

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
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FRANKLIN COUNTY PLANNING AND ZONING
FRANKLIN COUNTY COMMISSION
FRANKLIN COUNTY GOVERNMENT CENTER
SECOND FLOOR COMMISSION CHAMBERS
400 EAST LOCUST STREET
UNION, MISSOURI 63084

PUBLIC HEARING

APRIL 14, 2015

(Commencing at 1:32 p.m.)

Reported by:
Patsy A. Hertweck, C. R.
Midwest Litigation Services

PUBLIC HEARING 4/14/2015

Page 2

	I N D E X	
		PAGE
1		
2	PROCEEDINGS	
3		
4	Call to Order and Roll Call	6
	Reading of Hearing Procedures By Ms. Eagan	6
5		
	File No. 150014 - Bridgewater Estates, Inc.:	
6		
	Presentation by Ms. Eagan	7
7	Presentation by Applicant	9
	Opposing testimony	21
8		
9	File No. 150016- Planning and Zoning Department:	
10	Reading of Hearing Procedures	56
	Presentation by Ms. Eagan	56
11		
12	File No. 150035 - William D. Murphy:	
13	Reading of Hearing Procedures	59
	Presentation by Ms. Eagan	60
14	Presentation by Mr. Murphy	62
15		
	File No. 150040 - Kurt Unnerstall:	
16		
	Reading of Hearing Procedures	66
17	Presentation by Ms. Eagan	67
	Presentation by Applicant	69
18		
19	File No. 150043 - Mayall Properties, L. L. C.:	
20	Reading of Hearing Procedures	73
	Presentation by Ms. Eagan	73
21	Presentation by Applicant	
22		
23		
24		
25		

1	I N D E X	
2	(Continued)	
3		
4	PROCEEDING	PAGE
5		
6	File No. 150013 - Mayall Properties, L. L. C.:	
7		
	Reading of Hearing Procedures	74
8	Presentation by Ms. Eagan	75
	Presentation by Applicant	78
9		
	Adjournment	80
10	Certificate of Reporter	81
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

IDENTIFICATION	DESCRIPTION	PAGE
Franklin County:		
A	Franklin County Unified Land Use Regulations 2001	6
B	Official Zoning Map	6
C	Official Master Plan	6
D	Case Files -- all Cases Heard	6

(All exhibits, if any, were retained by the Commission, and will not be attached hereto.)

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2
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A P P E A R A N C E S

Commission MEMBERS:

John Griesheimer, Chairman

Timothy Brinker, Commissioner

PLANNING AND ZONING STAFF:

Ms. Scottie Eagan, Planning Director

LEGAL COUNSEL:

Mark Vincent, County Attorney

MIDWEST LITIGATION SERVICES:

By: Patsy A. Hertweck, C. R.

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

1 PROCEEDINGS

2 (April 14, 2015)

3 CHAIRMAN GRIESHEIMER: Good afternoon.

4 Again, we apologize for the delay. I want to welcome everybody
5 to the public hearing for the rezoning. We've got four rezonings
6 and an amendment request from the Department.

7 Scottie, you want to go ahead and get started.

8 MS. EAGAN: Sure. First I'll read the
9 hearing procedures, and then I'll go ahead and read the staff
10 report for the hearings.

11 At this time, I would like to place into the record
12 the Franklin County Unified Land Use Regulations of 2001 as
13 Exhibit A, the official Zoning Map as Exhibit B, the official
14 Master Plan as Exhibit C, and the case file for each case as
15 Exhibit D for all the cases to be heard at this hearing.

16 (Thereupon, evidence was marked
17 for identification as Exhibits A, B, C,
18 and D.)

19 As each case is opened, the staff report will first
20 be read by the Planning and Zoning Department, followed by the
21 Commissioners' questions for the staff.

22 Then if anyone in the audience would like to speak
23 or comment during this public hearing, they must first print
24 their name on the sign-in sheet provided and then be sworn in.

25 When it is your turn to speak, you will come to the

1 front of the room to address the Commission and only the
2 Commission, not anyone in the audience, with any questions or
3 comments.

4 Generally, the Applicant for rezoning is allowed to
5 speak first, followed by those in support of the rezoning and
6 then those opposed to the rezoning. The Applicant may speak
7 again after comments from the general public to address any
8 questions or issues brought up during the hearing.

9 At the conclusion of all questions, comments, and
10 discussion concerning each case, the public hearing for each case
11 will conclude. The decision will generally be made by Commission
12 order at a later date during the County Commission's regular
13 meeting time.

14 The first public hearing is for File 150014.

15 The Applicant is Bridgewater Estates, Don Hagedorn.

16 The Applicant requests to rezone one parcel from
17 Commercial Activity 3 Community Business to Residential
18 Development 1.

19 This property is located on Bridgewater Chase, at
20 the southeast corner of Bridgewater Chase and Rock Bridge Road,
21 in Boles Township.

22 The Facts: The total area for the rezoning is
23 approximately 7.2 acres.

24 The zoning of this property is Commercial Activity 3
25 Community Business. The Applicant would like to rezone to

1 Residential Development 1.

2 Residential Development 1 zoning allows
3 single-family residential developments in areas that are
4 primarily served by central utilities.

5 Residential Development 1 allows for lot sizes as
6 small as 10,000 square feet if the property has central water and
7 sewer.

8 The properties around the proposed site are zoned
9 Commercial Activity 3 Community Business and Residential
10 Development.

11 This property is surrounded by medium-density, which
12 is density between 10,000 and 40,000 square feet residential
13 land.

14 Directly west of this parcel is "Villa Ridge Estates
15 Plat 2." This is a 10-lot subdivision with the average lot size
16 of 13,612 square feet. To the north and east of this parcel is
17 "Bridgewater Estates Plat 2" with an average lot size of 19,600
18 square feet.

19 Staff Comments: At the February 17, 2015 Planning
20 and Zoning meeting, the Planning and Zoning Commission voted
21 unanimously to recommend approval.

22 Rezoning are allowed in our regulations due to the
23 ever-changing conditions that exist in the county and elsewhere.
24 According to Article 14, Section 321, any such change must
25 promote the health, safety, morals, comfort, and general welfare

1 of Franklin County by conserving and protecting property and
2 building values, by securing the most economical use of land, and
3 facilitating the adequate provision of public improvements in
4 accordance with the Master Plan adopted by Franklin County.

5 That's all.

6 CHAIRMAN GRIESHEIMER: All right. Thank
7 you very much.

8 Would the Applicant or someone speaking for the
9 Applicant please come forward. Or go ahead and --

10 MR. LUEKEN: I've already signed in.

11 (Thereupon, the witness was sworn.)

12 Good afternoon. My name is Cameron Lueken with
13 Wonderlick Surveying and Engineering. I'll be representing the
14 Applicant here today, Don Hagedorn. Don's here in the office or
15 office -- here in the chambers. So if you've got any questions
16 for him, we can ask him. We'll go ahead and get started.

17 Okay. So we have a rezoning here today. What's the
18 purpose of the rezoning? Basically the purpose we're rezoning
19 from -- the tract from CA3, Community Activity 3, to RD1. This
20 is going to improve the consistency with the current adjoining
21 land use. As Scottie mentioned, to the west basically this tract
22 is surrounded on the west and on the east by residential homes.

23 So to give you an idea where this lays at, I don't
24 know if you can see that or not, gentlemen, but basically maybe
25 you're familiar with the project, but here's the lake inside

1 Bridgewater Estates. This is the area that Don built all around
2 it. These are some homes that Don built on the west side of the
3 development here on Rock Ridge Road, and the area in question
4 that's being rezoned is the area in blue right here. Here's AT
5 out here. It kind of gives you an idea where it's at.

6 So as Scottie mentioned, this is basically the
7 County's map of the termination of the CA3 and the RD surrounding
8 this area. That area in question is right there.

9 So CA3, what are the permitted uses in CA3? In CA3,
10 something's a little bit confusing is when you first read CA3,
11 one of the first things you see is all the uses that are
12 permitted in CD. So you got to remember that when you read CD
13 permitted uses, those uses are all permitted. And when you read
14 CA3, it's not just those listed in CA3 that are permitted. So
15 like a kennel would be permitted in CA3, storage units,
16 manufacturing, repair shop, convenience store, agricultural,
17 motor vehicle sales. So CA3 is a wide variety of uses as well
18 as, you know, multiple-family homes, fourplexes, duplexes, and
19 all that. So CA3 even though that's what it's zoned, as you can
20 see from the previous slide, you know, it's not really conducive
21 to a motor vehicle sales facility. It's more conducive to
22 another residential home.

23 So let's move back -- forward here.

24 So this is a blowup of the area in question. As
25 Scottie alluded to, I think she said the average density of these

1 houses on this side was about 13,000, something like that I
2 think. We had written there 12. So 12 to 13 thousand square
3 feet. I think Scottie alluded to the average density at
4 Bridgewater is around 19,000 feet. I think we've got 18,000
5 feet. So it's -- looks like we're pretty close on what we're
6 seeing there. It just depends which lot you pick out and how
7 many you average and all that.

8 The area in question is this area here behind the
9 dam, and the access point will be on Rock Bridge Road. That's
10 one of them. There's also an access point on Bridgewater Chase.
11 Don's going to kind of see -- I think Don can speak to that a
12 little bit in the future, but Don's going to kind of look at that
13 situation and see which way you might come in. You might say
14 we're not a hundred percent for sure about that. I think Don
15 knows, but we're still kind of undecided about that.

16 Like I said, today is, you know, about the rezoning
17 and making sure that, you know, the proposed rezoning fits within
18 the conformance of the land use standards. Obviously Don intends
19 to build some lots back there, some houses back there. So just
20 as these -- just as Don identified there was a market for these
21 houses, there's a need for these houses back here. Just keep
22 that in mind. That's the need for the county, is housing. So
23 that's the benefit.

24 So in conclusion, the tract is currently zoned CA3,
25 which is a multitude of uses. The proposed zoning is RD1, and as

1 Scottie alluded to earlier in her facts, you know, basically
2 that's a single-family home. You can't do duplexes. You can't
3 do a lot of mobile homes. You can't do a lot of things in that,
4 so pretty much a residential home is what you're going to -- all
5 you're going to be able to do in that zoning district.

6 As I alluded to, the current CA3 zoning is
7 inconsistent with what the existing and potential land use should
8 probably be in that area. So a tract adjoins residential
9 subdivisions.

10 So I guess with that being said, does anyone have
11 any questions for me?

12 CHAIRMAN GRIESHEIMER: Okay.

13 COMMISSIONER BRINKER: Go ahead, John.

14 CHAIRMAN GRIESHEIMER: I guess I don't
15 understand. When did this get zoned commercial; do you know?

16 MS. EAGAN: I mean, I know it's been there
17 since 2001. I'd have to go back and look at the previous maps
18 from before then, but I think it's been CA3 for a while.

19 CHAIRMAN GRIESHEIMER: I mean, it just
20 doesn't -- to me, I don't understand how it got to be zoned
21 commercial when you've got residential all in that area. It just
22 -- I don't know we -- I don't know how -- what happened back then
23 to cause that to be commercial. I don't know if there was a
24 development plan. I don't know, but it just seems so odd that
25 you've got residential all around, and then you've got a spot of

1 commercial right there.

2 MS. EAGAN: I mean, I think it's been that
3 way for quite a long time, and I mean, if you look, it is close
4 to Highway N and Highway AT. So I don't know, but -- I mean, if
5 you look at our zoning map, John, there's a lot of stuff that
6 doesn't make sense, which is why we're trying to work on it to
7 make it make more sense for people.

8 CHAIRMAN GRIESHEIMER: But the primary
9 entrance is going to be off of Rock Church Road, correct?

10 MR. LUEKEN: Yeah, and, John, I don't want
11 to -- Don can speak to that here in a little bit, but you say
12 primary entrance. We may have -- we may have one, we may have
13 two, maybe we'll have one. I don't -- it may be off Bridgewater,
14 it may be off Rock Bridge Road. I'm not sure right now until we
15 lay everything out. You know, it's -- I'm not sure, Don -- or --

16 COMMISSIONER BRINKER: Yeah, I know. I
17 know this is not the time for this. This is about rezoning a
18 parcel, but when it comes to that point when your designated
19 ingress/egress, I come from the school of dual being better than
20 single.

21 MR. LUEKEN: I understand.

22 COMMISSIONER BRINKER: That being utilize
23 both of those would be much more advantageous to, i.e., first
24 responders, yada, yada. As it relates to this parcel and to
25 John's point and question earlier, I'm sure it has everything to

1 do with being along Route AT and just be included as along the
2 land in that zoning because it runs down points to the west of
3 that point and it runs full of the map here.

4 CHAIRMAN GRIESHEIMER: But that could be.

5 COMMISSIONER BRINKER: Yeah.

6 CHAIRMAN GRIESHEIMER: But I mean, the
7 access when you drive it, and I did, you know, I mean, obviously
8 your access would be off of either this Rock Church Road. It's
9 right there, I mean. AT, I don't know how you could -- I don't
10 think that's --

11 COMMISSIONER BRINKER: No, no. I think
12 it's going to come --

13 CHAIRMAN GRIESHEIMER: I think you're
14 going to have limited access off AT, right.

15 COMMISSIONER BRINKER: You're going to
16 come from Rock Bridge Road or Bridge Water Terrace.

17 CHAIRMAN GRIESHEIMER: Yeah.

18 COMMISSIONER BRINKER: That's your only
19 two points I'd recommend, but again back to the zoning of the
20 property itself.

21 CHAIRMAN GRIESHEIMER: Right.

22 COMMISSIONER BRINKER: I think the only
23 practical zoning is what's being proposed here, this is just off
24 the top of my mind as I see thus far. So I don't have any
25 further questions regarding this.

1 CHAIRMAN GRIESHEIMER: That was my
2 question, too.

3 MR. LUEKEN: Don, would you like to come
4 up and say anything or want to wait till later.

5 MR. HAGEDORN: (Inaudible response.)

6 MR. LUEKEN: Okay.

7 CHAIRMAN GRIESHEIMER: Okay.

8 (Thereupon, the witness was sworn.)

9 MR. HAGEDORN: It kind of baffles me that
10 anybody would be opposed to this because I don't think they
11 understand the permitted uses now is what I think it is. That's
12 the whole reason I'm changing this. It doesn't make sense for
13 what's there now.

14 I mean, if we would put --

15 CHAIRMAN GRIESHEIMER: Raise the
16 microphone up just a little bit. There you go.

17 MR. HAGEDORN: If we would put, you know,
18 like a repair shop. I actually had somebody interested in doing
19 some sheet metal manufacturing down there. It doesn't fit the
20 area. A dog kennel -- even multi-family as far as that goes,
21 would you -- I mean, would you like to see a bunch of apartments
22 down there? That's what's hot now. I mean, there's no question
23 that -- that would work, but it doesn't fit the area. That's the
24 reason we went to this RD1 zoning. It would be single-family,
25 single-lot division sold to a homeowner that will pay an

1 assessment and very compatible with what's all the way around it.

2 I mean, basically I can't think of anything else
3 to -- I think another one of the permitted uses are mobile homes.
4 I think a lot of this could go away maybe if -- if somebody from
5 Planning and Zoning or something would explain what I could do
6 there without any public comment at all. I mean, I thought I was
7 doing something that would work for me and actually do the
8 neighborhood a favor.

9 CHAIRMAN GRIESHEIMER: Don, if you could
10 explain. Do you remember what -- when you -- when you developed
11 the original subdivision, okay -- and I'm assuming the homes
12 along the Rock Church --

13 COMMISSIONER BRINKER: Rock Bridge.

14 CHAIRMAN GRIESHEIMER: -- Rock Bridge, you
15 developed that.

16 MR. HAGEDORN: I didn't develop that.
17 That was actually part of Villa Ridge Estates, but I bought
18 several of the lots along there and built the houses along there.

19 CHAIRMAN GRIESHEIMER: Okay. How did this
20 get -- this piece get zoned commercial?

21 MR. HAGEDORN: You got me. I have no --
22 I'm along with Tim. I'm thinking that maybe when they we went
23 down the AT, somehow that got put into that. It never did make
24 any sense to me.

25 CHAIRMAN GRIESHEIMER: In other words,

1 we -- so in other words, we did it and not you requesting it?

2 MR. HAGEDORN: I didn't do it. I don't
3 know who did it.

4 CHAIRMAN GRIESHEIMER: Okay.

5 MR. HAGEDORN: Yeah.

6 CHAIRMAN GRIESHEIMER: Okay.

7 MR. HAGEDORN: I would know why you'd want
8 to do that.

9 CHAIRMAN GRIESHEIMER: That's why -- yeah,
10 that's -- that's why I want to get to the heart of it.

11 MR. HAGEDORN: Yeah.

12 CHAIRMAN GRIESHEIMER: Okay. Tim, you got
13 anything?

14 COMMISSIONER BRINKER: No, I think -- I
15 think to your point though, Scottie, do you have a list of uses
16 that could be utilized today without any public input whatsoever
17 for that piece of property? Because I think it might lend some
18 credence to the --

19 MS. EAGAN: I probably won't --

20 COMMISSIONER BRINKER: -- proposal.

21 MS. EAGAN: I won't name them all.

22 (Multiple speakers - unintelligible.)

23 Something that would be allowed, you know, mobile
24 homes, multi-family developments, golf courses, hotels, kennels.

25 COMMISSIONER BRINKER: Wait, hang on a

1 second. Golf courses wouldn't be bad, would it? I'm kidding.

2 Go ahead.

3 MS. EAGAN: Offices, repair shops, any
4 type of special events, storage units, any sort of sale of goods
5 or services. So your -- you know, your liquor stores, your
6 pharmacies. You could do a veterinarian clinic and
7 manufacturing, commercial storage, research laboratories, sales
8 of heavy construction equipment, trucks.

9 COMMISSIONER BRINKER: I'm sorry. So
10 point being there's a broad spectrum of opportunity here without
11 having to go through a process such as this. I just wanted to
12 make sure.

13 MS. EAGAN: I mean, basically the only
14 things that aren't allowed in this district would be airports,
15 recycling centers, adult entertainment and composting facilities.

16 MR. HAGEDORN: One thing I might add, I
17 talked to a gentleman before the meeting that said he'd like to
18 leave it a field. Well, you know, everybody would like that, but
19 that's not going to happen. Seven acres of ground with
20 development all around with water and sewer, something's going to
21 happen to it. So what's the best use for property.

22 Basically that's all I got to say unless there's
23 other questions.

24 CHAIRMAN GRIESHEIMER: I don't have any.

25 COMMISSIONER BRINKER: I don't have any.

1 MR. HAGEDORN: Thanks.

2 CHAIRMAN GRIESHEIMER: Thank you.

3 MS. EAGAN: And, John, going back to this
4 now, I mean, I think, if I remember correctly, our first zoning
5 map we have from the '80s shows this as -- it's either CA3 or CA4
6 at the time, but CA4 then became CA3. So I think this whole area
7 since the '80s has been zoned this.

8 ATTORNEY VINCENT: Scottie, if I may ask,
9 explain to them too what kind of residential facilities could be
10 placed in that zoning district now as it is.

11 MS. EAGAN: As it is?

12 ATTORNEY VINCENT: Uh-huh.

13 MS. EAGAN: You could do single-family,
14 multi-family, duplexes, mobile homes single and mobile homes
15 double.

16 ATTORNEY VINCENT: So the single-family
17 residences are already permitted, what I was getting at.

18 MS. EAGAN: Yes.

19 COMMISSIONER BRINKER: So then why --

20 CHAIRMAN GRIESHEIMER: Wait a minute.

21 Hold on.

22 COMMISSIONER BRINKER: Hold up.

23 CHAIRMAN GRIESHEIMER: You'll get an
24 opportunity to speak. Why the necessity then to rezone, Scottie,
25 just pops into my head?

1 MS. EAGAN: I mean, the only thing I can
2 think of is with this zoning district that's CA3, we -- our
3 maximum --

4 COMMISSIONER BRINKER: That's neither.

5 MS. EAGAN: No, the minimums that we would
6 allow with central water and sewer is 22,000 square feet. And
7 then with this new -- with RD1 it's 10,000 square feet.

