

NOTUS PUBLIC HEARING MINUTES

June 26, 2023 @ 7:00 p.m.

At Notus Community Center, 389 1st Street, Notus, ID 83656

1. Meeting Called to Order

Meeting was called to order at 7:07 by Mayor, David Porterfield.

2. Roll Call

Roll call was taken with the following results: Councilwomen Michelle DeGiorgio and Bonnie Emly, Council President, Steve Ahlborn and Councilman Devin Krasowski, present. Also present were Mayor, David Porterfield, City Planner, Antonio Conti and City Attorney, Joe Borton.

3. Pledge of Allegiance

4. Public Hearing for the purpose of receiving public comment regarding proposed annexation of 34.23 acres, rezone of 14.17 acres, and preliminary plat of 66.65 acres for Lemp Manor subdivision consisting of 139 single family detached residential lots, 88 Townhouses, 26 common lots and 5 common driveway lots. Property located between Notus Road and Conway Road, south of Purple Sage Road and north of Kremmwood Heights Subdivision, Township 5N, Range 4W, Section 34 on parcels R3855501800 (Notus, Idaho), R3855501300, R1888600000, R1888601000, R3855501400 and R3855501200, (Canyon County).

Mayor opens public hearing. Mayor asked applicant to identify themselves. Tanner Leighton, Stephanie Hopkins and BJ Johnson representing Triple Dot. Mayor asked Council if there has been any ExParte' communications. Councilman Devin Krasowski stated that as part of his job at Canyon County he has reviewed the flood plain study of this application. City Clerk, Loretta Vollmer verified public hearing was correctly advertised and published.

Stephanie Hopkins, representing the applicant, Triple Dot Development stated that they are requesting approval of annexation, rezone, preliminary plat, and Planned Use Development. They have held two well attended, neighborhood meetings. They have chosen this site because of its proximity to I84, existing and planned employment in the area and to provide housing that is badly needed in the area. Developer fully anticipates that they will need to contribute to water, sewer and roadways as is typical with developments in order to accommodate the number of homes that they are proposing. They believe development should pay for development. That's kind of their motto. They are requesting the 14.17 acres, currently R-1 be rezoned to R-2 to accommodate the townhomes. Proposed to annex and rezone 14.16 acres in the south portion of project to R1 to support single family detached homes. Overall, the R1 district will be 52.47 acres and the R2 district will be about 14.17 acres. This is supported by the City Comprehensive Plan. It was designed to be compatible with existing developments. The proposed plan consists of 258 lots, 139 single family detached homes, 88 single family attached town homes. R-1 is 2.65 density. R-2 is 6.21 density. For an overall density of 3.87 units per acre. A mixture of different units gives a multitude of living options. There would be 3 access points on Notus Road and one access on Conway Road. One emergency access on Purple Sage Road that will be gated or bollards placed. This is a three-phase development which will help alleviate a large development that could otherwise be impactful to services. By phasing we are going to incrementally increase the folks that live in Notus and the services that would be needed. The single-family detached section has 139 standard lots. The minimum lot size would be 1,050 sq. ft. with an average lot size of almost 9,000 sq. ft. Density is about 2.65 per acre. The single-family town home section is the third phase part of the development and density would be 6.2 units per acre. The planned use development area would be for the 88 townhomes with shared walls. Notus code doesn't have anything about shared lot line products which is what these are with shared walls. This would also allow for a variety of the size requirements. Average 25 ft lot widths, street frontage would be 25 ft, zero setbacks to allow for shared walls, maximum height would be 10 ft above what is currently allowed in the R-2 district. This project meets open space code requirements with 12.88 acres of common space. 9 acres of open space (about 13.5%), tot lot, BBQ's and a dog park. Conway Gulch will remain open, with a pathway along it. This is a slow phased build out. Phase one would be 94 lots with a build out timeline of 2026. Intentionally phasing the project to align with current services availability and market demands. The developer intends this to happen within about a decade. That could change, depends on what the market does and how services are able to be applied to the project. Phase one would be 94 lots, one access point to Notus Road, and another on Conway Road, large open space with a children's play structure, and sidewalks for the community along the Conway Gulch drain. Phase two consists of 46 single-family detached lots,

