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

MEMBERS PRESENT: County Zoning Commission – Dale Reynolds, Don Wilkerson, Kirk Darnell, Reisse Perin and Fran Yett. City Zoning Commission – Cheryl Conrad, Dee Turner, Pam Garrison, and John Sanuy.

MEMBERS ABSENT: City Zoning Commission – Shannon Ewing.

OTHERS PRESENT: Planning Director/Administrator - Brad Hawkins-Clark, Development Services Coordinator- Jennifer Kharri, Deputy Prosecuting Attorney- Tim McNeese and City Attorney – Ron Bjorkman.

**(Joint Zoning Commission Meeting)
6:30 P.M.**

- 1. CALL TO ORDER:** Chairman Reynolds opened the public hearing at 6:30:55 p.m. and welcomed everyone, then explained the public hearing process.
- 2. ROLL CALL:**
(County Commission): Don Wilkerson – present, Kirk Darnell – present, Dale Reynolds – present, Reisse Perin – present, Fran Yett - present.
(City Commission): Cheryl Conrad- present, Pam Garrison – present, John Sanuy – present, Dee Turner – present.
- 3. APPROVAL OF THE MINUTES OF May 17, 2010:**

City Commission:

John Sanuy made a motion to approve the minutes as submitted.

Pam Garrison seconded the motion.

Vote: Unanimous.

County Commission:

Fran Yett made a motion to approve the minutes as submitted.

Reisse Perin seconded the motion.

Vote: Unanimous.

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4. (CONTINUED) DISCUSSION/DECISION OF DESIGN REVIEW ORDINANCE:

The Commissions felt that staff did a great job incorporating their changes and asked for a little clarification and questions on consistency on the following pages:

- Page 34 – add “Like This” below the photos to stay consistent
- Page 21 – C. Building Height C.1 – add a maximum height of 35 feet
- Page 9 – top of page 3rd bullet – strike “where the gross floor area of said structure is 10,000 square feet or greater” from the 2nd sentence
- Page 10- Neighborhood Commercial Areas – 4th bullet - add address and strike “Albertsons”
- Page 10 – Historic Central Business District Area – 3rd bullet – strike “to” between from and 1st St.
- Page 28 – top of page d) – strike “Uniform” and add International before Fire Code Requirements
- Ordinance – Membership – Add at least one (1) member shall be a business owner
- Quorum – remove paragraph and address in By-Laws
- Voting – remove paragraph and address in By-Laws

City Zoning Commission Decision:

Pam Garrison made a motion to recommend approval of the Design Review Ordinance and Manual to the City Council with the changes and corrections made tonight to the Ordinance and Manual as well as the Overlay Map as submitted.

Dee Turner seconded the motion.

Vote: Unanimous.

County Zoning Commission Decision:

Don Wilkerson made a motion to recommend approval of the Design Review Ordinance and Manual to the Board of County Commissioners with the changes and corrections made tonight to the Ordinance and Manual as well as the Overlay Map as submitted.

Fran Yett seconded the motion.

Vote: Unanimous.

5. ADJOURN JOINT ZONING COMMISSION MEETING:

City Commission:

Dee Turner made a motion to adjourn the Joint Zoning Commission meeting.

John Sanuy seconded the motion.

Vote: Unanimous.

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County Commission:

Don Wilkerson made a motion to adjourn the Joint Zoning Commission meeting.

Fran Yett seconded the motion.

Vote: Unanimous.

Chairman Dale Reynolds

Chairman Cheryl Conrad

(County Zoning Commission Only)

7:00 P.M.

1. **CALL TO ORDER:** **Chairman Reynolds** opened the public hearing at 7:37:20 p.m. and welcomed everyone, then explained the public hearing process.
2. **ROLL CALL:**
Don Wilkerson – present, Kirk Darnell – present, Dale Reynolds – present, Reisse Perin – present, Fran Yett - present.
3. **REVIEW AGENDA:** No change to agenda.