8 ATTORNEY VINCENT: That's the difference.

9 CHAIRMAN GRIESHEIMER: Okay. So the
10 central sewer system?

11 MS. EAGAN: Yeah, central water and sewer,
12 as it is currently, they can do 22,000-square-foot lots. RD1
13 would allow them to do 10,000-square-foot lots.

14 COMMISSIONER BRINKER: And the contiguous
15 lots currently 12,000?

16 MS. EAGAN: To the east of it, about
17 12,000. No, west. West.

18 COMMISSIONER BRINKER: Whatever. Along
19 Rook Bridge Road.

20 CHAIRMAN GRIESHEIMER: West.

21 ATTORNEY VINCENT: But in CA3, they could
22 also do multi-family?

23 MS. EAGAN: They can, yes.

24 ATTORNEY VINCENT: Or a mobile home park.

25 MS. EAGAN: They can't do mobile home

1 parks. They could do mobile homes.

2 ATTORNEY VINCENT: They can put mobile
3 homes?

4 MS. EAGAN: Yeah.

5 ATTORNEY VINCENT: Right.

6 MS. EAGAN: But RD1 he cannot.

7 COMMISSIONER BRINKER: Thank you.

8 CHAIRMAN GRIESHEIMER: All you got?

9 COMMISSIONER BRINKER: (Nodding.)

10 CHAIRMAN GRIESHEIMER: Okay.

11 Is there anyone in the audience who wishes to
12 testify in favor of the rezoning? In favor. Okay.

13 Is there anyone in the audience who wishes to
14 testify in opposition to the rezoning? Come forward. Okay.
15 You'll get an opportunity here, but you need sign up at the
16 podium and be sworn in.

17 (Thereupon, the witness was sworn.)

18 MR. CALIZADA: My name is Lou Calizada.
19 And I moved into the Bridgewater Estates in 2013. I came from
20 South County.

21 CHAIRMAN GRIESHEIMER: You need to talk
22 into the microphone.

23 MR. CALIZADA: Okay. I'm sorry.

24 MS. EAGAN: You can take it out if you
25 want to.

1 MR. CALIZADA: I'm good. I came from the
2 St. Louis South County area, where it was -- things were really
3 hectic. I found this, what I felt was paradise, which was the
4 Bridgewater Estates that I really fell in love with. I called it
5 my Mayberry, where you can roam the streets, your children are
6 safe. You can leave your garage door open, and now -- I mean, I
7 would like to present to the Commissioners something I have
8 written out if at all possible.

9 CHAIRMAN GRIESHEIMER: Yeah.

10 MR. CALIZADA: And it -- what it does it
11 states some of the concerns I have in regards to these changes.

12 COMMISSIONER BRINKER: Has this been
13 submitted as --

14 CHAIRMAN GRIESHEIMER: This will be --
15 this will be part of the record.

16 COMMISSIONER BRINKER: -- for the record?

17 CHAIRMAN GRIESHEIMER: Uh-huh.

18 COMMISSIONER BRINKER: Okay.

19 MR. CALIZADA: The slides you were
20 showing, yes, I mean, there are 7.2 acres of undeveloped area.
21 Just a week ago we had major rains, rains that overwhelmed part
22 of that area. As you can see, the spillway from the lake wraps
23 up partially into that area. I don't know if you could put the
24 slide back up.

25 If you can see the white rock after the spillway, it

1 winds up now. The neighbors along the Rock Bridge Road I spoke
2 to several of them. They said their fences were being washed
3 away from our spillway and that creek being overwhelmed. Right
4 now that area is a good area to saturate, to take the water. The
5 levee sits pretty high to that area. So you're building homes
6 there with basements that have the potential to flood.

7 That area is not protected where children can walk
8 up over the levee, possibly fall into the deeper part of the
9 lake, and that's a liability.

10 Our sewage system right now has no one running it,
11 other than someone in Jeff City because I believe the guy went
12 bankrupt that had the sewage system before. So right now we
13 don't even get a bill, other than a generic statement stating
14 that you need to send in \$24 and some change. That happens every
15 month. There is no account for each homeowner. It just -- you
16 just send in your money.

17 The sewage has also been breached once, which was a
18 problem. So right now we currently have approximately ten lots
19 that are still undeveloped, some owned by Don, in the Bridgewater
20 Subdivision. I mean, the project is not finished, but yet there
21 seems to be a need for more homes. The homes aren't selling.
22 There's probably eight homes for sale in our subdivision.

23 I just -- I don't believe that there is a need right
24 now as it's being stated for homes. Now, it would be nice to
25 rezone it where you do protect the people that have made

1 Bridgewater what it is. That part, yes, but there's already a
2 layout for homes. That's what bothers me. It's not about
3 rezoning it, and we'll talk homes later. And also that being
4 part of Bridgewater per our own by-laws, it requires 1,500 square
5 feet of actual living space finished for homes. All of a sudden
6 that's being changed. You know, you move in under one set of
7 rules, but then you have to live under others. I just don't --
8 they're in the by-laws. Build 1,500-square-foot homes there, I
9 don't have a problem with. People are going to be looking up at
10 a levee, one that may be breached some day. You just never know.
11 No one can stand here and say that will never breach.

12 So I'm just -- I'm bringing this up to the Committee
13 here that please take a good hard look at this. Right now it
14 absorbs a lot of water, and I think we need that land to stay as
15 is. I mean, having it -- -- protecting it by zoning it for just
16 homes would be fine, but to also just put another development in
17 there is just -- it just doesn't make sense.

18 The Bridgewater Chase Lane is a private road. So
19 now we're exiting onto that road. I don't get it. Right now the
20 traffic is overwhelmed. The Rock Bridge -- Rock Bridge Road
21 right now in our last big rain we had the road was breached
22 because of the creek that's on the left side of the road from
23 this picture.

24 It came up over the road. I mean, the area right
25 now is it overwhelmed when it rains, and now when you put homes,

1 you have to divert the water somewhere, and then you're going to
2 divert it on the other homes that are there already or the creek
3 that's already at capacity.

4 So I hope that the Commissioners please take a good
5 look at this. I mean, approving it for residential is one thing,
6 but allowing the building of actual homes in that location, the
7 water has to go somewhere.

8 That's it. Thank you.

9 CHAIRMAN GRIESHEIMER: Tim, you got
10 anything?

11 COMMISSIONER BRINKER: (Shaking his head.)

12 CHAIRMAN GRIESHEIMER: Well, before you
13 go, sir, I just wanted to tell you. I mean, all -- all we can do
14 in this situation is look at the rezoning itself, --

15 MR. CALIZADA: Okay.

16 CHAIRMAN GRIESHEIMER: -- whether or not
17 the rezoning is correct for the area. When you get into, you
18 know, what happens when the rezoning if -- let's say if it's
19 allowed, if there is development of the homes, and that gets into
20 a different set of regulations, rules and regulations, they got
21 to abide by FEMA and floodplain regulations, all that come into
22 play which we don't -- in this application, we don't look at any
23 of that.

24 MR. CALIZADA: So we don't know if this
25 could be currently a floodplain, right?

1 CHAIRMAN GRIESHEIMER: We don't have any
2 idea.

3 MR. CALIZADA: No, okay.

4 CHAIRMAN GRIESHEIMER: In fact --

5 MR. CALIZADA: That's fair.

6 CHAIRMAN GRIESHEIMER: That's kind of the
7 position that we're in, is the fact that we've got to look at
8 this rezoning as it is. And, Mark, back me up if I ever get off
9 path here -- our County counsel, our attorney. But we are to
10 look at this, and again, not at what's going in. We are looking
11 at whether or not the County made a mistake years ago --

12 MR. CALIZADA: Okay.

13 CHAIRMAN GRIESHEIMER: -- and rezoned it
14 wrong. That's -- that's our primary job.

15 MR. CALIZADA: Would the addition of homes
16 later in the future then be something that we can approach this
17 Committee with as being --

18 CHAIRMAN GRIESHEIMER: Not really because,
19 once it gets rezoned, it's rezoned for that purpose. But again,
20 there are building -- there are Building Department regulations,
21 there are -- correct me if I'm wrong, but there would have to be
22 another. The sewage system, you know, that's another set of
23 regulations. There's a whole new set of regulations that come
24 into -- come into compliance here that they would have to comply
25 with. But again, they could put homes there now, and whether or

1 not we rezone it, they could still put homes there. Okay. But
2 again, there has to be regulations met on the current standards
3 to whatever they put in, whether it's commercial, whether it
4 stays commercial or whether it gets rezoned. All, again, that
5 we are supposed to do is look at the rezoning itself and say is
6 the rezoning -- or is the zoning that it is zoned, is classified
7 now, is that correct for the area or not. Is that in error and
8 if so, then what is the correct -- what is compatible with the
9 area. And that's what we're supposed to be looking at.

10 ATTORNEY VINCENT: John, if I might point
11 out and, sir, we don't know each other.

12 MR. CALIZADA: No.

13 ATTORNEY VINCENT: I just want to make
14 sure you understand that I'm just speaking from the law aspect of
15 this.

16 CHAIRMAN GRIESHEIMER: Right.

17 ATTORNEY VINCENT: If the Commissioners,
18 we do do what is being requested as I understand it, which would
19 be to say to the owner don't do anything with that property,
20 leave it as is, that would put the County in a position of doing
21 inverse condemnation, and we could be sued for damages on that.
22 We can't tell somebody not to do anything with their property.

23 CHAIRMAN GRIESHEIMER: Right.

24 ATTORNEY VINCENT: Can't do it. I mean,
25 inverse -- both Missouri and Federal cases with regard to inverse

1 condemnation, and the second point of it is the restrictions and
2 regulations that may have been someplace else. We require if
3 there are -- we require developers, if there are restrictions, to
4 file those with us. The County does not enforce those though.
5 If it's believed that this would -- homes going in there would
6 violate some of the restrictions, that's a private matter. We
7 don't get involved in that.

8 CHAIRMAN GRIESHEIMER: In other words,
9 subdivision regulations?

10 ATTORNEY VINCENT: Right.

11 CHAIRMAN GRIESHEIMER: Right. But that's
12 why I wanted to explain to you, --

13 MR. CALIZADA: Okay.

14 CHAIRMAN GRIESHEIMER: -- also to the
15 audience that, you know, there's only -- we're only in a limited
16 capacity here. It may seem like all we can -- we can go off and
17 we can do it because of this and that. No. It's strictly the
18 application that we have in front of us and whether or not the
19 rezoning was correct years ago or was it in error, was it not --
20 is it compatible with the area or is it not. And that's --
21 that's our job.

22 MR. CALIZADA: Okay.

23 CHAIRMAN GRIESHEIMER: So just want to
24 clarify to you and everybody else.

25 MR. CALIZADA: I understand. Right.

1 Okay, thank you.

2 CHAIRMAN GRIESHEIMER: Okay. Thank you.

3 And again, your comments will be made a part of the -- what you
4 submitted will be made a part of the record.

5 MS. EAGAN: John, can I add two things?

6 CHAIRMAN GRIESHEIMER: Yeah, please.

7 MS. EAGAN: The first one is whether this
8 gets rezoned or not, if he develops the property, he still has to
9 follow our subdivision code.

10 CHAIRMAN GRIESHEIMER: Right.

11 MS. EAGAN: So if he goes over seven lots,
12 he has to do the whole preliminary plat process with my
13 department.

14 And secondly, when I did my research, this lot was
15 not a part of any subdivision that we are aware of.

16 AUDIENCE MEMBER: Can I ask a question?

17 CHAIRMAN GRIESHEIMER: Okay. Well, when
18 you -- we're going to -- we're going to ask everybody if you have
19 a question or whatever to come up to the podium, sign in and
20 become part of the record. Okay. So let me -- let me keep
21 going. If you want to do that now. Does anybody else like to
22 testify in opposition to the request? Come on up.

23 MS. EAGAN: Tim, can I get those comments
24 for this file.

25 COMMISSIONER BRINKER: You certainly may.

1 I'll run them over personally.

2 CHAIRMAN GRIESHEIMER: Just so everybody
3 understands, there's a legal process that has to be followed
4 here, and that's why we have a court reporter. So I mean,
5 this -- there is -- everything we're doing is according to the
6 law and what we're supposed to be doing. So just so everybody
7 understands, we do this with everybody.

8 (Thereupon, the witness was sworn.)

9 MR. CABRERA: And this question is for
10 Don --

11 MS. REPORTER: I need your name.

12 CHAIRMAN GRIESHEIMER: Well, first of all,
13 you need --

14 MR. CABRERA: Oh, my name is Kirby
15 Cabrera. And I live --

16 CHAIRMAN GRIESHEIMER: You might want
17 to -- if you can get a little closer so everybody can hear you.

18 MR. CABRERA: My name is Kirby Cabrera,
19 and I live in Bridgewater Estates, and this question is for Don
20 because I'm --

21 CHAIRMAN GRIESHEIMER: We can't do that,
22 can we? He could get up --

23 ATTORNEY VINCENT: He could ask you.

24 MR. CABRERA: Okay.

25 CHAIRMAN GRIESHEIMER: Yeah, why don't you

1 ask the question of me because he's going to come up and answer
2 any questions anyway. So go ahead.

3 MR. CABRERA: Is this an additional plat
4 to Bridgewater Estates? Is this being incorporated into the
5 actual Bridgewater Estates that's now in existence?

6 CHAIRMAN GRIESHEIMER: Okay. We will ask
7 that question, --

8 MR. CABRERA: Okay.

9 CHAIRMAN GRIESHEIMER: -- Mr. Cabrera.

10 MR. CABRERA: Thank you.

11 CHAIRMAN GRIESHEIMER: You don't have any
12 other comments? I guess not.

13 Yes, sir. Come on up.

14 (Thereupon, the witness was sworn.)

15 MS. REPORTER: State your name for me.

16 MR. GREEN: Jon Green. I live in
17 Bridgewater Estates. I just have two questions.

18 CHAIRMAN GRIESHEIMER: Sure.

19 MR. GREEN: Okay. First of all, Who will
20 be responsible for the repair, replacement of existing roads if
21 damage is caused by heavy construction equipment? That's my one
22 question.

23 My second one is: Is the proposed ground settled
24 enough to build without possible structure damage to the homes
25 that are built on that ground?

1 CHAIRMAN GRIESHEIMER: Run that second one
2 again through.

3 MR. GREEN: Okay. Is the proposed ground,
4 since it was actually dirt was taken from the lake a couple of
5 years ago when it was dredged -- okay. So is the proposed ground
6 settled enough to build on without possible structural damage to
7 the homes that are built on said ground?

8 That's all I have. Thank you.

9 CHAIRMAN GRIESHEIMER: Okay. Thank you.
10 Anyone else wish to testify in opposition to the
11 proposal?

12 Yeah, come on up.

13 (Thereupon, the witness was sworn.)

14 MS. REPORTER: State your name for me,
15 please.

16 MS. WADE: My name is Kay Wade.

17 Last week I called -- was in contact with the
18 Franklin County Soil and Water District, and I had talked with
19 Steve Sparks. You may know him.

20 CHAIRMAN GRIESHEIMER: Don't know him.

21 MS. WADE: I had several questions for him
22 concerning the lake and the dam, the engineering that was
23 necessary, the codes that were followed, and the inspections
24 necessary.

25 He told me that for any code to apply, the

1 requirement was a dam of 35 feet, and without that, there were no
2 code restrictions or inspections.

3 He also told me right after that, without me asking,
4 that the land behind the dam is a downstream water hazard, and
5 there should nothing be built on it. I don't know how that got
6 missed in all of this situation. If -- you know, if the Franklin
7 County Soil and Water District says that, well, they're going to
8 say it for a reason. And that is solid ground back there. I
9 walk my dogs. It's like that all the time all year long.

10 In the past, if you remember, we had a devastating
11 occurrence in the state Taum Sauk, the hydroelectric facility
12 owned by Union Electric, Ameren Electric, was breached. And
13 there was massive land damage, and there was homes taken, and
14 there was lives that would ever be changed.

15 Please give very careful thought before you rezone
16 this. Thank you.

17 CHAIRMAN GRIESHEIMER: Anything else?
18 Anyone else wishing to testify. Yes, ma'am, come up.

19 (Thereupon, the witness was sworn.)

20 MS. GIST: My name is Linda Gist. I
21 live -- when you had that picture up there, I live at 178
22 Bridgewater Chase, which is exactly by where he is proposing to
23 put the second entrance, right by my house. We already have
24 three ways in out of our supposed-to-be private subdivision,
25 which is not private at all, that we pay our own assessment for,

1 we maintain our roads, our lake, everything. We don't need
2 another entrance into our subdivision. I particularly don't want
3 one right next to my house.

4 I have grandchildren that play in my backyard. I
5 don't want cars driving not only in front of my house but down
6 along side my house. And there is houses like where that ridge
7 is at. My property is here. There is that ridge that he is
8 wanting to build a road on, and there are houses directly right
9 there also on Rock Bridge. That does not seem very safe at all.
10 I understand the Fire Department and everything for emergency
11 vehicles, they want two ways in and out. I already spoke to
12 Doug, the fire chief, at Boles. He said that they would not be
13 opposed to having that entrance if this is approved. He would
14 have to -- Don Hagedorn would have to put a gate up, and it would
15 be for emergency vehicles only. They would have access to it and
16 only them to where we would not have any more traffic in our
17 subdivision than we do now. Thank you.

18 CHAIRMAN GRIESHEIMER: Thank you.

19 Anyone else? Somebody else raised their hand.

20 Yeah, come on up.

21 (Thereupon, the witness was sworn.)

22 MS. REPORTER: State your name for me,
23 please.

24 MR CUNNINGHAM: I guess I'd just like to
25 have a clarification from this young lady over here.

1 MS. REPORTER: I need your name.

2 CHAIRMAN GRIESHEIMER: If you could give
3 us your name.

4 MR. CUNNINGHAM: I'd like to have a
5 clarification from this --

6 CHAIRMAN GRIESHEIMER: Excuse me. Please,
7 please. We need your name for the record here.

8 MR. CUNNINGHAM: Oh, my name is Lyall
9 Cunningham. I live on Bridgewater Heights.

10 CHAIRMAN GRIESHEIMER: Thanks.

11 MR. CUNNINGHAM: I'd like to have a
12 clarification for something she said about that the houses, if
13 there was rezoning, they have to build it according to the
14 indentures of the subdivision?

15 MS. EAGAN: No, they -- they have --
16 whether this gets rezoned or not, if they develop that as a
17 subdivision, they have to follow my codes.

18 MR. CUNNINGHAM: Your code?

19 MS. EAGAN: Yes.

20 MR. CUNNINGHAM: Okay. Now, this is part
21 of the Bridgewater Estates; is that correct?

22 MS. EAGAN: Nothing I found shows that.

23 MR. CUNNINGHAM: Okay. Because
24 Bridgewater Estates is a private subdivision, our streets are
25 private, any ingress/egress into our subdivision, which is not

1 his, it's ours. So if he's going to build it, he should go out
2 on Rock Road up there for his in and out. And if it's going to
3 be a part of our subdivision, then he should build by the
4 indentures, which says 1,500 square feet. Those are my comments.

5 MS. EAGAN: I don't have a plan in front
6 of me, so I can't answer any of that.

7 CHAIRMAN GRIESHEIMER: See, what we said
8 we can't -- all we are looking at is strictly the rezoning.

9 MR. CUNNINGHAM: Right, I know.

10 CHAIRMAN GRIESHEIMER: And we're not
11 looking at ingress/egress. That all has to be done through
12 Scottie, her department. So all we're looking at again is
13 strictly the rezoning component of this and nothing -- I mean,
14 that's --

15 MR. CUNNINGHAM: I understand the rezoning
16 part, and if it's going to be part of Bridgewater, then it needs
17 to follow the indentures of Bridgewater.

18 CHAIRMAN GRIESHEIMER: So that's a whole
19 another set of legal issues.

20 MR. CUNNINGHAM: Okay. That's all.

21 CHAIRMAN GRIESHEIMER: Thank you very
22 much.

23 Anyone else wishing to testify in opposition?

24 (Thereupon, the witness was sworn.)

25 MS. REPORTER: And can you state your name

1 for me, please.