2 points of access to Notus Road, improvements to the Conway Gulch Drain, commence construction in 2027. Phase three would be 88 townhomes, dog park, tot lot, construction in 2029-2030. Complete project build out would take a decade to finish. Timeline could change as the market fluctuates. Stephanie commented that there is a proposed industrial complex at Hwy 20-26 and I-84, about 80 acres, bringing employers and employees to the area and those employees will need housing. Additional taxpayers and additional improvements made by the developer for projects like this are integral in helping maintain and build up existing systems to get them back to where they should be as far as serviceability is concerned. Honestly large projects like this are the best way to rehabilitate existing services and make sure it works for the community. Project is designed with the City requirements. Referencing the Staff report DECISIONS: section, recommends approval and they are looking forward to working with the City and the citizens. Stephanie asked if there were any questions.

Emly stated that the comprehensive plan talks about commercial, is there no commercial element in this plan, just housing? Stephanie stated there is no commercial plan in this development. The City Comprehensive plan calls for residential in that area and that is what the developer wants to do there. Emly asked about the emergency exit and why we would have it going off onto Purple Sage Road. Stephanie commented that the emergency access came through from discussions with the Notus Parma Highway District and the fire department. With the number of homes on the northern part of the development, they didn't have an access point that would meet the international fire code within that section. We had to have an access point that was adequately spaced, should there be an emergency or reason for fire trucks to go into the development. It was a compromise they came to. We did have to get a variance with the Notus Parma Highway District. They looked at it and determined that it would be acceptable as long as it is just for emergency services. They don't want the public to be able to access Purple Sage road from a local road. So that was the compromise that we get. Access will be gated or bollards installed to prevent public access.

Ahlborn commented that discussion has indicated that this (development) would put us over EDU capacity. What is the thought on how to mitigate that increased capacity and help the City in that way. Stephanie stated their plan is to improve existing facilities, increase EDU's and be able to accommodate the later phase. Her understanding is that the current EDUs would accommodate the first 2 phases of development. KM Engineer, BJ Johnson stated that he has some discussion with Tyler Martin and based on his calculations the current capacity indicated it would hold the 1st phase. After first phase, sewer capacity will need to be increased. They would help the City by expanding the current pond and what it is treated with. He was told there is about 3000 EDU's of water capacity which would be more than sufficient for the development. Ahlborn stated we have no redundant back-up water supply currently so before we start having larger sub-divisions, we need to make sure we are in compliance. He asked if they have thought about what would happen there? BJ stated they would work with Mountain Waterworks and the City to make sure we are in compliance, we are helping create that redundant water supply through whatever is found to be the most usable, most attractive means necessary to accomplish that. DeGiorgio asked if Mountain Waterworks were present to answer questions. Stephanie stated that they have been trying to contact them for a while now. They just received a letter that is in the Council packets about the redundant water supply a few days ago. They are amendable to working with them and making sure we meet their standards. Mayor stated that Mountain Waterworks was invited. Mayor asked if there were any more questions. None stated. City Planner, Antonio Conti presented Staff Report. A portion of development is already within city limits. There is sewer in Notus Rd. There is water in Notus Rd as well. Waiting for comments from the City engineer (Mountain Waterworks) on what they will require. He received a letter last week but it did not give any outline on what the requirements are. They (developers) have been working with them and trying to chase them, but we haven't heard back yet. Higher density along Purple Sage, major arterial, makes sense and next to the school is standard practice. Trying to limit the single family residential towards Kremmwood will impact the current neighborhood a lot less. More in line with what is going on along Notus road. Some things to note is road widths in Notus is 40 ft, top of curb to top of curb. You shouldn't have less. Right of way is 60 ft so that is OK. The other item we ask is the connection between the north and south parks along Conway Gulch, the reason being that there is a existing pedestrian easement that comes from Kremmwood going north. We would like, if at all possible, to connect the existing pedestrian easement to the subdivision, across Conway Gulch so children can walk to school without walking on Notus Road. It would help with the circulation with everything else that you have going on. The other thing we discussed was the City's Transportation plan requires curb gutter and sidewalk on Notus Rd. That is something that we will not deviate from. It would be required. We would defer to the Highway District for improvement to Purple Sage Road, we assume they will want to keep it a rural section. Along Conway road we would like it to match what is already there by Kremmwood. Parking needs to be addressed. Need more parking for town house area for visitors. Rest meets code. Will need will serve letter from City Engineers for water and sewer. Whatever permit will be needed to cross Conway Gulch from the Army Corp or whoever owns it. Would like to see the CCR/HOA for a maintenance plan agreement for the parks and pathway. DeGiorgio asked about the

