

CFH09-00031 / BOISE CITY PARKS AND RECREATION

Location: 3400 W. Pleasanton Ave.

REQUESTS APPROVAL OF A BOISE RIVER SYSTEM PERMIT TO CONSTRUCT A PEDESTRIAN BRIDGE, STABILIZE THE RIVER BANK, MODIFY THE EXISTING GREENBELT PATH, AND CONSTRUCT A NEW PATHWAY. THE PROPOSAL INCLUDES PLACING FILL IN QUINN'S POND. THESE IMPROVEMENTS IMPACT APPROXIMATELY FIVE ACRES LOCATED IN AN A-1 ZONE.

Commissioner Ellsworth – I need to recuse myself so I can step down. I sit on the Friends of the River Park Committee and therefore I will recuse myself.

Cody Riddle (Staff) – Presented the staff report with recommendation of approval based on the findings of fact, conclusions of laws and subject to the conditions of approval as stated in the staff report.

Tom Governale (Superintendent of Boise City Parks) – I am going to give you a brief history and background of the project. This actually started in about 1998. This project was brought to our attention by a group of citizens who approached staff and said we want to create a river recreation, or whitewater park.

Commissioner Wilson – Sir, we might want to focus in on the key issues rather than going into the history because we do have another application following yours.

Tom Governale – Basically, the key issues are this is the first stage of a first phase of a multi-phase project. It basically deals with replacing Thurman Mill Diversion. We do have a development agreement, or partnership agreement with the Thurman Mill folks and part of that is we will actually shore up the bank as staff has said already. We have to de-water Quinn's Pond, shore up the bank and then a year from now we intend to replace the diversion. We are also looking at this because of the footbridge that has come to be within the last six months or so. We received stimulus money to put the footbridge in which was always a part of the plan of this project. We are going to do some fill there in the river for the abutment of the bridge as well as creating some path that is a cut-and-fill situation. We are moving the dirt from the river to the bridge. We actually do create some extra capacity in the river. We did get a no-rise certification on this project so we do not increase the level of the river or create any extra flooding. The project is being considered with other projects in the area, the Ester Simplot path project, the footbridge project and we are looking at the Quinn's Pond project. So it is being coordinated in the long term of that. Tonight, what we are looking for is basically to get permission to do our dewatering of the pond, the filling of the pond and putting fill around the footbridge.

Commissioner Fadness – I have a question on the dewatering of the pond. How long of a process is that and if this was approved when would that be done?

Tom Governale – If approved it would actually start late January or early February. We are told it will take four to five weeks to dewater and probably another three weeks to get the fill in and compact it and then the pond would start to refill. We want to do it at this time of year for a couple of reasons; 1) there is probably less hydraulic pressure between the river and the pond as the river flow is low, 2) it minimizes any impact of the recreational use of that pond. The pond should be operational again by the time the weather gets warm because it gets a lot of recreational use. We can actually dewater at any time. We just prefer to do it now because it is easier and there is less chance of mishap.

Commissioner Cooper – I have a question about the difference between what was initially in our packet and the revised drawing. I'm looking at two plans showing the bridge approach on the east side. It looks like in the initial scheme there was a long angling path going to that circle where you start to cross the bridge. That's not going to happen now and we are just going to follow the existing alignment?

Tom Governale – That is correct. It will happen in a separate phase later on.

Commissioner Cooper – It will happen?

Tom Governale – Yes, we still intend to come back with a second phase and hopefully capture it at that point. Staff does recognize that in the long term a two path system is going to be needed for this with people carrying kayaks and your bicyclists and runners. We anticipate coming back, hopefully, within a year to come back with that fill.

Commissioner Cooper – Will you be dewatering Quinn's Pond again to do that?