2 MR. PARENT: My name is Don Parent. I
3 live at 135 Bridgewater Chase Lane. I'm listening to a lot of
4 the comments, and the only thing I have to say is why is this
5 tract of land so important now when Mr. Hagedorn has vast land
6 available right out off Old 100 near Highway AT that has no
7 development whatsoever. Then he could probably put something
8 like that in that tract of land plus probably a number of other
9 things too. It just concerns me that there seems to be a lot
10 of -- lot of adverse -- a lot of adverse things that could be --
11 come from this development that he wants to use. I have big
12 questions about the access on bridge -- on Bridgewater Chase for
13 the fact of the traffic because I've seen -- I know you got to
14 cover this later, but I'm just going to express my opinion
15 because I've seen several close calls of children almost getting
16 nailed by a speeding truck through the subdivision, and I just
17 worry about that, and I worry about the wear and tear on the
18 existing road right now from the -- based on the lake
19 improvement. All the mud and the dump trucks beat the heck out
20 of that road, and I don't think it can take any more.

21 So I just feel that I don't see why all of a sudden
22 there is such an -- this land is just so important it has to be
23 rezoned. It should be left alone. Thank you.

24 CHAIRMAN GRIESHEIMER: Thank you.

25 Anyone else wish to testify in opposition to the

1 rezoning? In opposition?

2 (Thereupon, the witness was sworn.)

3 MS. REPORTER: State your name for me,
4 please.

5 MR. JASPER: My name is Dave Jasper.

6 Really all I have is just a couple of questions, and you may have
7 gone over them already and I just don't quite understand them.

8 One of them is the lot sizes around there right now
9 range anywhere from 12,000 to about 15,000 square feet. The
10 proposed land can go as small as 10,000-square-foot lots; is that
11 correct?

12 MS. EAGAN: If it gets rezoned, yes.

13 MR. JASPER: Compared to acreage size,
14 is -- is that -- what on what? Is that more than a quarter of an
15 acre, less than a quarter of an acre, a fifth of an acre?

16 MS. EAGAN: An acre is about 43,000 square
17 feet.

18 MR. JASPER: Okay. So about a quarter of
19 an acre sized lot?

20 MS. EAGAN: Yes.

21 MR. JASPER: Okay. I guess my question
22 would be the houses that would be built in there could be built
23 on lots that are smaller than any of our lots in Bridgewater that
24 exist at this time? They -- that could be done?

25 MS. EAGAN: Yes.

1 MR. JASPER: So my concern would be the
2 aesthetics of it, the looks of the type of houses, the sizes
3 compared to what we have already in Bridgewater Estates right
4 now, if it will compliment what we have there or not because I,
5 for one, on my house it's a pretty large home up there, and I'm
6 concerned about the resale value, the ability to resell it if
7 this subdivision could go to something small quarter-acre lots
8 and houses that don't compliment what's already in that
9 subdivision.

10 And I guess that's the question I would like Don to
11 answer if he could, the lot size, the -- that he's thinking of
12 putting in there, if he knows that, and the style and type of
13 houses that he's planning on putting in, on how many of them and
14 that sort of thing if he could. That's it.

15 CHAIRMAN GRIESHEIMER: Okay, thank you.

16 Anyone else wish to testify in opposition to the
17 rezoning? Okay.

18 How about anyone wishing to testify for
19 informational purposes only on the rezoning?

20 Okay. Uh-huh.

21 (Thereupon, the witness was sworn.)

22 MS. REPORTER: State your name for me,
23 please.

24 MR. COOPER: My name is Mark Cooper, and I
25 live up in Bridgewater Heights. You said this was an opportunity

1 for me to gain information.

2 CHAIRMAN GRIESHEIMER: Well, in other
3 words, if you're not -- if you're not in favor of it or not
4 opposed to it, for informational purposes only. In other words,
5 you are neither way.

6 MR. COOPER: Well, I am opposed to it, but
7 I need information too. So that's why I'm up here. So I raised
8 my hand.

9 I guess I'm going to address you guys because I'm
10 kind of confused when somebody just has a plot of ground and says
11 I want to make a residential area out of this, don't you guys do
12 due diligence and go out and say this is a side of a cliff or
13 this is a swamp or something like that?

14 How does that even -- how do you go about the
15 process of saying yeah, that's fine for residential? Don't
16 you -- I don't understand that process. How did we get this far
17 so far anyway? Does anybody with property just say I want to
18 make it residential, and you say okay, that's fine? How is that
19 done? That's what I need to know.

20 CHAIRMAN GRIESHEIMER: Okay. And I'll
21 just tell you from my perspective. Okay.

22 I did go down in the area and I did -- I've driven
23 Rock Church Road through Bridgewater. I did go down and take a
24 look at it for my purposes only. Everybody does it different. I
25 did that.

1 MR. COOPER: Okay.

2 CHAIRMAN GRIESHEIMER: That's not
3 necessarily how it's done on a rezoning. Everybody does it
4 different, but at least I wanted to experience it myself and kind
5 of look at the character of the area, type of homes that are
6 there, and everything for my own -- for my own knowledge. Okay.

7 And I guess again, what's bleeding into this whole
8 thing is the fact that, okay, number one, he can already put
9 homes there. Okay. But again, all we can do and I'll reiterate
10 it again. All we're looking at is the rezoning, and we get into
11 the type of homes, size lots, everything else, that's a different
12 ballgame than what we're supposed to be doing here.

13 Okay. And I know it's hard for everybody to
14 understand, and I just want to explain it to everybody. All we
15 can do is look at -- all we're looking at and all we're supposed
16 to look at is whether or not the zoning is compatible with the
17 area. Did the County do it right years ago when we rezoned it.
18 Okay. And that's all really we're supposed to be looking at.
19 When we took -- look at the type of homes and all that, and I
20 know that's a concern to you all, but again that's not what we're
21 supposed to be doing here.

22 We're supposed to be strictly looking at whether --
23 whether the parcel is zoned correctly or not. Did we -- did the
24 County make a mistake years ago. Okay. But again, from my --
25 for me anyway, I did go down and take a look at it. In fact, it

1 was right after the big rains that we had. So the water -- in
2 some cases, the water was still running. All right.

3 In fact, the culvert down on Rock Church Road, I
4 think we got to fix -- or Rock Creek Road. But anyway, bottom
5 line is that's where we're at. Okay. So I hope that answers
6 your question.

7 MR. COOPER: So you're telling me this is
8 not really rezoned residential yet? This is -- this is -- this
9 is still fact-finding, is that what this is?

10 CHAIRMAN GRIESHEIMER: No, we're
11 required -- on a rezoning, we're required to -- there's a process
12 required by law that you have to go through.

13 MR. COOPER: Okay.

14 CHAIRMAN GRIESHEIMER: And that is through
15 Planning and Zoning, which it went through Planning and Zoning.
16 They approved it. And well, either way, I think it would still
17 come to us. But anyway, they approved it. It comes to us, and
18 we have to hold a public hearing, and then gather information,
19 and then make an informed decision whether or not to rezone it or
20 not. And that's what we're doing right now.

21 So anybody that has a piece of property, if they --
22 out in the unincorporated Franklin County, if they want -- if
23 they want to rezone it, they've got to go through the same
24 process and pay the same fees and everything that we're doing
25 right now.

1 MR. COOPER: So maybe I'll have a question
2 directed at the attorney here.

3 When the Planning and Zoning Commission zoned this,
4 they said that's fine for residential use, did they do due
5 diligence? Do they look at the place, or how is that done?

6 ATTORNEY VINCENT: I'll try to answer it
7 for you, sir.

8 MR. COOPER: Okay.

9 ATTORNEY VINCENT: Historically planning
10 and zoning -- zoning is a taking away of rights of property.
11 Not -- it was early in the 19th century when the first time
12 planning and zoning was recognized to be constitutional.
13 Planning and zoning was originally viewed as being
14 unconstitutional since it was a taking of land.

15 Any time that we as a government entity or a city or
16 the United States restricts the use of land, we're taking away
17 certain property rights, and we can do that through planning and
18 zoning for the public benefit and the public good so long as the
19 restrictions that are placed upon it are reasonable and necessary
20 for the whole benefit of the community.

21 What we do is we make a zoning map that provides
22 what certain activities can be done where. If we prevent an
23 entity or owner from being able to do anything within that
24 property, it's viewed as inverse condemnation. What that means
25 is we have to then take tax dollars and buy that land from the

1 owners of it. We cannot do anything that would preclude somebody
2 from using the land for any purpose, which is what some folks
3 apparently would like this to happen without paying for that
4 land.

5 So yes, we can restrict land and the use of it, but
6 we can't tell people they can do nothing with it. As it is right
7 now, it's a very liberal zoning area. The zoning classification
8 that exists there now is very broad.

9 MR. COOPER: Okay.

10 ATTORNEY VINCENT: This land, as it is
11 today, without any other permits or anything else, could be
12 turned into a strip mall with all concrete parking lot. That can
13 be done without the Commission saying anything about it at all,
14 without any input from any citizens or whatsoever. When the
15 original -- whenever it was zoned to a commercial activity, it
16 was viewed by looking at maps and that's what they do, is look at
17 uses in an area, not that the topography of area when you do
18 zoning maps or zoning classification. This was determined by a
19 predecessor of these guys to have a benefit for some way for --
20 hang on, mic just went out -- for commercial activity and usage.

21 CHAIRMAN GRIESHEIMER: We'll have a
22 30-second timeout.

23 COMMISSIONER BRINKER: Brief intermission.

24 ATTORNEY VINCENT: But anyway, so we have
25 the obligation to review what use will be made of the property.

1 We do not look at terrain of the property. That's when you get
2 into the development aspects of it. Nothing -- zoning does not
3 deal with how it's to be built.

4 MR. COOPER: Okay.

5 ATTORNEY VINCENT: We do not regulate
6 aesthetics.

7 MR. COOPER: All right.

8 ATTORNEY VINCENT: We do not do that. We
9 do not regulate and cannot regulate private property
10 restrictions. People will get upset with us at times when they
11 think why are you not enforcing our private subdivision
12 restrictions. That's a private contract between property owners
13 and a developer. We do not get involved in those.

14 MR. COOPER: Okay.

15 ATTORNEY VINCENT: Does that help?

16 MR. COOPER: Yes, it does help.

17 CHAIRMAN GRIESHEIMER: One thing -- one
18 thing, if I can -- if I can explain to you and everybody. When
19 the County, and I don't know if you can bring that back up for a
20 second, because I kind of want everybody to understand because I
21 know this is not easy for any of us.

22 When we rezone property as a whole, okay, we look
23 at -- we have a master plan, we look at how property is rezoned
24 and what we think it should be like. If you look at AT right
25 here, okay, then that's a commercial, you know, that's a

1 commercial obviously, a major, major road. Okay. And sometimes
2 when we look at rezoning, it's looked at well, the property along
3 that maybe that should be commercial development. And I mean,
4 this has been -- this has been commercial for an awful long time.
5 We -- actually rezoning was established in Franklin County in '86
6 I think, '86 are or '87. So I don't know how far back this goes,
7 but that's how. People --

8 To answer your original question, when we -- all
9 this is setup years ago, it wasn't -- you didn't drive by and go
10 oh, yeah, this property looks commercial. You just generally
11 look at what the property is, where it lies and whether or not
12 it's either residential, it's agricultural or it's commercial,
13 industrial. That's how a lot of these properties got zoned. So
14 just so you understand.

15 MR. COOPER: Okay. That somewhat answers
16 it.

17 I just have one more statement. I think the initial
18 cause of this or the reason for this is for more housing or a
19 need for housing. I would have to state that why don't we sell
20 the lots we still have available before we even look into doing
21 anything like this?

22 Thank you very much.

23 ATTORNEY VINCENT: I can an- -- respond to
24 that. That's not the proper function of the County Commission.
25 We cannot tell people how to use their property.

1 CHAIRMAN GRIESHEIMER: Right.

2 ATTORNEY VINCENT: We can't do that.

3 CHAIRMAN GRIESHEIMER: Right. It sounds

4 -- it sounds --

5 MR. COOPER: It sounds illogical to me,
6 but I mean, I guess I understand.

7 CHAIRMAN GRIESHEIMER: That's in the law.
8 That's -- again, trying to explain it to everybody. You know,
9 when you -- when you -- it is not our job or not our right -- in
10 fact, it's illegal if we say okay, you come in for an
11 application, well, we got too much of that, you can't do it.
12 That's not the way it works.

13 MR. COOPER: Okay.

14 CHAIRMAN GRIESHEIMER: Because then we
15 could be sued because we're restricting the property owner's
16 rights for development of his property. So there are -- there
17 are laws that work in favor of -- in the opposite way and the
18 County can get sued. So we've got to take a fine balance here.

19 ATTORNEY VINCENT: That's what I'm trying
20 to stress, John. When -- if -- it would be un-American for us to
21 tell people you can't use your property for what you want to use
22 it for. Even though you bought it and you paid for it, you can't
23 do anything with it. We can't do that. The US Supreme Court has
24 said that's improper.

25 MR. COOPER: That makes sense. I

1 understand that.

2 ATTORNEY VINCENT: We can't do it.

3 MR. COOPER: I guess one other thing is,
4 if this does go through and there's houses put in there, you say
5 before anything is done, there's certain -- pretty many
6 restrictions, like a floodplain, like the lady said with the soil
7 and water people? Are you going to look into that? Is that your
8 job then?

9 MS. EAGAN: If it's in the floodplain,
10 yes, that's in my department.

11 MR. COOPER: Okay. So you'll be looking
12 at all this before you grant any kind of building permits?

13 MS. EAGAN: Right. Yeah, and it has to --

14 MR. COOPER: As far as sewer overrun, the
15 creek that -- that's flooded? Like Lou said, the whole area was
16 flooded at one time.

17 MS. EAGAN: If it floods --

18 MR. COOPER: And the runoff like the lady
19 said with the soil and water. So you'll -- that's your job, to
20 be looking at all that before any permits are given then?

21 MS. EAGAN: It's multiple people that look
22 at it in my department and in the Highway Department.

23 MR. COOPER: Very good.

24 CHAIRMAN GRIESHEIMER: And the Building
25 Department as far as sewage and stuff like that too.

1 MS. EAGAN: Right.

2 MR. COOPER: Okay.

3 ATTORNEY VINCENT: So there's two
4 processes that go through after this. And even if they were
5 going to start building today, which they could, they could start
6 building today without anybody's permission, they would still
7 have to go through, well, one of them actually would be you got
8 another one coming in now, a second.

9 If they redo this into another subdivision, you guys
10 would have the preliminary plat, the final plat reviewed by her
11 office. Then once that's done, and they meet all the regulations
12 and there is a lot of different things if this is in fact in a
13 floodway or not or a floodplain or not. That makes a big
14 difference, and I don't know if it is not. I really don't.

15 They have to comply with those. If they then comply
16 with those and get permission and the final plat's approved, and
17 determine how many lots are going to out there, and each time a
18 house is to be built, they have to follow our building codes.

19 So it's a multi-step process. As it stands today,
20 the lots may be a little bit larger required for single-family
21 residential, but would not have to go through the subdivision
22 plat. They could just go out there and start building. Well,
23 it's already platted. They could build a house on that lot
24 without anything being done. If they're going to subdivide it,
25 then it would have to come back, even under the existing

1 regulations, to go through the same process. So this is just the
2 preliminary part of it.

3 MR. COOPER: Okay. You kind of confused
4 me when you said he could start building right now, because she
5 says that he can't build till she --

6 ATTORNEY VINCENT: Oh, no, no, no, no.

7 If he wanted to today, he could go out and build one
8 house right in the middle of that thing.

9 MR. COOPER: He could? Without -- I don't
10 understand.

11 MS. EAGAN: If he does a subdivision -- if
12 develops a subdivision on that lot, he would have to follow my
13 rules. If he just wants to build one house on that lot, then he
14 wouldn't have anything.

15 MR. COOPER: I see.

16 ATTORNEY VINCENT: That's what I was
17 saying before, sir. He has a right today without anything from
18 Planning and Zoning --

19 MR. COOPER: To build his own home.

20 ATTORNEY VINCENT: No, or build one home.
21 He could build a shopping center in the middle of that without --

22 MR. COOPER: Okay. All right.

23 COMMISSIONER BRINKER: Can I get back to
24 the real --

25 MR. COOPER: Thank you.

1 COMMISSIONER BRINKER: -- reason why we're
2 all here, and that is the rezoning of approximately 7.2 acres
3 from CA3 to RD1, period.

4 CHAIRMAN GRIESHEIMER: We're still --
5 yeah, we still got --

6 COMMISSIONER BRINKER: I know, I know.
7 But this has gone way out of the realm of why we're here for the
8 public hearing.

9 CHAIRMAN GRIESHEIMER: All right.

10 MR. GREEN: Information.

11 CHAIRMAN GRIESHEIMER: Okay. For
12 informational purposes only?

13 MR. GREEN: Yes. I've already been sworn
14 in.

15 CHAIRMAN GRIESHEIMER: Okay. Wait. Your
16 name again?

17 MR. GREEN: John Green.

18 CHAIRMAN GRIESHEIMER: Okay.

19 MR. GREEN: We have two commissioners.

20 CHAIRMAN GRIESHEIMER: Uh-huh.

21 MR. GREEN: What happens if you say no,
22 you say yes, or you say no, you say yes? What happens?

23 CHAIRMAN GRIESHEIMER: In that case, I
24 have the power under state law to vote -- I have two votes. By
25 State law, when there's two members --

1 COMMISSIONER BRINKER: I don't know why
2 you're talking to me.

3 MR. GREEN: Okay. Thank you.

4 CHAIRMAN GRIESHEIMER: Seriously, I do.
5 By State law, when there's two, then -- then I am granted two
6 votes.

7 MR. GREEN: Okay, thank you.

8 CHAIRMAN GRIESHEIMER: Thank you. All
9 right. Let's try this one more time.

10 Is there anyone in the audience wish to testify for
11 informational purposes only? (None.)

12 Okay. Then I am going to ask Mr. Hagedorn, would
13 you like to come up and answer some questions, give additional
14 information. I will also tell you when this rezoning is over, we
15 are taking a -- about a minute or two minute break. Read between
16 the lines. I'm sorry. Okay. Go ahead.

17 MR. HAGEDORN: You had questions, I think.

18 CHAIRMAN GRIESHEIMER: Well, yeah, did you
19 hear some of the questions that were asked like -- okay. In
20 fact, I've got them here.

21 MR. HAGEDORN: Well, one of them -- one
22 that I can remember was the runoff of the lake. We had several
23 major events there. One this last time was a pretty big rain
24 event. We had 10 inches of rain over certain times, did not
25 breach the dam. Back in the -- that big one in Pin Oak Creek,

1 you know, washed out all that in Union. What year was that?

2 CHAIRMAN GRIESHEIMER: 2000.

3 MR. PARENT: That was 15-inch rain, did
4 not breach the dam, had a lot of nervous people. I was very
5 nervous over that. I -- since then I broke the spillway out
6 twice it's capacity just for -- out of my own cost just for peace
7 of mind.

8 When I say broke it out, I shot it out with solid
9 rock spillway. Anybody that knows anything about dams, that's an
10 excellent scenario. When you have a spillway runs out on solid
11 rock, it can't wash out. So what I want to emphasize is in a
12 15-inch rain, it did not breach the dam and now the capacity is
13 twice as big.

14 As far as somebody mentioned one comment downstream
15 that -- I don't remember how that was said, but that something
16 could have washed out because of that. This freeboard of this
17 13-acre lake prevents a lot of that. Anybody that knows anything
18 about lakes will tell you that helps a lot on the runoff
19 downstream. It actually helps protect everything downstream.

20 This dam was engineered, at the time, I literally
21 spent a fortune. Every lift, they come out and checked it for
22 compaction and permeability. It was an engineered dam. It's
23 actually over engineered. You could go two, two and a half to
24 one. I built this a four to one slope. I had the material to do
25 it, and I wanted a good back slope where you cut it with. It

1 looks better, safer, the whole deal. I have all that
2 documentation as far as that goes if it comes up later as far as
3 this thing being engineered.

4 CHAIRMAN GRIESHEIMER: Okay. One of those
5 questions was is this going to be platted as part of the
6 Bridgewater Estates?

7 MR. PARENT: You know, we need to -- we're
8 after zoning now. We need to talk about that later.

9 AUDIENCE MEMBER: Just a no -- yes or no.

10 COMMISSIONER BRINKER: I understand your
11 point. This is about zoning from CA3 to RD1, not beyond that at
12 this point, and that's why we're here.

