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City of Ketchum  
Planning and Zoning Commission Meeting  
November 28, 2023

<p>1 CHAIRMAN NEIL MORROW: This won't take 2 long though, will it, the Serenade? 3 COMMISSIONER SUSAN PASSOVOY: Did you 4 all get the -- Matt's revised finding -- decision 5 memo? 6 CHAIRMAN NEIL MORROW: Revised decision 7 memo? 8 COMMISSIONER SUSAN PASSOVOY: Yeah. 9 CHAIRMAN NEIL MORROW: Yeah. 10 COMMISSIONER SUSAN PASSOVOY: He 11 submitted a redline. 12 (Pause) 13 CHAIRMAN NEIL MORROW: Okay. We are 14 back. We have our last item, which is the 15 Sawtooth Serenade decision packet. 16 PLANNING DIRECTOR MORGAN LANDERS: All 17 right. So, let me just check. We have Matt 18 Johnson on the line, I believe, if he's still 19 there with us. 20 CITY ATTORNEY MATT JOHNSON: I'm still 21 here. 22 PLANNING DIRECTOR MORGAN LANDERS: So, 23 we've got Matt here. He can give you kind of an 24 overview of what's in your packet. And I do 25 believe we have some comments from Susan Passovoy</p> <p style="text-align: right;">Page 2</p>	<p>1 Appellant in this situation had actually urged 2 for the 180-day grace period to be added. So, a 3 sentence was added to reflect that. This was 4 added in Finding Conclusion Number 2. So, that 5 would be on Page 3 of the decision in the first 6 paragraph. 7 PLANNING DIRECTOR MORGAN LANDERS: 8 There we go. I've got it on the screen. 9 CITY ATTORNEY MATT JOHNSON: There we 10 go. You can see the additional sentence there in 11 red. And then a little further down, in that 12 same finding and conclusion, some language was 13 added that Susan had requested regarding that the 14 administrator's determination was not 15 discriminatory or arbitrary or capricious in this 16 situation, and also a sentence there at the end 17 reflecting the discussion that the 18 Applicant/Appellant in this case, like other 19 projects, could have, with minimal inquiry 20 action, inquired about the 180-day grace period. 21 So, you know, at this point, you've all 22 had a chance to read the draft decision. This is 23 a draft. If you, as a Commission, have changes, 24 additions, anything you want to add -- I know 25 Susan mentioned she might have some other</p> <p style="text-align: right;">Page 4</p>
<p>1 as well on some potential revisions she'd like to 2 see. 3 So, I don't have to do much. But let 4 me know if you have questions. And Matt and you 5 all can take it from here. 6 CITY ATTORNEY MATT JOHNSON: So, 7 Commissioners, you were provided a draft decision 8 I prepared. Susan did have a couple comments, 9 suggestions she had sent me in advance. And I 10 prepared a revised version to try to incorporate 11 some of those in a redline format. 12 Morgan, has that revised version been 13 provided to the Commissioners? 14 PLANNING DIRECTOR MORGAN LANDERS: It 15 has not. So, if you wouldn't mind doing a verbal 16 overview, or sharing your screen, or I can do 17 that as well. That would be good. 18 CITY ATTORNEY MATT JOHNSON: Sure, if 19 you could, if you want to pull it up. I'm on two 20 separate devices for sharing a screen. 21 PLANNING DIRECTOR MORGAN LANDERS: Yep, 22 I can do that. 23 CITY ATTORNEY MATT JOHNSON: But 24 generally, the comments Susan had were related to 25 adding some language that the Applicant, the</p> <p style="text-align: right;">Page 3</p>	<p>1 comments -- we can definitely revise this on the 2 go. 3 At the end, we just need a motion to 4 approve, either as presented or with amendments, 5 and authorize the Chair to sign. Because the 6 written decision does have to be issued within 30 7 days of the hearing. And we won't have another 8 P&amp;Z Commission meeting in time. So, we do need 9 to work out the final at the meeting today. 10 Happy to answer questions or provide 11 clarifications. 12 CHAIRMAN NEIL MORROW: Thank you. I'm 13 interested in Susan's other changes. But 14 otherwise, I think it's good. And I love the 15 changes you made. It's perfectly legal -- 16 COMMISSIONER SUSAN PASSOVOY: I would 17 just add one more magic phrase. Matt, thank you 18 very much for making these changes. They shorten 19 the time of this section of the hearing 20 dramatically. 21 In the language that Matt added in -- 22 on Page 4, about the administrator's 23 determination not being discriminatory, et 24 cetera, I would like to insert one more phrase in 25 Line 3 on the last paragraph on that page, where</p> <p style="text-align: right;">Page 5</p>