Tom Governale – One of the reasons we are looking at doing it is because we all saw in the process of a flood analysis study there was some question to whether the FEMA (Federal Emergency Management Agency) maps are correct in this area and we wanted to combine that with the flood analysis study because there may have to be some restructuring of that pond to accept the 100-year flood in that area. We are trying to combine those but we do anticipate the dewatering of the pond a second time at some point in the future, plus we have phase two of the river park. We are working with the downstream irrigation companies, Farmers Union and Boise Valley and we have to finish the design of that to see how it is all going to come together.

PUBLIC TESTIMONY

Meryl Lingard – My house is on the Garden City side of the river. On the diagram you just had up, on the bottom left hand corner and a little bit north of that white building in that corner; I am right across from all of what is going to be happening there. They did a super job of figuring out how to protect the Boise side of the river. My concerns and this is probably a Garden City concern but I wanted to go on the record for Boise is that I am concerned about all of the kayaks that will be coming there.

Even though there is going to be parking on the Boise side of the river, a lot of people are going to be coming down our streets, parking and putting in the kayaks from the Garden City side of the river. I'm concerned about the embankment erosion in front of my house on the river and all of the vegetation. I'm also concerned about the sound and if all the put-ins are going to be right there how that is going to effect all the people on our side of the river and if there is anything that is going to be done about that. I also have a concern about the birds and the wetlands. A lot of people fish in that particular area of the river. I just wanted to go on record and share those concerns about what is going to be happening.

Commissioner Wilson – Just to clarify, this evening we are just looking at the fill for the pond and the dewatering of the pond. We are not looking at the park itself overall or the use of the park. Those are not things we are going to be deciding or discussing this evening.

Meryl Lingard – Were those things all decided upon already?

Commissioner Wilson – Cody, could you explain what the best venue is for addressing those kinds of comments?

Cody Riddle – The park hasn't been approved. I believe it is just an allowed use. However, there will be additional Boise River System applications that get into the rest of the pathway improvements, the remainder of the Greenbelt path improvements and things like that. A park in this zone is simply allowed.

Commissioner Wilson – Is Park's part of the plan for this area in taking public comment? Would that be a more appropriate venue? What I'm concerned about is that tonight all we are talking about is filling in a pond, dewatering and that sort of thing and with the wetland issue associated with that. We are not talking about the use of the park itself. Where is the most appropriate place for persons like this to address comments?

Tom Governale – Park's has conducted several public meetings in probably the last 18 months with public open houses and we've also had the Parks and Recreation Commission hear it. Most of the information for phase one of the design has been decided, although, there will be more public meetings and more open houses in phase two. I have met with some of the citizens of Garden City previously and would be glad to meet with them again to further the talk about the issues that are surrounding the project. We would be glad to talk with Garden City staff as well about some of these issues since it is on their side of the river.

Commissioner Wilson – Commissioner Cooper reminded me that we also have the bridges involved in this application as well.

Larry Allen – I call this a lake because ponds have a connotation of being more stagnant and just dead, if anything. I've lived overlooking that lake for 10 years. Otters come through there in the summertime and there is so much wildlife in that area. What I see happening here now is going to be completely commercializing that whole section of that lake and the pictures I have here makes it look like the fill is going to take up more than half of that pond. It's going to leave what, a small waterway there that is no reflection of what has been there for years.

Basically, I think the whole thing is being pushed through without trying to keep it a nature preserve. The bull bushes have grown up on the sides in front of the complex that used to be Clock Tower and now Reflections. They are 10 to 12 feet tall and we're not allowed to touch them or chop them down a little bit so you can see over them. Fish & Game came out furious because it is a nature preserve and they do not want us to touch anything and yet now it doesn't matter. You can go bulldoze things and do anything you want to it, but for those who actually live there and appreciate it, we are not able to do anything. I think it is a dichotomy there of having something that has a beautiful natural appearance and everything they want to do, can't be done. I know personally, I scuba-dive in there. There are large and small mouth bass. There is sunfish and trout of all sizes. To dewater that makes it sound like there is nothing in there and it's going to completely destroy the whole thing. I am protesting in a sense because we are not allowed to do anything to beautify, or to make it look nice from our side of the pond as we are calling it and yet it can be completely disrupted. Furthermore, the bend of the river means the Garden City side is more apt to have flood problems if there was ever to be a 9,000 CFS, or whatever you are calling it. The inside track is not going to be the problem and why I call it a lake instead of a pond is because the dike is so porous that the flow of the river can actually send the whole lake into a motion. It is a living entity. It basically has rotation. You can watch driftwood on there. It goes clear around the whole lake. It's not a stagnant dead pond. I want a different perspective on this.