number of dogs that would come along with this project. CCR/HOA can enforce limit of dogs allowed. Mayor voiced concerns over the pedestrian pathway over Conway Gulch. We will need fencing to prevent children's access to the gulch. Antonio stated that will be covered by state code. Krasowski verified with Antonio that the interior roads' width is 40 ft and Notus Road would require curb, gutter, and sidewalk. Antonio would like to see sidewalks along Purple Sage but that would be a conversation with the Highway District to see what they want to do. DeGiorgio asked about size of homes and price point. Wonders how people can afford them. Antonio commented that since they are doing townhouses and single family there are two different type price points. Krasowski asked if landscape buffers were included in the open space requirement. Antonio commented that they meet the code requirement of 10% of usable open space with the parks and walking path. Mayor stated that the intersection widths show 36-48 ft widths, is that typical? Antonio stated that they seem to be going for a majestic entrance, that's why they are going 48. The Conway entrance creates more of an inviting area to the neighborhood. A sign or landscape feature to draw attention to the subdivision. The 36 ft as discussed earlier will need to be increased to 40 ft, curb to curb. No more questions were asked.

City Clerk, Loretta Vollmer verified that 11 letters and 2 petitions were submitted for the Council and Mayor for review.

Public comment from those in Opposition:

Brandon Smith of 27248 Lower Pleasant Ridge Rd, Wilder was recognized. He stated he is not a Notus community member but been in the area a long time. His kids attend Notus School. He is involved in the trying to start community football and baseball teams for young players. This expansion will be a 64 % increase in the Notus foot print. Current student to teacher ratio is 12 to 1. He stated that this large development will bring an increase of 142.4 students to the district. That increase in population would mean we will need a new fire and police department, property taxes will go up and taxes don't pay for all of that. It's the residents that will pay for this, not the developer. What roads will be closed during construction of the development? How long will Notus road be closed?

Edward Walsemann of 352 Jasper Ave., Notus was recognized. He stated he is against this development. Currently our small post office can't handle that. Schools will be over crowded.

Danielle Metzger of 20081 Kremmwood Dr. Notus was recognized. She stated her concern has been addressed.

Lupita Connors of 603 Notus Rd, Notus was recognized. She stated that in 3 days she obtained 100 signatures of people with concerns about this development. "Save Our Town" is a petition against annexation. The subdivision would cause an increase of property taxes, increase in traffic, people will lose their property to eminent domain to make wider roads. There will be an increase in pollution, noise, crime, and vandalism. Represent your citizens, that's why you were elected. Otherwise put this to a citizen vote. New city well, water upgrades will be paid for by the citizens. Her children don't have to deal with gangs. Why not 30 homes? Why do they want 139? Do not let the developer dictate to us.

James Connor of 603 Notus Rd, Notus was recognized. This development is a big deal. This is a change in the way we live. Maybe we could do a popular vote. Then we could say democracy happened. Then I don't have to run a anti-campaign against this person, or an anti-bond campaign against these new taxes. Why not put it to a popular vote and let democracy decide what happens in the city Of Notus?

Public comment from those Neutral:

Willie Lovitt of 215 Hailey Ln, Notus was recognized. She stated that normally when something like this happens, they put some sort of bond up. Doesn't know the right word. She asked what bond is this? Who controls the bond? What happens if everything falls through and we have a big mess up there to clean up? She loves this town just the way it is.