1 it says, "Administrator's determination was not,"  
 2 and add, "an abuse of discretion, nor was it,"  
 3 and then it goes on, "discriminatory, arbitrary,  
 4 or capricious".  
 5 CHAIRMAN NEIL MORROW: Lovely.  
 6 COMMISSIONER SUSAN PASSOVOY: And I had  
 7 talked -- I will say I had talked with Matt about  
 8 the discussion we had regarding vesting. But I,  
 9 as he reminded me, everyone seemed to be a little  
 10 confused about it. And I don't think it's  
 11 essential to our decision. So, I'm -- unless  
 12 someone else had a thought about that with these,  
 13 I'm very comfortable with the changes that have  
 14 been made to the revised draft, with that one  
 15 other addition I'd like to put in.  
 16 VICE CHAIRMAN BRENDA MOCZYGEMBA:  
 17 Morgan, can you go to the first suggested edit?  
 18 Maybe it was up a little higher there. Okay.  
 19 What -- Susan, can you explain, I guess that  
 20 first line of, "According to the Applicant's  
 21 memo"? Could you job my memory about this grace  
 22 period being placed at the Applicant's urging?  
 23 COMMISSIONER SUSAN PASSOVOY: I -- it  
 24 wasn't solely as a result of the Applicant's  
 25 urging. And maybe we could rephrase this

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1 slightly. But the Applicant did make the  
 2 argument that they were present at the hearing  
 3 where the City Council inserted the 180-day grace  
 4 period, that they thought it was important, and  
 5 that they were supportive of it.  
 6 So, does that answer your question?  
 7 And then I can suggest -- I'm glad you brought  
 8 this up, Brenda, because I didn't want it to read  
 9 that it was solely at their -- I didn't want it  
 10 to look like it was solely at their urging. I  
 11 would rather say that the 180-day grace period or  
 12 forbearance period, or whatever -- because they  
 13 seem to also object to our use of the phrase  
 14 grace period, because it wasn't exactly what the  
 15 City Council said.  
 16 COMMISSIONER TIM CARTER: With the  
 17 Applicant's knowledge and support?  
 18 COMMISSIONER SUSAN PASSOVOY: Yeah,  
 19 that would be better. That's very good, Tim.  
 20 Thank you.  
 21 VICE CHAIRMAN BRENDA MOCZYGEMBA: And  
 22 then, Matt, do we call the Applicant's legal  
 23 counsel as the Applicant? Do we need to clarify  
 24 that at all? You know, maybe we say they, 180-  
 25 day grace period -- yeah, that's a tricky one,

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1 which was, you know -- I don't know -- understood  
 2 at the time of review, or which was discussed. I  
 3 don't know. Somehow trying to bring some clarity  
 4 into what it means in the Applicant's urging. I  
 5 mean, they were, it was the Applicant's legal  
 6 counsel that was present at the time of that  
 7 discussion. Right?  
 8 CITY ATTORNEY MATT JOHNSON: Right.  
 9 And so, two things. One, the Appellant's counsel  
 10 is part of the Appellant, for party purposes.  
 11 So, we can specify that if you like. But the --  
 12 VICE CHAIRMAN BRENDA MOCZYGEMBA: No.  
 13 CITY ATTORNEY MATT JOHNSON: -- term  
 14 Applicant and Appellant would be inclusive of  
 15 their legal counsel representative.  
 16 VICE CHAIRMAN BRENDA MOCZYGEMBA:  
 17 Great. Okay.  
 18 CITY ATTORNEY MATT JOHNSON: And then,  
 19 Morgan, if you can scroll down a little to the  
 20 bottom of Page 4, there's also a footnote that  
 21 was in the original draft that discusses that the  
 22 Applicant/Appellant was present for the hearings  
 23 --  
 24 VICE CHAIRMAN BRENDA MOCZYGEMBA: Oh,  
 25 great. I see that.