PUBLIC HEARING

1. A Special Use Permit (#SUP-10-001) request by Shawn Nickel to allow extraction of gravel on property owned by Anthony Loucks. The applicant's 2009 proposal has been modified to eliminate the asphalt plant and reduce the number of ponds. Located at 1811 W Sales Yard Road in T 06N, R 02W, Section 25 & 26:

No ex parte or conflicts of interest were reported.

Staff Review: Brad Hawkins-Clark presented the Commission with a power point presentation and reviewed the proposed use and staff report with the Commission.

Applicant/representative testimony:

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Shawn Nickel – Representative for Tony Loucks.

I want to go through the requested findings of fact that we believe we tried to incorporate what came out of the last meeting with you and the appeal meeting with the Board of County Commissioners. The excavation area is reduced approximately 50 % from the last application and because of this concerns on noise, traffic, dust, access and wells will all be adequately addressed. Reclamation of the property will include private ponds and future residential development that will meet the intent of the Comprehensive Plan. The existing ponds will be maintained by the property owner including provisions by Mosquito Abatement, safety fencing, policing and general up-keep. With regards to the previous denial, this application is being re-submitted incorporating the previous issues into the proposal. Specific attention has been given to the previous findings that the proposed use was not harmonious with the Comprehensive Plan, not compatible with the neighboring properties and the issues regarding reclamation, access and impacts on the neighboring wells were not addressed. The following findings have been met – this application does constitute a Special Use Permit, the A-2 zone is outside the Area of Impact and gravel extraction is allowed with a Special Use Permit under section 11-5 of the Gem County Code. Other uses in the general area that are similar to this are Gem County Auto and Truck Dismantlers and Idaho Concrete Company. Project is harmonious with the objectives of the Comprehensive Plan. Heavy Industrial uses are allowed in the A-2 zone with a Special Use Permit. We believe the Commission can now find that the gravel extraction and rock crushing can be compatible with the purpose and vision for this area and the applicant has provided a reclamation/recreation plan that will comply with the Comprehensive Plan that was voted by the County Commissioners at the Appeal Hearing. We believe that the project is designed, constructed and will operate and be maintained to be harmonious with the existing intended character of the vicinity. The area is a mix of residential, agricultural, recreation uses including golf, airport and fishing ponds and a number of approved gravel pits to the north east and west. The newly submitted reclamation plan shows a significant downsizing on the extraction areas to minimize adverse impacts. The project will not be hazardous to existing or future neighboring uses. The proposed use as redesigned will be operated in a manner that will reduce the impacts on the neighboring uses including establishing hours of operation, dust abatement, safety fencing, access, reduction in noise, reduction in truck traffic from the last proposal and impacts on the existing domestic wells. It is understood that there are future extraction activities surrounding this property so the applicant intends to be compatible with those existing and future uses as well as protecting the sensitive residential uses that are also in the area. The proposed hours of operation will be 7:00 AM to 7:00 PM Monday through Friday and rock crushing will only be permitted at these times and this is consistent with the approved Special Use Permit # 08-003 that was approved in 2009 west of this property. Both facilities will operate at the same time during the week. The foreseeable impacts to the area including noise and truck traffic will be mitigated to the fullest extent. This includes an overall reduction in the size and