Heidi Glaettli of 24458 Cascara Ct., Notus was recognized. She commented that we are talking about the inevitable. She likes the small classroom sizes. She has two special needs children and is teaching them road safety. They walk to the library. As a community, what do you want growth to look like? She likes the agricultural feel. She agrees with the need for larger lots. Maybe minimum of ½ acre or more. Allows students to continue with their ag program to raise an animal. She would like to see a place for a (50 yr. plus) senior community and a senior center for the aging. Those residents like to give back to the community. A high school technical class nursing program could volunteer their time there.

Public comment from those in Favor:

Kevin Smith of 336 Fargo Ave, Notus was recognized. He stated he was in favor of the development to a certain extent. We have a certain amount of sewer capacity now we could easily build homes on. The reason I would like to see those homes built is because we do need a new well. And anything we could do to help absorb the costs of that well among more people means I don't pay for as much of it myself. Sees the need for fire and school space. Better way to school with improvements to Notus road with sidewalks. High density housing along Purple Sage Rd makes more sense to access from Conway Road. City Park and playground would be nice. He drives his kids out of

town to parks now. This would be the first city growth in years. With substantial growth there are a lot of unknowns. But at the end of the day all we can do is take what we have and run with the good and help offset the cost of the current infrastructure.

Tanner Leighton of Triple Dot Development was recognized. He will speak later.

Dorothy Grooms of 694 3rd Street, Notus was recognized. She stated that she attends the Council meetings. She would like to see many of those present tonight to come to those meetings so you can see how we got to this point. She supports Councils hard work, trying to get the right mixture of development. She appreciates the work Council has already done. She supports this annexation, with some adjustments that have already been discussed. We still have work to do, and she appreciates all the Council.

Cassie Everson of 661 View Dr., Notus was recognized. She stated taxes go up. Sewer and water improvements and maintenance cost money. A lot can be alleviated by having more properties to divide the cost. We have to upgrade water and sewer anyway, regardless of if we have growth or not. We still have to upgrade those systems. And with more properties to help divide the cost, the cost will be less to each individual property. And we are NOT crime free city now, no matter what others have said. My neighbor had his truck stolen and trashed. If there is no growth the town stagnates and dies. We need some growth to help support the post office. If we don't start approving growth and it goes to the County and we will lose that property tax income. The developments will most likely happen whether we annex or not. She is in favor of bigger lots and not CCR/HOA.

Chris Clark of 24422 Kremmwood Dr., Notus, was recognized. He has concerns over this development. He has been in construction business for 37 years. Have seen what happens when you tie into old systems. Old system needs upgraded. Federal grants to upgrade. Failing irrigation system in Kremmwood. Need to think about how to pay for upgrades to our system and roads and nonexistent sidewalks. Need to upgrade what we have before we start adding something else. He has seen it before, and it is detrimental if we don't find solutions before adding on more.

Developer response to questions brought up: Tanner Leighton, KM Engineering commented he is a local guy from Meridian. Seen farm ground get taken up. A lot of things have happened because we live in a great place. They try to plan and work with the City. Town homes in the higher density area, next to schools, with walkability. One street developed at a time. Home ownership is still an American dream. With costs going up if you are sharing walls instead of roofs still makes you feel as if you have some ownership. That's where the town home product came from. They specialize in Planned Unit Development (PUD). Phase one starts with single family homes next to single family. They tried to put as much thought and care into the plan but also making it make sense financially. We knew going in that there would be costs. We know what costs are going to be our costs. We believe development pays for itself. They knew of the issues with the well. We knew of the future sewer capacity issues they will face further down the road and to meet with the landowners that own adjoining parcels to the (sewer) treatment to be proactive in adhering and mitigating some of our risk. They fully understand that is also our risk should this Council decide to approve this project. Asking for approval with conditions. 100% in agreement with Antonio's conditions in the staff report. We need to make sure and will make sure by working with the engineers that everything is up to code so that we are doing everything for the success not only of Notus but for our development. So, residents can call our development home. He will try an answer as many questions as he can. They held 2 neighborhood meetings so that the people of Notus had a public forum to speak. They did design to accommodate the existing product. That's why phase one is single family to single family homes even though there was R-2 zoning of the multifamily town homes. Which those are all individually plated, so that they have home ownership. They are not duplexes. They are individual homes, although they do share a wall. The 8,000 square foot lots were taken out of the subdivision standards code. They fully understand larger lots and are open to that, but at this time we presented a plat that was already designed. This application and everything that we have in place they do believe that they were able to design to a density that fits well and does have a diversity of larger and smaller lots to adhere to the subdivision standard. Timeline, 6-9 months is for site work alone. That's making sure we have the EDU's for phase one. The market dictates a lot. With the different product types, they are able to go anyway and fluctuate to what current costs allow us to build at and be able to absorb those costs as well.