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1 CITY ATTORNEY MATT JOHNSON: -- and  
 2 (indiscernible) on this. So, I think this might  
 3 already be capturing what you're suggesting.  
 4 VICE CHAIRMAN BRENDA MOCZYGEMBA: Okay.  
 5 Great. Yeah, no, I think it does. Thanks for  
 6 pointing out that footnote.  
 7 COMMISSIONER SPENCER CORDOVANO: If I  
 8 can just --  
 9 COMMISSIONER SUSAN PASSOVOY: Could I -  
 10 - if I could just finish the -- I liked Tim's  
 11 instead of saying, "Applicant's urging," I would  
 12 say, "Applicant's knowledge and support of". And  
 13 that is also reflected in your footnote, but it's  
 14 a little more consistent with your footnote.  
 15 VICE CHAIRMAN BRENDA MOCZYGEMBA: The  
 16 only thing that I'm remembering though that was  
 17 brought up was the 180-day window. There was  
 18 kind of some confusion. We have the discussion  
 19 amongst P&Z. But then it was presented to the  
 20 Council kind of in a different way. And then I  
 21 guess at what time, or at which draft was the  
 22 180-day within 1234?  
 23 PLANNING DIRECTOR MORGAN LANDERS:  
 24 Yeah. So, the 180-day grace period was included  
 25 with the first draft that went to Council.

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1 VICE CHAIRMAN BRENDA MOCZYGEMBA: Okay.  
2 Okay.  
3 PLANNING DIRECTOR MORGAN LANDERS: So,  
4 it was between the Planning and Zoning Commission  
5 and the City Council's first reading.  
6 VICE CHAIRMAN BRENDA MOCZYGEMBA: Okay.  
7 COMMISSIONER SPENCER CORDOVANO: Matt,  
8 question for you. We're all good on just like  
9 referring to Ordinance 1234 as -- it doesn't need  
10 to be referred to as Interim Ordinance  
11 everywhere. It's 1234, is what is now 1249 and  
12 what was Interim Ordinance 1234?  
13 CITY ATTORNEY MATT JOHNSON: Correct.  
14 It's -- at the time, it would have just been  
15 Ordinance 1234. The fact that it's interim is  
16 included within the ordinance. So, if you don't  
17 -- you don't have to always refer to it as  
18 Interim Ordinance 1234. There's no other  
19 Ordinance 1234, other than the interim.  
20 COMMISSIONER SPENCER CORDOVANO: Cool.  
21 Thanks.  
22 CITY ATTORNEY MATT JOHNSON: You're  
23 welcome.  
24 CHAIRMAN NEIL MORROW: Anything else?  
25 Take a motion.

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1 COMMISSIONER SPENCER CORDOVANO: Are we  
2 taking any -- is there any room for public  
3 comment or Applicant comment? Or is that part of  
4 the process?  
5 CHAIRMAN NEIL MORROW: No.  
6 COMMISSIONER SPENCER CORDOVANO: No,  
7 no, no, and no. Thank you.  
8 PLANNING DIRECTOR MORGAN LANDERS: And  
9 then Matt, is it clear, I guess the two edits  
10 that we're discussing now, we don't need to be  
11 editing that live?  
12 CITY ATTORNEY MATT JOHNSON: Correct.  
13 I've actually made those changes on the draft  
14 I've pulled up, as you've been discussing.  
15 PLANNING DIRECTOR MORGAN LANDERS:  
16 Great. Okay. So, you're clear.  
17 CITY ATTORNEY MATT JOHNSON: And so --  
18 yeah, the Chair can verify those before he signs  
19 upon approval of the Commission.  
20 CHAIRMAN NEIL MORROW: I will double  
21 check.  
22 VICE CHAIRMAN BRENDA MOCZYGEMBA:  
23 Great.  
24 COMMISSIONER TIM CARTER: So, what's  
25 the motion here? Approve with edits, approve