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intensity of the operation. We have provided a dust abatement policy measure that will have a fugitive dust plan that meets all the DEQ requirements. This plan will establish practices on the property that will focus on limiting truck speed and including speed limit signage, applying water and and/or soil stabilizers and limit the crusher and conveyor material drop heights and stockpile height limits. Safety fencing will be provided around all extraction areas to provide protection to children and animals and will be maintained by the owner. Noise impacts have been addressed by the hours of operation and the overall reduction in size and intensity of the operation including the additional buffering to the pit. In addition staff has a condition that the crushers remain at least 500 feet west and south property lines at all times. We are intending to place the crushers down within the pits to reduce the noise even further. Access for all truck traffic will be through the property to the west that was previously approved for a gravel pit operation; this will concentrate access to Sales Yard Road for both operations rather than having multiple accesses. Airport Road will be used to go north to the State Highway. The cross access agreement between the applicant and the owners to the west is included in your packet and as a condition of approval. Traffic impacts will be significantly decreased from the previous application because of the reduced size in operation resulting in fewer truck trips per day. In addition, the applicant will enter into a road mitigation agreement with Gem County for impacts that the operation will have on the public roadways. The permit fees have been determined by the Gem County Road and Bridge Department and a draft copy was included in the application. We have carefully studied the de-watering of wells by a Licensed Engineer who is here tonight to answer any questions you may have. A groundwater impact assessment was submitted with the application and this report supports the belief that the de-watering of the applicant's property for gravel extraction will not result in lowering the domestic wells on the adjacent or neighboring wells. The applicant will be agreeable to install an on-site water monitoring system at the request of the County. The project will be served adequately by the public facilities and services and will not require additional requirements at public cost including the road impact agreement and us providing the fees for the roadways. Great detail has been put in to the revised site plan and reclamation plan. Bermed areas will be constructed adjacent to the existing residential uses. The proposed average of two vehicle trips per hour will not be detrimental volumes. The existing access to this property will be used exclusively for the uses that are currently used today, any new uses relating to the gravel pit will take access at the new access to the west. At the last hearing there was confusion and discrepancy about what to do about the berms so we didn't specify those areas on the site plan and thought we would make an agreement with the neighbors who want berms between their properties and the pits and the ones that don't want berms we won't do it there.

Don Wilkerson – Brad, doesn't the Ordinance state that a berm is required between the different uses?

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Brad Hawkins-Clark – For incompatible uses that is correct, the landscape ordinance is specific to uses that are different and adjacent. Historically on gravel pit operations the County hasn't required the berms around the perimeter of the property.

Don Wilkerson – The Fire District may require a secondary access for emergency access, would you use the existing access as this?

Shawn Nickel – If that is the requirement of the Fire District, we will meet the requirements for that access.

Don Wilkerson – Will you be using trucks and trailers?

Shawn Nickel – Yes, that is correct.

Don Wilkerson – Are you going to work with the ditch company about replacing the culvert?

Shawn Nickel – Absolutely.

Don Wilkerson – Does the reclamation plan have to be filed with the Idaho Department of Lands?

Shawn Nickel – Yes.

Don Wilkerson – If you file it with them, does it become a binding document that you have to follow through with it?

Shawn Nickel – It does for the pond construction rehabilitation. Just the ponds, they won't hold us to the reclamation plan you have in front of you showing the subdivision.

Don Wilkerson – You plan on re-fueling and serving on site?

Shawn Nickel – Our original plan is to have responsible fueling and maintenance on-site for the duration.

Don Wilkerson – The monitoring wells you have talked about, will those be on-site?

Shawn Nickel – That is correct.

Don Wilkerson – Any thoughts on having some off-site?

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Shawn Nickel – I am going to defer the monitoring and well information to my engineer to answer for you.

Reisse Perin- Do you have any thoughts or specifications on the fencing?

Shawn Nickel – Six-foot chain link is what we are proposing. The intent is for the fencing to stay there until the redevelopment of the property.

Reisse Perin – The pits will be 30 feet deep with a 2:1 ratio, so they couldn't effectively be used for public recreation access, could they?

Shawn Nickel – They would be used for boating; they won't be intended for swimming.

Reisse Perin – Do you have any concerns with that grade ratio for that use?

Shawn Nickel – Typically when you have a reclamation for residential you do have the ability to have a shallower area before it drops off, and we can add that to the reclamation plan if that is what you recommend for public safety.

Fran Yett- With two heavy truck trips per hour this could easily go on for 15 years. Is that when you would start the reclamation?

