impact mining or extractive industries on prime agricultural lands." So how will allowing such industrial use such as gravel mining in agricultural zones comply with these laws and objectives spelled out in the State Code and Comprehensive Planning Madison County. I suggest strongly that they do not and for these reasons and those that have been presented tonight I strongly oppose changing the Land Use schedule to allow industrial uses in all Agriculture and Trans Ag zones against the Constitution of Idaho and the vision and objections of the Madison County Comprehensive Plan. I do want to add my testimony to others being on the Gravel Pit Ordinance writing committee we passed as Dave Walters said, we passed a Gravel Pit Ordinance. We did not pass a Gravel Pit Ordinance; we did not pass a Gravel Pass Ordinance overlay. That was something completely different, we came out against it, I looked it up and it looked like you tabled it and then two weeks later you agreed to an overlay or at least calling it that, but that was not part of what we were involved with.

Commissioner Weber:

Ok, thank you Elaine. Mary Ann Siepert.

Mary Anne Siepert:

I agree with everything that has been said.

Commissioner Weber:

Thank you Mary Ann. Bruce King.

Bruce King:

I am Bruce King

I live at 433 Palomino Drive in Sugar City

I am here to read a statement of the City of Sugar City signed by the Mayor and Council President.

Dear Commissioners, The Mayor and City Council of Sugar City wish to express concern about and

opposition to any proposed changes to the County Land Use Table that might invite more gravel mining

with the potential to border City limits and impact areas of the City of Sugar City. Gravel pits and asphalt hot mix plants can detract from the beauty of our community and such operations may also threaten the safety of our residents by increasing local truck traffic designed to carry heavy industrial loads. Moreover, these operations jeopardize the future growth of Rexburg and Sugar City by limiting expansion opportunities. Local governments have a responsibility to preserve their communities by establishing and protecting zones to ensure compatible land use. To our way of thinking allowing heavy industrial uses close to cities and their impact areas, where many reside, violates that responsibility. Unlike other States and Countries where land may not be readily available for gravel mining, Idaho has untold expanses of gravel rich land away from residential areas. But developers hesitate to truck gravel for more remote areas because having pits close to the highways improves the chances of there being low bidders and thus winners of construction contracts. To protect our communities, we urge you to restrict new gravel mining near living areas, recognizing that ample gravel generally is available from existing gravel pits found in current industrial zones. As more gravel pits are needed, developers can seek to change their currently zoned property to industrial zones designated for such use. We further ask you our County Commissioners; carefully enforce current laws regarding operation and reclamation of existing and future gravel pit mines. Respectfully, David D. Ogden, Mayor City of Sugar City
Bruce P. King, President, Sugar City Council. Thank you.

Commissioner Weber:

Thank you Bruce. Kay Lynn Bean.

Gaylynn Bean:

Gaylynn Bean

3041 N Cottonwood Lane, Rexburg, Idaho.

Thank you Commissioners for allowing us to have the opportunity to speak at this meeting. Thank you for tabling that proposal without passing it. I recognize the importance of having a Comprehensive Plan and years ago also sat in on many meetings concerning a gravel proposal near my home in the north Rexburg area. I recognize that there is a great need for industrial use within our County. There is a great need for gravel pits and gravel mining within our County. I believe that we need to cluster those together and expand or look at industrial zones that can support that need that is within our County. I appreciate some of the elements of the proposal, in that reclamation was included in there. I did not see specifics for enforcement of that reclamation. Unfortunately, as has been testified tonight, reclamation within Madison County has not particularly been followed as was designed to be. Until that reclamation enforcement is in place, I do not believe the proposal should be passed. This discussion will not end tonight, this will need to continue but I strongly oppose that this proposal passes at this time. Thank you for your time.

Commissioner Weber:

Gaylynn, thank you. David Schwendiman.

David Schwendiman:

I agree.

Commissioner Weber:

Dave, you're good, ok. Jeff Carter. Is Jeff with us? Is Mary Carter with us? They're part of the record. Kathy Gee.

Kathy Gee:
I oppose.

Commissioner Weber:
Thank you Kathy, ok. Shane Ricks. Is Shane with us? Folks, that concludes the against part. Is there anyone that came in late that would like to speak? Ok. Hold one moment here.

