

**Kuna Planning & Zoning Commission Special Meeting
March 25, 2008**

NOTE: These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.

Those present:

Vice-Chairman Justin Touchstone, Commissioner Holly Kerfoot, Commissioner Stephanie Wierschem, Planning & Zoning Director Steve Hasson, Attorney Randy Grove, City Engineer Gordon Law and Planner Tech I Tracy Rushlow.

Chairman Brian Stewart, and Commissioner David Case was absent

The Kuna Planning & Zoning meeting was called to order by Vice Chairman Touchstone at 7:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

Approve minutes for Planning and Zoning Commission meetings on March 11, 2008 and Findings and Facts and Conclusions of Law for:

Mellin Properties 08-01-AN (Annexation), 08-01-DA (Development Agreement)

Arlene & Larry O'Leary – 08-02-ZC (Rezone), 07-06-SUP (Special Use Permit)

Design Review Committee 08-01-ZOA (Zoning Ordinance Addition and Amendment)

Vice Chairman Touchstone motions, Commissioner Wierschem seconds all approve, motion carried. Commissioner Kerfoot abstains from voting.

OLD BUSINESS

NONE

NEW BUSINESS

Amend Agenda: Vice Chairman Touchstone motioned to amend agenda under “new” to table items 4 C & D: **Public Hearing: Joe & Kathy Guido/ Ironhorse Subdivision** – 08-02-AN (Annexation), 08-03-DA (Development Agreement until April 8, 2008, **Public Hearing: Joe & Kathy Guido** – 08-02-SUP (Special Use Permit) until the April 29, 2008 meeting.

Commissioner Kerfoot seconded; all approved, motion carries.

Public Hearing: Troy Todd; Indian Creek Sports 07-12-ZC, Rezone, 07-15-DA, Development Agreement.

Planner Tech I Tracy Rushlow presented the project. The applicant is requesting to rezone the property with a development agreement at 975 W Owyhee from R-6, Medium Residential to C-2, Business District in order to expand his boat yard sales and service which is in current operation on the property adjacent to this property and is zoned C-2. The property will have access off of Owyhee on the eastern corner of the property so there will be continuous flow through the property. The applicant will leave the manufactured home already on the property as it is currently being used as storage and will continue to be used as storage. There is a pole barn/shed built that houses parts/boats that will also remain. The applicant has constructed a 5 foot sidewalk along Owyhee and will pave the entrance off of Owyhee. There is currently a six foot wide wood fence encompassing the perimeter of the property

Applicant: Troy Todd, Kuna ID. I bought the property behind my current property in order to expand my boat yard. I would like to have it rezoned to C-2 to match my current property. I am not going to

build anything on it, just move the boats I have back there. The buildings already there are used for storage and I would continue to use them for storage.

Commissioner Kerfoot: I see that a Comp Plan amendment needs to be done, why?

Staff: the area is zoned CDB on the comp plan but there are several properties in the close vicinity that are zoned C-1 or C-2 with the CBD and residential mixed in. The main access is off of Avalon, but there will be an access off of Owyhee so that there will be a continuous flow through the property.

Vice Chairman Touchstone: Will there be curb and gutter on Owyhee?

Staff: Currently ACHD is not requiring it, but he will have to go through Design Review for improvements so they may require it at that time.

Open Public Hearing at 7:22 pm

Support-None

Neutral-none

Oppose-none

Close public hearing at 7:22pm

Discussion:

None

Commissioner Kerfoot: motioned to recommends approval to City Council of file # 07-12-ZC, 07-15-DA, with a rezone from an R-6 to C-2 with the following conditions:

- Meet all staff and agency requirements.
- Go through Design Review when ready to expand for parking lot and landscaping.

Public Hearing: 08-01-SUP/ BEST BATH – Special Use Permit

Planning Director Steve Hasson presented the project. Fiberglass Systems is seeking a special use permit to expand its fiberglass bath operation, know as Best Bath, located at the Swan Falls Industrial Park in Kuna, Idaho to include chemical storage use. The Best Bath operation is located in the City's light manufacturing zone (M-1) as noted on the City's approved zoning map.

Gary Multanen, the applicant, is seeking a permit to construct phase 2 of Best Bath's manufacturing facility located in the Swan Falls Industrial Park. Best Bath Systems is the marketing identity used by Fiberglass Systems Inc., for the bathing product line it manufactures and distributes. Completion of phase 2 will afford Fiberglass Systems Inc., to relocate its entire manufacturing, distribution, sales and administrative operation to Kuna from its current primary location at 4545 Enterprise, Boise Idaho.

Since 1972 Best Bath has been located in a designated M -1 industrial park in Boise. Five years ago property was purchased in the Swan Falls Industrial Park for the purpose of relocating the entire operation to Kuna. The initial phase was developed in 2005 and involved the construction of a 22,000 square foot structure.

The second phase of construction (55,000 square feet) is necessary in order to relocate the whole operation to Kuna. The approximately 12-acre site is contemplated to accommodate Best Bath's planned growth for 25-30 years. The applicant advises that a relocation to Kuna anticipated for late 2008 or early 2009 (if the permit is approved) will bring an employment base of 140/150 permanent jobs. Best Bath's payroll for 2007 was \$6,830,988.

The need for a special use permit as part of the expansion process arises from the fact the operation relies, in part, upon storage of an assortment of chemicals. Chemical storage is noted on the City's zoning land use table as a separate land use (see City Code 5-3-2). The land use table identifies that chemical storage is allowed in the M-1 zone by way of a special use permit.

One could argue that chemical use is inherent within the manufacturing operation and therefore a function or attribute of that operation. Staff believes that chemical storage and manufacturing are

separate land uses, consistent with how they are categorized in the City's zoning land use table and should be evaluated individually and then as a combination – and as necessary to the construction of fiberglass tubs. Further, staff believes of these two uses, chemical storage is the more intensive one in terms of potential public health risk and public concerns as measured through public input.

City code advises that, "When several combined land uses exist, or are proposed [together], the most intensive land use shall be considered as the primary activity (see KCC 5-3-2). Thus, staff has requested the applicant apply for a special use permit to store chemicals on site.

Consistent with that request, the applicant has filed for this land use tool, which if approved, will qualify chemical storage use at the site as the operation expands.

Staff has been to both sites, Boise and Kuna, to see how it works and are comfortable that it is a manufacturing operation and comports with the M-1 zoning district. There is some argument that it is more intense than that and should be an M-2. The applicant has been very cooperative and has supplied with everything that we have requested.