13 CHAIRMAN GRIESHEIMER: Existing road, I
14 mean, the main- -- well, the maintenance, that was the issue, but
15 you're going to be -- the main entrance is going to be off of
16 Rock Bridge, correct?

17 MR. HAGEDORN: Possibly. We need to do a
18 layout in this to see how that works out.

19 CHAIRMAN GRIESHEIMER: Okay.

20 MR. PARENT: And part of this that people
21 are talking about, that lower part of that is probably a
22 floodway. I know for a fact the lower part of it is. We have to
23 get -- we have to get Wonderlick out there to shoot that, see
24 where we're at, see where all the elevations are. I'm not going
25 to build a house in a floodplain. They wouldn't let me if I

1 wanted to do it. So we have to see how that all lays out and see
2 how the streets are best fit to put in there. This is some --
3 some people don't understand that, but this is not something you
4 just jump in to. You need -- that's probably, Cameron, that's
5 probably where he would start his flood elevations and see where
6 we're at and keep the buildings out, and then we can adjust the
7 streets accordingly.

8 This is not -- I mean, you guys, for lay people that
9 don't understand this, this is not just a cut-and-dried scenario.
10 You have to do this a step at a time and see how it works out.

11 CHAIRMAN GRIESHEIMER: Right. That's all
12 I have. So, Tim, you got anything?

13 COMMISSIONER BRINKER: Yes. Well, not for
14 Mr. Hagedorn.

15 CHAIRMAN GRIESHEIMER: Okay.

16 MR. HAGEDORN: Okay. Thank you.

17 CHAIRMAN GRIESHEIMER: Okay. If not, that
18 concludes the hearing for Bridgewater Estates. And before we get
19 to the other items, I am going to -- we're going to take about
20 two minutes.

21 ATTORNEY VINCENT: Close this hearing?

22 CHAIRMAN GRIESHEIMER: We've closed the
23 hearing, yes. I said that once.

24 COMMISSIONER BRINKER: That's fine.

25 CHAIRMAN GRIESHEIMER: Be right back.

1 (Thereupon, a break was taken at 2:38
2 until 2:43 p.m.; after which, the proceedings
3 continued as follows:)

4 All right. The next public hearing is on File No.
5 150016 to amend the 2001 Land Use Regulations.

6 Scottie.

7 MS. EAGAN: Okay. I'll start with the
8 hearing procedures again.

9 At this time, I would like to place into the record
10 the Franklin County Unified Land Use Regulations of 2001 as
11 Exhibit A, the official Zoning Map as Exhibit B, the official
12 Master Plan as Exhibit C, and the case file for each case as
13 Exhibit D for all the cases to be heard at this hearing.

14 (Thereupon, evidence was marked
15 for identification as Exhibits A, B, C,
16 and D.)

17 As each case is opened, the staff report will first
18 be read by the Planning and Zoning Department, followed by the
19 Commissioners' questions for the staff.

20 Then if anyone in the audience would like to speak
21 or comment during this public hearing, they must first print
22 their name on the sign-in sheet provided and then be sworn in.

23 When it is your turn to speak, you will come to the
24 front of the room to address the Commission and only the
25 Commission, not anyone in the audience, with any questions or

1 comments.

2 Generally, the Applicant is allowed to speak first,
3 followed by those in support of the rezoning and then those
4 opposed. The Applicant may speak again after comments from the
5 general public to address any questions or issues brought up
6 during the hearing.

7 At the conclusion of all questions, comments, and
8 discussion concerning each case, the public hearing for each case
9 will conclude. The decision will generally be made by Commission
10 order at a later date during the County Commission's regular
11 meeting time.

12 And this is File 150016 the Planning and Zoning
13 Department. The Applicant is seeing to amend the 2001 Unified
14 Land Use Regulations of Frank county.

15 The proposal includes amendment to Article 8,
16 Section 172, Subsection X, Table 1 of the regulations.

17 CHAIRMAN GRIESHEIMER: Hey, Scottie.

18 MS. EAGAN: Uh-huh.

19 CHAIRMAN GRIESHEIMER: Let me ask you a
20 question on that. I screwed up here.

21 Can I do a favor here and flip this -- flip the
22 agenda? Can I delay this and go to the one next to it?

23 ATTORNEY VINCENT: You'd have to adjourn
24 this one and come back to it.

25 CHAIRMAN GRIESHEIMER: Okay.

1 MS. EAGAN: John, this will be really
2 quick.

3 CHAIRMAN GRIESHEIMER: Okay. All right.
4 All right.

5 MS. EAGAN: I don't have an official staff
6 report for you guys, but in your packets you have a -- our Table
7 1, which talks about the central water and sewers required. When
8 we first started talking about changing the regulations, major
9 and minor subdivisions were four lots for minor subdivisions and
10 major lots were five lots or more. And when we changed it to six
11 lots or fewer being a minor subdivision, I forgot to change it on
12 this table.

13 So that's the only changes, are now making the table
14 meet our regulation.

15 CHAIRMAN GRIESHEIMER: All right. Is
16 there anyone in the audience wish -- audience wish to testify in
17 favor of the proposed amendments?

18 (Off-the-record comments. Thereupon,
19 the witness was sworn.)

20 MR. LUEKEN: I am in favor of it.

21 CHAIRMAN GRIESHEIMER: Thank you.

22 Does anyone in the audience wish to testify in favor
23 of the amendments? (None.)

24 Seeing none, is there anyone in the audience wish to
25 testify in opposition to the amendments, or for informational

1 purposes only? (None.)

2 Seeing none, that will conclude the hearing on File
3 No. 150016.

4 And, Billy Murphy, I'm sorry. I should have put you
5 -- I wasn't smart enough --

6 Now, for the big one. File 150035 William D.
7 Murphy.

8 MS. EAGAN: You want to close that
9 hearing.

10 CHAIRMAN GRIESHEIMER: Oh, yeah. I want
11 to close the other hearing. Sorry.

12 MS. EAGAN: Okay. I'll start with the
13 hearing procedures.

14 At this time, I would like to place into the record
15 the Franklin County Unified Land Use Regulations of 2001 as
16 Exhibit A, the official Zoning Map as Exhibit B, the official
17 Master Plan as Exhibit C, and the case file for each case as
18 Exhibit D for all the cases to be heard at this hearing.

19 (Thereupon, evidence was marked
20 for identification as Exhibits A, B, C,
21 and D.)

22 As each case is opened, the staff report will first
23 be read by the Planning and Zoning Department, followed by the
24 Commissioners' questions for the staff.

25 Then if anyone in the audience would like to speak

1 or comment during this public hearing, they must first print
2 their name on the sign-in sheet provided and then be sworn in.

3 When it is your turn to speak, you will come to the
4 front of the room to address the Commission and only the
5 Commission, not anyone in the audience, with any questions or
6 comments.

7 Generally, the Applicant is allowed to speak first,
8 followed by those in support of the rezoning and then those
9 opposed. The Applicant may speak again after comments from the
10 general public to address any questions or issues brought up
11 during the hearing.

12 At the conclusion of all questions, comments, and
13 discussion concerning each case, the public hearing for each case
14 will conclude. The decision will generally be made by Commission
15 order at a later date during the County Commission's regular
16 meeting time.

17 This is File 150035. The Applicant is William
18 Murphy.

19 The Applicant requests to rezone one parcel from the
20 Suburban Development to Non-Urban and Agricultural.

21 The property is located at 657 Phelan Road,
22 approximately .4 miles west of Highway O, in Calvey Township.

23 The Facts: The total area for the rezoning is
24 approximately 16 acres.

25 The zoning of this property is Suburban Development.

1 The Applicant would like to rezone it to Non-Urban and
2 Agricultural.

3 Non-Urban and Agricultural zoning allows
4 agricultural, recreational, wildlife, forestry, open space,
5 farming and related uses to mix with low-density residential
6 developments.

7 Non-Urban and Agricultural zoning requires a minimum
8 of one acre with central water and sewer for any subdivision
9 development with a maximum density of one dwelling unit per
10 40,000 square feet.

11 The properties around the proposed site are zoned
12 Suburban Development.

13 This property is surrounded by low-density
14 residential land, which then to be that it's equal to or less
15 than one dwelling unit per 40,000 square feet.

16 Staff Comments: At the March 17, 2015 Planning and
17 Zoning meeting, the Commission voted unanimously to recommend
18 approval.

19 Rezoning is allowed in our regulations due to the
20 ever-changing conditions that exist in the county and elsewhere.
21 According to Article 14, Section 321, any such change must
22 promote the health, safety, morals, comfort, and general welfare
23 of Franklin County by conserving and protecting property and
24 building values, by securing the most economical use of land, and
25 facilitating the adequate provision of public improvements in

1 accordance with the master plan adopted by Franklin County.

2 Then you guys also received an e-mail that we got
3 from a Michel Murphy that I gave to you today.

4 CHAIRMAN GRIESHEIMER: Yes. All right.

5 MS. EAGAN: And that is a part of the
6 record.

7 CHAIRMAN GRIESHEIMER: Yeah. Is there
8 anyone in the audience wishing to testify in favor of the
9 rezoning?

10 That's you. Come on up or someone.

11 (Thereupon, the witness was sworn.)

12 MS. REPORTER: State your name for me,
13 please.

14 MR. MURPHY: William D. Murphy.

15 CHAIRMAN GRIESHEIMER: Yes, sir.

16 MR. MURPHY: I want to rezone that there
17 piece of property because I want to put a 16 by 80 mobile home on
18 it.

19 In 19-- I think it was '82 I got a permit. I went
20 through all this here same deal I'm going through today for a
21 70-foot 14-foot mobile home. But that mobile home was a '64
22 mobile home, and it wore out. So therefore, it was cheaper to
23 put another one on there than it was to rebuild it. And I made
24 one mistake. I jumped the gun. I didn't realize how much
25 trouble it would be to put an extra 10 foot of mobile home on my

1 property, which the man just said a couple of minutes ago that it
2 was my property and I could do what I want to do with it, but I
3 can't do what I wanted to. I had to go through all this
4 rigmarole.

5 Now, I cannot figure out why, and I'll never till I
6 die figure out why, I have to do all this because I am going from
7 a '64 mobile home to a '97 mobile home, a much better mobile
8 home. That mobile home I started out with was a three-bedroom,
9 one bathroom, but the bedroom was so small, I tore out one
10 partition and made a two-bedroom out of it. It made a nice
11 mobile home.

12 But this here new one or this -- not new. It's a
13 used one. It's new to me -- is a three-bedroom, a bath and a
14 half. And that's the difference what I want to do.

15 CHAIRMAN GRIESHEIMER: And believe me,
16 I've been involved in this, and that's all he originally wanted
17 to do. It's a non-conforming use, and if he could have put the
18 same size on there, but he wanted to improve it and -- but now,
19 you know, if you went to Jefferson County, you would have to go
20 through the same hoops because they got planning and zoning too.

21 So even though you're right on the line, if you were
22 seceded to Jefferson County, you'd still have to do that.

23 Anyway. Sorry all the confusion, but we'll get it
24 taken care of. Any questions for Mr. Murphy?

25 COMMISSIONER BRINKER: No, sir.

1 CHAIRMAN GRIESHEIMER: I am going to ask a
2 sensitive one. Is the letter that we got -- are they related to
3 you guys? It's spelled the same, Michel?

4 MS. EAGAN: M-I-C-H-E-L Murphy.

5 CHAIRMAN GRIESHEIMER: Are they related to
6 you?

7 MR. MURPHY: What?

8 MS. EAGAN: Are they related to you?

9 MR. MURPHY: Yes.

10 CHAIRMAN GRIESHEIMER: I'll be darn.

11 All right. Is there anybody in the audience wish --
12 okay. Got anything else, Tim?

13 MR. MURPHY: Can I read that?

14 CHAIRMAN GRIESHEIMER: Sure. Is there
15 anyone else in the audience wish to testify in favor of the
16 rezoning? (None.)

17 Is there anyone in the audience wish to testify in
18 opposition to the rezoning, or for informational purposes only to
19 the rezoning? (None.)

20 Seeing none, guess what? That will conclude the
21 hearing on this rezoning. You guys can go home. Thank you.
22 Good to see you.

23 MR. MURPHY: I would like to comment on
24 this. It says --

25

1 CHAIRMAN GRIESHEIMER: That's okay.

2 MR. MURPHY: -- and appeared to be
3 draining on adjoining property. No way. That there is an
4 irrigated tank, and that there lagoon is an animal lagoon that we
5 all got because I had to put that in whenever I had the oper- --
6 hog operation there. And I'm sure --

7 COMMISSIONER BRINKER: We're good.

8 CHAIRMAN GRIESHEIMER: Trust me, we're
9 okay. We're okay.

10 MR. MURPHY: Thank you.

11 MS. EAGAN: Thank you.

12 CHAIRMAN GRIESHEIMER: Let me tell you
13 what. There -- if everybody was the world -- I'd say if
14 everybody in the world was like him, we sure wouldn't have
15 problems in this world.

16 MS. EAGAN: John, I think he wanted to
17 know what his next step was.

18 CHAIRMAN GRIESHEIMER: Next step is -- is
19 just for us to -- to decide, make the decision and then we'll do
20 it by Commission order. So it's up to us. Okay.

21 MR. MURPHY: Thank you.

22 CHAIRMAN GRIESHEIMER: That's all right.
23 Thank you. Thanks for bringing him in. Okay.

24 Next item. Rezoning request for Kurt Unnerstall
25 File 150040.

1 MS. EAGAN: And I'll start by reading the
2 hearing procedures.

3 At this time, I would like to be placed into the
4 record the Franklin County Unified Land Use Regulations of 2001
5 as Exhibit A, the official Zoning Map as Exhibit B, the official
6 Master Plan as Exhibit C, and the case file for each case as
7 Exhibit D for all the cases to be heard at this hearing.

8 (Thereupon, evidence was marked
9 for identification as Exhibits A, B, C,
10 and D.)

11 As each case is opened, the staff report will first
12 be read by the Planning and Zoning Department, followed by the
13 Commissioners' questions for the staff.

14 Then if anyone in the audience would like to speak
15 or comment during this public hearing, they must first print
16 their name on the sign-in sheet provided and then be sworn in.

17 When it is your turn to speak, you will come to the
18 front of the room to address the Commission and only the
19 Commission, not anyone in the audience, with any questions or
20 comments.

21 Generally, the Applicant for the rezoning is allowed
22 to speak first, followed by those in support of the rezoning and
23 then those opposed the rezoning. The Applicant may speak again
24 after comments from the general public to address any questions
25 or issues brought up during the hearing.

1 At the conclusion of all questions, comments, and
2 discussion concerning each case, the public hearing for that case
3 will conclude. The decision will generally be made by Commission
4 order at a later date during the County Commission's regular
5 meeting time.

6 This is File 50040. The Applicant is Kurt
7 Unnerstall.

8 The Applicant requests to rezone one parcel from
9 Suburban Development to Commercial Activity 3 Community Business.

10 The property is located on MPC Drive,
11 approximately 400 feet west of South Point Road, in St. Johns
12 Township.

13 The Facts: The total area for the rezoning is
14 approximately 10.5 acres.

15 The zoning of this property is Suburban Development.
16 The Applicant would like to rezone to Commercial Activity 3
17 Community Business.

18 Commercial Activity 3 Community Business zoning
19 provides locations for a wide range of commercial, retail,
20 service and manufacturing activities serving a large community
21 trade area.

22 The properties located in Franklin County around the
23 proposed site are zoned Suburban Development.

24 This property is surrounded by low-density
25 residential land which is density that is equal to or less than

1 one dwelling per 40,000 square feet, and medium-density
2 residential land which is density between 10,000 and 40,000
3 square feet per dwelling.

4 This property borders the City of Washington and
5 "Stone Crest Subdivision". The properties to the north in the
6 City of Washington, are zoned C., and the properties to the west
7 and south are zoned R1A, R1C and R3.

8 The Applicant is currently running his business, KJ
9 Unnerstall Construction, at this location and would like to
10 rezone to be conforming to the Franklin County Unified Land Use
11 Regulations.

12 Staff Comments: At the March 17, 2015 Planning and
13 Zoning meeting, the Commission voted unanimously to recommend
14 approval.

15 Rezoning are allowed in our regulations due to the
16 every-changing conditions that exist in the county and elsewhere.
17 According to Article 14, Section 321, any such change must
18 promote the health, safety, morals, comfort and general welfare
19 of Franklin County by conserving and protecting property and
20 building values, by securing the most economical use of land and
21 facilitating the adequate provision of public improvements in
22 accordance with the Master Plan adopted by Franklin County.

23 CHAIRMAN GRIESHEIMER: Is there anyone in
24 the audience wish to testify in favor of the rezoning, or is the
25 Applicant here? That's where you have been.

1 (Thereupon, the witness was sworn.)

2 MS. REPORTER: State your name for me,
3 please.

4 MS. STRAATMANN: Andrea Straatmann. And I
5 am in favor of rezoning.

6 CHAIRMAN GRIESHEIMER: All right. Thank
7 you.

8 Is there anyone else in the audience wish to testify
9 in support of the rezoning? Question. Shouldn't the Applicant
10 be here?

11 MS. EAGAN: She is on behalf --

12 MS. STRAATMANN: Here on behalf --

13 CHAIRMAN GRIESHEIMER: Oh, that's who
14 you're with.

15 MS. STRAATMANN: Yes.

16 CHAIRMAN GRIESHEIMER: Okay. I'm sorry.

17 ATTORNEY VINCENT: That's Kurt's daughter.

18 CHAIRMAN GRIESHEIMER: Oh, see, I'm sorry.

19 I don't know.

20 MS. STRAATMANN: Andrea Unnerstall

21 Straatmann.

22 CHAIRMAN GRIESHEIMER: Oh, there you go.

23 Thank you. God bless you. I apologize. Okay. That's all I

24 need to hear.

25 ATTORNEY VINCENT: You are also an

1 engineer?

2 MS. STRAATMANN: Yep.

3 ATTORNEY VINCENT: Speaking on behalf of
4 your dad?

5 MS. STRAATMANN: Right, employee of the
6 company. Any questions?

7 COMMISSIONER BRINKER: He works for you.

8 CHAIRMAN GRIESHEIMER: Is there anyone
9 else in the audience wish to testify in favor of the rezoning?
10 (None.)

11 Is there anyone in the audience wish to testify in
12 opposition to the rezoning or for informational purposes only on
13 the rezoning? (None.)

14 Seeing none, that will conclude the hearing for Kurt
15 Unnerstall, File No. 150040.

16 All right. Next rezoning. Thank you very much.

17 COMMISSIONER BRINKER: Thanks for
18 conforming.

19 CHAIRMAN GRIESHEIMER: Yes. The next file
20 is File No. 150043 Mayall Property, L. L. C.

21 MS. EAGAN: I'll start with the hearing
22 procedures.

23 At this time, I would like to place into the record
24 the Franklin County Unified Land Use Regulations of 2001 as
25 Exhibit A, the official Zoning Map as Exhibit B, the official

1 Master Plan as Exhibit C, and the case file for each case as
2 Exhibit D for all the cases to be heard at this hearing.

3 (Thereupon, evidence was marked
4 for identification as Exhibits A, B, C,
5 and D.)

6 As each case is opened, the staff report will first
7 be read by the Planning and Zoning Department, followed by the
8 Commissioners' questions for the staff.

9 Then if anyone in the audience would like to speak
10 or comment during this public hearing, they must first print
11 their name on the sign-in sheet provided and then be sworn in.

12 When it is your turn to speak, you will come to the
13 front of the room to address the Commission and only the
14 Commission, not anyone in the audience, with any questions or
15 comments.

16 Generally, the Applicant for the amendment is
17 allowed to speak first, followed by those who support and then
18 those opposed. The Applicant may speak again after comments from
19 the general public to address any questions or issues brought up
20 during the hearing.

21 At the conclusion of all questions, comments, and
22 discussion concerning each case, the public hearing for each case
23 will conclude. The decision will generally be made by Commission
24 order at a later date during the County Commission's regular
25 meeting time.

1 This is File 50043 Mayall Properties, L. L. C.

2 The Applicant requests the County create a new
3 zoning district, Residential Development 3.

4 The Facts: The Applicant is requesting the County
5 to create a new zoning district of Residential Development 3.

6 RD3's purpose would be to allow high-density,
7 single-family and multi-family residential developments in areas
8 that are primarily served by central utilities. Two-family and
9 multi-family dwellings should be encouraged in this zoning
10 district.