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1 with -- as discussed?  
2 VICE CHAIRMAN BRENDA MOCZYGEMBA: Yes,  
3 and then for the record, I did vote nay on  
4 upholding, I guess the Planning Director's  
5 determination on this. But I am in support of  
6 the way that this is worded, as far as a  
7 summation of that meeting.  
8 CHAIRMAN NEIL MORROW: Thank you for  
9 that clarification.  
10 COMMISSIONER SUSAN PASSOVOY: Morgan,  
11 what's the language of the motion?  
12 PLANNING DIRECTOR MORGAN LANDERS: So,  
13 I think you can just move to approve the decision  
14 as drafted, with the requested revisions, and  
15 direct the Chair to sign the final version.  
16 COMMISSIONER SUSAN PASSOVOY: Okay. I  
17 -- does anyone have any further comment, before I  
18 make, before a motion is put forward?  
19 CHAIRMAN NEIL MORROW: No, ma'am.  
20 COMMISSIONER TIM CARTER: I do not.  
21 COMMISSIONER SUSAN PASSOVOY: I move  
22 that we approve the decision with the edit, with  
23 the additional edits, and direct the Chair to  
24 sign the decision and forward it to the City  
25 Council.

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1 COMMISSIONER TIM CARTER: Second.  
2 CHAIRMAN NEIL MORROW: All in favor?  
3 Aye.  
4 COMMISSIONER TIM CARTER: Aye.  
5 VICE CHAIRMAN BRENDA MOCZYGEMBA: Aye.  
6 COMMISSIONER SPENCER CORDOVANO: Aye.  
7 COMMISSIONER SUSAN PASSOVOY: Aye.  
8 CHAIRMAN NEIL MORROW: So, that's  
9 unanimous.  
10 PLANNING DIRECTOR MORGAN LANDERS:  
11 Great. Thank you, everyone. Thank you, Matt.  
12 Appreciate it.  
13 CHAIRMAN NEIL MORROW: Thank you, Matt.  
14 Anything else from staff?  
15 CITY ATTORNEY MATT JOHNSON: Thank you  
16 all.  
17 PLANNING DIRECTOR MORGAN LANDERS: I  
18 will keep it short because it's 7:00.  
19 CHAIRMAN NEIL MORROW: Yeah.  
20 PLANNING DIRECTOR MORGAN LANDERS: Your  
21 last meeting in December has been canceled. I  
22 don't have any items for you.  
23 CHAIRMAN NEIL MORROW: Yay.  
24 PLANNING DIRECTOR MORGAN LANDERS: So,  
25 please enjoy your Christmas. And we will see you

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1 for one meeting in December.  
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1                   C E R T I F I C A T I O N  
2  
3 I, Sonya Ledanski Hyde, certify that the  
4 foregoing transcript is a true and accurate  
5 record of the proceedings.  
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7  
8  
9 *Sonya M. Ledanski Hyde*  
10  
11 Veritext Legal Solutions  
12 330 Old Country Road  
13 Suite 300  
14 Mineola, NY 11501  
15  
16 Date: December 27, 2023  
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[11501 - comfortable]

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[p&z - suite]

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Idaho Rules of Civil  
Procedure

Rule  
30

(e) Review by the Witness; Changes.