Shawn Nickel – We don't know right now, it will depend on how quickly the excavation occurs. The intent is to start on the first phase and then reclaim the first phase slopes and then begin on the second phase.

Fran Yett – The first phase is the larger pond?

Shawn Nickel – Correct. The reason we chose that place for the first phase was because it does abut the City Transfer property that was approved for gravel extraction.

Bob Arnold – Licensed Professional Engineer, Boise.

I specialize in geotechnical engineering and among other duties I work on is gravel pit source approvals and environmental projects and geotechnical projects and all types of geotechnical and material testing projects. I have some experience in Emmett mostly in residential developments, particularly dealing with high ground water so and I am very aware of the high water tables. I am aware of the unique groundwater conditions for Emmett like the very large seasonal swing in groundwater. What I conducted for this project was an assessment versus a study. A study in my opinion and by definition is going out and taking measurements and doing field work. I was obtained for an assessment to look at the available published information and drawing conclusions based

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on that public information. The published information is not plentiful in Gem County but I did talk with Keller Associates, Department of Water Resources and management and staff of the former City Transfer property as to what they had seen in the past based on their own de-watering methods. Based on the published information, I came to the conclusion that they should be able to de-water these two pits without adversely impacting the neighbors, which is an opinion. Looking for an engineering solution is the next step and installing a monitoring well system was the original proposal. Installing four on-site monitoring wells was the original proposal but once we get to the design phase it may be three or five monitoring wells at the perimeter of the property. The intent of that is when the de-watering occurs, we can monitor the groundwater at the property boundary so that we can see the impact that the de-watering of the pits is having at our property boundary and if we detect a problem at the property boundary we can take corrective actions by installing more lower volume pumps and maybe shallowing up the de-watering efforts. There are things that we can do to try to mitigate those effects at the property line. In my report I looked at the wells in Sections 23, 24 and 25. The subject property is in Section 24 and I did not intentionally leave out the properties in Section 26 to the southwest and I have since pulled the well logs for the properties closest to the subject property and the well closest to the property in Section 26 is 74 feet deep and I do not feel that these ponds will have any impact on these wells simply due to those wells proximity to the drain directly up gradient and I would think that the groundwater would be replenished from the drain rather quickly. We have this concept of de-watering that people think that the water just disappears. The water doesn't just go away it just gets taken from one part of the property and moved to another part of the property back in the ground. I would anticipate that Phase 1 will de-water and will probably be recycled back onto his property into a pond and percolate right where it came from. The point is to dry up the area where we are working at and the nearest residences are 500 feet away and I would anticipate at the property boundary which we should be able to put wells are about 300 feet away from the ponds, and if we see any impact at all we can address it with the gravel extraction methods. The preferred method is dry extraction, we would like to de-water down below the 30 foot extraction depth. If we are going to mine gravel at 30 feet then we are going to need to pull the groundwater to at least 30 or 33 feet below that. One of the things we can change if we see any impact at our monitoring wells at the perimeter is we can go to a wet extraction method where we shallow up the de-watering and only de-water the pit to 25 feet thus putting 5 feet of water back in to the system everywhere and we actually remove the gravel from the groundwater and put it into a stockpile on the property and allow it to drain. As far as the well locations we were looking at placing one at the far northwest corner of the property and then one at the far west end of the property and another one at the far northeast corner of the property and that gives us three distinct watering points so we can draw a plain of what the water is actually doing and determine the flow of the water on this property. A fourth well may be placed on the south section of the property and I would like to keep it as close to the pit

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and as far away from the canal as possible so that I am measuring the influence of the de-watering of the pond and not the influence of the canal. Bruce Evans from the Public Works Department expressed a concern that the de-watering may or may not have an impact on the City drinking well that is located at the Shadow Butte Industrial Park. With my experience in gravel pits I would be surprised if our de-watering would have any impacts on the wells 500 feet away let alone ¼ mile away. The Valley is so charged by the canal system that we going to be a small drop in the bucket and we will put the water right back in a different part of the bucket. In the big scheme of things I would be shocked if our de-watering adversely affects wells. I see no impact on the Mill Road wells, they are up gradient and the water in these ponds are not what they are drinking, and they are getting their water from the east. The wells that are to the west and to the north we can address the well impacts with monitoring wells and planning before the neighbors ever see a problem. The monitoring wells do have to be permitted through the Department of Water Resources.