11 The Applicant has structured the zoning district to
12 exclude mobile home park subdivisions, but still allow
13 multi-family developments in high-density areas.

14 This district proposes a maximum of one dwelling
15 unit per 5,000 square feet.

16 Staff Comments: This proposed zoning district is a
17 good mix of our RD1 zoning district and our RD2 zoning districts.

18 At the March 17, 2015 Planning and Zoning meeting,
19 the Commission voted unanimously to recommend approval with
20 certain changes.

21 (Off-the-record comments.)

22 Amendments are allowed in our regulations due to the
23 ever-changing conditions that exist in the county and elsewhere.
24 According to Article 14, Section 321, any such change must
25 promote the health, safety, morals, comfort, and general welfare

1 of Franklin County by conserving and protecting property and
2 building values, by securing the most economical use of land and
3 facilitating the adequate provision of public improvements in
4 accordance with the Master Plan adopted by Franklin County.

5 One thing I forgot to actually change in what was
6 given to you guys for the zoning district is the Planning and
7 Zoning Commission voted to recommend approval with the change of
8 removing the fact that mobile home single and mobile home doubles
9 are allowed in this district. So we would cross that out of
10 this.

11 CHAIRMAN GRIESHEIMER: Well, and one thing
12 I need to do, I need to correct the record, is I was incorrect in
13 my original statement this is creating a new zoning district RD3.
14 This is not rezoning. The rezoning is the next application, so I
15 stand corrected and ask that the record be -- stand corrected.

16 All right. Anyone in the audience wish to testify
17 in favor of the proposed new zoning category?

18 (Thereupon, the witness was sworn.)

19 MR. LUEKEN: Okay. So I think Scottie did
20 a very good job explaining that. Basically as you alluded to,
21 John, this was basically set in place to go on with the next
22 application. So I don't know. Do you have any questions about
23 anything you got in front of you about that, because it's just
24 kind of black and white?

25 CHAIRMAN GRIESHEIMER: Right. The

1 newsletter from the City of Washington Planning and Zoning too in
2 favor of this.

3 MR. LUEKEN: Yeah, we spoke in front of
4 those guys also. Yeah.

5 CHAIRMAN GRIESHEIMER: Go ahead.

6 MS. EAGAN: I do have one question. Are
7 you guys okay with taking out the mobile homes like P and Z
8 recommended?

9 MR. LUEKEN: Yes.

10 MS. EAGAN: Okay.

11 CHAIRMAN GRIESHEIMER: Good job. All
12 right. Yeah.

13 ATTORNEY VINCENT: Also even it applies to
14 the one following, this will be a general throughout the county
15 as needed, not just for one.

16 CHAIRMAN GRIESHEIMER: Not just for one?

17 ATTORNEY VINCENT: That's legislation.

18 CHAIRMAN GRIESHEIMER: Correct.

19 Anyone in the audience wish to testify in favor of
20 the proposed zoning category with amendments? (None.)

21 Anyone in the audience wish to testify in opposition
22 to the category, new or the proposed amendments or for
23 informational purposes only? (None.)

24 Seeing none, that will conclude the hearing on File
25 No. 150043, the amendment.

1 Now we get to the rezoning itself. File No. 150013
2 Mayall Properties, L. L. C. rezoning.

3 MS. EAGAN: I'll start by reading the
4 hearing procedures.

5 At this time, I would like to place into the record
6 the Franklin County Unified Land Use Regulations of 2001 as
7 Exhibit A, the official Zoning Map as Exhibit B, the official
8 Master Plan as Exhibit C, and the case file for each case as
9 Exhibit D for all the cases to be heard at this hearing.

10 (Thereupon, evidence was marked
11 for identification as Exhibits A, B, C,
12 and D.)

13 As each case is opened, the staff report will first
14 be read by the Planning and Zoning Department, followed by the
15 Commissioners' questions for the staff.

16 Then if anyone in the audience would like to speak
17 or comment during this public hearing, they must first print
18 their name on the sign-in sheet provided and then be sworn in.

19 When it is your turn to speak, you will come to the
20 front of the room to address the Commission and only the
21 Commission, not anyone in the audience, with any questions or
22 comments.

23 Generally, the Applicant for the rezoning is allowed
24 to speak first, followed by those in support and then those
25 opposed. The Applicant may speak again after comments from the

1 general public to address any questions or issues brought up
2 during the hearing.

3 At the conclusion of all questions, comments, and
4 discussion concerning each case, the public hearing for each case
5 will conclude. The decision will generally be made by Commission
6 order at a later date during the County Commission's regular
7 meeting time.

8 This is File 150013. The Applicant is Mayall
9 Properties, Care of Shawn Mayall.

10 The Applicant requests to rezone two parcels from
11 Suburban Development to Residential Development 3.

12 The property is located on Pleasant Drive, off of
13 Pottery Road. It's approximately 900 feet south of Highway 100,
14 in St. John's Township.

15 The Facts: The total area for the rezoning is
16 approximately 17.94 acres and encompasses two separate parcels.

17 The zoning of this property is Suburban Development.
18 The Applicant would like to rezone to Residential Development 3.

19 Residential Development 3 zoning would be to allow
20 high-density, single-family and multi-family residential
21 developments in areas that are primarily served by central
22 utilities. Two-family and multi-family dwellings should be
23 encouraged in this zoning district.

24 The properties around the proposed site are
25 primarily zoned Suburban Development.

1 This property is surrounded by low-density
2 residential land and the City of Washington to the north at
3 Highway 100 and to the east.

4 One of these parcels is a part of a subdivision,
5 Pleasant View Condominiums.

6 These parcels currently house eight apartment
7 complexes.

8 The previous owner received a Conditional Use Permit
9 in 1997 to build an additional apartment building, making the
10 total buildings at eight.

11 Staff Comments: The Applicant currently has a
12 building permit application to build another apartment complex.

13 At the March 17th Planning and Zoning meeting the
14 Planning and Zoning Commission unanimously recommended approving
15 this application.

16 Rezoning are allowed in our regulations due to the
17 ever-changing conditions that exist in the county and elsewhere.
18 According to Article 14, Section 321, any such change must
19 promote the health, safety, morals, comfort, and general welfare
20 of Franklin County by conserving and protecting property and
21 building values by securing the most economical use of land and
22 facilitating the adequate provision of public improvements in
23 accordance with the Master Plan adopted by Franklin County.

24 CHAIRMAN GRIESHEIMER: All right. Is
25 there anyone in the audience wish to testify in favor of the

1 rezoning application?

2 (Thereupon, the witness was sworn.)

3 MR. LEUKEN: Okay. So let's get started.

4 The purpose of this is to rezone the property from
5 SD to RD3. We're going to try and improve specifically what the
6 current land use -- I mean, there's already multi-family out
7 there in that area, and the potential for that area also.

8 There's eight existing multi-family structures on
9 the property, and I guess if you want to turn around, you can
10 look at that.

11 CHAIRMAN GRIESHEIMER: That's fine.

12 MR. LUEKEN: That's fine. This is the
13 property here at the intersection of 100 and Pottery. So that's
14 the property in totality. The area that Scottie mentioned where
15 the building application is is pretty much going to be right
16 here. That's where it's being planned to be built. And there's
17 a few more that was planned in the original layout that may be
18 built, you know, down here or down in here.

19 So this large area over here, that's going to
20 remain. It's a pretty good draw right through here, pretty
21 valley. So to build multi-family in this area is not
22 economically feasible. So to give you an idea of the central --
23 the traffic, you know, like I said, Pottery and 100 are light.
24 The sewer system is right here, and that's been well maintained
25 throughout the years. That's central sewer for this area.

1 The water system is going to be public Water Sewer
2 No. 1. So we've mentioned that we've talked with those guys and
3 all that. So as far as the infrastructure is concerned for
4 this, we're in pretty good shape, but just speaking to the
5 rezoning, two parts, one for the facility. So basically the need
6 is, you know, there hasn't been a new apartment complex built in
7 this close a proximity to the city of Washington in a long time.
8 I'm not sure when the last four have been built was, probably in
9 the --

10 COMMISSIONER BRINKER: Maybe it's just one
11 of these buildings.

12 MR. LUEKEN: It may have been. In the
13 '90s is what I was going to say, yeah. So there is a need for
14 that type of workforce housing, and it's on the west side of town
15 near the industrial parks. So it's a need.

16 Do you have any questions for me?

17 CHAIRMAN GRIESHEIMER: This is the old --
18 is that Ms. Scheklecamps (phonetically).

19 MR. LUEKEN: Yes.

20 CHAIRMAN GRIESHEIMER: See, I wasn't
21 thinking it was here. I thought it was further to the east, but
22 no, it's not.

23 MR. LUEKEN: Yep.

24 CHAIRMAN GRIESHEIMER: All right. I have
25 none.

1 COMMISSIONER BRINKER: Go along with that.

2 CHAIRMAN GRIESHEIMER: Anyone in the
3 audience wish to testify in favor of the rezoning? (None.)

4 Anyone in the audience wish to testify in opposition
5 to the rezoning or for informational purposes only on the
6 rezoning? (None.)

7 Seeing none, that will conclude the hearing on File
8 No. 150013.

9 And unless anybody has anything else, that will
10 conclude the hearings for today.

11 ATTORNEY VINCENT: Perfect.

12 CHAIRMAN GRIESHEIMER: Thank you very much
13 to our reporter.

14 (Thereupon, the proceedings concluded at
15 3:30 p.m.)

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that the aforementioned was held at the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

My Commission Expires:
August 26, 2018

A				
abide 25:21	advantageous 13:23	answer 31:1 36:6 39:11 43:6 46:8 52:13	approving 25:5 77:14	74:13,17 80:11
ability 39:6	adverse 37:10,10	answers 42:5 46:15	approximately 7:23 23:18 51:2 60:22,24 67:11 67:14 76:13,16	audience 6:22 7:2 21:11,13 28:15 29:16 52:10 54:9 56:20,25 58:16 58:16,22,24 59:25 60:5 62:8 64:11,15,17 66:14,19 68:24 69:8 70:9,11 71:9,14 73:16 74:19,21 75:16 75:21 77:25 80:3,4
able 12:5 43:23	aesthetics 39:2 45:6	anybody 15:10 29:21 40:17 42:21 53:9,17 64:11 80:9	April 1:11 6:2	available 37:6 46:20
absorbs 24:14	aforementioned 81:6	anybody's 49:6	area 7:22 10:1,3 10:4,8,8,24 11:8,8 12:8,21 15:20,23 19:6 22:2,20,22,23 23:4,4,5,7 24:24 25:17 27:7,9 28:20 40:11,22 41:5 41:17 44:7,17 44:17 48:15 60:23 67:13,21 76:15 78:7,7,14 78:19,21,25	average 8:15,17 10:25 11:3,7
access 11:9,10 14:7,8,14 34:15 37:12	afternoon 6:3 9:12	anyway 31:2 40:17 41:25 42:4,17 44:24 63:23	areas 8:3 72:7,13 76:21	aware 29:15
account 23:15	agenda 57:22	apartment 77:6,9 77:12 79:6	Article 8:24 57:15 61:21 68:17 72:24 77:18	awful 46:4
acre 38:15,15,15 38:16,19 61:8	ago 22:21 26:11 28:19 32:5 41:17,24 46:9 63:1	apartments 15:21	asked 52:19	back 10:23 11:19 11:19,21 12:17 12:22 14:19 19:3 22:24 26:8 33:8 45:19 46:6 49:25 50:23 52:25 53:25 55:25 57:24
acreage 38:13	agricultural 10:16 46:12 60:20 61:2,3,4 61:7	apologize 6:4 69:23	asking 33:3	backyard 34:4
acres 7:23 18:19 22:20 51:2 60:24 67:14 76:16	ahead 6:7,9 9:9 9:16 12:13 18:2 31:2 52:16 74:5	apparently 44:3	aspect 27:14	bad 18:1
activities 43:22 67:20	airports 18:14	appeared 65:2	aspects 45:2	baffles 15:9
activity 7:17,24 8:9 9:19 44:15 44:20 67:9,16 67:18	allow 20:6,13 72:6,12 76:19	Applicant 2:7,17 2:21 3:8 7:4,6 7:15,16,25 9:8 9:9,14 57:2,4 57:13 60:7,9,17 60:19 61:1 66:21,23 67:6,8 67:16 68:8,25 69:9 71:16,18 72:2,4,11 75:23 75:25 76:8,10 76:18 77:11	assessment 16:1 33:25	balance 47:18
actual 24:5 25:6 31:5	allowed 7:4 8:22 17:23 18:14 25:19 57:2 60:7 61:19 66:21 68:15 71:17 72:22 73:9 75:23 77:16	application 25:22 28:18 47:11 73:14,22 77:12,15 78:1 78:15	assuming 16:11	ballgame 41:12
add 18:16 29:5	allowing 25:6	applies 74:13	attached 4:11	bankrupt 23:12
addition 26:15	allows 8:2,5 61:3	apply 32:25	attorney 5:10 19:8,12,16 20:8 20:21,24 21:2,5 26:9 27:10,13 27:17,24 28:10 30:23 43:2,6,9 44:10,24 45:5,8 45:15 46:23 47:2,19 48:2 49:3 50:6,16,20 55:21 57:23 69:17,25 70:3	based 37:18
additional 31:3 52:13 77:9	alluded 10:25 11:3 12:1,6 73:20	approval 8:21 61:18 68:14 72:19 73:7		basements 23:6
address 7:1,7 40:9 56:24 57:5 60:4,10 66:18 66:24 71:13,19 75:20 76:1	amend 56:5 57:13	approved 34:13 42:16,17 49:16		basically 9:18,21 9:24 10:6 12:1
adequate 9:3 61:25 68:21 73:3 77:22	amendment 6:6 57:15 71:16 74:25			
adjoining 9:20 65:3	amendments 58:17,23,25 72:22 74:20,22			
adjoins 12:8	Ameren 33:12			
adjourn 57:23	Andrea 69:4,20			
Adjournment 3:9	animal 65:4			
adjust 55:6				
adopted 9:4 62:1 68:22 73:4 77:23				
adult 18:15				

B

<p>16:2 18:13,22 73:20,21 79:5 bath 63:13 bathroom 63:9 beat 37:19 bedroom 63:9 behalf 69:11,12 70:3 believe 23:11,23 63:15 believed 28:5 benefit 11:23 43:18,20 44:19 best 18:21 55:2 better 13:19 54:1 63:7 beyond 54:11 big 24:21 37:11 42:1 49:13 52:23,25 53:13 59:6 bill 23:13 Billy 59:4 bit 10:10 11:12 13:11 15:16 49:20 black 73:24 bleeding 41:7 bless 69:23 blowup 10:24 blue 10:4 Boles 7:21 34:12 borders 68:4 bothers 24:2 bottom 42:4 bought 16:17 47:22 breach 24:11 52:25 53:4,12 breached 23:17 24:10,21 33:12 break 52:15 56:1 bridge 7:20 11:9 13:14 14:16,16 16:13,14 20:19 23:1 24:20,20 34:9 37:12</p>	<p>54:16 Bridgewater 2:5 7:15,19,20 8:17 10:1 11:4,10 13:13 21:19 22:4 23:19 24:1 24:4,18 30:19 31:4,5,17 33:22 35:9,21,24 36:16,17 37:3 37:12 38:23 39:3,25 40:23 54:6 55:18 Brief 44:23 bring 45:19 bringing 24:12 65:23 Brinker 5:4 12:13 13:16,22 14:5,11,15,18 14:22 16:13 17:14,20,25 18:9,25 19:19 19:22 20:4,14 20:18 21:7,9 22:12,16,18 25:11 29:25 44:23 50:23 51:1,6 52:1 54:10 55:13,24 63:25 65:7 70:7 70:17 79:10 80:1 broad 18:10 44:8 broke 53:5,8 brought 7:8 57:5 60:10 66:25 71:19 76:1 build 11:19 24:8 31:24 32:6 34:8 35:13 36:1,3 49:23 50:5,7,13 50:19,20,21 54:25 77:9,12 78:21 building 9:2 23:5 25:6 26:20,20</p>	<p>48:12,24 49:5,6 49:18,22 50:4 61:24 68:20 73:2 77:9,12,21 78:15 buildings 55:6 77:10 79:11 built 10:1,2 16:18 31:25 32:7 33:5 38:22 38:22 45:3 49:18 53:24 78:16,18 79:6,8 bunch 15:21 business 7:17,25 8:9 67:9,17,18 68:8 buy 43:25 by-laws 24:4,8</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C 1:24 2:19 3:6 4:7 5:1,13 6:1 6:14,17 56:12 56:15 59:17,20 66:6,9 68:6 70:20 71:1,4 72:1 75:2,8,11 Cabrera 30:9,14 30:15,18,18,24 31:3,8,9,10 Calizada 21:18 21:18,23 22:1 22:10,19 25:15 25:24 26:3,5,12 26:15 27:12 28:13,22,25 Call 2:4,4 called 22:4 32:17 calls 37:15 Calvey 60:22 Cameron 9:12 55:4 capacity 25:3 28:16 53:6,12 care 63:24 76:9 careful 33:15</p>	<p>cars 34:5 case 4:8 6:14,14 6:19 7:10,10 51:23 56:12,12 56:17 57:8,8 59:17,17,22 60:13,13 66:6,6 66:11 67:2,2 71:1,1,6,22,22 75:8,8,13 76:4 76:4 cases 4:8 6:15 27:25 42:2 56:13 59:18 66:7 71:2 75:9 category 73:17 74:20,22 cause 12:23 46:18 caused 31:21 CA3 9:19 10:7,9 10:9,9,10,14,14 10:15,17,19 11:24 12:6,18 19:5,6 20:2,21 51:3 54:11 CA4 19:5,6 CD 10:12,12 center 1:3 50:21 centers 18:15 central 8:4,6 20:6,10,11 58:7 61:8 72:8 76:21 78:22,25 century 43:11 certain 43:17,22 48:5 52:24 72:20 certainly 29:25 Certificate 3:10 81:1 Chairman 5:3 6:3 9:6 12:12 12:14,19 13:8 14:4,6,13,17,21 15:1,7,15 16:9 16:14,19,25</p>	<p>17:4,6,9,12 18:24 19:2,20 19:23 20:9,20 21:8,10,21 22:9 22:14,17 25:9 25:12,16 26:1,4 26:6,13,18 27:16,23 28:8 28:11,14,23 29:2,6,10,17 30:2,12,16,21 30:25 31:6,9,11 31:18 32:1,9,20 33:17 34:18 35:2,6,10 36:7 36:10,18,21 37:24 39:15 40:2,20 41:2 42:10,14 44:21 45:17 47:1,3,7 47:14 48:24 51:4,9,11,15,18 51:20,23 52:4,8 52:18 53:2 54:4 54:13,19 55:11 55:15,17,22,25 57:17,19,25 58:3,15,21 59:10 62:4,7,15 63:15 64:1,5,10 64:14 65:1,8,12 65:18,22 68:23 69:6,13,16,18 69:22 70:8,19 73:11,25 74:5 74:11,16,18 77:24 78:11 79:17,20,24 80:2,12 chambers 1:4 9:15 change 8:24 23:14 58:11 61:21 68:17 72:24 73:5,7 77:18 changed 24:6</p>
---	--	--	--	---