Dave Bradt – I live in Garden City also. While coming here tonight we were stopped on the bridge on Fairview by at least five deer that were crossing Fairview. There is a lot of wildlife that needs to be considered. The Boise River has two sides and before you approve this I think Garden City needs to get with you and approve it as a total. Whatever is done on your side of the river will effect what happens to us on our side of the river.

Tom McCabe – I live in the north end. I bike and bird watch on this stretch of path on a daily basis to get from the north end to this particular location which has only one access point. If you cut-off the access point to the river then the only way to get to the river from the north end would be to go to Main Street, or to go to Veteran's Parkway. It is very important that this line of communication stay open. I read the staff report and I noticed a statement in there that this was not in an eagle perching area. I have been a birdwatcher now for over 30 years and I can guarantee you that I see eagles on this stretch of the river on a daily basis. Sometimes it depends on the time of day, but it is in the winter at this very time that we should not dewater the pond.

They want to drain this pond and turn it into Disneyland. That is my perception of this whole thing. For purposes of this specific decision you folks have to make here, the wildlife are not being considered. To say this is not an eagle perching area is a lie. It may be based on misinformation, but it is not true whatsoever. As the other gentleman mentioned, there are other types of wildlife. We, as a society have pushed wildlife to the margins. We happen to have a place where a natural flow of water comes through downtown and we have eagles. The pond or the lake has loons every spring. It is an important stop over for birds on the migration north. It happens to be an important stop over on the migration south. I can guarantee that birdwatchers from all over the area sometimes go to that pond because a particular bird of an unusual nature will show up there. In terms of the information that was provided, there were specifics that there was going to be 41,300 cubic yards that was going to be put into the pond to fill it. I don't know which portion is going to be filled, but what I find disturbing is now it is going to be somewhat less. So, we had a specific number that I thought was astronomical, but now we have somewhat less I don't know what that means. I don't know if that is adequate notice to the public as to what's going to happen here in terms of telling all of us what's going on.

In terms of the people that live in what used to be the Clock Tower apartments; if you are familiar with the river when they draw the river down. The river stinks when you draw it down because all of that mud has to dry out. So, for the first week or so after this pond is drawn down it's going to stink to high heaven and it's going to be an eyesore. It's going to be that way for awhile. I don't know exactly what you can do to mitigate that. I would point out that in terms of this particular pond in the very area that you want to fill in, Fish & Game went in there and put a bunch of trees to allow fish to gather there. That is all going to be destroyed because it is right in the area you folks want to fill in.

Susan Chaloupka – I have very little to add. I think he covered it all. I do question, they say they need a permit for filling and dredging under the Federal Clean Water Act, but I don't know that they have one since the thing has changed. Most of my problem is the fill. I'm down there everyday and you are going to change the whole ecology if you quote "dewater" this place and do it twice. Why don't they just wait and do it once, or why do they need to do it at all? Why can't they block it off? I'm just very opposed. I'm opposed to the whole project because I think its Disneyland on the river, but I'm really opposed to what I saw on this one.

Lou Landry – Just in terms of a reference point, Meryl pointed out her house and mine is right next door on the Garden City side of the river. I have a couple of concerns. Obviously, when we mess with the floodplain, I'm very concerned. I got the detailed report and it's an excellent report. In modesty I must say I'm certainly no hydrologist, but I'm trying to read it with a bit of self concern with my eyes went to the engineering no-rise certification which is towards the back of the report. So, there has to be a professional engineer stamp showing that this isn't going to result in a rise, if you will, and shift the floodplain. But the last statement in this report sort of caught my interest.