Public testimony:

In Favor:

Mike Williams – 825 Hawthorne, Emmett.

I am going to address two of the findings you have to make regarding whether or not this application is hazardous or harmonious to the neighboring uses. If you look at the site plan you will see the other approved gravel pits in this area. In 1990 the gravel pit that was approved on the corner of Sales Yard Road and Mill Road with a Special Use Permit #211 had a condition that they commenced work within 2 years of the approval and 1 year after the approval, the Zoning Administrator at that time contacted City Transfer and made sure that work had started and in 1994 it wasn't moving quite as fast as they felt it needed to. In 1994, Special Use Permit #253 came before the Zoning Commission to bring the previous Special Use Permit up to date to address the 2 year expiration. In 1996, Special Use Permit #265 was approved which was an expansion of this use of the 77 acres. Mr. Sawyer wanted to relocate his operation from Schiller Road to the corner of Mill and Sales Yard and that is where all the buildings were installed with the same gravel pits in the area. Mr. Sawyer also requested that the 137 acre piece that is adjacent to Mr. Loucks property also be allowed to do gravel extraction. None of those had any expiration dates placed on them. In 1999 the 68 acre piece that is directly north of the Loucks property was approved for Mr. Sawyer who owned City Transfer and is currently being mined with no expiration date. In 2009 the Buchert/Schweres Special Use Permit #08-003 was approved for gravel extraction with conditions and findings that were similar to the ones in your staff report tonight. When considering if the proposed use is compatible with the adjacent uses look at the approved gravel pits on three sides of this property and when considering if the proposed uses is hazardous, the

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conditions of approval is to help mitigate those concerns. Does it make sense to berm the entire property when there are gravel pits on three sides already? Berming should be strategically located. More than likely when a Reclamation Plan is submitted to the Department of Lands it will most likely be different than what you see before you because they look at the land use today and the reclamation of the pits only, not the possible residential development of the property.

In Opposition:

George Schenk- 1823 W Sales Yard Road.

I own twenty acres that will be an island if this is approved. I am concerned with my property value going down because I will become an island in the middle of a 300 or 400 gravel pit and my property will become useless, everything I own is invested in that twenty acres. I am concerned with the water, there is a ditch that nobody ever shows or talks about that I water my cattle on. Every time Sawyer starts pumping the pond, the ditch goes down and the applicant can verify that also because he waters his cows off of it too. If you pump the water into the drain ditch, and with a ten inch piece of pipe that is already so full right now that I get out there two or three times a day to clean the culvert because the water won't flow. On the first plan they had they were only 75 feet from my property and now they are 25 feet from my property, all they did was rearrange their ponds. I probably have the most to lose out of all this and I don't agree with this. I don't know why they need to do it. How many gravel pits do we need? There is 600 acres of gravel sitting there, how much gravel does Eagle need? We live out there and this is our home and they want to have a business.

Al Dimmick – 1411 W South Slope Road.

My concern is there are six homes within 250 yards of each other that have wells anywhere from 165 to 183 feet and we are uphill. Water runs downhill and if we start having big ponds, what happens when some of our wells aren't deep enough again? I just replaced my well in 2007 so I know what the expense was then and it was pretty high. I can't make water run uphill and that is my concern even though we are up underneath the canal and the canal probably does re-energize our water but I had a very good friend of mine from Emmett tell me a couple of years ago that I needed to be concerned with the big aquifer that stretches all the way through here to Fruitland. And if the big development over the hill with 14,000 home ties into that we could start losing our wells. We could be one of the first to be impacted but I don't know.