Kim Muir:
Is your name on that?

Commissioner Weber:
Ok, Sandra Powell.

Unknown public:
Well I'm not Sandra.

Sandra Powell:
I agree with everything that has been said so far. I just want to be noted as.

Commissioner Weber:
Ok Sandra, Tiffany.

Tiffany Stanger:
Yes, Tiffany Stanger
3021 N 5000 E, Sugar City
I am in the Trans Ag area and I have a lot of kids and they play outside a lot and they ride their bikes up and down the street. I am worried of you know, if you stick a gravel pit in the area where there are a lot of kids are, it could become more dangerous with traffic and dirt and so I'm against.

Commissioner Weber:
OK, you would like to speak? Ok, come on up, tell us your name and address.

Roseann Golding:
Roseann Golding
2977 W 5200 S
We live out in Lyman and we've been fighting this for a little while. It's nothing against gravel pits or any of you that benefit from that, it's your livelihood. I understand all that however gravel pits really have no place anywhere close, you shouldn't be able to see them, you shouldn't be able to hear them, you shouldn't have to worry. We highly oppose any of the change. We think that, or I think I should say that the gravel pits should be far away from society.

Commissioner Weber:
Roseann, thank you. Are there any others? And I see none.

We will declare the Public Hearing closed; we will open for discussion amongst the Commissioners. If you would each take some time.

Commissioner Ricks:

I would like to commend everyone who commented on the orderliness and courtesy. The well prepared, and it was this, it's been an excellent hearing. I learned some things tonight. I have a question Troy for you. Could you lay out our options, specifically I'm wondering is it all or nothing on approval of the, do we have to approve all four, or can we approve two out of the four?

Troy Evans:

So there's, it's the land use map only is what we are talking about or the table. Out of the nine areas, gravel mining is allowed by Conditional Use Permit, one. So what's in front of you tonight is four more additions. So what you can do is you can't exceed that, so you can't say it's allowed in all.

Commissioner Ricks:

We could approve two of the four.

Troy Evans:

Right, but you can go less, that's correct. You can always be more restrictive, just not more.

Commissioner Ricks:

I was, I think it was Brent that brought up the question of what is the potential, do we need to go to all four? There is no question that we need gravel, I think there is a 100% consensus here that it's a need. We need to step up if we don't allow gravel mining in our County, then the cost of our roads, buildings and everything else skyrockets because we have to import gravel. I don't think you can haul it really cheap. It's very expensive to move, and there is no question that it is needed. I would like to see some data on how much is needed. Do we need the increase to all four of those zones? I've been very impressed with the format; I've been impressed with the presentations. We thank you for what's been done. I have some questions that maybe can't be answered tonight.

Commissioner Smith:

I just have a couple things for the three of us to consider. I've taken our zoning book home this week, done a little bit of homework. As it was mentioned earlier, most people mentioned they think gravel pits should remain in industrial zones. Our problem is of course when you look at the map, we have very little industrial zoning. That would solve the problem for now, but when the gravel pit operators want to apply for a zone change to become industrial, people are going to be in here upset because you don't want to change to industrial. So it doesn't fix the problem, necessarily. However, with that being said what I want us to consider Commissioners is I went through and I'm going to read just a little bit real quickly here in each of these zones. Agricultural zone, this is out of our zoning book, "the purpose of the agricultural zone or designation is to provide for and protect agricultural land and uses. All other uses will be considered secondary and not allowed if they pose any interference or negative impacts upon the agricultural use of this land." So we need to consider, does gravel pits pose interference or negative impacts upon Ag land? That's out of our zoning book, that what we really do need to consider. I want to go a little bit further here and read commercial, that's the other one that it is proposed for. The provisions of this section apply, "the purpose of the commercial zone is to provide areas in the County to fulfill general retail needs and travel or highway related service requirements within the community." The last one I want to read is the Trans Ag. "The purpose of the Trans Ag zone is to provide for and protect residential of a single family residential environment located conveniently near urban centers by providing for an area of transition from Ag use to residential. To provide for gardening and family rec opportunities. The keeping of a limited number of livestock and poultry set forth in subsection". Similar rural activities will be allowed on a limited scale. The light industrial, if I can find it here, I wanted to save