<p>33:14 58:10 changes 22:11 58:13 72:20 changing 15:12 58:8 character 41:5 Chase 7:19,20 11:10 24:18 33:22 37:3,12 cheaper 62:22 checked 53:21 chief 34:12 children 22:5 23:7 37:15 Church 13:9 14:8 16:12 40:23 42:3 citizens 44:14 city 23:11 43:15 68:4,6 74:1 77:2 79:7 clarification 34:25 35:5,12 clarify 28:24 classification 44:7,18 classified 27:6 cliff 40:12 clinic 18:6 close 11:5 13:3 37:15 55:21 59:8,11 79:7 closed 55:22 closer 30:17 code 29:9 32:25 33:2 35:18 codes 32:23 35:17 49:18 come 6:25 9:9 11:13 13:19 14:12,16 15:3 21:14 25:21 26:23,24 29:19 29:22 31:1,13 32:12 33:18 34:20 37:11 42:17 47:10</p>	<p>49:25 52:13 53:21 56:23 57:24 60:3 62:10 66:17 71:12 75:19 comes 13:18 42:17 54:2 comfort 8:25 61:22 68:18 72:25 77:19 coming 49:8 Commencing 1:12 comment 6:23 16:6 53:14 56:21 60:1 64:23 66:15 71:10 75:17 comments 7:3,7 7:9 8:19 29:3 29:23 31:12 36:4 37:4 57:1 57:4,7 58:18 60:6,9,12 61:16 66:20,24 67:1 68:12 71:15,18 71:21 72:16,21 75:22,25 76:3 77:11 commercial 7:17 7:24 8:9 12:15 12:21,23 13:1 16:20 18:7 27:3 27:4 44:15,20 45:25 46:1,3,4 46:10,12 67:9 67:16,18,19 Commission 1:2 1:4 4:10 5:2 7:1 7:2,11 8:20 43:3 44:13 46:24 56:24,25 57:9 60:4,5,14 61:17 65:20 66:18,19 67:3 68:13 71:13,14 71:23 72:19</p>	<p>73:7 75:20,21 76:5 77:14 81:13 Commissioner 5:4 12:13 13:16 13:22 14:5,11 14:15,18,22 16:13 17:14,20 17:25 18:9,25 19:19,22 20:4 20:14,18 21:7,9 22:12,16,18 25:11 29:25 44:23 50:23 51:1,6 52:1 54:10 55:13,24 63:25 65:7 70:7 70:17 79:10 80:1 commissioners 6:21 22:7 25:4 27:17 51:19 56:19 59:24 66:13 71:8 75:15 Commission's 7:12 57:10 60:15 67:4 71:24 76:6 Committee 24:12 26:17 community 7:17 7:25 8:9 9:19 43:20 67:9,17 67:18,20 compaction 53:22 company 70:6 compared 38:13 39:3 compatible 16:1 27:8 28:20 41:16 complex 77:12 79:6 complexes 77:7 compliance</p>	<p>26:24 compliment 39:4 39:8 comply 26:24 49:15,15 component 36:13 composting 18:15 concern 39:1 41:20 concerned 39:6 79:3 concerning 7:10 32:22 57:8 60:13 67:2 71:22 76:4 concerns 22:11 37:9 conclude 7:11 57:9 59:2 60:14 64:20 67:3 70:14 71:23 74:24 76:5 80:7 80:10 concluded 80:14 concludes 55:18 conclusion 7:9 11:24 57:7 60:12 67:1 71:21 76:3 concrete 44:12 condemnation 27:21 28:1 43:24 Conditional 77:8 conditions 8:23 61:20 68:16 72:23 77:17 Condominiums 77:5 conductive 10:20 10:21 conformance 11:18 conforming 68:10 70:18 confused 40:10</p>	<p>50:3 confusing 10:10 confusion 63:23 conserving 9:1 61:23 68:19 73:1 77:20 consistency 9:20 constitutional 43:12 construction 18:8 31:21 68:9 contact 32:17 contiguous 20:14 continued 3:2 56:3 contract 45:12 convenience 10:16 Cooper 39:24,24 40:6 41:1 42:7 42:13 43:1,8 44:9 45:4,7,14 45:16 46:15 47:5,13,25 48:3 48:11,14,18,23 49:2 50:3,9,15 50:19,22,25 corner 7:20 correct 13:9 25:17 26:21 27:7,8 28:19 35:21 38:11 54:16 73:12 74:18 corrected 73:15 73:15 correctly 19:4 41:23 cost 53:6 counsel 5:9 26:9 county 1:1,2,3 4:3,4 5:10 6:12 7:12 8:23 9:1,4 11:22 21:20 22:2 26:9,11 27:20 28:4 32:18 33:7</p>
---	---	---	---	---

<p>41:17,24 42:22 45:19 46:5,24 47:18 56:10 57:10,14 59:15 60:15 61:20,23 62:1 63:19,22 66:4 67:4,22 68:10,16,19,22 70:24 71:24 72:2,4,23 73:1 73:4 74:14 75:6 76:6 77:17,20 77:23 County's 10:7 couple 32:4 38:6 63:1 courses 17:24 18:1 court 30:4 47:23 81:3,11 cover 37:14 create 72:2,5 creating 73:13 credence 17:18 creek 23:3 24:22 25:2 42:4 48:15 52:25 Crest 68:5 cross 73:9 culvert 42:3 Cunningham 34:24 35:4,8,9 35:11,18,20,23 36:9,15,20 current 9:20 12:6 27:2 78:6 currently 11:24 20:12,15 23:18 25:25 68:8 77:6 77:11 cut 53:25 cut-and-dried 55:9</p> <hr/> <p style="text-align: center;">D</p> <p>D 2:1,12 3:1 4:8 6:1,15,18 56:13</p>	<p>56:16 59:6,18 59:21 62:14 66:7,10 71:2,5 75:9,12 dad 70:4 dam 11:9 32:22 33:1,4 52:25 53:4,12,20,22 damage 31:21,24 32:6 33:13 damages 27:21 dams 53:9 darn 64:10 date 7:12 57:10 60:15 67:4 71:24 76:6 daughter 69:17 Dave 38:5 day 24:10 deal 45:3 54:1 62:20 decide 65:19 decision 7:11 42:19 57:9 60:14 65:19 67:3 71:23 76:5 deeper 23:8 delay 6:4 57:22 density 8:12 10:25 11:3 61:9 67:25 68:2 department 2:9 6:6,20 26:20 29:13 34:10 36:12 48:10,22 48:22,25 56:18 57:13 59:23 66:12 71:7 75:14 depends 11:6 described 81:7 DESCRIPTION 4:2 designated 13:18 determine 49:17 determined 44:18</p>	<p>devastating 33:10 develop 16:16 35:16 developed 16:10 16:15 developer 45:13 developers 28:3 development 7:18 8:1,2,5,10 10:3 12:24 18:20 24:16 25:19 37:7,11 45:2 46:3 47:16 60:20,25 61:9 61:12 67:9,15 67:23 72:3,5 76:11,11,17,18 76:19,25 developments 8:3 17:24 61:6 72:7,13 76:21 develops 29:8 50:12 die 63:6 difference 20:8 49:14 63:14 different 25:20 40:24 41:4,11 49:12 diligence 40:12 43:5 directed 43:2 directly 8:14 34:8 Director 5:7 dirt 32:4 discussion 7:10 57:8 60:13 67:2 71:22 76:4 district 12:5 18:14 19:10 20:2 32:18 33:7 72:3,5,10,11,14 72:16,17 73:6,9 73:13 76:23 districts 72:17</p>	<p>divert 25:1,2 division 15:25 documentation 54:2 dog 15:20 dogs 33:9 doing 15:18 16:7 27:20 30:5,6 41:12,21 42:20 42:24 46:20 dollars 43:25 Don 7:15 9:14 10:1,2 11:11,14 11:18,20 13:11 13:15 15:3 16:9 23:19 30:10,19 34:14 37:2 39:10 Don's 9:14 11:11 11:12 door 22:6 double 19:15 doubles 73:8 Doug 34:12 downstream 33:4 53:14,19 53:19 draining 65:3 draw 78:20 dredged 32:5 drive 14:7 46:9 67:10 76:12 driven 40:22 driving 34:5 dual 13:19 due 8:22 40:12 43:4 61:19 68:15 72:22 77:16 dump 37:19 duplexes 10:18 12:2 19:14 dwelling 61:9,15 68:1,3 72:14 dwelling 72:9 76:22</p>	<p style="text-align: center;">E</p> <p>E 2:1 3:1 4:1 5:1 5:1 6:1,1 Eagan 2:4,6,10 2:13,17,20 3:8 5:7 6:8 12:16 13:2 17:19,21 18:3,13 19:3,11 19:13,18 20:1,5 20:11,16,23,25 21:4,6,24 29:5 29:7,11,23 35:15,19,22 36:5 38:12,16 38:20,25 48:9 48:13,17,21 49:1 50:11 56:7 57:18 58:1,5 59:8,12 62:5 64:4,8 65:11,16 66:1 69:11 70:21 74:6,10 75:3 earlier 12:1 13:25 early 43:11 east 1:5 8:16 9:22 20:16 77:3 79:21 easy 45:21 economical 9:2 61:24 68:20 73:2 77:21 economically 78:22 eight 23:22 77:6 77:10 78:8 either 14:8 19:5 42:16 46:12 Electric 33:12,12 elevations 54:24 55:5 Eleventh 5:14 emergency 34:10 34:15 emphasize 53:11 employee 70:5</p>
--	--	--	---	---

<p>encompasses 76:16 encouraged 72:9 76:23 enforce 28:4 enforcing 45:11 engineer 70:1 engineered 53:20 53:22,23 54:3 engineering 9:13 32:22 entertainment 18:15 entity 43:15,23 entrance 13:9,12 33:23 34:2,13 54:15 equal 61:14 67:25 equipment 18:8 31:21 error 27:7 28:19 established 46:5 Estates 2:5 7:15 8:14,17 10:1 16:17 21:19 22:4 30:19 31:4 31:5,17 35:21 35:24 39:3 54:6 55:18 event 52:24 events 18:4 52:23 everybody 6:4 18:18 28:24 29:18 30:2,6,7 30:17 40:24 41:3,13,14 45:18,20 47:8 65:13,14 every-changing 68:16 ever-changing 8:23 61:20 72:23 77:17 evidence 6:16 56:14 59:19 66:8 71:3 75:10</p>	<p>exactly 33:22 excellent 53:10 exclude 72:12 Excuse 35:6 Exhibit 6:13,13 6:14,15 56:11 56:11,12,13 59:16,16,17,18 66:5,5,6,7 70:25,25 71:1,2 75:7,7,8,9 exhibits 4:10 6:17 56:15 59:20 66:9 71:4 75:11 exist 8:23 38:24 61:20 68:16 72:23 77:17 existence 31:5 existing 12:7 31:20 37:18 49:25 54:13 78:8 exists 44:8 exiting 24:19 experience 41:4 Expires 81:13 explain 16:5,10 19:9 28:12 41:14 45:18 47:8 explaining 73:20 express 37:14 extra 62:25 e-mail 62:2</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facilitating 9:3 61:25 68:21 73:3 77:22 facilities 18:15 19:9 facility 10:21 33:11 79:5 fact 26:4,7 37:13 41:8,25 42:3 47:10 49:12</p>	<p>52:20 54:22 73:8 facts 7:22 12:1 60:23 67:13 72:4 76:15 fact-finding 42:9 fair 26:5 fall 23:8 familiar 9:25 far 14:24 15:20 40:16,17 46:6 48:14,25 53:14 54:2,2 79:3 farming 61:5 favor 16:8 21:12 21:12 40:3 47:17 57:21 58:17,20,22 62:8 64:15 68:24 69:5 70:9 73:17 74:2,19 77:25 80:3 feasible 78:22 February 8:19 Federal 27:25 feel 37:21 fees 42:24 feet 8:6,12,16,18 11:3,4,5 20:6,7 24:5 33:1 36:4 38:9,17 61:10 61:15 67:11 68:1,3 72:15 76:13 fell 22:4 felt 22:3 FEMA 25:21 fences 23:2 fewer 58:11 field 18:18 fifth 38:15 figure 63:5,6 file 2:5,9,12,15 2:19 3:6 6:14 7:14 28:4 29:24 56:4,12 57:12 59:2,6,17 60:17</p>	<p>65:25 66:6 67:6 70:15,19,20 71:1 72:1 74:24 75:1,8 76:8 80:7 Files 4:8 final 49:10,16 fine 24:16 40:15 40:18 43:4 47:18 55:24 78:11,12 finished 23:20 24:5 fire 34:10,12 first 6:8,19,23 7:5,14 10:10,11 13:23 19:4 29:7 30:12 31:19 43:11 56:17,21 57:2 58:8 59:22 60:1,7 66:11,15 66:22 71:6,10 71:17 75:13,17 75:24 fit 15:19,23 55:2 fits 11:17 five 58:10 fix 42:4 flip 57:21,21 flood 23:6 55:5 flooded 48:15,16 floodplain 25:21 25:25 48:6,9 49:13 54:25 floods 48:17 floodway 49:13 54:22 FLOOR 1:4 folks 44:2 follow 29:9 35:17 36:17 49:18 50:12 followed 6:20 7:5 30:3 32:23 56:18 57:3 59:23 60:8 66:12,22 71:7</p>	<p>71:17 75:14,24 following 74:14 follows 56:3 foot 62:25 foregoing 81:5 forestry 61:4 forgot 58:11 73:5 fortune 53:21 forward 9:9 10:23 21:14 found 22:3 35:22 four 6:5 53:24 58:9 79:8 fourplexes 10:18 Frank 57:14 Franklin 1:1,2,3 4:3,4 6:12 9:1,4 32:18 33:6 42:22 46:5 56:10 59:15 61:23 62:1 66:4 67:22 68:10,19 68:22 70:24 73:1,4 75:6 77:20,23 freeboard 53:16 front 7:1 28:18 34:5 36:5 56:24 60:4 66:18 71:13 73:23 74:3 75:20 full 14:3 function 46:24 further 14:25 79:21 future 11:12 26:16</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G 6:1 gain 40:1 garage 22:6 gate 34:14 gather 42:18 general 7:7 8:25 57:5 60:10 61:22 66:24</p>
---	--	---	---	---

<p>68:18 71:19 72:25 74:14 76:1 77:19 generally 7:4,11 46:10 57:2,9 60:7,14 66:21 67:3 71:16,23 75:23 76:5 generic 23:13 gentleman 18:17 gentlemen 9:24 getting 19:17 37:15 Gist 33:20,20 give 9:23 33:15 35:2 52:13 78:22 given 48:20 73:6 gives 10:5 go 6:7,9 9:9,16 12:13,17 15:16 16:4 18:2,11 25:7,13 28:16 31:2 36:1 38:10 39:7 40:12,14 40:22,23 41:25 42:12,23 46:9 48:4 49:4,7,21 49:22 50:1,7 52:16 53:23 57:22 63:3,19 64:21 69:22 73:21 74:5 80:1 God 69:23 goes 15:20 29:11 46:6 54:2 going 9:20 11:11 11:12 12:4,5 13:9 14:12,14 14:15 18:19,20 19:3 24:9 25:1 26:10 28:5 29:18,18,21 31:1 33:7 36:1 36:2,16 37:14 40:9 48:7 49:5 49:17,24 52:12</p>	<p>54:5,15,15,24 55:19,19 62:20 63:6 64:1 78:5 78:15,19 79:1 79:13 golf 17:24 18:1 good 6:3 9:12 22:1 23:4 24:13 25:4 43:18 48:23 53:25 64:22 65:7 72:17 73:20 74:11 78:20 79:4 goods 18:4 government 1:3 43:15 grandchildren 34:4 grant 48:12 granted 52:5 Green 31:16,16 31:19 32:3 51:10,13,17,17 51:19,21 52:3,7 Griesheimer 5:3 6:3 9:6 12:12 12:14,19 13:8 14:4,6,13,17,21 15:1,7,15 16:9 16:14,19,25 17:4,6,9,12 18:24 19:2,20 19:23 20:9,20 21:8,10,21 22:9 22:14,17 25:9 25:12,16 26:1,4 26:6,13,18 27:16,23 28:8 28:11,14,23 29:2,6,10,17 30:2,12,16,21 30:25 31:6,9,11 31:18 32:1,9,20 33:17 34:18 35:2,6,10 36:7 36:10,18,21</p>	<p>37:24 39:15 40:2,20 41:2 42:10,14 44:21 45:17 47:1,3,7 47:14 48:24 51:4,9,11,15,18 51:20,23 52:4,8 52:18 53:2 54:4 54:13,19 55:11 55:15,17,22,25 57:17,19,25 58:3,15,21 59:10 62:4,7,15 63:15 64:1,5,10 64:14 65:1,8,12 65:18,22 68:23 69:6,13,16,18 69:22 70:8,19 73:11,25 74:5 74:11,16,18 77:24 78:11 79:17,20,24 80:2,12 ground 18:19 31:23,25 32:3,5 32:7 33:8 40:10 guess 12:10,14 31:12 34:24 38:21 39:10 40:9 41:7 47:6 48:3 64:20 78:9 gun 62:24 guy 23:11 guys 40:9,11 44:19 49:9 55:8 58:6 62:2 64:3 64:21 73:6 74:4 74:7 79:2</p>	<p>54:17 55:14,16 half 53:23 63:14 hand 34:19 40:8 81:8 hang 17:25 44:20 happen 18:19,21 44:3 happened 12:22 happens 23:14 25:18 51:21,22 hard 24:13 41:13 hazard 33:4 head 19:25 25:11 health 8:25 61:22 68:18 72:25 77:19 hear 30:17 52:19 69:24 heard 4:8 6:15 56:13 59:18 66:7 71:2 75:9 hearing 1:10 2:4 2:10,13,16,20 3:7 6:5,9,15,23 7:8,10,14 42:18 51:8 55:18,21 55:23 56:4,8,13 56:21 57:6,8 59:2,9,11,13,18 60:1,11,13 64:21 66:2,7,15 66:25 67:2 70:14,21 71:2 71:10,20,22 74:24 75:4,9,17 76:2,4 80:7 hearings 6:10 80:10 heart 17:10 heavy 18:8 31:21 heck 37:19 hectic 22:3 Heights 35:9 39:25 held 81:6 help 45:15,16 helps 53:18,19</p>	<p>hereto 4:11 hereunto 81:8 Hertweck 1:24 5:13 81:3,11 Hey 57:17 high 23:5 Highway 13:4,4 37:6 48:22 60:22 76:13 77:3 high-density 72:6,13 76:20 Historically 43:9 hog 65:6 hold 19:21,22 42:18 home 10:22 12:2 12:4 20:24,25 39:5 50:19,20 62:17,21,21,22 62:25 63:7,7,8 63:8,11 64:21 72:12 73:8,8 homeowner 15:25 23:15 homes 9:22 10:2 10:18 12:3 16:3 16:11 17:24 19:14,14 21:1,3 23:5,21,21,22 23:24 24:2,3,5 24:8,16,25 25:2 25:6,19 26:15 26:25 27:1 28:5 31:24 32:7 33:13 41:5,9,11 41:19 74:7 hoops 63:20 hope 25:4 42:5 hot 15:22 hotels 17:24 house 33:23 34:3 34:5,6 39:5 49:18,23 50:8 50:13 54:25 77:6 houses 11:1,19</p>
---	---	---	--	--