(1) Unless waived by the deponent and the parties, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which (A) to review the transcript or recording; and (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them. (2) Changes indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30 (f) (1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period. (3) Witness Failure to Sign. (A) In General, If the deposition is not signed by the witness within the 30-day period, the officer must sign it and state on the record the fact of the waiver of signature, or of the illness or absence

of the witness or the fact of the refusal to sign the deposition together with any reason given for not signing.

(B) Use of Unsigned Deposition. The deposition may be used as if it were signed, unless pursuant to Rule 32 (d)(4) the court determines that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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City of Ketchum  
Planning and Zoning Commission Meeting  
November 28, 2023

1           CHAIRMAN NEIL MORROW: This won't take  
2 long though, will it, the Serenade?

3           COMMISSIONER SUSAN PASSOVOY: Did you  
4 all get the -- Matt's revised finding -- decision  
5 memo?

6           CHAIRMAN NEIL MORROW: Revised decision  
7 memo?

8           COMMISSIONER SUSAN PASSOVOY: Yeah.

9           CHAIRMAN NEIL MORROW: Yeah.

10          COMMISSIONER SUSAN PASSOVOY: He  
11 submitted a redline.

12          (Pause)

13          CHAIRMAN NEIL MORROW: Okay. We are  
14 back. We have our last item, which is the  
15 Sawtooth Serenade decision packet.

16          PLANNING DIRECTOR MORGAN LANDERS: All  
17 right. So, let me just check. We have Matt  
18 Johnson on the line, I believe, if he's still  
19 there with us.

20          CITY ATTORNEY MATT JOHNSON: I'm still  
21 here.

22          PLANNING DIRECTOR MORGAN LANDERS: So,  
23 we've got Matt here. He can give you kind of an  
24 overview of what's in your packet. And I do  
25 believe we have some comments from Susan Passovoy



1 as well on some potential revisions she'd like to  
2 see.

3 So, I don't have to do much. But let  
4 me know if you have questions. And Matt and you  
5 all can take it from here.

6 CITY ATTORNEY MATT JOHNSON: So,  
7 Commissioners, you were provided a draft decision  
8 I prepared. Susan did have a couple comments,  
9 suggestions she had sent me in advance. And I  
10 prepared a revised version to try to incorporate  
11 some of those in a redline format.

12 Morgan, has that revised version been  
13 provided to the Commissioners?

14 PLANNING DIRECTOR MORGAN LANDERS: It  
15 has not. So, if you wouldn't mind doing a verbal  
16 overview, or sharing your screen, or I can do  
17 that as well. That would be good.

18 CITY ATTORNEY MATT JOHNSON: Sure, if  
19 you could, if you want to pull it up. I'm on two  
20 separate devices for sharing a screen.

21 PLANNING DIRECTOR MORGAN LANDERS: Yep,  
22 I can do that.

23 CITY ATTORNEY MATT JOHNSON: But  
24 generally, the comments Susan had were related to  
25 adding some language that the Applicant, the

1 Appellant in this situation had actually urged  
2 for the 180-day grace period to be added. So, a  
3 sentence was added to reflect that. This was  
4 added in Finding Conclusion Number 2. So, that  
5 would be on Page 3 of the decision in the first  
6 paragraph.

7 PLANNING DIRECTOR MORGAN LANDERS:

8 There we go. I've got it on the screen.

9 CITY ATTORNEY MATT JOHNSON: There we  
10 go. You can see the additional sentence there in  
11 red. And then a little further down, in that  
12 same finding and conclusion, some language was  
13 added that Susan had requested regarding that the  
14 administrator's determination was not  
15 discriminatory or arbitrary or capricious in this  
16 situation, and also a sentence there at the end  
17 reflecting the discussion that the  
18 Applicant/Appellant in this case, like other  
19 projects, could have, with minimal inquiry  
20 action, inquired about the 180-day grace period.

21 So, you know, at this point, you've all  
22 had a chance to read the draft decision. This is  
23 a draft. If you, as a Commission, have changes,  
24 additions, anything you want to add -- I know  
25 Susan mentioned she might have some other

1 comments -- we can definitely revise this on the  
2 go.