that one for last. Light Industrial, “the purpose of the industrial light zone is to provide areas of the County where specific types of low intensity industrial uses such as light manufacturing, research and ancillary commercial and business park development may exist.” I think as I read through those we got to consider those in our plan. It’s tough; I don’t know because we do, we need more industrial areas for gravel pits. Problem is Madison County is a fairly small County. We have a lot of Ag land east where there is no homes but there is also no gravel, so you get up on the Rexburg bench and there is no gravel so that doesn’t work ; we’re very limited where our gravel is. I understand that, I live in Lyman. I understand that there’s gravel in Lyman; I’ve dug a lot of post holes. I understand why Edstrom’s and Walters has liked to be in Lyman. Sugar City is another one, that’s why these two areas are represented tonight, because that’s where the gravel pits have popped up. Anyway, that’s just some things I want for us to consider as we go forward here. We need to follow our scope on these different zones, we need to follow them. If they’re not right, they need to be changed, but that’s a different thing. There was a lot of comments tonight about the overlay zone, and the Gravel Pit Ordinance itself which we are really not considering tonight. We’re considering the Land Use Table but maybe Bradley; it’s time that we do relook at that in a different setting. That’s what I have.

Commissioner Weber:

I think it’s important to remember that whatever the decision is, the Board of Commissioners that the process still has to be followed. If we were to vote, for example, that it goes into a Trans Ag or and Agricultural setting or zone, once the permit is applied for it still goes to Planning and Zoning. They still have their Public Hearing. Whatever they decide at Planning and Zoning, it comes before the Board of County Commissioners; it’s called the Finding of Facts. According to the Finding of Facts, we go through the same process. We can table it like we did on this one, we can pass it, or we can deny it. Just because we make a decision this evening and it goes into a particular area, that process still works. It still has to go through, so it’s not a free for all that these folks have that they can apply for and it automatically goes. Certainly, it is going to be a case by case scenario and it has to be that way. We’ve heard a lot of concern; we know this is a hot topic. Whenever gravel pits come up, we shiver. In fact, in kind of a lighter note, I woke up early this morning, like three in the morning thinking I missed this meeting and I was like sweating it, I was like does that meeting... I had to process it through my mind and say ok, I’m good. It weights heavy on us, please know that. With that being said, Commissioner Smith. Would you just quickly go over our options again? Read from this.

Commissioner Smith:

On this chart, so the chart again as of right now the gravel pit is allowed with a Conditional Use Permit in Heavy Industrial, correct, in Heavy Industrial only. Again, Commissioner Weber referred to the Conditional Use Permit. If none of you have taken the time to read what that is, there’s six and a half pages of requirements. Elaine, I would like to talk to you afterwards. You mentioned there’s two gravel pits that have come in since that are not following these, we’ll talk after. Because we have not approved those, so they were either grandfathered in or something. Anyway, nothing’s come since I’ve been a Commissioner for seven years, since this Ordinance has been put on place. So what’s being asked here tonight is to add with a Conditional Use Permit application, Light Industrial, Commercial Ag Zoning and Transitional Ag Zoning. Those are the four that Planning and Zoning recommended that we add to this Land Use Table that a gravel pit operator could apply for a Conditional Use Permit.

Kim Muir:

Could you read that one more time?

Commissioner Smith:

You bet, it would be for them to be allowed or by Conditional Use Permit in the Ag zone, the Commercial zone, the Light Industrial zone and the Transitional Agriculture zone. Four areas, so again, point of clarification Attorney, our options here tonight are either to move forward with a motion or we could table it, make a decision at a later date. If we table it what notices need to be made for us to reconsider it?

Troy Evans:

So it wouldn't be a Public Hearing again, it was, just have to be a public meeting so we would publish it with what we normally do for all of our public meetings.

Commissioner Smith:

So it could be during a regular Commissioner meeting, just on the regular agenda.

Troy Evans:

You could open it up after, for more testimony if you want though.

Commissioner Smith:

Whatever decision we make at that point we would be open to a twenty eight day appeal period?

Troy Evans:

Right.

Commissioner Weber:

Any recommendations?