Anticipate home prices anywhere from \$250,000 to \$500,000, depending on the lot, home size and what product type the individual would be purchasing. There is no commercial, just residential. That is because of the zoning. This all adheres to the city comp plan. The emergency access is all dictated to them by the traffic impact study that they had to adhere to. They have to and will adhere to all of the stipulations, all of the conditions of approval that would be set in place with the Planned Unit development and what is given in a development agreement that they have to adhere by. One thing that they have talked with their engineers about is having it be a condition of approval for EDUs having to be in place. So, if they do get into phase 2 and need to upsize that they will, they can't get there until they do their job and upsize to make sure that those EDUs and connections are there and established. In making that a condition, we propose that to make sure that it is in place before they go onto their

other phases. They have started working with Mountain Waterworks. Unfortunately, they can't force them to come to a meeting. They do want to annex into the City so that the residents get the incentives that come with that and not into the county where you would not get that financial success that comes with development. One of the parcels is already in the City.

They will change plans to 40 ft roadway width. They will work with the city engineer to make sure all are in compliance. They are good with the pedestrian connection and adhere to that pedestrian easement that is in place. They will add sidewalk and lights that was in the staff report. What about an impact fee for school credit? Someway for us to be able for every unit to say this \$dollar is to go to a fund and the school is best able to use those funds. Many schools around the area are benefiting from these types of funds. They will update the parking for town houses. People do have boats/RVs. They will make sure they have parking even if they need to decrease the number of townhome units. Working in the past with Irrigation companies, they dictate what they can and can't put there. But they are happy to work with them on access and fencing the Gulch. Good with the sidewalk on Purple Sage. The roadway buffer is not qualified as open space. Traffic mitigation with development, our crews have traffic control at our developments. There is no bond at this time, that is only at construction time. They are aware of the well issue and they fully understand. They will work with Mountain Waterworks addressing the water and sewer concerns. The park will be open to the public. It does offset costs of the infrastructure when you add homes. That's just the truth. It does add costs onto the developer and to the residents that would call this development home. Larger lots, 8000 sq ft lots are what we have. They will need to hook into our older system, but for the most part this will be all new system. Will adhere to the current code and the building code. He will stand for questions.

Krasowski asked what examples of other school districts requesting per dwelling fees? Tanner stated that he has seen two different ways. Per building, per unit or as a donation for something else. For instance, say you really needed a school bus. A donation can be made towards that. There also has been anywhere from \$250-\$500 per unit, depending on the size, a lot of it has to do with the density and multifamily. Where they have a denser population on a smaller sight that is really going to affect the school drastically faster. So, when your building a 36 unit building in 12-13 months compared to single homes, you can't build homes that fast. That is a more drawn-out process so that (fee) would be put on at the certificate of occupancy time. Because that is when it would put stress on the school system.

City Attorney, Joe Borton states that in regards to this idea, it is something that the developer just came up with and Council can not impose that as a condition or anything like that be required as any improvement. Developer can always voluntarily offer things like that but just know that it is not something that they could require. Tanner commented he is willing to put that in writing if it is not part of the conditions of approval.

DeGiorgio asked about law enforcement. Parma Police may not be a viable option. Tanner stated he is not in public service or a first responder, so can't answer that question.

