

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
November 9, 2009

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NOTE: AN AUDIO RECORDING OF THE FULL PROCEEDINGS IS AVAILABLE THROUGH THE DEVELOPMENT SERVICES DEPARTMENT.

MEMBERS PRESENT: Dale Reynolds, Kirk Darnell, Fran Yett and Reisse Perin.

MEMBERS ABSENT WITH PRIOR NOTICE: Don Wilkerson.

OTHERS PRESENT: Planning Director/Administrator - Brad Hawkins-Clark and Deputy Prosecuting Attorney- Tim McNeese.

Chairman Reynolds opened the public hearing at 6:58:35 p.m. and welcomed everyone, then explained the public hearing process.

PUBLIC HEARING

1. (Continued) A new ordinance of Gem County establishing regulations for the location and operation of Confined Animal Feeding Operations (CAFO):

No ex parte or conflicts of interest were reported.

Public testimony:

John Kienitz - 3512 Sunset Drive- Representing the Farm Bureau.
Submitted a letter to the Commission from the Farm Bureau. He explained the letter and asked for clarification and some changes throughout the Ordinance.

Joe Morton – 5722 Silverleaf Extension.
He had a few questions and concerns about public records and the setbacks from existing residences.

Larry Goodsell- 9111 Silverleaf Extension.
He expressed his concerns about a complainant having to pay a fee and setback concerns.

Chairman Reynolds closed the public hearing.

Tim McNeese – Stated he wanted to discuss the request from the Farm Bureau that a nominal fee be charged for the investigation of complaints to help the County budgets so they are not investigating frivolous complaints. He expressed his recommendation to deny this request for constitutional reasons. The First Amendment to the Constitution

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allows for freedom of speech and exercise the right to redress grievances of the government. If the government attempts to curb that speech by placing financial burdens on persons who request investigations or file complaints against their neighbors, then the speech is chilled and might subject the County to legal action by persons who have been aggrieved by that kind of process.

Chairman Reynolds read a letter into the record from Don Wilkerson who was absent from the meeting.

Chairman Reynolds stated that the Commission should go through the Ordinance page by page and discuss the changes that are highlighted in the drafts they have tonight from the last meeting.

- Page 1 – Add chapter 8 to the Affected Person definition
- Page 2- Cleaned up definition of Corral
- Page 7 - Vacancy of Use – changed to 2 years instead of 1 year
- Page 8 – Chapter 8. D. add subdivision plat after amendments
- Page 9 – Remove B.1. – Changed setbacks to 500 feet on B.7. and B.8. to match B.2.
- Page 9 – B.5. – add drinking after public
- Page 10- #10 add and existing after platted

Fran Yett then went through the Ordinance again and addressed the changes proposed by the Farm Bureau tonight.

- Chapter 2 – CAFO definition c.3.- add beef before cattle and remove dairy cows and veal calves because those are addressed under c.1. and c.2.
- Page 2 – Paragraph under CAFO definition- clean up “contiguous” wording
- Page 2 – Major Changes definition – remove the reference to the Building Inspector
- Page 3 – Chapter 3. A.2. – Brad will call ISDA to verify whether or not they have the ability to issue a letter of compliance
- Page 5 - #8 regarding public records- leave this section as drafted
- Page 6 – Chapter 7. a) remove “professionally prepared” in front of site plan
- Page 7 – Members of the CAFO Site Advisory Team – leave as drafted
- Page 7 – Paragraph under #4 – leave as drafted regarding timeframe
- Page 10 - #11 add perennial in front of tributary
- Page 10 - #12 remove in its entirety because it is conflicting with other sections of the Ordinance
- Page 12 – Chapter 14. A. 1. – remove the phrase “or is about to occur”
- Page 12 – Chapter 14.A.2. – leave as drafted
- Page 13 - #9 remove completely

Chairman Reynolds asked the Commission to review the Ordinance and verify that all the numbers match throughout.

Fran Yett made a motion to recommend approval of the proposed CAFO Ordinance to the Board of County Commissioners with the following changes:

- Chapter 2 – add chapter 8 to the Affected Person definition, CAFO definition under c.3 needs to reference beef only, the last paragraph under section c is removed, under Major Changes/Modifications definition the last sentence is removed referring to the Building Inspector
- Chapter 3 – section A.2. staff will retain information from ISDA on what type of CAFO's require a Nutrient Management Plan versus a letter of compliance and make the necessary changes
- Chapter 7 – a). remove professionally prepared from the site plan, Vacancy of Use – change to 2 years
- Chapter 9 – section B – remove #1, add drinking to #5, #7 & #8 change setback to 500 feet, #11 add perennial in before tributary, #12 and #11.a. remove completely
- Chapter 14 – A.1. remove or is about to occur, A.9. remove

Reisse Perin seconded the motion.

Vote: Unanimous.

REGULAR MEETING

1. THE MEADOWS AT SAND HOLLOW PUD EXTENSION REQUEST.

Todd Lakey – Rose Law Group on behalf of Clearwater Development.

Stated he is requesting an extension for the Planned Unit Development approval. They had requested an extension on the Preliminary Plat in September and the Board of County Commissioners denied the request. They are trying to keep this project viable and it would be very beneficial to keep the PUD alive and ready when the economy picks up and they go back through the platting process.

Brad Hawkins-Clark reminded the Commission that the finding for this request is whether or not it conflicts with the public interest and that an extension approval does not grant them any approval to construct. The PUD sets the framework for the project.

Discussion by the Commission. The Commission discussed timeframes, processes and public interest.

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Reisse Perin made a motion to approve The Meadows at Sand hollow PUD extension request for two years.

Kirk Darnell seconded the motion.

Vote: 2 to 1.

2. ITEMS FROM THE PUBLIC: None.

3. APPROVAL OF THE MINUTES OF OCTOBER 13, 2009:

Kirk Darnell made a motion to approve the minutes as submitted.

Fran Yett seconded the motion.

Vote: Unanimous.

4. ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:

Brad Hawkins-Clark congratulated the Commission for a job well done on the CAFO Ordinance.

5. ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY: None.

6. ITEMS FROM THE ZONING COMMISSION:

Chairman Reynolds asked Brad if they could set up a workshop with the County Engineer and Kim Reed to find out more about public works standards.

Brad Hawkins-Clark stated that he would check with the County Engineer and Kim Reed to see if they are available to attend the December meeting since it will be a light night. He also stated that the Joint Planning Commission will be holding their first public hearing on November 16th at 6:00 P.M. at the City Hall. They will be hearing five chapters of the Comprehensive Plan and if they recommend approval on the chapters, the City Council and Board of County Commissioners will hold a joint public hearing for final approval.

7. ADJOURN:

Reisse Perin made a motion to adjourn.

Fran Yett seconded the motion.

Vote: Unanimous.

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Chairman Reynolds closed the meeting at 9:08:05 p.m.

Chairman Dale Reynolds