Al Dimmick read a letter into record from William and Lara Goers at 2615 W South Slope Road and their concerns were the additional noise and they wanted to add their names to the others in opposition based on water, impact on County Roads, dust and traffic.

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Robert Shepard – 3733 Mill Road.

All the information from Bob Arnold's groundwater impact assessment is found on the internet. He did not go on-site or monitor anything. There are sound wave machines that can see what is going on down there to see the geological levels of the ground and to see where the water flows. He stated in the beginning of the assessment that to evaluate this would require data that is not currently available. The bottom line is it is not available. He stated that it would take a two year long study in order to find out where the water flows and how the levels fluctuate during the seasons and when the canal is full or empty. He did not include all the wells in the vicinity. There is a well that was put in the 1940's that is still in use that was left out and my well was not included in this assessment and I am a house away from one that is on the list and the property between us was not listed either. My well is 59 feet deep and it was put in 1977. There are levels that the driller goes through and the levels are reported on every drilling report. From 0-3 feet is topsoil, 3-32 feet is the type of sand or rock and at 32-37 feet there is a yellow clay and that is what protects our drinking water. They say these ponds are going to be 30 feet deep and he stated they will have to go lower than that to reclaim the gravel. They will go through this yellow clay and if there are any contaminants that get into the water and they get pumped down to that level, they will enter the aquifer. I worked on surface mining sites where they sprinkle the sodium cyanide for the leeching process and they put in pregnant solution ponds that are 30-50 feet deep and they have a special rubber basin to keep anything from getting into the ground and it still didn't stop contaminants from getting into the ground. The main chemical cyanide was found 37 miles from the site. This whole project is upsetting to me because of where I live. How many gravel pits are already there and how many are not being used yet that will be used? This appears to be an overuse of gravel extraction especially since the one property will become an island. Anyone who has a well drilled and registered with the Idaho Department of Water Resources has water rights to their water. The wells have a static water level and that is how deep your water is in your well below the ground surface. My static water level is 20 feet below ground level and the static water levels are what will be affected. There is record of wells going dry with the Sawyer property. The Sales Yard stockyard well ran dry, Cliff Bledsoe's well ran dry and Bob Mackey's well ran dry. With the amount of noise and traffic, I don't know how another operation can be harmonious to this area. How can it be harmonious when every single land owner in the area is against this operation? How are we supposed to protect ourselves when we have a legal right to our water rights when they are going to start sucking this water out and they haven't even put any settling ponds on the property, they will need to pump the water somewhere. If they pump into the ditch where is it going to go? The gravel has to be washed somehow. It seems to me that before this project can go forward that there would have to be an impact study done. I have a water right claim number that is my

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legal right to my water and there are laws that prevent anyone from messing with my domestic water. I don't see how this proposal has met all the requirements.

Ramona Sloan – 1714 W South Slope Road.

I live about 125 yards from phase 1 of the proposed gravel pit. I agree with the person before me about the groundwater assessment. I live within one of the critical areas of the shallow well. My well is only 37 feet deep. There are a couple more wells that went dry due to Sawyer's pits and I have been told that Mr. Sawyer replaced those at 1800 W Sales Yard and 1845 Sales Yard along with the Sales Yard livestock and 3045 Mill Road and couple more that didn't want to be mentioned. If the monitoring devices are placed how will they affect my area since I am above the canal and uphill from this property? I asked a well driller about a new well and he quoted me three to ten thousand dollars. What action will be taken if our wells are depleted? I am concerned about the noise and proposed hours of operation since Gem County doesn't have a noise ordinance. This does affect my quality of life with the noise, traffic and the dust and everything else going on. Emmett is known as the Valley of Plenty and I don't think it should be known as the Valley of Gravel Pits. I agree with the gentleman before me and I am opposed because of my quality of life. The well driller I spoke with suggested that everyone in the area get reports on their wells now and if this gets approved then get another report to see if there is a change.

