



CITY OF GREENLEAF

20523 North Whittier Drive
Greenleaf, Idaho 83626
www.greenleaf-idaho.us

NOTICE OF PUBLIC HEARING

The City Council for the City of Greenleaf will hold a Public Hearing on Tuesday 29 April 2025 at 6:00 p.m. at Greenleaf City Hall (20523 N. Whittier Dr.) to hear public comments regarding a request for a second amendment to the Development Agreement (DA) for the Greenleaf Air Ranch. The proposed second DA amendment would, "...grant an additional extension of six (6) months to allow the parties an opportunity to reach a resolution on terms that can be incorporated into the Development Agreement...", to address ramifications of HB389(2021).

Letter of request and proposed second amendment to the development agreement are available from Greenleaf City Hall. Individuals desiring to comment on the proposed ordinance may appear and be heard in the public hearing format at the appointed time. Written comments are encouraged and will be accepted at Greenleaf City Hall until 5:00 pm on 28 April 2025.

This institution is an equal opportunity provider

Materials are available in Spanish upon request.
Los materiales están disponibles en español a pedido.

Lee C. Belt, Greenleaf City Clerk

(legal notice publication date requested: 13 April 2025, Idaho Press-Tribune)

March 28, 2025

City of Greenleaf
C/o Mayor Bradley Holton
20523 North Whittier Drive
Greenleaf, Idaho 83626

Re: Greenleaf Air Ranch Subdivision
Glar Industries, Inc.
Development Agreement
Request for Second Extension of Development Agreement

Dear Mayor Holton:

GLAR Industries, Inc., as the developer of the Greenleaf Air Ranch Subdivision, on or about March 11, 2025, respectfully made application to the City of Greenleaf to extend the 2008 Development Agreement, as amended by the 2018 First Amendment to Development Agreement (collectively, the "Development Agreement"). However, after discussions with staff we understand there have been some changes within the current environment notably the impact of HB 389 necessitating additional considerations within the amendment and the proposed extension. To effectively address these developments, we propose a shorter, interim extension of six months. This interim period will provide sufficient time for collaboration with city staff to address new challenges and draft any necessary amendments ahead of City Council deliberations anticipated in 2025. The current agreement is due to expire on May 1, 2025; therefore, an extension is crucial for ongoing progress and the eventual completion of this distinctive residential airpark community. We look forward to working together toward a mutually beneficial future.

GLAR Industries, Inc. has attached hereto as Exhibit "A" a proposed Second Amendment to Development Agreement, and GLAR Industries, Inc. is respectfully requesting the Greenleaf City Council approve this application and authorize the city of Greenleaf to enter into the Second Amendment.

Sincerely,

Ed Priddy
President of GLAR Industries, Inc.

Recording requested by
and when recorded please
return to:

City of Greenleaf
20523 N. Whittier Dr.
Greenleaf, Idaho 83626

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT
(INSTRUMENT NO. 2008036695, AND INSTRUMENT NO. 2018-044871, RECORDED
IN THE RECORDS OF CANYON COUNTY, IDAHO ON JULY 7, 2008, AND OCTOBER
5, 2018, RESPECTIVELY)
BETWEEN THE CITY OF GREENLEAF
AND GREENLEAF AIR RANCH, LLC

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (INSTRUMENT
NO. 2008036695, AND INSTRUMENT NO. 2018-044871, RECORDED IN THE RECORDS
OF CANYON COUNTY, IDAHO ON JULY 7, 2008, AND OCTOBER 5, 2018,
RESPECTIVELY) BETWEEN THE CITY OF GREENLEAF AND GREENLEAF AIR
RANCH, LLC (the "First Amendment") is made and entered into this ___ day of _____, 2025,
by and between the City of Greenleaf, a political subdivision of the State of Idaho ("City") and
GLAR Industries, Inc., a Nevada corporation ("Developer")

RECITALS

A. In 2007, Developer applied for and received approval for the preliminary plat, planned unit development ("PUD") and request for variance commonly known as Greenleaf Air Ranch Subdivision (the "Development"), consisting of approximately 105 acres legally described in Exhibit A attached to the Development Agreements described in Recital B herein (the "Property") (the PUD and variance approvals are referred to herein as the "2007 Approvals").

B. The parties entered into that certain Development Agreement, recorded on August 24, 2007 in the official records of Canyon County, Idaho as Instrument No. 2007058621 (the "2007 Agreement"). The parties amended the 2007 Agreement by way of that certain Development Agreement, recorded on July 7, 2008 in the official records of Canyon County, Idaho as Instrument No. 2008036695 (the "2008 Agreement"). The 2007 Agreement and the 2008 Agreement are collectively referred to herein as the "Original Agreement." The Original

Agreement created several obligations for Developer when developing the Property including, without limitation, obligations relating to the water system and sewage facilities.

C. The Original Agreement required Developer to donate a 5-acre parcel to the City for the City's development of municipal wastewater treatment plant and facilities ("WWTP"). The Original Agreement also contemplated that the WWTP would be located within the Property. Since entering into the Original Agreement, however, the City constructed the WWTP at a different location outside of the Property and the Parties agreed by letter agreement dated July 12, 2012 that the Developer's obligations under Section 13 of the Original Agreement were satisfied.

