

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
APRIL 11, 2005

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MEMBERS PRESENT: Don Wilkerson, Jim Hutchins, Steve Ethington, Dave Poole and Brent Jensen.

MEMBERS ABSENT: JB.

OTHERS PRESENT: Debra Smith – Zoning Administrator, Development Services Department Staff – Sissy Stewart and Jennifer Kharrl, and Gem County Prosecutor – Dick Linville.

Chairman Wilkerson opened the public hearing at 7:00 p.m. and welcomed everyone, then explained the public hearing process.

Item One – Special Use Permit #454 by Whitney Eggers to allow the operation of an equestrian center, which would allow riding lessons, training, clinics, event derbies and other equestrian related activities. Located at 1550 W. South Slope Road.

Site visits were performed by: Don Wilkerson, Steve Ethington, Brent Jensen, Dave Poole and Jim Hutchins.

No exparte or conflict of interest was reported.

Whitney Eggers-1550 W. South Slope Rd.

We have a 20-acre parcel that I would like to run a riding stable out of and eventually host horse shows and a summer camp possibly for 6 weeks at a time. Equestrian center, horseback riding lesson, boy and girl scout activities also event derbies. Event derbies are something new and require less property to operate. I wanted to do everything legitimately, so that if in 20 years down the road if any subdividing takes place I would be okay and already have this approval in place.

Chairman Wilkerson-Letter read into the record from Farmers Co-op Irrigation Company. They are opposed to this special use application. The following are our concerns: 1. Bridge Construction 2. Traffic and the prohibited use of right of way 3. Permissive License-residential access only.

Dave Poole-How would you like to address this letter?

Doug Eggers-In the history of property their where issues with landowners, Canal Company and an accident. Now it is my understanding that the permissive use of the permit, when the bridge was rebuilt it was to the specifications required for fire and emergency access.

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Brent Jensen- I am familiar with the bridge and it is my understanding that the bridge is constructed to the specifications for the residential use.

Chairman Wilkerson- Another concern is you only have residential use only, and you are asking to have a commercial use.

Doug Eggers- I would look into what needs to be done in order to carry out this special use application and follow what recommendations that are needed

Brent Jensen- What kind of an easement do you have?

Doug Eggers- I have a 40-foot easement to my property, but I am currently researching that because that may be incorrect.

Chairman Wilkerson- The maps you provided looks like a 30-foot easement. Another thing is your application and property description is only about 2 acres and you mentioned that your facility would run on 20 acres so it looks like we have a discrepancy.

Debbie Smith-The assessors office provided the maps and only highlighted the two acre piece if the facility plans to operate on the full twenty we will need to re-notify all property owners.

Doug Eggers- Plans are for the full twenty acres.

Chairman Wilkerson opened the hearing for public comment.

Earl Defur- 1555 W. South Slope.

Opposed. My concerns are: increased number of traffic, the road has a steep rise with a sharp turn so visibility is not good and also heavy vegetation and noise. I would recommend the commission to vote against this application.

Rick York- Manager of Farmers Co-op Irrigation.

Our main concern is the public traffic being on the canal right of way. We do claim a 50-foot right of way. For those of you that made site visits I have brought some pictures to show Snow Lane looking down across the bridge. If you were to lay a tape measure across the bridge it is 11ft 10in. Back in history there was a fire truck that crashed through that bridge. After that there is a bridge policy that is in affect and with that in mind again our main interest is public safety.

Jim Hutchins-Do you know if the bridge is to the specifications?

Rick York-That bridge was built several years ago and I would have to look through some records to find the specs. It is a wooden bridge and we do expect some wood rot. I

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do feel it is important to have a good bridge to handle that type of traffic.

Chairman Wilkerson- I did see some erosion and what are the plans for fixing that?

Rick York- We have spoke with Mr. Eggers about that and we will watch the erosion and in the fall when the water goes out we will fix that by the spring of 2006.

Chairman Wilkerson- Do you see that bridge as residential use only?