Mayor asked City Attorney to advise Council on the next steps available. Joe Borton stated when we get to the last stage and the applicant has the last word, if we get to that point tonight. The applicant has answered all the questions that the Council may have about the application, there are a number of options. If they feel they don't have enough information to make a decision, you can choose to keep the public hearing open and continue that to a new date certain. If you do that you make specific requests for the types of information you need in order to help you make a decision at that future meeting. Option two is you can close the public hearing. You received all the information you need from the applicant, staff and public and still choose to continue it. If you want to kinda think about it for a while. At that second hearing you wouldn't be re-opening it for public testimony, it would be just for you to deliberate amongst each other on the open record to make a final decision. The third option is you can act on it tonight. Once the public hearing is closed by motion of the council, you make a motion to approve the application with conditions that would be discussed by you or deny the application for reasons discussed on the record. Those are the options. You get to that stage once Council has had all their questions they may have of the applicant, answered. Once that is complete, you're ready to make a choice amongst those options. Mayor asked Council if they want to hear more public testimony, with the applicant having the last word. Krasowski asked to get more public testimony.

Mayor recognized Chris Clark, Kremmwood. He asked Tanner about the money back to the school per unit. About \$150,000 but you are going to almost double the population, How is that going to work? Mayor recognized Brandon Smith, Wilder. He stated school is at 68% capacity. This will add up to 141%. Will need to build a new school before the end of phase one. \$250,000 from the housing development is not enough to pay for 3 new schools. All ready hard to pass small levies, how are you going to get the community to support one to three new schools, plus the ground to buy them. Mayor recognized Cassie Everson, View Dr. She stated this is not Meridian. Were a smaller town. If the lots were bigger and fewer of them some of the other concerns would be addressed. Some need like ½ acre for a country setting. Mayor recognized Brent Powell, 19934 Purple Sage Rd, huge influx of

people, pump more ground water. What's that going to do to the existing wells? Moved to the country to be in the country and don't want a subdivision. Mayor recognized Kevin, 20236 Purple Sage. He lived in California. Where there were farms not homes. Santa Ana river used to run through town now its piped. Sooner or later building is going to take place. If we can have buildings on a small scale with purpose, where the city can incorporate it at the level that they can grow, then that's a reasonable option. If we have something that the city can not grow at a scale and purpose, then it's not a reasonable option or expectation. Mayor recognized Kristina Langley, 20113 Kremmwood. Not against growth. But what needs to be addressed is the school and emergency services. If house catches fire, it will probably burn down before Caldwell gets here. If you have a heart attack, unless your neighbor can help, you're probably going to die or be seriously injured. You're going to size us out of our school. How is the city going to take care of existing residents? Her property value will go up, property taxes will go up. She would be taxed out of her home. City needs to address this as a community. What is the plan. What are the actions. We already know water is not going to handle it. Sewer not going to handle it. It's not just more homes, more people. its more everything. Mayor recognized John Higgins, 20236 Purple Sage. Consider the number of children walking to school after this is built. Trying to get to school and back on Notus Road. Notus Road is not adequate. Just consider those things. Mayor recognized Ulanda Gonzalez, 423 Fargo Ave. She attends Notus High School. They have had substitutes say they don't like us, adding more students will be an issue. We have had people that come here and said "oh we just came over here for your sad little town. It's not good here at Notus School. It would be helpful to grow. She used to walk to school but then her mom saw that it wasn't safe from the conditions of the roads.

Tanner Leighton commented. To answer councilman Krasowski earlier questions about funds. The state legislature handles the school bonds. Fortunately, in a neighboring town a bond was passed for Valivue school district. A great way to help Idaho schools is to write to your congressman, for future education. Earlier when he was speaking about himself and his subdivision, he as just sharing where he grew up. It had no intent of bringing Meridian out here and displacing Notus. He was just trying to share some commonality that he is from the area, dad was a fireman in Nampa, Just sharing part of his story and apologized if that was misconstrued. There is a letter from Notus School District in the staff report. The school district has seen the size of this development. They have worked with the Notus district and other school districts, with other developments, hand in hand to make sure that the children are at the forefront and the school overcrowding dealt with. Notus School district has seen this and that letter is in the staff report. The design presented was designed with intent. We also have to make sure that through feasibility, that it works. We are hoping for approval with conditions set in place in the staff report and from the Council. We are excited to continue working with the City, its engineers, its consultants, and everyone involved. We want to be a great partner for the City of Notus and bring growth and this development. The whole reason why we named it Lemp Manor was because after research and when the city was first started, there was a school children's contest to see who got to name the City. It was between Notus and Lemp. So, the whole reason why our subdivision is named Lemp Manor is because that's what Notus could have been named. Ahlborn motioned to close the public hearing. Krasowski commented he would second but if we close can we still receive comments from fire and police? Attorney, no. City Attorney stated that if you close the public hearing the challenge would be that you now receive information from the staff, you haven't made a decision, the public doesn't have the opportunity to comment on what information you might get, so if there is anything of substance that you want to still get, its probably best practice to leave the public hearing open, just in case someone wants to provide comment. If you were to close it, receive it and at that future meeting the public shows up and wants to talk, then you would probably make a motion to reopen the public hearing and then you're back to where you started.