Ruby Winkler – 3785 ½ Mill Road.

My husband only has 5% of his heart left. All the dust and noise will affect us. We moved here to live the rest our lives. We already hear the trucks. That's not counting the way of life we have now and they are going to mess it all up. I'm too old to start over. My husband is in too bad of health and the noise and dust will make it worse. Let the applicant move into the house on his property instead of living 20 or 30 miles away and see how he likes living in the middle of a gravel pit. There is a lot of land out there that doesn't have people on it and let them move the pit where no one else is around.

Dale Spicer – 3831 Mill Road.

I have three wells, one is 27 feet and two are 26 feet deep. Extracting more gravel will drop my wells down. I have already seen an affect from Sawyer's pits. I have good drinking water with no rust in it. Can he guarantee me that I will still have that good drinking water? I take care of kids and I had to go through the State and have my water tested and I have good water and I would love for it to stay that way. I can hear the trucks over there now but I am worried more about the water. I don't want to lose my water.

John O'Leary – 1622 W South Slope Road.

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He submitted some photos to the Commission. I just received my 2010 assessment like everyone else and I am worried that it will get worse if this is approved. When we first moved here we bought for the beautiful views and tranquility. South Slope is known for the views. I am worried for the way of life that we all enjoy up there and the values of our homes. These homes will not be able to be sold because of the noise, dust, traffic, and smell that comes from a gravel pit. Not to mention the destruction of our beautiful valley and the safety for our kids. Our City Golf Course will be impacted. Gem County is known the orchards, peace and tranquility and the applicant said that 7:00 to 7:00 will be the hours. You can hear everything on the slope; everything echoes out, we can hear the games at the high school. About 60% of my neighbors are retired or semi-retired or work from home and for us who are not that would mean I would get three hours of peace and quiet every night and that is not a way of life.

Shirley Brown – 1842 W South Slope Road.

I am concerned about my water quantity. Our well is 38 feet deep in Section 25 and when he diverts the water out of our area for the de-watering of the project site, how much water will be left for nearby residential properties with shallow wells? Mr. Arnold stated that the water flow and water direction can change for a specific area based on seasonal increases. He also stated that Idaho Concrete adjusted their de-watering efforts when the Emmett Golf Course notified them that their de-watering efforts were leveling the water in the irrigation pond at the Emmett Golf Course. So we know water flow and water level can change by seasonal increase and also by de-watering efforts. Also, he assumes to know the flow of the groundwater and he states the data to evaluate the de-watering for the project and the effect on neighboring residential property is not available. Information from the Department of Water Resources Well Driller Reports was utilized for Sections 23, 24 and 25. Section 26 should have been included also and he mentioned that this evening. From the 76 wells in Sections 23, 24 and 25 he listed wells of concern. Section 23 listed 8 wells and 7 of the wells were constructed after 1995 and the other has no construction date. Idaho Rural Water Melinda Harper came over and looked this area over and said all the shallow wells in this area will be impacted. The Superintendent of Public Works is also concerned with how the water flows and how it will affect Shadow Butte and also for the water rights for the properties in the area. Section 24 listed 28 wells. From 1954 to 1978 there were 15 wells constructed and from 1978 to 1991 there were no entries and from 1992 to 2006 there were 13 wells constructed and 11 of those are less than 40 feet deep and one is 41, three are 42, one is 44 and one is 48 feet deep. That is a total of 17 shallow wells in Section 24. Section 25 lists 31 listings. From 1959 to 1978 there are only 12 wells listed and from 1978 to 1993 there were no listings and 1993 to 2008 there were 18 wells listed and 6 of those wells are less than 40 feet and 3 are at 40 something. Section 26 has 14 listings. From 1957 to 1982 there were 5 listings and from 1982 to 1996 there are no listings and from 1996 to 2007 there are 9 listings. Our well is not listed on this report and some of our neighbors