D. On January 27, 2010, Developer filed an application to change the City of Greenleaf zoning code to create an Airpark Commercial (AC) zone, rezone a portion of the Property to Airpark Commercial (AC), modify the preliminary plat, and amend the Original Agreement (the foregoing collectively, the "2010 Application"). The 2010 Application was heard on February 18, 2010 by the Planning & Zoning Commission, which recommended approval of the 2010 Application. On February 23 and March 2, 2010, the 2010 Application was heard by the Greenleaf City Council, which approved the requested amendment of the zoning code to create an Airpark Commercial (AC) zone; adopted Ordinance No. 237 establishing the Airpark Commercial (AC) zone with related development standards; and approved the requested rezone, all conditioned on negotiation and execution of an amended development agreement, including provisions specific to the AC designation (collectively, the "2010 Approvals"). While discussions between the City and Developer relating to an amended development agreement occurred between 2010 and 2012, an amended development agreement as contemplated by the 2010 Approvals has never been executed.

E. Following consideration and adoption of the 2007 Approvals, building code standards and state regulations relating to redundancy and fire flow requirements for municipal water systems have changed, both of which may affect the City's water capacity in the future, as further described in Recital F herein

F. The City updated and amended its Water Facility Plan in 2012 pursuant to IDAPA 58.01.08.502.01 to comply with regulations of the Idaho Department of Environmental Quality ("IDEQ") relating to redundancy and fire flow requirements of municipal water systems. Pursuant to the 2012 Water Facility Plan amendment, the City had an estimated 52 and 75 EDUs or system connections available in the Municipal Water System before system improvements will be required to increase capacity. The Municipal Water System connection is granted by the City when the application for service and connection fee are submitted and capacity is utilized on a first come - first serve basis.

G. The City approved the final plat for Greenleaf Air Ranch #2 on August 18, 2009. No additional final plats for the Development have been approved since that time and, pursuant to Greenleaf City Code §9-9-13, the preliminary plat/final PUD development plan expired on August 18, 2011. However, the Parties desire to extend the preliminary plat/final PUD development plan as set forth herein.

H. Both parties desired to amend the terms of the 2008 Agreement to reflect current conditions as reflected in the foregoing Recitals and finalize the 2010 Approvals as set forth herein. The 2008 Agreement was modified by a certain First Amendment to Development Agreement recorded in the records of Canyon County, Idaho on October 5, 2018, as Instrument No. 2018-044871 by the parties following notice and hearing as required by Idaho Code §67-6509 (the "First Amendment"). Notice was properly given pursuant to law and a hearing was held on March 6 and April 3, 2018, at which the Greenleaf City Council approved certain changes to the 2008 Agreement as reflected in the First Amendment in order to finalize the 2010 Approvals and grant a seven (7) year extension.

I. In 2021 House Bill 389 ("HB 389") went into law, and the City and Developer desire an opportunity to consider a resolution that may be incorporated into the Development Agreement that can address the impacts of HB 389 as to the City and the Development.

J. Thus, both parties now desire to amend the terms of the 2008 Agreement, as amended by the First Amendment, to grant an additional extension of six (6) months to allow the parties an opportunity to reach a resolution on terms that can be incorporated into the Development Agreement to address the ramifications of HB 389. The 2008 Agreement, as amended by the First Amendment may be modified in writing by the parties following notice and hearing as required by Idaho Code §67-6509. Notice was properly given pursuant to law and a hearing was held on _____, 2025, at which the Greenleaf City Council approved certain changes to the 2008 Agreement, as amended by the First Amendment, as set forth herein.

K. Execution of this Second Amendment in accordance with the terms herein will affect or change the terms of the 2008 Agreement, as modified by the First Amendment, only insofar as the Second Amendment explicitly provides. All other terms and conditions of said 2008 Agreement, as modified by the First Amendment, shall continue in full force and effect.

NOW THEREFORE, the parties, in consideration of the promises contained herein, agree as follows:

Section 1. By approval at a duly noticed meeting of the Greenleaf City Council held on _____, 2025, and in accordance with Greenleaf City Code ("GCC") §§9-9-13

and 9-10-7, and Idaho Code §§67-6509 and 67-6511A, the Greenleaf City Council approved an extension of the preliminary plat/final PUD development plan for the Development. The Findings of Fact, Conclusions of Law and Decision (the "2025 Findings") for these approvals were adopted by the City Council on _____, 2025. The extension of the preliminary plat/final PUD development plan shall be for a period of six (6) months from the date of approval of the 2025 Findings, _____, 2025.

IN WITNESS WHEREOF, the parties hereto have hereunto entered this First Amendment effective as of the day and year first above written.

[signatures appear on next page]

DATED: _____

CITY OF GREENLEAF, a municipal
corporation

By: _____
Bradley Holton, Mayor

Attest:
By: _____
Lee C. Belt, City Clerk

DATED: _____

GLAR INDUSTRIES, INC., a Nevada
corporation

By: _____
Ed Priddy, President