Rick York- Yes, currently it is permitted for residential use only.

Brent Jensen-I think it would be good use of property, however some criteria it won't meet. The bridge is seemingly inadequate, and maybe applicant can make an agreement with the ditch company to make the necessary changes.

Dave Poole-I agree with Brent, the bridge needs to be brought up to the specified standards and the easement addressed and corrected. These two things could be big liabilities for the Irrigation Company and the neighboring owners. Maybe we give them 1 or 2 months to work out the specifics.

Brent Jensen-The application could also address hours of operation.

Chairman Wilkerson- The bridge specifications are addressed in our Ordinance and signs should also be posted.

Jim Hutchins-I agree to table the decision until we get the correct information needed.

Chairman Wilkerson closes the public portion of the hearing.

Brent Jensen- To summarize, this the application does make good use of the ground but it does not meet some of the criteria needed to approve the application. The bridge is inadequate and there are questions about the access. Maybe the applicant can consider an agreement with the ditch company.

Discussion by the board.

Rick York-The irrigation district will meet once a month, if you could schedule this for 2 months out it would give us time to have the issues addressed.

Chairman Wilkerson- Another thing we need to address is the total acreage so the proper owners can be notified. You can go into the Planning and Zoning office and they will provide to you the items we discussed and how to address them.

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Dick Linville-What you should do is a motion to continue the hearing on the application until the June 13th meeting.

Dave Poole-Made a motion to table Special Use Permit #454 for Whitney B. Eggers and continue the hearing for the June 13th meeting. This will give enough time for advertising and addressing the issues as stated above.

Motion received a second.

Vote: Unanimous.

Item Two – Rezone #350 by George Pulley to rezone a 1.24-acre parcel located at 552 E. Idaho Blvd. from A-2 Rural Transitional Agriculture to R-2 Residential Transitional 7N; 1W; Section 31.

Site inspections were performed by: Don Wilkerson, Jim Hutchison, Dave Poole, Steve Ethington, and Brent Jensen.

No ex parte or conflict of interest was reported.

Chairman Wilkerson-A letter has been received from Emmett Irrigation.

George Pulley- 552 E. Idaho Blvd.

This application was approved and never completed due to the death of my wife and so I have reapplied to complete the process in order to keep my 1.24-acre parcel and be in compliance with Gem County Zoning.

Debbie Smith- The zoning designation has changed since the first application was approved. There are 3 five-acre parcels that were split off and are legal and the remaining is 1.24 acre. These parcels are in an A-2 Rural Transitional Agriculture, which has a 5-acre minimum lot requirement. The 1.24-acre is considered an illegal non-conforming lot so it needs to be rezoned to the R-2 Residential Transitional to make it legal. If the house were to burn today it could not be replaced as it is currently zoned. There are no further splits available for this parcel of land.

Discussion by the board.

Dave Poole- Made a motion to recommend approval of the Rezone #350 by George Pulley because it was previously approved and it does clean up the record we have out there. Also it meets the Comprehensive Plan and it cannot be used as it is currently zoned.

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The motion received a second.

Vote: Unanimous.

Item Three – Letha Street Vacation by Gem County Rural Fire District #1 located at 8395 W. Idaho Blvd., Letha to vacate a portion of Payette Ave. where the current building extends approximately one-foot into the street.

Site inspections were performed by: Don Wilkerson, Jim Hutchins, Dave Poole, Steve Ethington and Brent Jensen.

No ex parte or conflict of interest was reported.

Debbie Smith-The reason for this application is they are in the process of selling the land and that one-foot of the building is encroaching on the road. So if it was vacated it would clear up that one-foot as far as the transfer of ownership.

Jim Hutchins-The original building was built in the right of way correct? Approximately 75 years ago or when ever it was built.

Debbie Smith-Yes.

Brent Jensen- What affect will that reduction have on the right of way in the future?

Chairman Wilkerson- It will reduce the right of way from 30-foot to 29-foot.