Commissioner Smith:

Commissioner Ricks you mentioned that you had some questions. Were you in favor of tabling it?

Commissioner Ricks:

I'm in favor of tabling it to gather more information. I would like to study the five zones that are under question. Look at them on a map, and if the idea of looking at gravel potential and see if perhaps, a lot's been said tonight about concentration, I'd like to see if perhaps we accomplish the needs of the industry without opening it up to all five, all four additional zones. I would like some additional information, some research.

Commissioner Weber:

Any thoughts, Commissioner Smith?

Commissioner Smith:

No, I'm fine with whatever.

Commissioner Weber:

You know, I have to tell you, I'd like to make a decision this evening. I know we've tabled this back in April or May, in June early summer.

Commissioner Smith:

Seems like a year ago.

Commissioner Weber:

The Light Commercial, Trans Ag, Agriculture and Commercial, right?

Commissioner Smith:

That's correct, I'll offer my opinion, not in the form of a motion at this point, but my opinion would be that I am certainly not in favor of it being in Trans Ag or in Commercial. As I read through the scopes of the purposes of those zones, I see no way that we can justify without changing those scopes. That gravel pits fits in those two zones. That's my opinion at this point. I, Agriculture I'm on the fence on, I could see, I could be convinced to be ok with Agriculture, but I'm not completely in favor of it.

Commissioner Weber:

Well ok.

Commissioner Smith:

I am ok with it going into the Light Industrial.

Commissioner Weber:

When I think of agriculture, I agree with you Commissioner for the simple reason that it's not just a free for all out there, as they say. That they still have to go through the process and it's going to be a case by case. I think that we would all agree that our agricultural community is changing. As much and as bad as we'd like to preserve that and we are committed to that there are folks in the business that are changing, not us. So when I say that it is a case by case I could see it happening in Ag depending on the location. Trans Ag, that's too close to residential and potential development. Again, reading what Commissioner Smith read on Commercial doesn't fit. Anyway, that's kind of my thoughts right now, Commissioner Ricks, I know if you would like to take more time, but I.

Commissioner Ricks:

Based on the discussion, I'm prepared to approve some expansion tonight. Not to all four.

Commissioner Weber:

Yeah and I think so with that being said, I would entertain a motion. I think we're to that point. Are you willing to?

Commissioner Smith:

Again, before I make a motion on it, I go back to this reading this. The Ag land is "to provide for and protect Ag lands and uses, all of the uses. Be allowed if it doesn't negatively impact the Ag land". I don't know if gravel mining does negatively affect agricultural uses. I know there's people that would disagree with me there. I think they can coincide with each other a lot better than the Trans Ag.

Commissioner Ricks:

If there's a road to build, impacts the Ag.

Commissioner Smith:

Sure it does. I'll make that motion that we approve, that we move forward with changing the Land Use Table to allow with a Conditional Use Permit the gravel, Overlay zone, in the Agricultural Zone and the Light Industrial Zone.

Commissioner Ricks:

I'll second that.

Commissioner Weber:

Ok, it's been moved and seconded. All in favor?

Commissioner Weber- yes

Commissioner Smith – yes

Commissioner Ricks – yes

Kim Muir:

Can I read that back to you please?

Commissioner Smith:

You bet.

Kim Muir:

Commissioner Smith made a motion to move forward with changing with the gravel overlay zone, the Ag Zone and the Light Industrial zone.

Commissioner Smith:

Correct.

Troy Evans:

Just so I'm clear on that, were talking the Land Use Table gravel pit commercial, right?

Commissioner Smith:

Yes.

Troy Evans:

So it's not the overlay zone, it's the gravel pit, Commercial, Land Use Table.

Commissioner Smith:

My mistake, yes.

Troy Evans:

So in the end, Conditional Use Permit, it's already in Heavy Industrial it would also be in Light Industrial, and in Ag. So, the three areas.

Commissioner Smith:

Three areas.

Commissioner Weber:

With the Conditional Use Permit.

Commissioner Smith:

I stand correct on that.

Commissioner Weber:

Ok, motion is made and passed, we appreciate your attendance and certainly this will be, as mentioned, it will be ongoing. I'm sure we'll be here again someday but thank you again for coming.