DeGiorgio commented that even though her home and business is for sale, she was elected 4 times, been here 30 years and will do what is best for the community. Motion dies for lack of second. DeGiorgio motioned to deny the annexation. Motion is denied, out of order. Attorney reminds Council the first action would be to close the public hearing. After the public hearing is closed then you can take action on the underlying application. Right now, the public hearing is still open. You can't act until the public hearing is closed.

Krasowski commented the reason he was thinking of not closing the public hearing was because he would like to get more information from the police and fire services. Attorney addresses the room: None of this is new or unique to Notus. It's the exact same in every city. It is the way the code says to try and ensure its fair, public gets to see everything and watch the deliberation. None of these procedures are unique to this application or the City. This is exactly what everybody else does. To the benefit of all. Krasowski commented he reviewed the water code and rules that guide that. It states a 'new community water system served by ground water must have a redundant water source'. So, it doesn't sound like, by the rules that govern water systems, that we need to have it before taking action. Mayor addressed Council, stated that many comments made tonight deserve follow-up. We have a very weighted decision to make and the discussion needs to be thorough and complete in our investigation of

these things in order to make the right decision. As Mr. Borton (city attorney) has suggested to us we can continue the discussion under the business action item. We can decide at that time which option to choose. Whether to continue at that point or approve with conditions or deny or whatever. Those options are still before us if you want to continue that discussion this evening or if you want set another time to continue the hearing or set another time to continue the discussion.

DeGiorgio commented when we look around our community, look at tax base, bond sewer, school bond, and so on. Can we with a clear conscience contribute this many homes and more lives that are going to be depending on the city to fulfill their needs where we can't fill the needs of those present now. She has wanted to annex for a very long time. This is the first Council that she feels part of. She wants to do what's right for the people that live here and want to live here.

Tanner Leighton stated he wanted to submit for the public record a letter from Fire Chief Alan Perry that says new subdivision in Notus, Lemp Manor. It should have been part of the staff report. The Caldwell Rural Fire Protection District has reviewed the preliminary plan. He asked if that would make council feel comfortable to close the public testimony and have this (letter) be part of the record? It is part of the staff report for Council review. Krasowski commented he would still like to hear from the police. Tanner reviewed Fire District letter from last August with Council. They mentioned the need of an emergency access, fire hydrants, street identification, International building code, International Fire Code, state of Idaho code. All need to be addressed at the time of building application. Letter was read in summary. Ahlborn stated that (call) response time is not mentioned.

Ahlborn motioned to close public hearing. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, DeGiorgio; no, Eml; yes. Motion carried.

5. **Business Action Item**

5.1 Proposed annexation of 34.23 acres, rezone of 14.17 acres, and preliminary plat of 66.65 acres for Lemp Manor subdivision consisting of 139 single family detached residential lots, 88 Townhouses, 26 common lots and 5 common driveway lots.

ACTION ITEM (Decision "approve, approve with conditions, deny or hold decision to a certain date in the future")