In KCC 5-6-3 item G for Special Use Permit states that. "Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors." I do not believe that they will provide excessive amounts of any of those things.

As part of the special use permit process, government agency comments are solicited in regard to the application. Those comments are included in the staff report along with any recommendations and/or conditions that they may require for public safety. We have put over 100 conditions on Best Bath to cover the concerns that the public has brought to us. We have addressed everything possible to assure the health and safety of our community. There will be two items that we will hear a lot of information about. One of them is styrene. Styrene is an organic chemical and there is a lot of information about styrene. There is speculation that it is a carcinogen and will pose a health threat to our community. From reading the literature there is inadequate evidence in humans that it is a carcinogen. But what I do find is that there is a hazard summary that includes headache, fatigue, nauseous, sensation of drunkenness, central nervous system depression, and irritation of eye, skin and respiratory tract. The levels and standards and the volume of styrene and byproducts of this operation are within such tolerance that there may be from time to time, some minor irritations but nothing of significance. I am not a doctor or chemist and do not have the expertise necessary to assert very much information one way or the other. The other thing is odor. With respect to the facility in Boise it has been 7 years, September 2002 since they have had a recorded complaint filed in regard to odor. In the fall of 2006 the company was found to be in non-compliance with several reporting requirements, by mid 2007 all the reporting errors and concerns were addressed. I'm not trying to make light or dismiss any of the odor complaints, but it has been a while since any have been recorded. I will defer to the applicant and the public and will answer questions if there are any. We also have the City Attorney Randy Grove and City Engineer Gordon Law if there are any questions that you may have to their respective expertise.

Applicant: Gary Multanen: Best Bath Systems, Boise ID. I don't know if I am pleased to be here, but I asked to be here. The city has the building plans that have a stamp of Planning and Zoning which shows that I have gone through the appropriate process. The City and I reached a stalemate and after a considerable time and after visiting with Ms. Sanders the first time, I decided it made sense to apply for the Special Use Permit. Staff has not made it easy, there are over 100 stipulations and as I told the Director of Planning and Zoning I can live with every one of them. I don't believe I should have to and I don't believe that they should have been required, but I can and will live with them. I want to move forward and develop the property I bought and bring 140 good paying jobs in to the community and go about what we do best, which is making successful bathing products. I

was not sure what I was going to cover this evening until I received a copy of this flyer, that I m sure you have seen, and a half page add in the newspaper that was similar. I want to address the concerns that the person who created the flyer and advertisement asked the citizens of Kuna to be concerned about.

I am concerned about the health of my employees and the community I reside in. What miniscule exposure that is outside of my facility is somewhere between 50 and 100 times less than the exposure of these chemicals inside to my employees and yet I run a very safe plant. My employees are not exposed to harmful levels of any chemical. My employees work in a safe environment, so safe that we have applied and when we receive the "Sharp" certification from OSHA, which is the best recognition that you can have from OSHA as running as safe company. We will be the 12th company in Idaho to received Sharp recognition it is a serious effort on our part.

I and my industry are regulated by EPA, and Idaho DEQ and people have made light of that. There is nothing light about being regulated with DEQ. They are charged with the safeguarding of our environment and our communities. I have been permitted by Idaho DEQ for over 553 tons of emissions, it sounds like a lot and it is a lot. But I have never been over 55 tons of emissions, less than a quarter of what I am permitted. Even if I emitted 253 tons annually, IDEQ would still consider me safe, they have permitted me that level. We are 20% of that level now. In 2004, I was 20 % of that level, lower in 2005, up a little bit in 2006 and under that 20% in 2007 and yet my sales have grown 40% and my employee base has grown 40%. That is not an accident. We are serious about containing emissions for two reasons. Exposure to styrene in the factory, it is not wonderful, my employees don't like it if the exposure levels get high, so we work hard to contain the levels, and secondly every pound of emissions that goes up our ventilation stack were paid for in raw material so it is beneficial for us to reduce and contain emissions and we work hard at it every day. There has been concern historically about plastic companies and the exposure building blocks which is styrene. Harvard Medical School reviewed styrene exposure to industry workers about 4 years ago, the results were clear, we are a safe industry. Best Bath has a long term labor force. I have been in business over 35 years, I have numerous employees who have 30, 25, and 20 years with the company. We do not have health related issues from the exposure to the chemical that we use because we are safe, careful and we will always be that way. That's how we keep a motive workforce. The community will not be exposed to potential harmful odors. The building and ventilation system is designed so that it will not take place. I have a 35-year history of working with any concerned citizen or neighbor and I have never failed to resolve an issue yet. I don't believe that there will be a lot of odor issues, but if there is, I will resolve them.

Hazardous and explosive materials, all of our plans and storage of materials, which is short term, we bring it them and use them. As approved by the appropriate regulators. The Fire Chief, his consultants and his staff are comfortable and have approved what we intended to do. We have never experienced an explosion. Polyester, which is the building block of our plastics, is difficult to ignite. We use all the safety items we need to in our factory and will never expose that material to an open flame. Under your kitchen sink, in your laundry room, in your garage you have the potential of exposure to chemicals of a much greater extent and at a much more harmful level to you than you will ever have working in my factory, being close to my factory, or in the community. Air pollution, I am permitted 253 tons. When it became clear to me that there were concerns from the citizens and the City of Kuna, concerned about the level I was emitting, I voluntary asked IDEQ to re-permit us, so now if I ever achieve 100 tons, I have agreed to put in additional abatement processes and procedures. I have been asked to clarify those processes and procedures and to determine what they will be. That is truly imprudent. Who knows what advances will take place in the next few years that would allow us if necessary to abate any emissions. What I have done is agreed to do that in the permit. The propaganda that was printed in this community is not true. Industry in Southern Idaho contributes about 8-9 percent of the total air pollution; automobiles about 50% and agricultural about 35%. I am part of the industry and it is really difficult to have good paying manufacturing jobs in a community and to have those without any air emissions or pollution. The best thing for any community is a stable work force with good paying jobs. I was recruited to Kuna and the jobs that we would bring. When we expand there will be about 140 more jobs in

Kuna, most which we will bring from Boise, as we have a stable long term work force, but we plan to grow about 10-15 percent a year and we have been maintaining that growth every year. That's why I purchased 12 acres so I could expand and that is why there is three phases of construction that show a total of 144,000 square feet of space. Phase one is completed and we would like to start phase two and move to Kuna and eventually complete phase 3 some time in the near future. I am not a starter company I have been doing this since 1970, we have a 35 year history. The history is not impeccable, we are human beings. But we respond to every issue raised by employees, the community, OSHA, and IDEQ. We are serious about what we do; we intend to provide good paying jobs for a long time in the future.