This statement, I'm quoting now "*is based upon methodology prescribed by the City of Boise and the Garden City as outlined and attached documentation*". It should also be noted that existing modeling in my opinion does not accurately represent existing hydraulic conditions. It seemed to me a rather very important disclaimer in the midst of the no-rise that left a question. Earlier in the report there was a memo from Tom talking about the bank adjacent to Quinn's Pond is comprised of loose gravel "*commonly referred to as sugar dike and subject to flooding at the 9,000 cfs level*". I know they are trying to figure out how to protect the bridge from the flood event that could go into the pond and then maybe back out at Thurman Mill, hit the bridge and destroy it.

I think characteristically of this report, if you look at it there's a line that goes right through the middle of the river and it's sort of saying this is the Boise side and we've done all of the planning over here except at that little portion that relates to the bridge that says we are going to talk about that. The entire section of the river on the Garden City side is somewhat ignored as if it's a separate jurisdictional issue with very little impact. Those are the same sugar dike loose gravel fill as on the other side and I'm not sure what those impacts are going to be. I'm not supposing that these folks haven't given it due consideration, but when you read the report it just doesn't seem to fit. There are no statements in here from Garden City in support so I don't know where that is at. That summarizes some of my comments regarding concerns about the flooding, especially, that disclaimer from the professional hydrologist and I think that needs to be explained some how and maybe that is what Tom referred to in this flood analysis.

Finally, I support the project. I don't believe it is Disneyland on the river but I think my neighbors and my fellow Boiseans have raised some very important issues about the protection of habitat and the protection of the wildlife that is down there.

Commissioner Wilson – I have a question for Parks. Did you consider doing a bridge with pilings instead of doing the fill that is being contemplated for this project?

Tom Governale – We did not. We talked about that, but not explore it in any depth. Do you mean as far as re-routing the Greenbelt and putting it on pilings instead of using fill? We had that discussion. We did not explore it in any depth.

Commissioner Wilson – Was there any reason that it was discarded as an option early in the game?

Tom Governale – I think it was mostly a concern about costs, although again, we didn't research it. In depth there was some concern about safety when you put a floating pier over water like that. There is some concern about humidity, ice, slipping and that type of thing.

Commissioner McLean – Could you address the questions about draining the pond/lake twice, as opposed to once? Why the need to do it now and then do it again later?

Tom Governale – Part of it has to do with the raising of funds for the project. This project is largely funded by private donations. It's about a \$ 6.7 million dollar project. The City has allocated about \$ 750,000 and the rest of that is looking to be raised by private donations and Friends of the River Park. One reason they want to do it now is because it is going to take us two seasons to replace the diversion and that has to be done. We cannot disrupt the water flow for Thurman Mill and their clients, so we want to do the prep work this year and replace the diversion next year. I mentioned fundraising and Friends of the River Park have also been out raising funds for quite along time. They believe that if they do not see some progress made, they are afraid that some of the donors may lose interest in the project so it's a two prong approach. One, we need the prep work done so we can replace it next year. Fundraisers would like to show some progress this year because of the length of this project to keep that momentum going for their capital campaign.

Commissioner Fadness – What kind of collaboration goes on with Garden City in this whole process?

Tom Governale – Garden City has been a partner all along in this project. We meet with them on a regular basis. As a matter of fact, Garden City was actually awarded the stimulus grant for the footbridge. Boise City is managing that project on behalf of Garden City because of their lack of staff resources. We have volunteered to manage that, but they are aware of the project. All along we have kept them aware of the plans and the progress. We are working on a number of easements with landowners, waterfront subdivision homeowners and some private landowners on that side of the river because we need maintenance and construction access, both temporary and permanent. They have been partners. We have met with Mayor Evans a number of times, probably four or five times just in the last six months along with his staff. Our city engineers are in contact with their PDS (Planning and Development Services) staff and engineering staff on a regular basis. They are also helping fund the flood analysis. Garden City has anteed up about \$ 125,000 to help us with the flood analysis study that is underway. They have been an active partner.