3 At the end, we just need a motion to  
4 approve, either as presented or with amendments,  
5 and authorize the Chair to sign. Because the  
6 written decision does have to be issued within 30  
7 days of the hearing. And we won't have another  
8 P&Z Commission meeting in time. So, we do need  
9 to work out the final at the meeting today.

10 Happy to answer questions or provide  
11 clarifications.

12 CHAIRMAN NEIL MORROW: Thank you. I'm  
13 interested in Susan's other changes. But  
14 otherwise, I think it's good. And I love the  
15 changes you made. It's perfectly legal --

16 COMMISSIONER SUSAN PASSOVOY: I would  
17 just add one more magic phrase. Matt, thank you  
18 very much for making these changes. They shorten  
19 the time of this section of the hearing  
20 dramatically.

21 In the language that Matt added in --  
22 on Page 4, about the administrator's  
23 determination not being discriminatory, et  
24 cetera, I would like to insert one more phrase in  
25 Line 3 on the last paragraph on that page, where

1 it says, "Administrator's determination was not,"  
2 and add, "an abuse of discretion, nor was it,"  
3 and then it goes on, "discriminatory, arbitrary,  
4 or capricious".

5 CHAIRMAN NEIL MORROW: Lovely.

6 COMMISSIONER SUSAN PASSOVOY: And I had  
7 talked -- I will say I had talked with Matt about  
8 the discussion we had regarding vesting. But I,  
9 as he reminded me, everyone seemed to be a little  
10 confused about it. And I don't think it's  
11 essential to our decision. So, I'm -- unless  
12 someone else had a thought about that with these,  
13 I'm very comfortable with the changes that have  
14 been made to the revised draft, with that one  
15 other addition I'd like to put in.

16 VICE CHAIRMAN BRENDA MOCZYGEMBA:  
17 Morgan, can you go to the first suggested edit?  
18 Maybe it was up a little higher there. Okay.  
19 What -- Susan, can you explain, I guess that  
20 first line of, "According to the Applicant's  
21 memo"? Could you jog my memory about this grace  
22 period being placed at the Applicant's urging?

23 COMMISSIONER SUSAN PASSOVOY: I -- it  
24 wasn't solely as a result of the Applicant's  
25 urging. And maybe we could rephrase this

1 slightly. But the Applicant did make the  
2 argument that they were present at the hearing  
3 where the City Council inserted the 180-day grace  
4 period, that they thought it was important, and  
5 that they were supportive of it.

6 So, does that answer your question?  
7 And then I can suggest -- I'm glad you brought  
8 this up, Brenda, because I didn't want it to read  
9 that it was solely at their -- I didn't want it  
10 to look like it was solely at their urging. I  
11 would rather say that the 180-day grace period or  
12 forbearance period, or whatever -- because they  
13 seem to also object to our use of the phrase  
14 grace period, because it wasn't exactly what the  
15 City Council said.

16 COMMISSIONER TIM CARTER: With the  
17 Applicant's knowledge and support?

18 COMMISSIONER SUSAN PASSOVOY: Yeah,  
19 that would be better. That's very good, Tim.  
20 Thank you.

21 VICE CHAIRMAN BRENDA MOCZYGEMBA: And  
22 then, Matt, do we call the Applicant's legal  
23 counsel as the Applicant? Do we need to clarify  
24 that at all? You know, maybe we say they, 180-  
25 day grace period -- yeah, that's a tricky one,

1 which was, you know -- I don't know -- understood  
2 at the time of review, or which was discussed. I  
3 don't know. Somehow trying to bring some clarity  
4 into what it means in the Applicant's urging. I  
5 mean, they were, it was the Applicant's legal  
6 counsel that was present at the time of that  
7 discussion. Right?

8 CITY ATTORNEY MATT JOHNSON: Right.  
9 And so, two things. One, the Appellant's counsel  
10 is part of the Appellant, for party purposes.  
11 So, we can specify that if you like. But the --

12 VICE CHAIRMAN BRENDA MOCZYGEMBA: No.

13 CITY ATTORNEY MATT JOHNSON: -- term  
14 Applicant and Appellant would be inclusive of  
15 their legal counsel representative.