Open Public Hearing at 8:54:

Support:

Glen O'Dell, 1553 Southside Blvd, Melba ID: Born in this community, been here 62 years. I live in Melba and I would love to see a company like this come to Melba. Why, 150 good paying stable jobs, where it would get a good tax base, and most importantly local jobs. When I was growing up that was the most important thing, there were no jobs here, you went away to California or the military and it wasn't until the late 80's that industry jobs started coming into the Valley. It is a positive thing for the community with a solid tax base, local jobs. Having been a safety professional for a number of years, where I used to work in Pocatello, there were much nastier chemicals, yet they were all legitimate. I would like the community to tone it down a little bit. There is a lot of misinformation, innuendos and untruths being passed around. The bottom line is, what is good for the community. And if it's not broke, it's not going to hurt anyone and it is only going to help the community and the economy of Kuna, and everyone should be on the bandwagon and say move ahead for Best Bath.

Randy Leroue Jr. 740 Marteeson Ave. Kuna ID: I am an employee of Best Bath and I work in the Kuna facility. I work in the shop, I have handle these chemicals for two and half year and I have never had a problem. Mr. Multanen is straight business. I purchased my home in Kuna with the intent and knowing that I would be working at Best Bath. There is talk about property values; there are two sides to that. I bought my home here so I would not have to commute, I came from a small community in Oregon, and when the mill shut down, there was nothing there left anymore. The town needs something for the youth. I have a career, not just a job but a career and I plan on working there a long time, until I retire.

Mike Ihli, 643 S School Ave, Kuna, I have been in your position before, I was raised in this area, Melba, and have lived in this area most of my life. I have no interest in Best Bath, and the only thing I have in common with them is that I own one of their products and really like it. My income, health, happiness is not connected to them in any way or form. The reason that I am speaking out for them is that I am a business man and see that if Best Bath is being treated unfairly by the City of Kuna, then someday I may be treated that way too, and I would like support. My background is Wildlife Management and environmental sciences. I am currently a land manager. There are three issues that need to be addressed. One is nothing you can do anything about, this bait and switch that the City pulled on Best Bath, that is old news and nothing can be down about it. The second one is the actual science of what they are actually doing there. I have found nothing in any independent literature that tells me that what they are doing is going to be harmful to the citizens of Kuna and I am a citizen of Kuna. I don't live that far away from Best Bath. The problem these days is that everyone wants to be Erin Brokovich and save the earth. I will put my save the world merit badges on along side any one else in this room and I can tell you from my research that Best Bath is not going to be a harm to this community. In fact there is no one in this room, unless you are an official of EPA or DEQ that's qualified to speak to whether what Best Bath is doing is harmful or not. Third thing is responsibility, what about industry zoning do you folks not understand. You have to look at the builder, the developer and people who bought property there and certainly the City of Kuna for

approving a subdivision there so close to an industry zoning. Don't make Best Bath pay for the mistakes of the City of Kuna.

Dave Lyon 491 E Sable Ridge Dr, Kuna, I would like to point out that I was on the Economic Development Committee that toured Best Bath several years ago to determine if they should come to Kuna and we decided that they should. I think it was right then and think it is right now. The concerns of health and property values are over stated. I have researched property values some, and comparing them in my subdivision Sable Ridge, Sutters Mill, sales are very similar, and they are not hurting there. I don't think that they will, as Best Bath comes to Kuna, people will want to buy houses close to where they work, and walk or bike to work, which will reduce pollution because they would not have to drive cars. I truly believe Best Bath will be a good neighbor and provide community support through out the year.

Neutral-none

Oppose- Make a note we received an e-mail from Angie Johnson, suppose it is in opposition, it makes a note about gophers and a ditch along the property.

Also received additional 31 pages from Steven Bradbury that need to go on the record as opposed.

Jim Crosby, 1311 Curtner St.,: Commend anyone who works in fiberglass. I did that for a while and it is a dirty job. My biggest concern is the smell. Acetone was used quite a bit and there were fires that were not reported. It was a low wage place for people to go and they paid low wages or below minimum and it was not a good job. I don't know what kind of operation this one will be. I live on this side of town and I'm not sure about the smell. We already have the smells from the Dairy, which is alright by me, and sometimes the sewer ponds, and one more smell and all three mixed together may be a problem, that is my biggest concern and to be safe with the fire issue. On this side of the tracks is a fire problem with trains sometimes blocking both of the entrances on the tracks and to get adequate fire response might be a problems especially since it is next to the subdivision. It sounds like they have a good handle on most of it, but this is an issue that needs to be addressed.

Matt Schultz 2127 S Alaska Way, Meridian: president of Silver Tip Communities, about half mile south and also have horse's down south of there and would like to ride them. I have a huge investment and I would like to see Best Bath come in but I would just like some assurances of no odor. I have to believe it is safe because IDEQ has issued a permit, but I do not think that the odor issue has been adequately addressed. Based on researched and his own admission he will be putting 55 tons of styrene into the atmosphere a year and will go up to 100 tons a year before they will implement any mitigation controls which is almost 200,000 pounds a year of styrene. If we did not do this research all we would have had information wise is what was submitted. When we had a neighborhood meeting the information we received in a letter from Mr. Multanen was "at the fence line and beyond the neighbors would not be able to smell our operation." A week later there was a application letter that said "where at the fence line of the property you will rarely and if so barely recognize styrene odor." I don't know what rarely or barely means but it sounds like it is more than none. The light industrial zoning needs to keep their odors to themselves. There were also more complaints than what was stated in his application and they have been documented. You have that documentation. I also have an e-mail dated last summer from a major home builder when I was trying to sell my lots. It says "Matt, prior to my arrival at "un-named builder" I was president at Best Bath Systems. The citizens of Kuna and those of Wild Meadows are concerned about the styrene emissions from the new plant that Best Bath systems plans to build up wind from their homes. Styrene has a very strong odor and can be detected in very small concentrations. I would be very hesitant to build into that subdivision until the Best Bath issues are resolved and emissions are proven to be a non issue if Best Bath prevails." One last thing that I ask is why not propose an odor mitigation technology why not propose a state of the art system that eliminates all odors when you are bringing that many dollars in, why not do what is best for the Citizens of Kuna.