Commissioner Fadness – What impact does draining and dewatering have on the fish and other types of wildlife there? Can that be restored? Obviously, we wouldn't be doing it if we felt that wasn't the case.

Tom Governale – In my initial conversation with Idaho Department of Fish & Game, they indicated they are actually okay with it because that was my initial concern. Depending on how far down we have to take it whether it would be completely drained or down to within ten or five feet will make a difference on the fish population. Quite a few of the fish will either be removed, or they will be destroyed in the process. Fish & Game believes they can restock it and replenish it once it gets watered again. That is not an uncommon thing for them to do.

Commissioner Wilson – I have a follow-up question. I didn't notice a letter from the Department of Fish & Game in our packets this evening. Has there been any formal consultation with them and do we have any records of that showing they are okay with it?

Tom Governale – They have been notified of it. Verbally, we have had verbal conversations. I don't know if we have anything in writing. They have been involved in a number of meetings we have had in the last couple of years and have sent staff to sit in on it. I believe they are part of the 404 review process.

Commissioner Cooper – Tom, do you have any comment about the testimony, about the no net rise engineers statement about the existing modeling doesn't represent conditions?

Tom Governale – Jim, would you like to make a comment? Jim Wyllie, one of the city's engineers would probably be more appropriate to answering that.

Jim Wyllie – I do all of the flood review projects for the city. The gentleman who provided that no-rise certification was the designer of the Thurman Mill Irrigation structure. One of his requirements was to do the design with the provision that he provide the no-rise documentation. This gentleman had a pretty strong disagreement with the way that portion of the river has been modeled. They are in serious disagreement with the conclusions of that existing effective model. That is why he worded his certification in that fashion. As Tom indicated we are currently in the process of doing some additional, very detailed hydraulic modeling of that section of the river to look at the hydraulic issues and to look at the in-river flows, the out-of-riverbank flows that would normally go through the park area. That study is currently underway and I believe they are supposed to have some new results on the flood modeling in February.

Commissioner Cooper – And you believe that revised modeling will take care of those issues?

Jim Wyllie – Absolutely.

Commissioner Cooper – I don't know if this should be answered by Jim, or by Tom but I think the neighbors could use some clarity on just how much of the area of the pond is going to be reduced with the new fill.

Tom Governale – It is 18,000 cubic yards and is what we are looking at putting in the first stage. I believe it's about 400 feet long, by 50 feet wide. Subsequent phases, we will be adding additional fill, at least that is the plan once we get everything together and that will include an additional 23,000 cubic yards and will fill in the corner of the pond. I don't have all of the dimensions on that of how many feet more. Basically, the dotted line/dash line now ends. It will fill in that corner of the pond so as to allow the path to go up to the bridge and will also give a small beach area where people have better access to the pond. One of the challenges we have with the pond right now is we have four access points that get suddenly congested.

We have issues of overuse at those access points and we are looking to expand the access for the public and the recreational value.

Commissioner Cooper – So, our initial report with the 41,000 yards then, we will reach that point but now it is going to be done in two parts.

Tom Governale – Yes, we will basically fill in that corner of the pond.

Commissioner Cooper – And that is what will cause the second dewatering of the pond by putting in that additional fill.

Tom Governale – Yes. I don't know how far we will have to draw the pond, but yes it will cause a second dewatering. We are hoping the intent is to couple that with the flood analysis. If we have to do some work on the pond, there is some thought that we may have to lower the bank at the upper end, put a dip in the Greenbelt if you will, to allow the floodwaters when the 100-year flood arrives to allow it to more easily go in and preserve the dike. One of the fears is when the 100-year flood arrives with the configuration it has right now; it will probably wipe that sugar dike out. We almost lost it about 10 years ago and the river will change course in that area. That pond will probably not exist. At least that is what the hydraulic studies indicate.