Debbie Smith- We received no comment back from the Road Department.

Discussion by the board.

No public comment.

Jim Hutchins- Made a motion to approve the Letha Street Vacation by Gem County Rural Fire District #1 as presented.

The motion received second.

Vote: Unanimous

Item Four- CAFO Ordinance

Chairman Wilkerson- Two letters for the record.

Russ Manwaring- Gem County Soil and Water Conservation District.

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Joy Sisler- Four items to address.

Dean Charters- Charters Farms 1507 Jordan Lane.

A couple concerns are 1. Animal Units 2. What is this CAFO good for? 3. State Standards.

The State is now going by **Head** not **Animal Units**. I believe this is for larger operations and we need it to spell out how many. I do not have any problem with this as long as you are going to follow the State Standards as a guild line.

Chairman Wilkerson-A cow and calf is counted as one?

Dean Charters-Cow and calf are one as long as the calf is not weaned.

Chairman Wilkerson- You are the first one to come forward with this information the Planning and Zoning Staff along with myself have been searching the web and calling the Department of Agriculture trying to get this information and have not received anything. We appreciate your information.

Dean Charters- The State is going after the new EPA rules and as of this last Wednesday these new rules are now in affect.

Jim Hutchins-We have held this out for the past three or so months to try and get the information and as of today we have received nothing so at this time we went with the information that we had. It is my understanding that when the State rule comes through then we would abide by the State Statute.

Dave Poole- When the State adopts the new standards then we will dovetail right into that

Dean Charters-How long will that take and will you have to hold another Public Hearing every time?

Chairman Wilkerson-If we change the Ordinance then it is my understanding that we have to have Public Hearing every time we make a change.

Dick Linville- Yes, that is correct. If you adopt a standard then regardless of what the State does you have to have a Public Hearing to change.

Don Wilkerson-Can we have staff look into the State's new Statute and adopt that change without holding another Public Hearing?

Dick Linville-You can close your hearing now and not take action with the Ordinance until after you get that answer determined.

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Chairman Wilkerson- Then if we do determine that it is numbers and not animal units we can incorporate into the Ordinance that we are talking about now and not have another Public Hearing. Is that correct?

Dick Linville- Yes, based on the hearing including this returning assessment.

Chairman Wilkerson- That is what we will do. I will contact the Department of Agriculture and get these questions answered.

Dean Charters- I have the gentleman's name at home that I spoke with and would be glad to give it to you.

Shawn Merrill- 621 E. Main representing Merrill's Egg Farm.
No objections to the CAFO. My question is concerning animal units regarding poultry. USDA, Department of Agriculture, DEQ, EPA and the Department of Health currently regulate Merrill's Egg Farm. We also have a Hazard Analysis Critical Control Point and Nutrient Management Plan and the newest Bio Terrorism Food Safety Plan.

Chairman Wilkerson- Right now livestock is figured on each per 1000-pounds.

Discussion on how Animal Units is broke down in the CAFO.

John Kientz- 3512 Sunset Drive.

I do believe this is the most improved draft so far. I do have a couple concerns and would like you to address. Page 2 at top could you clarify definitions A and B.

Chairman Wilkerson- If you have property with crops, corn, grains and alfalfa they are not considered CAFO.

John Kientz- I appreciate pg. 5 number- 4 that is good wording. I would like to see on page 8 the Idaho code that allows the site advisory team to look at applications.

Chairman Wilkerson- Reads a portion of the Idaho code. Also the site advisory team will be selected by the Department of Agriculture not just any one.

John Kientz- On page 15 it looks like on any existing feeding operations you have crossed out CAFO and inserted AFO. This may be an error. These two are very different.

Discussion on the difference between CAFO and AFO.

Debbie Smith- I believe we did that because perhaps today they are Animal Feeding Operation but when we pass the Ordinance even though they are existing they may have

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to register because they may eventually become a CAFO.

John Keintz- I think we can live with this as long as we tighten up those few minor changes.