Claudia Galaviz, 654 N Shady Grove, Kuna: Please excuse my English; as English is my second language. I am not an expert, just a concerned citizen who knows to well the implications of toxic exposure because I lived with it every day. I moved from Washington from an area that suffered greatly at the consequences from toxic exposure caused by a manufacturing company. You can read all about it in a book "Faithful Harvest" by Doug Wilson a journalist in Seattle. It was caused by a fertilizer company with a trusted name and it was also well regulated. Because we are all humans and make mistakes; but hopefully when we make those mistakes they are not around people or animals to get hurt by them. My biggest concern is how I can be guaranteed that the people who handle these chemicals are going to be appropriately trained and that the safety procedures are enforced every single day. I do not oppose a growing economy, but not every thing is about money. Sometimes public health should be a priority. All I want is to live a healthy life for myself and my family as well as the citizens of Kuna.

Tim Gordon 1206 N Blackcat, Kuna: I want to touch on some of the historical complaints on file with DEQ. I want to read some of the excerpts. August 1992, it states that "complaints have been coming in against Fiberglass Systems for over a decade. A vast majority have been odor related and a few in the early 80's were fugitive dust and emission related. Since Fiberglass Systems have moved to there new location, the neighborhood businesses and citizens have been filing complaints. The businesses have been Ryder Truck, BLM Transportation Trailer, Boise Cascade and Chemron. At this time I can not say anything can be done about the odors. The passion and frustration in the complainant's voices are not like anything I have encountered." This is fairly typical of some of the complaints. I want to go on record to say that there have been 30+ complaints, going back into to 1984, in 1986 DEQ recommend installation of carbon filters. That's 22 years ago. Mr. Multanen stated that he relocated to this site because of residential complaints at his prior site. He wants to be a good neighbor yet no implantations of carbon filters have occurred. Complaints range from lack of legal permitting, odors, fugitive dust, smoke, health distress, headaches and nauseous with emissions under 50 tons annually and that was in a industrial zoning not residential neighbors. Complaints ranged from next door, to up to a mile away. DEQ demonstrated frustration with the number of frequency of complaints. They responded that there was nothing they could do about odor due to the level of the permit. In their statement that they have not had any complaints in 10 years is a mistake, they have. The Planning and Zoning staff did not have the DEQ permit documents or the Best Bath complaint history when they developed the staff report for Best Bath. I personally provided that information. I too think that Best Bath can come to Kuna; they just need an air treatment process. We personally spent thousands of dollars to have engineers talk to them about different odor control systems they can use and until that is resolved I think that it should be denied.

Donald Wagner 563 E Wild Jasmine Kuna: Has Best Bath been in violation since they have been here with the zoning laws in Kuna, and if they have, what have they done about it? How many complaints have been filed since they have been here and who monitors them and how do they go about monitoring them?

Steve Bradbury 1015 E Hays, Boise: Represents the South Kuna Neighborhood Association. I understand that you have the letter that I sent to you yesterday. Some of the legal issues that need to be identified are zoning for one. In your zoning designation for an M-1 it states" Light Manufacturing District (M-1): The purpose of the M-1 district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses." You already have testimony that there is an odor complaint, so what about the "free of" statement. That suggests to me that the facility is not appropriate for a M-1 zone. You also have in your ordinances a list of uses for each zone

designation and that list is broken down to allowed uses and special uses. If you look in that list you will not find a manufacturing facility for plastics plants. It is not on a list. So that also suggests that this facility is not an appropriate use for an M-1 zone. The ordinance contemplates that from time to time that uses may be purposed that are not on the list and when that happens the Director is suppose to make a recommendation as to whether that this use is appropriate for the zone and the City Council is suppose to make a determination if this use is appropriate for that zone. I have not seen any information in any of the material that I have received that such a recommendation or determination by the City Council has been made. That suggests that this is not appropriate in an M-1 zone. I would like to point out some additional background. This facility was built as I understand it, pursuant to a building permit and a design review process. No special use process was applied for or obtained. As such, even if you accept the notation that it should be handled with a special use permit it has no permit today. The facility in my view was illegal on the outset and continues to be illegal today. An illegal use in that zone. The reason I'm telling you that is I just don't want you to make the mistake of believing that you are compelled to issue this permit if you don't think it is appropriate for this zone. Your analysis should consist of three parts; 1) is it appropriate for an M-1 zone. 2) Is this use listed in the list of uses for a M-1 zone and 3) whether this use will be harmonious with the neighborhood not be hazardous and disturbing or be detrimental to the neighbors. You have already heard testimony on that and will hear more I imagine and it is pretty clear that it will be disturbing and detrimental to the neighbors. One more thing because I think it is important. DEQ has given Best Bath a air pollution permit but I don't want you to think that you are stuck with that because you are not. DEQ does not regulate land uses. You have the right to regulate land uses and just because DEQ has issued a air quality permit it does not compel you to issue a land use permit.

Robert Mitchell Jr, 590 E Huckleberry Ct, Kuna: I want to affirm what Mr. Schultz said earlier and a couple of other topics. 1) Where is that property line on odor? That is the main concern. A lot of us are here because of the concerns of the bad decisions that Planning and Zoning Commission when they turned the area that is Wild Meadows from Commercial to Residential when they already knew at that point that they were trying to bring in Best Bath. Then there are property values. They said that there would not be any impact, which it is going to improve; well I can tell you that it impacted me. I tried to sell my property last summer and had a handful of people who wanted to buy it, but the realtors called back and said they are pulling out because they found out about Best Bath. Now I am stuck and cannot sell it at a discount. I would like to have Best Bath here. They are a very good company but it is the old saying "not in my backyard." And unless you do something to control the odor we will smell it.

Donnette Ellis 510 E Huckleberry Ct, Kuna: I read the 2002 study on styrene and in the end they could not make a definitive conclusion that it does not cause cancer. It did create tumors in mice but not rats. Best Bath is directly in my back yard. When we built our home in 2003 we did not have a problem building it next to a light industrial park as we felt that those types of businesses going in would not be detrimental to our life or health. I did not think that I would be here five years later asking for your protection. Best Baths' operation here in Kuna already has had a terrible impact on my life. There are two to three days out of the week were they are creating a horrific odor that I have severe headaches and dizziness. I cannot even go out to the mailbox and get the mail or open a window without getting these odors that cause these side effects. I fear for my children's health as they go outside and play. If you grant Best Bath the special use permit to operate outside the zoning specified for this light industrial park and expand beyond this facility; I can not image the fallout and repercussions that we as residents will be faced with. Who is going to guarantee us that our families are safe from disease from long term exposure and who is going to want to buy our homes when we can no longer tolerate the odors and headaches and take a risk of exposing their families to an unknown health possibility? I would like you to take to heart the City's mission statement before you grant this special use permit. Provide excellence service to our families by

denying this special use permit, preserve our past by keeping Kuna a wonderful place to raise a family with clean air to breath for us and future generations.