Commissioner Fadness – I guess I'm still a little confused and certainly am no expert in this as to why that has to be done twice. The capital campaign reason seems kind of flimsy to me in that it sounds like the project is a go and it doesn't even require, since it is a park, approval. I guess to me that seems like a flimsy reason to assured owners that the project is going to go forward and if you are waiting for results of a flood study and I guess I'm not understanding why the need to do it twice. Why not do it all at once? What am I missing?

Tom Governale – I don't know if you are missing any point of it. It's really those two items. One has to do with the capital campaign and preparing to do the diversion replacement next season. Again, we don't believe we can replace and do all the work in the river and assure the irrigation company that we can make sure the water is delivered in a timely fashion. It's a combination of assuring Thurman Mill that their clients will receive their water in a timely fashion and in addition to that it has to do with the capital campaign.

Commissioner Fadness – So, the amount of work spreads it over and into the irrigation season.

Tom Governale – It really does, yes.

Commissioner Wilson – To follow up with Commissioner’s Fadness’s question, I read the wetlands report and it appears the amount of wetlands similar to the amount of fill is not going to change whether we do part of it now, or part of it later, but there is not mitigation in place right now for the full amount of wetlands that would be lost. That is another thing you have to investigate to mitigate for those wetlands.

Tom Governale – The question currently from the Corps of Engineers is whether we mitigate on site, or we do some banking along the river, which we have those two options right now. There are a couple of locations we can bank at, one down by Willow Lane or maybe Marianne Williams Park, or we can do it on site.

CLOSING COMMENTS

Cody Riddle – I just want to clarify one thing. A gentleman mentioned that he received a map that showed a large hatched area in Quinn’s Pond, assuming maybe that was to be filled. Our notice map that went out showed a significant portion of Quinn’s Pond hatched. We based our 300-foot boundary off of that. That did actually lead to some confusion with several people but it is just to establish our 300-foot boundary for noticing.

Commissioner McLean – Just so I can make sure of what Cody is talking about and that I am looking at the same page, you mean the picture where you show the zoning and there is the hatching that shows A-1, page 3? Is that’s the map that led to some confusion in neighbors thinking the pond would be filled in?

Cody Riddle – That is correct.

PUBLIC HEARING CLOSED

Commissioner McLean – Were there changes proposed to the conditions of approval?

Commissioner Wilson – On that additional memo we received this evening for Item 19; anything in bold is an addition, or a change to the conditions of approval. All we have is Condition 1 and then G, and also they are going to comply with DEQ (Department of Environmental Quality). Those are the only conditions. If you agree with those you could amend the entire motion to the existing conditions of approval.

COMMISSIONER MCLEAN MOVED TO APPROVE CFH09-00031 WITH AMENDED CONDITIONS OF APPROVAL AS SUBMITTED TONIGHT IN THE MEMO DATED JANUARY 11TH, 2010.

COMMISSIONER COOPER SECONDED THE MOTION.

Commissioner McLean – This is a park that has been in the works for awhile and tonight we are just looking at whether or not the bridge can be built and the pond can be drained to fill. Hearing public testimony tonight I understand there is a bit of concern. If I understand the Park's Department correctly, and this is why I am proposing this motion, it is going to take two seasons to accomplish this work, so I have made the motion we move ahead with this because it is going to require two seasons and we should get started. I just want that to be clear. As I look at the map the Greenbelt will remain open as access points. That is important to me and I know it's important to other users of the Greenbelt for those to remain open. As far as I see this is a step we need to take to move forward in a park that many of us have come to expect.