Chairman Wilkerson closed the public portion of the hearing.

Chairman Wilkerson- We will now address the issues in Joy Sisler's letter.
Item #1-Pastured animals.

Discussion by the Board.

Chairman Wilkerson- To summarize if we go with the new Department of Agriculture stipulations or guidelines that would clear up Item #1.

Item #2-We have addressed that issue earlier, the Board of County Commissioners can call for a site advisory team on less than 1000 A.U. at this time and if we go to per head then if a 1000 head is a CAFO then they can still go out.

Chairman Wilkerson- We should also add pasture as a definition.

Item #3- Building Permits.

Joy Sisler- 4455 Sunset Drive.

If I were to build a calf shed would it require a Building Permit?

Debbie Smith-Anything over 120 sq. ft. requires a Building Permit.

Discussion.

Item #4- Correct sentence and address CAFO and AFO.

Steve Ethington- Currently there are no CAFO's in Gem County at this present time, so all feeding operations are considered that.

Chairman Wilkerson- This item we are not stipulating anything we are stating that when they register they will get a copy of the Ordinance.

Chairman Wilkerson- Back to Russ Manwaring's letter

Discussion.

Chairman Wilkerson- Summarize

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1. Pastured Animals as part of Definition section.
2. Under A, B, C and D in the definition of CAFO- add semicolon's and "and".
3. Replace A.U. with actual number when we get the information from the Dept of Ag.
4. Dates and typos..
5. State Idaho Code when needed.

Chairman Wilkerson- Now we have discussed this at our Public Hearing with some minor changes. The most major change will be going from A.U. to per Head. We can make those changes and if we approve it here tonight we can pass it on to the Board of County Commissioners without another Pubic Hearing.

Steve Ethington- Made a motion to pass the Ordinance the way it was stated with two changes:

1. To follow the State of Idaho definition for Animal Units.
2. Add the definition of Pasture.

Motion received a second.

Vote: Unanimous.

Regular Meeting:

Item One – Approval of Minutes of March 14, 2005

Dave Poole- Made a motion to approve the minutes.

Motion received a second.

Vote: Unanimous.

The minutes were approved and signed.

Item Two – Items from the public.

None.

Item Three – Items from the Administrator

A. Recent Board of Commissioner P & Z Decisions:

1. The Commissioners approved Kaskel Acres Subdivision today.

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2. Black Canyon Subdivision held another Public Hearing with the Commissioners also today and the Commission took it under advisement. The Commissioners are hopeful for an answer within 6 weeks.
3. Joe Morton's Rezone has been withdrawn. There is a canal, which will create a natural division, and therefore a legal non-conforming lot will be created, that is where the manufactured home is now. One building permit will remain on the remainder of land.
4. We need to schedule a Workshop soon to address: Redefining Prime Ag, Subdivisions and Hillside Development.
5. Amendment to the Ordinance: Minor Subdivision.
6. A group will be put together to brainstorm issues with Subdivision and Minor Subs. Debbie will get to the P&Z commission any information that comes from this meeting.

Item Four – Items from the Zoning Commission.

Chairman Wilkerson-A workshop will be scheduled for April 25, 2005 at 7:00 p.m. in the Planning and Zoning office.

Jim Hutchins- The TRC for Shadow Butte Industrial Park last week I was not real happy with the representatives for Shadow Butte had no firm answers for any of our concerns. I feel we need another TRC. They need to address in writing to the P&Z office the completion of the concerns that where addressed.

Debbie Smith- We cannot make them have another TRC this is only a recommendation. I took over to the Commissioners the recommendations and Roger Bennie will be checking the survey.

Chairman Wilkerson- In the future, should we cancel and reschedule if the information is not complete on the final plat?

Debbie Smith- Yes, you can.

Item Five- Adjourn.

Steve Ethington-Made a motion to adjourn.

The motion received a second.

Vote: Unanimous.

Chairman Wilkerson closed the meeting at 9:00 p.m.

Chairman

Secretary