Keith Ellis 510 E Huckleberry Ct, Kuna: no comment

Eric Freeman 1250 S Luker Road, Kuna: My concerns are that there does not appear to be any regular air quality monitoring in Kuna. The nearest monitoring station I can find in Meridian. The air tends to pool in the low area around Best Bath at night and during inversions. What will the concentration limits be and who will monitor it? Is the plant ready to curtail operations should the levels rise above some specific level? The existing plant in Boise is on top of a hill where it tends to be windier and the environment here in this air shed is very different. Styrene is on the EPA high pollution list and does list major sources that emit more than 10 tons. Should there be a fire; would there be an emergency plan? I am hoping that the existing air quality be improved.

Gordon Molck, 494 E Red Bud, Kuna: Concerned about the health of the children in the neighborhood. Mr. Multanen said that he has his life savings wrapped up in his business, well I have mine wrapped up in my home. Concerned about the value of the property.

Angela Arril 71 W Steph Street, Kuna;

Bobby Sailor, 1185 E Kuna Rd, Kuna: Thank Planning and Zoning staff for the time, effort and attention that went into the report for the special use permit for Best Bath. I reviewed the packet and would like to make a few comments. Under D under Facts and Conclusions, Special Use Standards: It says "Will not be hazardous or disturbing to existing or future neighboring uses." But under staff comment on criteria is states "The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use because of the various mitigation processes that have been placed upon the development to reconcile hazardous or disturbing effects to the nearby residential uses." What are these mitigation processes and identify them for us. And on the hand out included in the packet from Department of Health and Human Services Agency for toxic substances and disease registry it clearly states that styrene is a possible human carcinogen. It also listed the negative effects of breathing high levels of styrene. I question whether that is not a detrimental to the health safety and general welfare statement. Under G of Findings it states "With appropriate conditioning, the expanded operation will not involve uses, activities, processes, materials, equipment and conditions of operation that are detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glared or odors." And the Conclusions are the same but I challenge the exception of the traffic. When ACHD did there report in September of 1999 they said it would an additional 1200 vehicle trips per day and that was before the expansion. In Mr. Multanen's letter he states that in order to continue to participate in the distribution of Best Baths products, nation wide trucking firms that do not now service Kuna will add Kuna to their service. I question the safety on the current Swan Falls Bridge that those trucks will have to use to move those products. There are no sidewalks or bike lanes on that bridge. Under specific conditions of approval where the permit points out that Best Bath air quality emissions are permitted and monitored by DEQ.

Under item 6, it states "Identify a person within the firm with air quality competencies that will serve as a liaison to the City of Kuna for purpose of keeping local citizens apprised of the operation's air quality compliance efforts." I think that it should be the same person the city contacts for the City inspection on purposes to make sure that all air quality reports are on site, up to date and accurate on a quarterly basis and provide a list of all chemicals employed in the operation, average quantity stored on site and methods used to monitor and handled safely. I think the City should include development and maintenance and filtration inspection and replacement, chamber inspection and particulate removal logs. I can not emphasize enough the importance of monitoring Best Bath's records. During my review of their records in March of 2007 at the Boise office of the DEQ, they had

numerous violations for late paperwork. Even their title 5 tier one registration form was late for 2005. They are a major source of air pollution that is why they have to have that. In 2006 they were found to be out of compliance with their tier one operating permit for failing to submit their end of compliance certification and semi annual monitoring report. They also failed to submit their annual BOC permit. That is why it is critical that it be the same person keeping records and the City monitor their records because Best Bath is the one who has to report their records. They have to be held accountable to monitor themselves and do the reporting and if they can't do it, DEQ and Kuna City should have more power than DEQ in our neighborhood. On the landscaping. I have trouble understanding the trees and shrubs, there looked like there was nothing on the south-side where the neighborhood is, I could not read that. And finally I want to impose restrictions on operations during times of inversions.

Edward Sutton, 517 E Huckleberry Rd, Kuna: Basically want to affirm everything that I have heard here.

Rocette Olson, 375 N Orchard. I have enjoyed the clean air in this state for 26 years. I like to talk to people. I came here when it had 400 people and they called in nail town USA. I had so many flat tires. They don't have that anyway. This City has grown and we did not need a manufacturing plant to grow. The newspaper and TV said that there is clean air out in Kuna. Kuna has clean air and I want to keep it clean. I have been enjoying it all this time. I am almost 90 years old and I just love this place. You are privileged to live here in this lovely City.

Joanie Snodgrass, 757 E Moonhill St Kuna: I have read some things and heard the testimony about this plant that wants to come in and the emissions that they want to put into our air. You need to consider the health impact it will have on us. My family knows what cancer is like; my husband is a cancer survivor. If there is even a remote possibility that that stuff going into our air could cause cancer that needs to be taken into consideration and I believe that takes precedent over any economic factor. Our citizen's health should be the primary concern.

Sam Snodgrass 757 E Moonhill St., Kuna: I'm not as prepared as some of the others here, that is my normal way. I have heard the testimony of people here. I was bothered by the fact that the City Council, and the Mayor, allowed someone to come in who was not agreeing to comply with DEQ operation. The City Council allowed that to happen. Now we are asking for a special use permit, if we did not hold people accountable at that time to the regulations as they existed, what assurance do we have here that this Council will do that either in the future. With the air quality issues brought up, everybody in this room knows what it is like to live when we have an inversion. And every single time those emissions stay right above our heads. The City Council before did not demand that this company comply with regulations. There was no structure, no office, and no inspector in Kuna for air quality that is going to go out there and check levels, check safety features, etc. Now this corporation is asking for a special use, it seems like all they want is exceptions, exceptions, exceptions! If they are moving from Boise why did they move here in the first place? Well there have been complaints and it did not seem to matter to the City Council then and it doesn't seem to matter now. I'm not worried about odor I'm worried about my health. I am a cancer survivor. You can talk about this report says this, and this report says that, but it is a foreign substance and will affect our health. That is fact. We have heard from a neighbor who already has been affected. Once you put it in there it is awful hard to get it out. Have you done sufficient studies so you can assure these people that there are no problems? One person even said that he had to provide you with a report which shows that you did not do your work adequately. This has been an exception from the very start, when the exception is the rule there will not be any rule. How can we be certain that you will apply adequate control to this manufacturing facility?