H

H 4:1

Hagedorn 7:15

9:14 15:5,9,17

16:16,21 17:2,5

17:7,11 18:16

19:1 34:14 37:5

52:12,17,21

<p>11:21,21 16:18 34:6,8 35:12 38:22 39:2,8,13 48:4 housing 11:22 46:18,19 79:14 hundred 11:14 hydroelectric 33:11</p> <hr/> <p style="text-align: center;">I</p> <p>idea 9:23 10:5 26:2 78:22 identification 4:2 6:17 56:15 59:20 66:9 71:4 75:11 identified 11:20 illegal 47:10 illogical 47:5 important 37:5 37:22 improper 47:24 improve 9:20 63:18 78:5 improvement 37:19 improvements 9:3 61:25 68:21 73:3 77:22 Inaudible 15:5 inches 52:24 included 14:1 includes 57:15 inconsistent 12:7 incorporated 31:4 incorrect 73:12 indentures 35:14 36:4,17 industrial 46:13 79:15 information 40:1 40:7 42:18 51:10 52:14 informational 39:19 40:4</p>	<p>51:12 52:11 58:25 64:18 70:12 74:23 80:5 informed 42:19 infrastructure 79:3 ingress/egress 13:19 35:25 36:11 initial 46:17 input 17:16 44:14 inside 9:25 inspections 32:23 33:2 intends 11:18 interested 15:18 intermission 44:23 intersection 78:13 inverse 27:21,25 27:25 43:24 involved 28:7 45:13 63:16 irrigated 65:4 issue 54:14 issues 7:8 36:19 57:5 60:10 66:25 71:19 76:1 item 65:24 items 55:19 i.e 13:23</p> <hr/> <p style="text-align: center;">J</p> <p>Jasper 38:5,5,13 38:18,21 39:1 Jeff 23:11 Jefferson 63:19 63:22 job 26:14 28:21 47:9 48:8,19 73:20 74:11 John 5:3 12:13 13:5,10 19:3</p>	<p>27:10 29:5 47:20 51:17 58:1 65:16 73:21 Johns 67:11 John's 13:25 76:14 Jon 31:16 jump 55:4 jumped 62:24</p> <hr/> <p style="text-align: center;">K</p> <p>Kay 32:16 keep 11:21 29:20 55:6 kennel 10:15 15:20 kennels 17:24 kidding 18:1 kind 10:5 11:11 11:12,15 15:9 19:9 26:6 40:10 41:4 45:20 48:12 50:3 73:24 Kirby 30:14,18 KJ 68:8 know 9:24 10:18 10:20 11:16,17 12:1,15,16,22 12:22,23,24 13:4,15,16,17 14:7,9 15:17 17:3,7,23 18:5 18:18 22:23 24:6,10 25:18 25:24 26:22 27:11 28:15 32:19,20 33:5,6 36:9 37:13 40:19 41:13,20 45:19,21,25 46:6 47:8 49:14 51:6,6 52:1 53:1 54:7,22 63:19 65:17 69:19 73:22</p>	<p>78:18,23 79:6 knowledge 41:6 knows 11:15 39:12 53:9,17 Kurt 2:15 65:24 67:6 70:14 Kurt's 69:17</p> <hr/> <p style="text-align: center;">L</p> <p>L 2:19,19 3:6,6 70:20,20 72:1,1 75:2,2 laboratories 18:7 lady 34:25 48:6 48:18 lagoon 65:4,4 lake 9:25 22:22 23:9 32:4,22 34:1 37:18 52:22 53:17 lakes 53:18 land 4:4 6:12 8:13 9:2,21 11:18 12:7 14:2 24:14 33:4,13 37:5,5,8,22 38:10 43:14,16 43:25 44:2,4,5 44:10 56:5,10 57:14 59:15 61:14,24 66:4 67:25 68:2,10 68:20 70:24 73:2 75:6 77:2 77:21 78:6 Lane 24:18 37:3 large 39:5 67:20 78:19 larger 49:20 law 27:14 30:6 42:12 47:7 51:24,25 52:5 laws 47:17 lay 13:15 55:8 layout 24:2 54:18 78:17 lays 9:23 55:1</p>	<p>leave 18:18 22:6 27:20 left 24:22 37:23 legal 5:9 30:3 36:19 legislation 74:17 lend 17:17 letter 64:2 let's 10:23 25:18 52:9 78:3 LEUKEN 78:3 levee 23:5,8 24:10 liability 23:9 liberal 44:7 lies 46:11 lift 53:21 light 78:23 limited 14:14 28:15 Linda 33:20 line 42:5 63:21 lines 52:16 liquor 18:5 list 17:15 listed 10:14 listening 37:3 literally 53:20 Litigation 1:24 5:12 little 10:10 11:12 13:11 15:16 30:17 49:20 live 24:7 30:15 30:19 31:16 33:21,21 35:9 37:3 39:25 lives 33:14 living 24:5 located 7:19 60:21 67:10,22 76:12 location 25:6 68:9 locations 67:19 LOCUST 1:5 long 13:3 33:9</p>
---	---	--	---	---

<p>43:18 46:4 79:7 look 11:12 12:17 13:3,5 24:13 25:5,14,22 26:7 26:10 27:5 40:24 41:5,15 41:16,19,25 43:5 44:16 45:1 45:22,23,24 46:2,11,20 48:7 48:21 78:10 looked 46:2 looking 24:9 26:10 27:9 36:8 36:11,12 41:10 41:15,18,22 44:16 48:11,20 looks 11:5 39:2 46:10 54:1 lot 8:5,15,17 11:6 12:3,3 13:5 16:4 24:14 29:14 37:3,9,10 37:10 38:8,19 39:11 44:12 46:13 49:12,23 50:12,13 53:4 53:17,18 lots 11:19 16:18 20:12,13,15 23:18 29:11 38:10,23,23 39:7 41:11 46:20 49:17,20 58:9,10,10,11 Lou 21:18 48:15 Louis 5:15 22:2 love 22:4 lower 54:21,22 low-density 61:5 61:13 67:24 77:1 Lueken 9:10,12 13:10,21 15:3,6 58:20 73:19 74:3,9 78:12 79:12,19,23</p>	<p>Lyll 35:8</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>main 54:14,15 maintain 34:1 maintained 78:24 maintenance 54:14 major 22:21 46:1 46:1 52:23 58:8 58:10 making 11:17 58:13 77:9 mall 44:12 man 63:1 manufacturing 10:16 15:19 18:7 67:20 map 4:6 6:13 10:7 13:5 14:3 19:5 43:21 56:11 59:16 66:5 70:25 75:7 maps 12:17 44:16,18 March 61:16 68:12 72:18 77:13 Mark 5:10 26:8 39:24 marked 6:16 56:14 59:19 66:8 71:3 75:10 market 11:20 massive 33:13 master 4:7 6:14 9:4 45:23 56:12 59:17 62:1 66:6 68:22 71:1 73:4 75:8 77:23 material 53:24 matter 28:6 maximum 20:3 61:9 72:14 Mayall 2:19 3:6 70:20 72:1 75:2</p>	<p>76:8,9 Mayberry 22:5 ma'am 33:18 mean 12:16,19 13:2,3,4 14:6,7 14:9 15:14,21 15:22 16:2,6 18:13 19:4 20:1 22:6,20 23:20 24:15,24 25:5 25:13 27:24 30:4 36:13 46:3 47:6 54:14 55:8 78:6 means 43:24 medium-density 8:11 68:1 meet 49:11 58:14 meeting 7:13 8:20 18:17 57:11 60:16 61:17 67:5 68:13 71:25 72:18 76:7 77:13 MEMBER 29:16 54:9 members 5:2 51:25 mentioned 9:21 10:6 53:14 78:14 79:2 met 27:2 metal 15:19 mic 44:20 Michel 62:3 64:3 microphone 15:16 21:22 middle 50:8,21 Midwest 1:24 5:12 miles 60:22 mind 11:22 14:24 53:7 minimum 61:7 minimums 20:5 minor 58:9,9,11</p>	<p>minute 19:20 52:15,15 minutes 55:20 63:1 missed 33:6 Missouri 1:6 5:15 27:25 81:4 81:12 mistake 26:11 41:24 62:24 mix 61:5 72:17 mobile 12:3 16:3 17:23 19:14,14 20:24,25 21:1,2 62:17,21,21,22 62:25 63:7,7,7 63:8,11 72:12 73:8,8 74:7 money 23:16 month 23:15 morals 8:25 61:22 68:18 72:25 77:19 motor 10:17,21 move 10:23 24:6 moved 21:19 MPC 67:10 mud 37:19 multiple 17:22 48:21 multiple-family 10:18 multitude 11:25 multi-family 15:20 17:24 19:14 20:22 72:7,9,13 76:20 76:22 78:6,8,21 multi-step 49:19 Murphy 2:12,14 59:4,7 60:18 62:3,14,14,16 63:24 64:4,7,9 64:13,23 65:2 65:10,21 M-I-C-H-E-L 64:4</p>	<p style="text-align: center;">N</p> <hr/> <p>N 2:1 3:1 5:1 6:1 13:4 nailed 37:16 name 6:24 9:12 17:21 21:18 30:11,14,18 31:15 32:14,16 33:20 34:22 35:1,3,7,8 36:25 37:2 38:3 38:5 39:22,24 51:16 56:22 60:2 62:12 66:16 69:2 71:11 75:18 near 37:6 79:15 necessarily 41:3 necessary 32:23 32:24 43:19 necessity 19:24 need 11:21,22 21:15,21 23:14 23:21,23 24:14 30:11,13 34:1 35:1,7 40:7,19 46:19 54:7,8,17 55:4 69:24 73:12,12 79:5 79:13,15 needed 74:15 needs 36:16 neighborhood 16:8 neighbors 23:1 neither 20:4 40:5 nervous 53:4,5 never 16:23 24:10,11 63:5 new 20:7 26:23 63:12,12,13 72:2,5 73:13,17 74:22 79:6 newsletter 74:1 nice 23:24 63:10 Nodding 21:9 non-conforming</p>
---	--	---	--	--

<p>63:17 Non-Urban 60:20 61:1,3,7 north 5:14 8:16 68:5 77:2 Notary 81:4,12 number 37:8 41:8</p> <hr/> <p style="text-align: center;">O</p> <p>O 6:1 60:22 Oak 52:25 obligation 44:25 obviously 11:18 14:7 46:1 occurrence 33:11 odd 12:24 office 9:14,15 49:11 Offices 18:3 official 4:6,7 6:13 6:13 56:11,11 58:5 59:16,16 66:5,5 70:25,25 75:7,7 Off-the-record 58:18 72:21 oh 30:14 35:8 46:10 50:6 59:10 69:13,18 69:22 okay 9:17 12:12 15:6,7 16:11,19 17:4,6,12 20:9 21:10,12,14,23 22:18 25:15 26:3,12 27:1 28:13,22 29:1,2 29:17,20 30:24 31:6,8,19 32:3 32:5,9 35:20,23 36:20 38:18,21 39:15,17,20 40:18,20,21 41:1,6,8,9,13 41:18,24 42:5 42:13 43:8 44:9</p>	<p>45:4,14,22,25 46:1,15 47:10 47:13 48:11 49:2 50:3,22 51:11,15,18 52:3,7,12,16,19 54:4,19 55:15 55:16,17 56:7 57:25 58:3 59:12 64:12 65:1,9,9,20,23 69:16,23 73:19 74:7,10 78:3 old 37:6 79:17 once 23:17 26:19 49:11 55:23 open 22:6 61:4 opened 6:19 56:17 59:22 66:11 71:6 75:13 oper 65:5 operation 65:6 opinion 37:14 opportunity 18:10 19:24 21:15 39:25 opposed 7:6 15:10 34:13 40:4,6 57:4 60:9 66:23 71:18 75:25 Opposing 2:7 opposite 47:17 opposition 21:14 29:22 32:10 36:23 37:25 38:1 39:16 58:25 64:18 70:12 74:21 80:4 order 2:4 7:12 57:10 60:15 65:20 67:4 71:24 76:6 original 16:11 44:15 46:8</p>	<p>73:13 78:17 originally 43:13 63:16 overrun 48:14 overwhelmed 22:21 23:3 24:20,25 owned 23:19 33:12 owner 27:19 43:23 77:8 owners 44:1 45:12 owner's 47:15 o8o 80:16</p> <hr/> <p style="text-align: center;">P</p> <p>P 5:1,1 6:1 74:7 packets 58:6 PAGE 2:2 3:4 4:2 paid 47:22 paradise 22:3 parcel 7:16 8:14 8:16 13:18,24 41:23 60:19 67:8 parcels 76:10,16 77:4,6 Parent 37:2,2 53:3 54:7,20 park 20:24 72:12 parking 44:12 parks 21:1 79:15 part 16:17 22:15 22:21 23:8 24:1 24:4 29:3,4,15 29:20 35:20 36:3,16,16 50:2 54:5,20,21,22 62:5 77:4 partially 22:23 particularly 34:2 partition 63:10 parts 79:5 path 26:9 Patsy 1:24 5:13</p>	<p>81:3,11 pay 15:25 33:25 42:24 paying 44:3 peace 53:6 people 13:7 23:25 24:9 44:6 45:10 46:7,25 47:21 48:7,21 53:4 54:20 55:3 55:8 percent 11:14 Perfect 80:11 period 51:3 permeability 53:22 permission 49:6 49:16 permit 62:19 77:8,12 permits 44:11 48:12,20 permitted 10:9 10:12,13,13,14 10:15 15:11 16:3 19:17 personally 30:1 perspective 40:21 pharmacies 18:6 Phelan 60:21 phonetically 79:18 pick 11:6 picture 24:23 33:21 piece 16:20 17:17 42:21 62:17 Pin 52:25 place 6:11 43:5 56:9 59:14 70:23 73:21 75:5 81:6 placed 19:10 43:19 66:3 plan 4:7 6:14 9:4 12:24 36:5</p>	<p>45:23 56:12 59:17 62:1 66:6 68:22 71:1 73:4 75:8 77:23 planned 78:16,17 planning 1:1 2:9 5:6,7 6:20 8:19 8:20 16:5 39:13 42:15,15 43:3,9 43:12,13,17 50:18 56:18 57:12 59:23 61:16 63:20 66:12 68:12 71:7 72:18 73:6 74:1 75:14 77:13,14 plat 8:15,17 29:12 31:3 49:10,10,22 platted 49:23 54:5 plat's 49:16 play 25:22 34:4 Pleasant 76:12 77:5 please 9:9 24:13 25:4 29:6 32:15 33:15 34:23 35:6,7 37:1 38:4 39:23 62:13 69:3 plot 40:10 plus 37:8 podium 21:16 29:19 point 11:9,10 13:18,25 14:3 17:15 18:10 27:10 28:1 54:11,12 67:11 points 14:2,19 pops 19:25 position 26:7 27:20 possible 22:8 31:24 32:6</p>
---	---	--	--	---

<p>54:17 potential 12:7 23:6 78:7 Pottery 76:13 78:13,23 power 51:24 practical 14:23 preclude 44:1 predecessor 44:19 preliminary 29:12 49:10 50:2 present 22:7 Presentation 2:6 2:7,10,13,14,17 2:17,20,21 3:8 3:8 pretty 11:5 12:4 23:5 39:5 48:5 52:23 78:15,20 78:20 79:4 prevent 43:22 prevents 53:17 previous 10:20 12:17 77:8 previously 81:6 primarily 8:4 72:8 76:21,25 primary 13:8,12 26:14 print 6:23 56:21 60:1 66:15 71:10 75:17 private 24:18 28:6 33:24,25 35:24,25 45:9 45:11,12 probably 12:8 17:19 23:22 37:7,8 54:21 55:4,5 79:8 problem 23:18 24:9 problems 65:15 procedures 2:4 2:10,13,16,20</p>	<p>3:7 6:9 56:8 59:13 66:2 70:22 75:4 proceeding 3:4 81:5 proceedings 2:2 56:2 80:14 process 18:11 29:12 30:3 40:15,16 42:11 42:24 49:19 50:1 processes 49:4 Professional 81:3 project 9:25 23:20 promote 8:25 61:22 68:18 72:25 77:19 proper 46:24 properties 2:19 3:6 8:8 46:13 61:11 67:22 68:5,6 72:1 75:2 76:9,24 property 7:19,24 8:6,11 9:1 14:20 17:17 18:21 27:19,22 29:8 34:7 40:17 42:21 43:10,17 43:24 44:25 45:1,9,12,22,23 46:2,10,11,25 47:15,16,21 60:21,25 61:13 61:23 62:17 63:1,2 65:3 67:10,15,24 68:4,19 70:20 73:1 76:12,17 77:1,20 78:4,9 78:13,14 proposal 17:20 32:11 57:15 proposed 8:8 11:17,25 14:23</p>	<p>31:23 32:3,5 38:10 58:17 61:11 67:23 72:16 73:17 74:20,22 76:24 proposes 72:14 proposing 33:22 protect 23:25 53:19 protected 23:7 protecting 9:1 24:15 61:23 68:19 73:1 77:20 provided 6:24 56:22 60:2 66:16 71:11 75:18 provides 43:21 67:19 provision 9:3 61:25 68:21 73:3 77:22 proximity 79:7 public 1:10 6:5 6:23 7:7,10,14 9:3 16:6 17:16 42:18 43:18,18 51:8 56:4,21 57:5,8 60:1,10 60:13 61:25 66:15,24 67:2 68:21 71:10,19 71:22 73:3 75:17 76:1,4 77:22 79:1 81:4 81:12 purpose 9:18,18 26:19 44:2 72:6 78:4 purposes 39:19 40:4,24 51:12 52:11 59:1 64:18 70:12 74:23 80:5 put 15:14,17 16:23 21:2</p>	<p>22:23 24:16,25 26:25 27:1,3,20 33:23 34:14 37:7 41:8 48:4 55:2 59:4 62:17 62:23,25 63:17 65:5 putting 39:12,13 p.m 1:12 56:2 80:15</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quarter 38:14,15 38:18 quarter-acre 39:7 question 10:3,8 10:24 11:8 13:25 15:2,22 29:16,19 30:9 30:19 31:1,7,22 38:21 39:10 42:6 43:1 46:8 57:20 69:9 74:6 questions 6:21 7:2,8,9 9:15 12:11 14:25 18:23 31:2,17 32:21 37:12 38:6 52:13,17 52:19 54:5 56:19,25 57:5,7 59:24 60:5,10 60:12 63:24 66:13,19,24 67:1 70:6 71:8 71:14,19,21 73:22 75:15,21 76:1,3 79:16 quick 58:2 quite 13:3 38:7</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 1:24 5:1,13 6:1 rain 24:21 52:23 52:24 53:3,12 rains 22:21,21</p>	<p>24:25 42:1 Raise 15:15 raised 34:19 40:7 range 38:9 67:19 RD 10:7 RD1 9:19 11:25 15:24 20:7,12 21:6 51:3 54:11 72:17 RD2 72:17 RD3 73:13 78:5 RD3's 72:6 read 6:8,9,20 10:10,12,13 52:15 56:18 59:23 64:13 66:12 71:7 75:14 reading 2:4,10 2:13,16,20 3:7 66:1 75:3 real 50:24 realize 62:24 really 10:20 22:2 22:4 26:18 38:6 41:18 42:8 49:14 58:1 realm 51:7 reason 15:12,24 33:8 46:18 51:1 reasonable 43:19 rebuild 62:23 received 62:2 77:8 recognized 43:12 recommend 8:21 14:19 61:17 68:13 72:19 73:7 recommended 74:8 77:14 record 6:11 22:15,16 29:4 29:20 35:7 56:9 59:14 62:6 66:4 70:23 73:12,15 75:5</p>
--	--	---	--	--