16 VICE CHAIRMAN BRENDA MOCZYGEMBA:  
17 Great. Okay.

18 CITY ATTORNEY MATT JOHNSON: And then,  
19 Morgan, if you can scroll down a little to the  
20 bottom of Page 4, there's also a footnote that  
21 was in the original draft that discusses that the  
22 Applicant/Appellant was present for the hearings  
23 --

24 VICE CHAIRMAN BRENDA MOCZYGEMBA: Oh,  
25 great. I see that.

1 CITY ATTORNEY MATT JOHNSON: -- and  
2 (indiscernible) on this. So, I think this might  
3 already be capturing what you're suggesting.

4 VICE CHAIRMAN BRENDA MOCZYGEMBA: Okay.  
5 Great. Yeah, no, I think it does. Thanks for  
6 pointing out that footnote.

7 COMMISSIONER SPENCER CORDOVANO: If I  
8 can just --

9 COMMISSIONER SUSAN PASSOVOY: Could I -  
10 - if I could just finish the -- I liked Tim's  
11 instead of saying, "Applicant's urging," I would  
12 say, "Applicant's knowledge and support of". And  
13 that is also reflected in your footnote, but it's  
14 a little more consistent with your footnote.

15 VICE CHAIRMAN BRENDA MOCZYGEMBA: The  
16 only thing that I'm remembering though that was  
17 brought up was the 180-day window. There was  
18 kind of some confusion. We have the discussion  
19 amongst P&Z. But then it was presented to the  
20 Council kind of in a different way. And then I  
21 guess at what time, or at which draft was the  
22 180-day within 1234?

23 PLANNING DIRECTOR MORGAN LANDERS:  
24 Yeah. So, the 180-day grace period was included  
25 with the first draft that went to Council.

1 VICE CHAIRMAN BRENDA MOCZYGEMBA: Okay.  
2 Okay.

3 PLANNING DIRECTOR MORGAN LANDERS: So,  
4 it was between the Planning and Zoning Commission  
5 and the City Council's first reading.

6 VICE CHAIRMAN BRENDA MOCZYGEMBA: Okay.

7 COMMISSIONER SPENCER CORDOVANO: Matt,  
8 question for you. We're all good on just like  
9 referring to Ordinance 1234 as -- it doesn't need  
10 to be referred to as Interim Ordinance  
11 everywhere. It's 1234, is what is now 1249 and  
12 what was Interim Ordinance 1234?

13 CITY ATTORNEY MATT JOHNSON: Correct.  
14 It's -- at the time, it would have just been  
15 Ordinance 1234. The fact that it's interim is  
16 included within the ordinance. So, if you don't  
17 -- you don't have to always refer to it as  
18 Interim Ordinance 1234. There's no other  
19 Ordinance 1234, other than the interim.

20 COMMISSIONER SPENCER CORDOVANO: Cool.  
21 Thanks.

22 CITY ATTORNEY MATT JOHNSON: You're  
23 welcome.

24 CHAIRMAN NEIL MORROW: Anything else?  
25 Take a motion.



1           COMMISSIONER SPENCER CORDOVANO:  Are we  
2  taking any -- is there any room for public  
3  comment or Applicant comment?  Or is that part of  
4  the process?

5           CHAIRMAN NEIL MORROW:  No.

6           COMMISSIONER SPENCER CORDOVANO:  No,  
7  no, no, and no.  Thank you.

8           PLANNING DIRECTOR MORGAN LANDERS:  And  
9  then Matt, is it clear, I guess the two edits  
10 that we're discussing now, we don't need to be  
11 editing that live?

12          CITY ATTORNEY MATT JOHNSON:  Correct.  
13 I've actually made those changes on the draft  
14 I've pulled up, as you've been discussing.