Steph Kendall, 316 E Red Bud, Kuna

Michael Ashby 1472 Belinda Lane, Kuna: Gave out pictures and a handout to Planning and Zoning Commission. This thing started out in 2003 and this is the first time that we got a public hearing out of this thing. We have heard of the problems in the community and Best Bath is emitting 2 tons per year; they want to go to 50 and have a permit for 250 tons per year. I attended all of the DEQ meetings and in those meetings DEQ stated that we would have odor with this facility. Odor is pollution, if you smell it you are taking it into your system. According to the map I handed you; we have four grade schools within a mile and half radius of Best Bath along with a middle school and high school. I see every one of our children at risk. All the businesses downtown to the Paul's complex is within a one mile radius of Best Bath. Within a half mile radius we have Ryans Meadows and Wild Meadows. If you look at the picture I have handed to you; you can see for yourself how close this facility is to these people and to their health. Where is this pollution going to come to? Our community can not afford to have an odor or health problem. What is this going to do to our future growth and who is going to want to bring a new business to this community, who is going to want to bring their family out here? We should be looking at the health and well being of our community first. The last thing that I want to address is Mr. Multanen, I am the one who put the ads in the paper and the flyers.

Rocky Elasser 688 E Wild Lilac, Kuna: I would like to affirm what has already been stated. I am a health care professional here in Kuna and when you look at medical literature it is not easy to identify and read. I did a brief search on the medical research with styrene included and what I have found is that it has not been identified yet as a carcinogen, but it has been identified as a potential carcinogen for mice and rats. This is my main concern. I have small children and I am concerned about their health. Carcinogens take a while to find out that they are indeed a carcinogen so by the time we find out it is too late and we have been exposed for years, or are gone, yet our children and their children will very likely have the chance to get cancer. Medical research is scant not only in this area as well as other. I believe that it does have the potential to be harmful in humans.

David Martinez: 1046 S Wild Yucca, Kuna: What we have is a very touchy, controversial issue. The owner mentions that his own employees are also concerned with the chemical that they work with. It is stated that it can cause nausea, headaches and depression. Issues have come up and the company has stated that they have worked hard to resolve those issues, but like they say they are only human. Their intentions are too significantly expand their operation, increase production and increase pollution. Styrene is possibly a cancer causing problem. There is a risk of accidental release of chemicals from this facility. The risk is too great for the City of Kuna. You have a serious opportunity here to be prudent and do the responsible thing and to safeguard the residents of Kuna. You will not get another chance.

Alicia Martinez: 1046 S Wild Yucca, Kuna:

Vice Chairman Touchstone: there are a few issues first that I would like staff to address first. Can you address the issue about Best Bath not necessarily meeting the M-1 zone?

Planner Director Hasson: Every community has list of land uses associated with land processes and generally has a land use table. I have seen many in my years, and the one in Kuna is pretty extensive and does a very good job of listing land uses. If you have a land use that you aren't sure of what it is or a hybrid then you have to marry that to a land use table. In Kuna, you, as the Director, make a recommendation and the Council either affirms or denies that interpretations. It is in my view, and I have been to both facilities, they directly are consistent with chemical storage and manufacturing under industrial. It does not exactly say it is for baths, or boats or any other fiberglass use. The question is when you go out and look at it; is it in fact a manufacturing use? And if it is, is it clearly, comfortable fit in your land use table. In my view it does. It is not something that I am making an interpretation and that I need to go and seek guidance from the City Council. It is pretty black and white and I disagree with Steven that it is not clearly a use that is identified under the industrial zone. It is listed under industrial in the M-1 zone, chemical storage and manufacturing; the chemical storage needs a special use permit.

Vice Chairman Touchstone: you are in agreement that it meets the free hazardous statement which includes odor and pollution? This seems to be the biggest concern.

Planner Director Hasson: What staff has said and it was noted by one of the speakers, Bobby Sailor, I appreciate her for the time and effort she took in reading the staff report and she should be applauded, and she has read our findings and facts and conclusions of law and in those we have identified the findings that are important and they are structured by ordinance. The findings are suppose to agree with the conclusions and the question is when you read through the findings which have certain hurdles and you have the conclusions which are certain litigators to the hurdles; can you comfortably say that they can be met or mitigated? Staff does support this application. We have not seen anything in the literature or discussions and we have had considerable discussions with many people, that there's nothing here that cannot be mitigated within the tolerances. Clearly you have a lot of concerned neighbors and there is always that issue. Can you say with a high degree of certainty that it will always be safe? Our society has established tolerances and thresholds that you have to satisfy and that is how that question gets answered. Look at the applicant and what he is going to put out in pollutants and then look at the tolerances, can they met those tolerances and then if there are additional concerns and in this community there are, can you come with a whole host of conditions that will satisfy the placement of this facility here? I think staff has done that. There is more than a page of conditions that concerns itself with air quality considerations and things that need to be attended to in order for this to move forward. I heard some concerns about fire and fire safety and that sort of stuff. We have a lot of comments in here about fire safety and our Fire Chief has complimented everything we have done and added to it. There are plenty of conditions here to identify and address the issues of exposure. And I want to thank Tim for the information. We did not have all the information, but the information he supplied helped confirm that they have not had a lot of complaints in a number of years and that reasonably being they have been trying to be good neighbors and be in compliance. You take that in account, all the concerns and put out the best product you can to address the needs of the people. We feel that this company can come into our community and live within our tolerances.

Vice Chairman Touchstone: what is the emergency plan? I know that to cross the track can sometimes be a problem.

Planning Director Hasson: One of the things that they are going to be required is to have a traffic study completed and we will frame the traffic study in such a manner for circumstances like there are things at the plant that need immediate attention and you got the track blocking everything and how are you going to reconcile it? What kind of contingencies and plans do you have that can provide for ingresses and egresses given the challenges in this community.

Commissioner Kerfoot: On that Kuna Rural Fire District report #6, "Air handling equipment to keep the atmosphere within the building within safe limits and installed as per specifications." Who is going to monitor the inside safety? Is that something our Kuna Rural Fire department is capable of monitoring or is that back to DEQ? How would they deal with inside air quality?

Planning Director Hasson: Staff needs to gain competency and skill sets that we haven't had to date to make sure that we are representing the public trust as this comes in. I and my staff are going to have to understand air quality monitoring a lot better. We are going to have to understand how this operation works and fundamental qualities. We are going to have to work in tandem with the fire department to understand who is on first. It is Kuna's ultimate responsibility on air quality and air handling to make sure that it is appropriate for every facility but also in that same breath we are going to have to come up to speed.