<p>recreational 61:4 recycling 18:15 redo 49:9 regard 27:25 regarding 14:25 regards 22:11 regular 7:12 57:10 60:15 67:4 71:24 76:6 regulate 45:5,9,9 regulation 58:14 regulations 4:5 6:12 8:22 25:20 25:20,21 26:20 26:23,23 27:2 28:2,9 49:11 50:1 56:5,10 57:14,16 58:8 59:15 61:19 66:4 68:11,15 70:24 72:22 75:6 77:16 reiterate 41:9 related 61:5 64:2 64:5,8 relates 13:24 remain 78:20 remember 10:12 16:10 19:4 33:10 52:22 53:15 removing 73:8 repair 10:16 15:18 18:3 31:20 replacement 31:20 report 6:10,19 56:17 58:6 59:22 66:11 71:6 75:13 Reported 1:23 reporter 3:10 30:4,11 31:15 32:14 34:22 35:1 36:25 38:3 39:22 62:12</p>	<p>69:2 80:13 81:1 81:3,11 representing 9:13 request 6:6 29:22 65:24 requested 27:18 requesting 17:1 72:4 requests 7:16 60:19 67:8 72:2 76:10 require 28:2,3 required 42:11 42:11,12 49:20 58:7 requirement 33:1 requires 24:4 61:7 resale 39:6 research 18:7 29:14 resell 39:6 residences 19:17 residential 7:17 8:1,2,3,5,9,12 9:22 10:22 12:4 12:8,21,25 19:9 25:5 40:11,15 40:18 42:8 43:4 46:12 49:21 61:5,14 67:25 68:2 72:3,5,7 76:11,18,19,20 77:2 respond 46:23 responders 13:24 response 15:5 responsible 31:20 restrict 44:5 restricting 47:15 restrictions 28:1 28:3,6 33:2 43:19 45:10,12 48:6</p>	<p>restricts 43:16 retail 67:19 retained 4:10 review 44:25 reviewed 49:10 rezone 7:16,25 19:24 23:25 27:1 33:15 42:19,23 45:22 60:19 61:1 62:16 67:8,16 68:10 76:10,18 78:4 rezoned 10:4 26:13,19,19 27:4 29:8 35:16 37:23 38:12 41:17 42:8 45:23 rezoning 6:5 7:4 7:5,6,22 9:17 9:18,18 11:16 11:17 13:17 21:12,14 24:3 25:14,17,18 26:8 27:5,6 28:19 35:13 36:8,13,15 38:1 39:17,19 41:3 41:10 42:11 46:2,5 51:2 52:14 57:3 60:8 60:23 62:9 64:16,18,19,21 65:24 66:21,22 66:23 67:13 68:24 69:5,9 70:9,12,13,16 73:14,14 75:1,2 75:23 76:15 78:1 79:5 80:3 80:5,6 rezonings 6:5 8:22 61:19 68:15 77:16 ridge 8:14 10:3 16:17 34:6,7</p>	<p>right 9:6 10:4,8 13:1,14 14:9,14 14:21 21:5 23:3 23:10,12,18,23 24:13,19,21,24 25:25 27:16,23 28:10,11,25 29:10 33:3,23 34:3,8 36:9 37:6,18 38:8 39:3 41:17 42:1 42:2,20,25 44:6 45:7,24 47:1,3 47:9 48:13 49:1 50:4,8,17,22 51:9 52:9 55:11 55:25 56:4 58:3 58:4,15 62:4 63:21 64:11 65:22 69:6 70:5 70:16 73:16,25 74:12 77:24 78:15,20,24 79:24 rights 43:10,17 47:16 rigmarole 63:4 road 7:20 10:3 11:9 13:9,14 14:8,16 20:19 23:1 24:18,19 24:20,21,22,24 34:8 36:2 37:18 37:20 40:23 42:3,4 46:1 54:13 60:21 67:11 76:13 roads 31:20 34:1 roam 22:5 rock 7:20 10:3 11:9 13:9,14 14:8,16 16:12 16:13,14 22:25 23:1 24:20,20 34:9 36:2 40:23 42:3,4 53:9,11 54:16</p>	<p>Roll 2:4 Rook 20:19 room 7:1 56:24 60:4 66:18 71:13 75:20 Route 14:1 rules 24:7 25:20 50:13 run 30:1 32:1 running 23:10 42:2 68:8 runoff 48:18 52:22 53:18 runs 14:2,3 53:10 R1A 68:7 R1C 68:7 R3 68:7</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 4:1 5:1 6:1 safe 22:6 34:9 safer 54:1 safety 8:25 61:22 68:18 72:25 77:19 sale 18:4 23:22 sales 10:17,21 18:7 saturate 23:4 Sauk 33:11 saying 40:15 44:13 50:17 says 33:7 36:4 40:10 50:5 64:24 scenario 53:10 55:9 Scheklecamps 79:18 school 13:19 Scottie 5:7 6:7 9:21 10:6,25 11:3 12:1 17:15 19:8,24 36:12 56:6 57:17 73:19 78:14 screwed 57:20</p>
--	--	--	---	--

<p>SD 78:5 seceded 63:22 second 1:4 18:1 28:1 31:23 32:1 33:23 45:20 49:8 secondly 29:14 Section 8:24 57:16 61:21 68:17 72:24 77:18 securing 9:2 61:24 68:20 73:2 77:21 see 9:24 10:11,20 11:11,13 14:24 15:21 22:22,25 36:7 37:21 50:15 54:18,23 54:24 55:1,1,5 55:10 64:22 69:18 79:20 seeing 11:6 57:13 58:24 59:2 64:20 70:14 74:24 80:7 seen 37:13,15 sell 46:19 selling 23:21 send 23:14,16 sense 13:6,7 15:12 16:24 24:17 47:25 sensitive 64:2 separate 76:16 Seriously 52:4 served 8:4 72:8 76:21 service 67:20 services 1:24 5:12 18:5 servicing 67:20 set 24:6 25:20 26:22,23 36:19 73:21 81:8 settled 31:23 32:6</p>	<p>setup 46:9 seven 18:19 29:11 sewage 23:10,12 23:17 26:22 48:25 sewer 8:7 18:20 20:6,10,11 48:14 61:8 78:24,25 79:1 sewers 58:7 Shaking 25:11 shape 79:4 Shawn 76:9 sheet 6:24 15:19 56:22 60:2 66:16 71:11 75:18 shoot 54:23 shop 10:16 15:18 shopping 50:21 shops 18:3 shot 53:8 showing 22:20 shows 19:5 35:22 side 10:2 11:1 24:22 34:6 40:12 79:14 sign 21:15 29:19 signed 9:10 sign-in 6:24 56:22 60:2 66:16 71:11 75:18 single 13:20 19:14 73:8 single-family 8:3 12:2 15:24 19:13,16 49:20 72:7 76:20 single-lot 15:25 sir 25:13 27:11 31:13 43:7 50:17 62:15 63:25 site 8:8 61:11 67:23 76:24</p>	<p>sits 23:5 situation 11:13 25:14 33:6 six 58:10 size 8:15,17 38:13 39:11 41:11 63:18 sized 38:19 sizes 8:5 38:8 39:2 slide 10:20 22:24 slides 22:19 slope 53:24,25 small 8:6 38:10 39:7 63:9 smaller 38:23 smart 59:5 soil 32:18 33:7 48:6,19 sold 15:25 solid 33:8 53:8 53:10 somebody 15:18 16:4 27:22 34:19 40:10 44:1 53:14 someplace 28:2 something's 10:10 18:20 somewhat 46:15 sorry 18:9 21:23 52:16 59:4,11 63:23 69:16,18 sort 18:4 39:14 sounds 47:3,4,5 south 21:20 22:2 67:11 68:7 76:13 southeast 7:20 space 24:5 61:4 Sparks 32:19 speak 6:22,25 7:5 7:6 11:11 13:11 19:24 56:20,23 57:2,4 59:25 60:3,7,9 66:14 66:17,22,23</p>	<p>71:9,12,17,18 75:16,19,24,25 speakers 17:22 speaking 9:8 27:14 70:3 79:4 special 18:4 specifically 78:5 spectrum 18:10 speeding 37:16 spelled 64:3 spent 53:21 spillway 22:22 22:25 23:3 53:5 53:9,10 spoke 23:1 34:11 74:3 spot 12:25 square 8:6,12,16 8:18 11:2 20:6 20:7 24:4 36:4 38:9,16 61:10 61:15 68:1,3 72:15 St 5:15 22:2 67:11 76:14 staff 5:6 6:9,19 6:21 8:19 56:17 56:19 58:5 59:22,24 61:16 66:11,13 68:12 71:6,8 72:16 75:13,15 77:11 stand 24:11 73:15,15 standards 11:18 27:2 stands 49:19 start 49:5,5,22 50:4 55:5 56:7 59:12 66:1 70:21 75:3 started 6:7 9:16 58:8 63:8 78:3 state 31:15 32:14 33:11 34:22 36:25 38:3 39:22 46:19</p>	<p>51:24,25 52:5 62:12 69:2 81:4 81:12 stated 23:24 statement 23:13 46:17 73:13 states 22:11 43:16 stating 23:13 stay 24:14 stays 27:4 step 55:10 65:17 65:18 Steve 32:19 Stone 68:5 storage 10:15 18:4,7 store 10:16 stores 18:5 Straatmann 69:4 69:4,12,15,20 69:21 70:2,5 Street 1:5 5:14 streets 22:5 35:24 55:2,7 stress 47:20 strictly 28:17 36:8,13 41:22 strip 44:12 structural 32:6 structure 31:24 structured 72:11 structures 78:8 stuff 13:5 48:25 style 39:12 subdivide 49:24 subdivision 8:15 16:11 23:20,22 28:9 29:9,15 33:24 34:2,17 35:14,17,24,25 36:3 37:16 39:7 39:9 45:11 49:9 49:21 50:11,12 58:11 61:8 68:5 77:4 subdivisions 12:9</p>
---	---	---	---	---

58:9,9 72:12 submitted 22:13 29:4 Subsection 57:16 Suburban 60:20 60:25 61:12 67:9,15,23 76:11,17,25 sudden 24:5 37:21 sued 27:21 47:15 47:18 support 7:5 57:3 60:8 66:22 69:9 71:17 75:24 supposed 27:5,9 30:6 41:12,15 41:18,21,22 supposed-to-be 33:24 Supreme 47:23 sure 6:8 11:14,17 13:14,15,25 18:12 27:14 31:18 64:14 65:6,14 79:8 surrounded 8:11 9:22 61:13 67:24 77:1 surrounding 10:7 Surveying 9:13 swamp 40:13 swear 81:5 sworn 6:24 9:11 15:8 21:16,17 30:8 31:14 32:13 33:19 34:21 36:24 38:2 39:21 51:13 56:22 58:19 60:2 62:11 66:16 69:1 71:11 73:18 75:18 78:2 system 20:10	23:10,12 26:22 78:24 79:1 <hr/> T <hr/> T 4:1 table 57:16 58:6 58:12,13 take 21:24 23:4 24:13 25:4 37:20 40:23 41:25 43:25 47:18 55:19 taken 32:4 33:13 56:1 63:24 81:5 talk 21:21 24:3 54:8 talked 18:17 32:18 79:2 talking 52:2 54:21 58:8 talks 58:7 tank 65:4 Taum 33:11 tax 43:25 tear 37:17 tell 25:13 27:22 40:21 44:6 46:25 47:21 52:14 53:18 65:12 telling 42:7 ten 23:18 termination 10:7 Terrace 14:16 terrain 45:1 testify 21:12,14 29:22 32:10 33:18 36:23 37:25 39:16,18 52:10 58:16,22 58:25 62:8 64:15,17 68:24 69:8 70:9,11 73:16 74:19,21 77:25 80:3,4 testimony 2:7 thank 9:6 19:2	21:7 25:8 29:1 29:2 31:10 32:8 32:9 33:16 34:17,18 36:21 37:23,24 39:15 46:22 50:25 52:3,7,8 55:16 58:21 64:21 65:10,11,21,23 69:6,23 70:16 80:12 Thanks 19:1 35:10 65:23 70:17 thing 18:16 20:1 25:5 37:4 39:14 41:8 45:17,18 48:3 50:8 54:3 73:5,11 things 10:11 12:3 18:14 22:2 29:5 37:9,10 49:12 think 10:25 11:2 11:3,4,11,14 12:18 13:2 14:10,11,13,22 15:10,11 16:2,3 16:4 17:14,15 17:17 19:4,6 20:2 24:14 37:20 42:4,16 45:11,24 46:6 46:17 52:17 62:19 65:16 73:19 thinking 16:22 39:11 79:21 thought 16:6 33:15 79:21 thousand 11:2 three 33:24 three-bedroom 63:8,13 till 15:4 50:5 63:5 Tim 16:22 17:12 25:9 29:23 55:12 64:12	time 6:11 7:13 13:3,17 19:6 33:9 38:24 43:11,15 46:4 48:16 49:17 52:9,23 53:20 55:10 56:9 57:11 59:14 60:16 66:3 67:5 70:23 71:25 75:5 76:7 79:7 81:6 timeout 44:22 times 45:10 52:24 Timothy 5:4 today 9:14,17 11:16 17:16 44:11 49:5,6,19 50:7,17 62:3,20 80:10 told 32:25 33:3 top 14:24 topography 44:17 tore 63:9 total 7:22 60:23 67:13 76:15 77:10 totality 78:14 town 79:14 Township 7:21 60:22 67:12 76:14 tract 9:19,21 11:24 12:8 37:5 37:8 trade 67:21 traffic 24:20 34:16 37:13 78:23 trouble 62:25 truck 37:16 trucks 18:8 37:19 Trust 65:8 try 43:6 52:9 78:5	trying 13:6 47:8 47:19 turn 6:25 56:23 60:3 66:17 71:12 75:19 78:9 turned 44:12 twice 53:6,13 two 13:13 14:19 29:5 31:17 34:11 49:3 51:19,24,25 52:5,5,15 53:23 53:23 55:20 76:10,16 79:5 two-bedroom 63:10 Two-family 72:8 76:22 type 18:4 39:2,12 41:5,11,19 79:14 <hr/> U <hr/> Uh-huh 19:12 22:17 39:20 51:20 57:18 unanimously 8:21 61:17 68:13 72:19 77:14 unconstitutional 43:14 undecided 11:15 understand 12:15,20 13:21 15:11 27:14,18 28:25 34:10 36:15 38:7 40:16 41:14 45:20 46:14 47:6 48:1 50:10 54:10 55:3,9 understands 30:3,7 undeveloped 22:20 23:19
--	---	---	---	---

Unified 4:4 6:12 56:10 57:13 59:15 66:4 68:10 70:24 75:6	68:20 73:2 77:21 variety 10:17 vast 37:5 vehicle 10:17,21 vehicles 34:11,15 veterinarian 18:6 View 77:5 viewed 43:13,24 44:16 Villa 8:14 16:17 Vincent 5:10 19:8,12,16 20:8 20:21,24 21:2,5 27:10,13,17,24 28:10 30:23 43:6,9 44:10,24 45:5,8,15 46:23 47:2,19 48:2 49:3 50:6,16,20 55:21 57:23 69:17,25 70:3 74:13,17 80:11	78:9 wanted 18:11 25:13 28:12 41:4 50:7 53:25 55:1 63:3,16,18 65:16 wanting 34:8 wants 37:11 50:13 wash 53:11 washed 23:2 53:1 53:16 Washington 68:4 68:6 74:1 77:2 79:7 wasn't 46:9 59:5 79:20 water 8:6 14:16 18:20 20:6,11 23:4 24:14 25:1 25:7 32:18 33:4 33:7 42:1,2 48:7,19 58:7 61:8 79:1,1 way 11:13 13:3 16:1 40:5 42:16 44:19 47:12,17 51:7 65:3 ways 33:24 34:11 wear 37:17 week 22:21 32:17 welcome 6:4 welfare 8:25 61:22 68:18 72:25 77:19 went 15:24 16:22 23:11 42:15 44:20 62:19 63:19 west 8:14 9:21,22 10:2 14:2 20:17 20:17,20 60:22 67:11 68:6 79:14 we'll 9:16 13:13 24:3 44:21 63:23 65:19	we're 9:18 11:5,5 11:14,15 13:6 24:19 26:7 27:9 28:15 29:18,18 30:5,6 36:10,12 41:10,12,15,15 41:18,20,22 42:5,10,11,20 42:24 43:16 47:15 51:1,4,7 54:7,12,24 55:6 55:19 65:7,8,9 78:5 79:4 we've 6:5 11:4 26:7 47:18 55:22 79:2,2 whatsoever 17:16 37:7 44:14 WHEREOF 81:8 white 22:25 73:24 wide 10:17 67:19 wildlife 61:4 William 2:12 59:6 60:17 62:14 winds 23:1 wish 32:10 37:25 39:16 52:10 58:16,16,22,24 64:11,15,17 68:24 69:8 70:9 70:11 73:16 74:19,21 77:25 80:3,4 wishes 21:11,13 wishing 33:18 36:23 39:18 62:8 witness 9:11 15:8 21:17 30:8 31:14 32:13 33:19 34:21 36:24 38:2 39:21 58:19 62:11 69:1	73:18 78:2 81:8 Wonderlick 9:13 54:23 words 16:25 17:1 28:8 40:3,4 wore 62:22 work 13:6 15:23 16:7 47:17 workforce 79:14 works 47:12 54:18 55:10 70:7 world 65:13,14 65:15 worry 37:17,17 wouldn't 18:1 50:14 54:25 65:14 wraps 22:22 written 11:2 22:8 wrong 26:14,21
	W		X	
			X 2:1 3:1 4:1 57:16	
			Y	
			yada 13:24,24 yeah 13:10,16 14:5,17 17:5,9 17:11 20:11 21:4 22:9 29:6 30:25 32:12 34:20 40:15 46:10 48:13 51:5 52:18 59:10 62:7 74:3 74:4,12 79:13 year 33:9 53:1 years 26:11 28:19 32:5 41:17,24 46:9 78:25 Yep 70:2 79:23 young 34:25	
unincorporated 42:22 unintelligible 17:22 Union 1:6 33:12 53:1 unit 61:9,15 72:15 United 43:16 units 10:15 18:4 Unnerstall 2:15 65:24 67:7 68:9 69:20 70:15 un-American 47:20 upset 45:10 usage 44:20 use 4:4 6:12 9:2 9:21 11:18 12:7 18:21 37:11 43:4,16 44:5,25 46:25 47:21,21 56:5,10 57:14 59:15 61:24 63:17 66:4 68:10,20 70:24 73:2 75:6 77:8 77:21 78:6 uses 10:9,11,13 10:13,17 11:25 15:11 16:3 17:15 44:17 61:5 utilities 8:4 72:8 76:22 utilize 13:22 utilized 17:16	violate 28:6 vote 51:24 voted 8:20 61:17 68:13 72:19 73:7 votes 51:24 52:6			
V			Z	
valley 78:21 value 39:6 values 9:2 61:24				

<p>Z 74:7 zoned 8:8 10:19 11:24 12:15,20 16:20 19:7 27:6 41:23 43:3 44:15 46:13 61:11 67:23 68:6,7 76:25 zoning 1:1 2:9 4:6 5:6 6:13,20 7:24 8:2,20,20 11:25 12:5,6 13:5 14:2,19,23 15:24 16:5 19:4 19:10 20:2 24:15 27:6 41:16 42:15,15 43:3,10,10,12 43:13,18,21 44:7,7,18,18 45:2 50:18 54:8 54:11 56:11,18 57:12 59:16,23 60:25 61:3,7,17 63:20 66:5,12 67:15,18 68:13 70:25 71:7 72:3 72:5,9,11,16,17 72:17,18 73:6,7 73:13,17 74:1 74:20 75:7,14 76:17,19,23 77:13,14</p> <hr/> <p>\$ \$24 23:14</p> <hr/> <p>1 1 7:18 8:1,2,5 57:16 58:7 79:2 1,500 24:4 36:4 1,500-square-f... 24:8 1:32 1:12 10 52:24 62:25 10,000 8:6,12 20:7 68:2</p>	<p>10,000-square-... 20:13 38:10 10-lot 8:15 10.5 67:14 100 37:6 76:13 77:3 78:13,23 12 11:2,2 12,000 20:15,17 38:9 13 11:2 13,000 11:1 13,612 8:16 13-acre 53:17 135 37:3 14 1:11 6:2 8:24 61:21 68:17 72:24 77:18 14-foot 62:21 15,000 38:9 15-inch 53:3,12 150013 3:6 75:1 76:8 80:8 150014 2:5 7:14 150016 2:9 56:5 57:12 59:3 150035 2:12 59:6 60:17 150040 2:15 65:25 70:15 150043 2:19 70:20 74:25 16 60:24 62:17 17 8:19 61:16 68:12 72:18 17th 77:13 17.94 76:16 172 57:16 178 33:21 18,000 11:4 19 62:19 19th 43:11 19,000 11:4 19,600 8:17 1997 77:9</p> <hr/> <p>2 2 8:15,17</p>	<p>2:38 56:1 2:43 56:2 2000 53:2 2001 4:5 6:12 12:17 56:5,10 57:13 59:15 66:4 70:24 75:6 2013 21:19 2015 1:11 6:2 8:19 61:16 68:12 72:18 2018 81:14 21 2:7 22,000 20:6 22,000-square-... 20:12 26 81:14</p> <hr/> <p>3 3 7:17,24 8:9 9:19 67:9,16,18 72:3,5 76:11,18 76:19 3:30 80:15 30-second 44:22 314 5:16 321 8:24 61:21 68:17 72:24 77:18 35 33:1</p> <hr/> <p>4 4 60:22 40,000 8:12 61:10,15 68:1,2 400 1:5 67:11 43,000 38:16</p> <hr/> <p>5 5,000 72:15 50040 67:6 50043 72:1 56 2:10,10 59 2:13</p> <hr/> <p>6 6 2:4,4 4:4,6,7,8 60 2:13</p>	<p>62 2:14 63084 1:6 63101 5:15 64 62:21 63:7 644-2191 5:16 657 60:21 66 2:16 67 2:17 69 2:17</p> <hr/> <p>7 7 2:6 7.2 7:23 22:20 51:2 70-foot 62:21 711 5:14 73 2:20,20 74 3:7 75 3:8 78 3:8</p> <hr/> <p>8 8 57:15 80 3:9 62:17 80s 19:5,7 81 3:10 82 62:19 86 46:5,6 87 46:6</p> <hr/> <p>9 9 2:7 90s 79:13 900 76:13 97 63:7</p>
--	---	---	---