15          PLANNING DIRECTOR MORGAN LANDERS:  
16 Great.  Okay.  So, you're clear.

17          CITY ATTORNEY MATT JOHNSON:  And so --  
18 yeah, the Chair can verify those before he signs  
19 upon approval of the Commission.

20          CHAIRMAN NEIL MORROW:  I will double  
21 check.

22          VICE CHAIRMAN BRENDA MOCZYGEMBA:  
23 Great.

24          COMMISSIONER TIM CARTER:  So, what's  
25 the motion here?  Approve with edits, approve

1 with -- as discussed?

2 VICE CHAIRMAN BRENDA MOCZYGEMBA: Yes,  
3 and then for the record, I did vote nay on  
4 upholding, I guess the Planning Director's  
5 determination on this. But I am in support of  
6 the way that this is worded, as far as a  
7 summation of that meeting.

8 CHAIRMAN NEIL MORROW: Thank you for  
9 that clarification.

10 COMMISSIONER SUSAN PASSOVOY: Morgan,  
11 what's the language of the motion?

12 PLANNING DIRECTOR MORGAN LANDERS: So,  
13 I think you can just move to approve the decision  
14 as drafted, with the requested revisions, and  
15 direct the Chair to sign the final version.

16 COMMISSIONER SUSAN PASSOVOY: Okay. I  
17 -- does anyone have any further comment, before I  
18 make, before a motion is put forward?

19 CHAIRMAN NEIL MORROW: No, ma'am.

20 COMMISSIONER TIM CARTER: I do not.

21 COMMISSIONER SUSAN PASSOVOY: I move  
22 that we approve the decision with the edit, with  
23 the additional edits, and direct the Chair to  
24 sign the decision and forward it to the City  
25 Council.

1 COMMISSIONER TIM CARTER: Second.  
2 CHAIRMAN NEIL MORROW: All in favor?  
3 Aye.  
4 COMMISSIONER TIM CARTER: Aye.  
5 VICE CHAIRMAN BRENDA MOCZYGEMBA: Aye.  
6 COMMISSIONER SPENCER CORDOVANO: Aye.  
7 COMMISSIONER SUSAN PASSOVOY: Aye.  
8 CHAIRMAN NEIL MORROW: So, that's  
9 unanimous.  
10 PLANNING DIRECTOR MORGAN LANDERS:  
11 Great. Thank you, everyone. Thank you, Matt.  
12 Appreciate it.  
13 CHAIRMAN NEIL MORROW: Thank you, Matt.  
14 Anything else from staff?  
15 CITY ATTORNEY MATT JOHNSON: Thank you  
16 all.  
17 PLANNING DIRECTOR MORGAN LANDERS: I  
18 will keep it short because it's 7:00.  
19 CHAIRMAN NEIL MORROW: Yeah.  
20 PLANNING DIRECTOR MORGAN LANDERS: Your  
21 last meeting in December has been canceled. I  
22 don't have any items for you.  
23 CHAIRMAN NEIL MORROW: Yay.  
24 PLANNING DIRECTOR MORGAN LANDERS: So,  
25 please enjoy your Christmas. And we will see you

1 for one meeting in December.

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.

*Sonya M. Ledanski Hyde*

Veritext Legal Solutions  
330 Old Country Road  
Suite 300  
Mineola, NY 11501

Date: December 27, 2023

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Idaho Rules of Civil  
Procedure

Rule  
30

(e) Review by the Witness; Changes.

(1) Unless waived by the deponent and the parties, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which (A) to review the transcript or recording; and (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them. (2) Changes indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30 (f) (1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period. (3) Witness Failure to Sign. (A) In General, If the deposition is not signed by the witness within the 30-day period, the officer must sign it and state on the record the fact of the waiver of signature, or of the illness or absence

of the witness or the fact of the refusal to sign the deposition together with any reason given for not signing.

(B) Use of Unsigned Deposition. The deposition may be used as if it were signed, unless pursuant to Rule 32 (d)(4) the court determines that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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