Commissioner Cooper – I will add briefly that this is just one review session of what will be very many in many other venues other than this. Boise City and Garden City are two separate entities and I hope they have a process by which they will be informing their residents of what's going on. If not, I would make sure they know about it. I have been following this for along time too. I have been in that area a lot and particularly in the height of the summer when it's already packed with kayakers, where there is not a designed place to do a lot of these things and so a lot of habitat and riverbank is getting destroyed anyway. It is my hope that this park design will enable the use by the people who are already using it and make it better for everybody.

Commissioner Wilson – I won't be supporting the motion and it's not because I don't support the park, because I do. I think it's a wonderful thing and I think it will address exactly what you are talking about with making the access more formalized so we actually have less environmental degradation down the road. I'm just not sold that we have to drain this pond twice. I think that the issue seems to me to boil down to the fact that we can't mitigate for wetlands right now. We don't have enough money to do the full project right now but we want to use the money we have immediately available and I just don't think that's reason enough, and its not just that we are going to restock the fish from Fish & Game. I think there's a lot of other wildlife disruption that goes along with that.

I would have felt a lot more comfortable with it if I would have seen something from Fish & Game saying we have looked at all of these wildlife impacts and we're okay with draining this pond twice and we don't think it is going to cause that much disruption. Without that kind of assurance and also without any evidence, one way or the other, no construction schedules or anything like that to convince me that we really do need two seasons and that this isn't just being driven by financial issues.

I think if Park's were to present it to the Friends of the River Park, or whatever the organization is that is getting a lot of the funding for this, that we want to do this in the most environmentally sensitive way, which means holding off and just doing this once, I think a bunch of outdoor enthusiasts would be supportive of that. I just don't see enough justification here to essential put out the man power twice, to do this project twice. I'm not sure that is the best use of folk's funding either.

I support the park overall, but I just don't support the approach we are taking to this component.

Commissioner Fadness – So, to continue on with that dialogue. What you might envision, is to say we prefer it all be done at once. Perhaps you would like to see another plan that might spell out how that could be done, or more proof that it couldn't be done all at once?

Commissioner Wilson – That is correct. I think what was presented here this evening doesn't convince me that it can't all be done at once. But then again I work for an engineering consulting firm and we over-promise how fast we can do things all the time. So it might be part of my nature, but I don't see any compelling evidence that this can't be done in one shot.

Interruption from audience.

Sir, I'm sorry but it's not a discussion at this point. We have closed the public hearing and it's just up to us to talk to each other at this point.

Commissioner Fadness – Say this motion were to be defeated, would the process allow Parks to come back and could demonstrate to our satisfaction that they do in fact have to do it two different times? Could they do that in the next 30 days or so? Are there any legal impediments stopping them from doing that?

Mary Watson – I wasn't following that. Can you repeat the question?

Commissioner Fadness – On some applications if we deny, like this is a Parks and Recreation (interrupted by Commissioner McLean)

Commissioner McLean – You're asking if there is time to, if we say no, can they come back within the next month?

Commissioner Fadness – Or is there some sort of timeframe that prevents them from coming back in short order to more fully demonstrate.

Mary Watson – I don't believe there is anything that would prohibit them turning around tomorrow and gathering more information and re-submitting. I think what you're thinking of is the delay; I believe a CUP (Conditional Use Permit) or such. I think on a River System Permit they could gather more details for you and re-submit in this process.

Commissioner Wilson – From the administrative side of it as far as our process there is not an issue. As far as their process, and getting it done before the irrigators need their water, there is an issue. If we bumped it out a month then that would probably prevent them from doing it this year.

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That is what's at stake, which is what makes it difficult, but at the same time I'm just not convinced.

ROLL CALL VOTE

COMMISSIONER MCLEAN	AYE
COMMISSIONER COOPER	AYE
COMMISSIONER FADNESS	AYE
COMMISSIONER WILSON	NO

THREE IN FAVOR ONE AGAINST, MOTION CARRIES.