Krasowski referenced the findings of fact needed to make a decision on this topic found within the staff report. He feels like he would need to take his time and would not be ready to make a decision tonight regardless as to how the discussion goes. Ahlborn referenced the Notus Vision Tomorrow Committee recommendations to Council. They recommended open town hall type meetings to ask questions and state concerns. In favor of refurbishing old buildings, slow growth, larger building lots 1/4 acre, little too few multi housing, 10% green space, CCR or HOA for maintenance of green space. But not allowing them to be stricter than City code and be enforced. Encourage self-sustainability. They are resistant to bonds or increased costs, bonds, loss of agricultural land, excess traffic, too many entrances on any one road. Krasowski if we were to approve a development and bring in 150 -200 kids we may get into a situation where the voters of the school District may not pass a bond. Look at Middleton schools at 80-90% capacity and unable to approve a bond because it's too many kids and too much growth, too fast. DeGiorgio stated that people need somewhere to live but we don't have what it takes to take on that many people. We don't have law enforcement or school capacity. Feel that we are doing an injustice to Triple Dot by detaining them and letting them think there is a possibility. When I'm looking around and not seeing the possibility. Streets won't take it and we need storm drains and that's just for the people right here now. Convince me how we can do that. This doesn't make common sense. She would love to see a grocery store or a nursing home for the elderly. Hope that whatever decisions we make are good positives ones for all of us. Krasowski stated that applicant is amenable to helping the sewer, even to the point of making sure the construction and improvements happen before capacity is exceeded. Also helping with the redundant well, and the request for extending sidewalks south to the school and connective pathways across Conway (gulch). Very commendable. Mayor said to build on Cassie Everson's testimony that when you have the economy of scale where you have the increased population, the ability to handle those expenses is improved because of the increase in population. Just so you know the water and sewer connection fees from this project could amount to be \$1,929,000.00. There is strength in numbers. Add that to increase in tax revenue, additional utilities paid, and the construction roll taxable base. Even with the (HB369) legislation 8% cap, that limits us to \$8,000. That's not enough to make very much go. The years after that the increase gets a little bit higher. These are just some of the pieces of pie because of the increase in numbers. We do have some more investigations that need to take place. We need to talk with the school district about what would work or not work for them. There will be some difficult challenges, not necessarily impossibilities. 1.5 million is the estimated cost of a new redundant

well project. The water connection fee is \$4,000 and sewer connection fee are \$4,500 of that 50% of connection fee goes towards capital improvement and maintenance, by ordinance. Krasowski stated considering the financial side, spreading out the cost of the (needed) redundant well amongst all of us that currently live here, of a 30-year bond ends up being additional \$20-\$40 a month or something like that. It's important to consider all the scenarios because a lot of the opposition and in favor testimony references the finances. Ahlborn commented if we don't, that means we have eliminated costs but there will still be costs that they (developer) say they are willing to help pay for. But what are the challenges? Overcrowded in the school. What does that look like and how can that be managed over 10 years? There are no easy answers. But one way, the citizens have to pay. And the other way the citizens have to pay. Just know either way, that's why the Council gets to look like the bad guys. Any decision we make, the citizens will have to pay (for redundant well). Growth or remaining stagnant, we will have to pay, I will have to pay. Those are the choices we are making. Krasowski commented that you need to know we grossly underfund our water service right now. The development seems intentful, even the name. The Findings problem he sees is in the wording of "the public interest will be served". He struggles with when you consider the petition of 100 plus people and public testimony in opposition and less than 10 in favor. Ahlborn stated that sometimes when we get a petition going around with the worse news, it doesn't always reflect the actual news. He gets that some people would be scared, nervous, or frustrated about what they may see. But what they don't see is the hidden part which is, as you start to explain what costs will still be there, what we will lose out on. That is also cause for concern. Losing out on what developers will pay for, for the City. Portion of Notus road re-build. The redundant well source. Those are million-dollar things that we have to be mindful of. So yes, the petition shows how many people are nervous, worried that their lifestyle will change and that things are going to be different. City Attorney reminded Council of the options. Do they have enough information to support the findings of fact. DeGiorgio stated evidence to deny is stronger than to approve. DeGiorgio motioned to deny application. Motion dies for lack of second. Krasowski motioned to continue deliberation discussion to July 17, 2023. Ahlborn seconded. Discussion: Krasowski amended motion to continue deliberation to July 31, 2021. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; no, Emly; yes. Motion carried.

6. **Adjournment**

DeGiorgio motioned to adjourn at 9:55 pm. Ahlborn seconded. All in favor. Motion carried.

Respectfully submitted by Loretta Vollmer, Notus idCMC _____

Approved by David Porterfield, Mayor _____