Vice Chairman Touchstone: some of the concerns that I wrote down for the applicant to respond to are fire concerns.

Applicant: Mr. Multanen: Mr. Chairman I have taken some serious steps to address that issue. First step I did after purchasing the 12 acres is to donate a half acre to the City for a well. That is why there is a good water system in that park. We do not just have a sprinkler system but a suppression sprinkler system in the facility. There have not been incidents in this county of a sprinkler fiberglass plant that has burned. There are examples of fiberglass plants where the cities did not require a sprinkler system in them that have burned down. That's not to say that some

incident may happen where we would have a fire, but the fire chief and his consultants are satisfied with our approach to controlling any potential fire. Donating the land for that well allows us to have the pressure we need for the suppression sprinkler system; and it has been reviewed by the Fire Marshall. There was a question about the inside. The agency responsible for that is OSHA. If the City wants to appoint, and by the way, that program I mentioned "Sharp", we hope to have by February 2009, as it is a multi-year process, it is very hard to get a rating for a company with outstanding safety from OSHA. But as I was saying if the City wants to appoint someone to participate in that process we will be more than happy to invite them in the process and help them get up to speed and involved in that process. Then I want to address complaints. We had a lot of complaints in the 80's. The industry has changed. Most of the complaints were from my wood burning stoves that I used to heat the factory. That was also the complaint from DEQ so we stopped heating with wood. Then we moved across the street to build auxiliary power unit cases for Blackhawk helicopters, we went into a vacant space and had complaints and I put in a carbon system and kept it operable until we vacated the building. The complaints went away. We moved back across the street when the contract was fulfilled.

Vice Chairman Touchstone: In the traffic study you are going to have trucks coming and I want to identify roads that ACHD didn't really touch on, functionality of the roads. If the bridge is not able to handle the traffic what is going to happen.

Applicant: It was stated that there were going to be 1200 trips a day. Currently in Boise we have 6 pups that come to pick up the product, every week we have five to seven/ 40 foot trucks that come in to be filled completely. Not even close to the 1200 mentioned. My employees are encouraged and compensated for car pooling. We will have between 60-80 cars coming to Kuna. My employees start at 6 am and prefer to have those hours and leave at 2:30 pm. Clerical and sales staff comes in between 8 and 9 because we have flex time. We will not create congestion on the streets of Kuna. I have been asked to re-route the trucks to not come in across the bridge over the canal, and I have done that and the truckers do not have a problem with that. We are not talking a lot of traffic. Even if it grows 105% it is still not a lot of traffic.

I would like to address the sound. The special use says you may not be able to hear my factory from the street. You can not hear my factory from the street in Boise right now. So we are not going to be a noisy operation.

Commissioner Kerfoot: What about the saying that they are operating an illegal use without a permit?

Planner Director Hasson. It is best that Randy answer this one but I want to say that this Mayor and Council wants to have a responsible City that follows a rule of law and asked Mr. Multanen to seek a special use permit and he is willing to do so. Beyond that it is history and things to date will refer to Mr. Grove.

Randy Grove: as far as any illegal operations in Boise I am not aware of any. I am not aware of any violations of any permits here, but I am sure Mr. Multanen will address that. There was a lot of discussion in 2006 of the process the City used in approving the facility that exists now, and looking what had gone on and what the City code required, I had to come to the conclusion that the City officials who approved it did not require as much process as they could have. Was it done illegally, I don't know if it was done illegally but it was done inadequately. That is what we have tried to address since then in requiring a special use process so all the assurances are in place as a City Government to assure compliance.

Applicant: We have our air quality permit, the permit to construct, original building permit, occupancy permit, if I am in violation of not having a permit I don't know where it would be. If I am in violation of not having a permit, I assure you I would resolve that issue.

Vice Chairman Touchstone: Can you address the odor migration systems? Is there a reason or concern installing an odor mitigation system? I am aware of the issues as my mother is a chemical engineer at Sugar plant and I hear about the smells. What was discussed and what options are

there and what are your reservations? About 70 to 80% of the concerns are about the smells and some of the styrene particles going up in the air. Some of these odor mitigation processes have scrubbers and things that help clean the air.

Applicant: In the industry there are two processes. First is collection and dilution, which factories my size, small, often use, we collect in the factory so we don't expose our employees, then process in the ventilation stacks at a very high speed so it is diluted in the atmosphere. The other process is collection and incineration. You have to have a contraction of styrene fumes; I would have to use about 20 times more resins than I now do in order to come close to sustaining that incineration plane. If you don't have the fumes needed for that process you would have to use natural gas. If I was using natural gas to burn the styrene fumes I would put more pollution in the air than would go in. Kuna is not the community that has addressed how to resolve plastic emissions. There are two other proposals, little bugs that eat styrene. I toured a plant in Norway that used this process, and though that might work, the only plant in America that uses it shows that it is impractical. The other process is carbon filters. I have used it in the past. I will tell people if there are odor issues I will use it. But it does not make any sense to me to use it if the collection and dilution process works. That is the standard in the industry. In Oregon City Or. A plant close to my size is right down town, he own another plant and directly across is a home depot. He has residents right up against his back yard. They have co-existed for a long time. Not more than half a block away is a medical facility dorm. It is impossible for me to give some people assurances because they will not be assured about the odor. There are numerous examples across the Northwest and across the country about companies like mine co-existing with their neighbors, residential and commercial. There is a county in Missouri that is recruiting fiberglass companies like mine to move there, and there are people standing behind me to move there. And they are proud of their workers working in that kind of industry.

Planner Director Hasson: One of Tracy's jobs is code enforcement and she can tell you about the complaints about Best Bath.

Planner Tech. Tracy Rushlow: Since I have been here about a year and half, there have been about 3 -4 code enforcements called in. I have gone out on every one of the complaints within a hour of calling. I walked around the plant first, outside, went to the subdivision, parked, walked up and down the street, both sides and there was only one time that I smelled fiberglass. The smell was low to medium in smell; the wind was also blowing pretty hard that day directly into the subdivision, but it was concentrated into a corridor between certain houses.

Applicant: In our current facility we would not even need a permit from IDEQ to do what we are doing. If I had gotten my building permit that would of all been corrected. But I have not been allowed to put that system in. And on days that they do spray we do generated styrene smell. When the new building is completed it will have that ventilation system.

Commissioner Kerfoot: So the comment about you coming in without DEQ regulations is because you are at a level now not requiring the same kind of regulations.

Applicant: I don't know what that comment was meant to address. I have done all the permitting required and gone even further and placed on myself restrictions above what is required.

Commissioner Kerfoot: Okay, I guess the next issue is the health issue. In reading through our material there is both sides of it being a carcinogen or not what's harmful what's not; would you like to address that?

Applicant: The list for potential carcinogens chemicals is around 20. You are talking massive doses for any tumor development in mice; none in rats. I know very little in regards to our bodies and mice, but we are closer to rats than mice. Our industry has been around since WWII, when PT boats were converted to fiberglass and we are a very regulated industry and watched closely.

Vice Chairman Touchstone: Can you clarify for me how you operate now during an air quality inversion?

Applicant: There are no restrictions on my operation during an air quality inversion. I happen to sit on the Treasure Valley Air Quality Council, been addressing air quality issues in the community

under the direction of the Governor and recently passed legislation. As a business in this community if it gets to where businesses have to shut down due to inversion, I will shut down.

Vice Chairman Touchstone: for those of you who have not read the staff report and the restrictions placed on Best Bath I urge you to. There are substantial restrictions. The public looks to us for compliance, assurance, and enforcement and we are trying to establish some of those things. DEQ, the fire department, and there are even requirements in the conditions that cover chemical handling, loading and unload of materials, and if there is a spill it is contained in that loading or unloading facility. I don't think that there is any way to reach 100% assurance on no odors or exposure to styrene. I don't have it in my power to do that. But we need to make sure that there are enough checks and balances in place between federal, State and local government. I do to have my own concerns; I live in this community also. As for the property value drop, it is hard to determine if it is the business, the short term quality loan rates, sub prime lending or billion of dollars lost in that market. House values are a double sided coin.

There is a lot of information brought up just before the meeting so we have not had a chance to read them all. There are two commissioners not here tonight.

City Attorney Grove: Mr Chairman if you want to include the other two commissioners we would have to have some assurance that they have viewed all the documentation, listened to all the testimony presented here. So it would be the safer action to close the public hearing and delay the decision to the following meeting to go through all the information so you can make a decision.

Vice Chairman Touchstone: I am closing the public hearing at 9:50 pm

Discussion:

Commissioner Kerfoot: Once again I don't like where we get all this information at the last minute not have the time to review and then try to digest it and make a decision. It is a concern. I understand a lot more from the testimony, but it is a lot of information to take in.

Commissioner Wierschem: Chairman I feel that this deserves adequate attention and time on our part to make an adequate decision.

Vice Chairman Touchstone: This has been a long going debate for a long time, and there was a lot of good public testimony and a lot of things to consider. Do we want to discuss it, and make a decision, or postpone it and make a decision then. The other commissioners would either have to listen to all testimony and read all the documtation or sustain from making a decision.

Commissioner Wierschem: I don't feel comfortable in making a decision right now. I need to understand the control of odor, particles in the atmosphere. I feel there needs to be prevention and not an aftermath, DEQ states that the odor could be apparent in a 3 mile radius. I want this dealt with before instead of after. And the health concerns.

Vice Chairman Touchstone: The concern of odor, there could be some standard practice put in place like the carbon filters and that could be a condition of approval, health wise it is hard because we cant for say for sure or for sure no sayt that it is a cancer problem. I don't know how to put in a condition for that.

Commissioner Kerfoot: In conclusion D, it actually does talk about it. There is already been mitigation process in place.

Planner Director Hasson: There is a tiered structure set for review. All things considered. Staff is comfortable; we have looked at all the tolerances and made conditions to address all those issues. If we though we were getting a pig-in-a-poke we would not want it here either. We would tell you that because we live here to.

Commissioner Kerfoot: There doesn't seem to be a lot of faith in DEQ but we have to have some faith in other agencies to do their job.

Vice Chairman Touchstone: Steve do we have someone already who is going to be the city staff person who will monitor when the air quality emissions has been exceeded?

Planner Director Hasson: That would be me. And I do have some familiarity with air quality. I was chairman of air quality authority in Spokane and also air quality consultant for DEQ in Washington State. I understand air shed and quality and have enough understanding to serve as a liaison.

Vice Chairman Touchstone: under item 5 under B it says" Advise the City annually and starting April 1, 2008 of any governmental directives intended to change air quality standards/regulations applicable to the plant and Best Bath's effort to install new equipment and technologies as may be necessary to comply with these changes." So you are saying that if regulations and time changes they need to make changes and report to the City.

Planner Director Hasson: Yes and tell how they will apply and if they do apply how they will employ them. To make sure that as the rules modify, change, etc, you have to be a player and go with them.

Vice Chairman Touchstone: Is this going to tax you and your staff?

Planner Director Hasson: We will just have to step up to the plate. We will do our best. I don't see it as an overwhelming subject.

Commissioner Wierschem: I am just not ready to make decision on this. There is so much information to review and I don't feel that I can make such a decision yet.

Commissioner Kerfoot: I am ready to make a decision.

Vice Chairman Touchstone; Can she talk to staff about this to help her make a decision?

Planner Director Hasson: Yes, she can talk to staff, not to each other or other people.

Vice Chairman motions to table a decision until April 8, 2008.

Commissioner Wierschem seconds.

Commissioner Kerfoot nay

Motions carry with majority.

REPORTS

Planner Director Hasson: We have the lot split and PUD ordinance coming before you on the next meeting. CRSA goes before City Council next week for a contract and they have a full scope of things that we want to accomplish so they will be starting soon if the contract is accepted.

City Attorney Grove: Having tabled the Best Bath decision there is some things that you need know about what you can and cannot do before the decision is made. The deliberations have to be done openly and publicly. Cannot met each other and talk with each other about the decision. One of the things that the applicant and the other people who are interested in a will want to rebut evidence that is presented so please do not do any more additional research between now and the decision. The decision must be confined to the record. If there is something you find lacking in the record, please bring it up in the next meeting. The public testimony can be reopened and you can ask for additional information. If you need more information that is not currently in the record let Steve know as soon possible so it can be set up. You can talk to staff, but not each other, the community or anyone who might influence your deliberation or testimony, however it happens, bring it up at the next meeting. If it is not

disclosed it could bring up problems later on. Someone claiming that we made decisions on evidence given to commissioners outside of the public hearing.

CHAIRMAN DISCUSSION

None

ADJOURNMENT

Vice Chairman Touchstone moves to adjourn the meeting at 10:45 pm
Commissioner Kerfoot seconds, all agree, meeting adjourned.

Brian Stewart, P & Z Chairman

ATTEST:

Tracy Rushlow
Planner Technician