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wells aren't either. The information from the Department of Water Resources is inadequate and a two year study would be needed and we believe the study should be required because we don't know how many more wells will be affected because we don't have that information. We do have list of the wells that have gone dry and with that list it is reasonable to assume that some of our wells could also go dry and there needs to be equitable compensation with this plan if it is approved. The Engineer didn't respond to the question about what they would do if there are wells that do go dry. To say that the gravel extraction will be harmonious to our area, I disagree. Sales Yard was in existence since 1947, the airport golf course since 1952, Larry Sawyer's sand and gravel started in 1969 and was moved out there in 1977 and Gem County Auto Dismantling was in 1978. You can tell by this list that there is a lot of change in the valley. The Valley used to be the Valley of Plenty and now we have a different logo. The orchards have been replaced by homes and the area continues to grow and a gravel pit does not enhance the natural beauty of South Slope. We want to protect our quality of life and also I talked to one of the realtors here and she said our property value will be directly affected. We have water rights on our property and I have a copy of that to give you. When all the pits are in operation at the same time there are going to be so many trucks and with three rock crushers running at the same time and trucks hauling gravel at the same time, I don't know how anyone would want to live in that area. This will ruin our way of life. I have the well listings to give you as well.

Carol Briggs – 1871 W South Slope Road.

I want to disagree with the claims in the application that the areas of concern have been addressed. The future land use as illustrated is not consistent with the proposals claim to be compatible with the surrounding residential area. The proposed actions don't address the rural residential areas; just because the Sales Yard properties are currently exposed to heavy industrial uses does that justify increasing their exposure? Does the creation of ponds and future development really result in buffering of residential properties to the south during the extractions? Just because other properties have been approved for gravel extraction that may or may not occur, does that make the current request compatible with the residents that live nearby? The application states that the proposed hours of operation should address the concerns of the neighbors since most residents will be at work. I don't recall any survey of our household or neighboring households to determine that they are away during those hours. As a retired resident I am mostly at my property during the proposed hours of operation as are the orchard owners, resident farmers, residents with home businesses, mothers with small children or homeschoolers, other retired and senior residents and the unemployed. The reduction in size and overall intensity of the operation does not necessarily mean that there will be no noise or other impact. With my calculations, the rock crusher for phase 1 will be 3200 feet from my front door and my property is not the closest to the site. The proposal does not include any assessment or proposed correction action that would mitigate the noise pollution

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satisfactorily. Studies that I have found show that the only effective way to reduce noise is to completely enclose all noise causing operations. The use of berms may be helpful for properties at the same level but noise experts have assessed that berms have no effect on noise travel to properties that are on higher ground. The attributes of peace, quiet, solitude and proximity to nature are the qualities of life we all enjoy today. When we the surrounding property owners purchased property on South Slope and the surrounding area, we had a reasonable expectation that future zoning changes would not adversely affect us. My assessment of the proposal is that there will be significant impacts on the nearby residents. The EPA has tasked Zoning Commissions with protecting property owners from the stress and annoyance of industry noise.

Bob Payne – 3976 Ranch Road.

I don't see anything different from last time. It seems flimsy to me that they are proposing a road through their neighbor's field. What if that neighbor sells that property? These guys should buy that so it goes along with their property.

Doug Eggers – 1550 W South Slope Road.

We are opposed to this application. I just want to add that this application should have a time limit with severe penalties.

Merle Spicer – 3785 Mill Road.

Where is the water going to run to? These trucks run back and forth and they say they will keep the ground wet to keep dust down, how are they going to drive on wet ground?

Michaela Schenk - 1823 W Sales Yard Road.

The noise will impact us, those rock crushers are loud and they are done out of the pit. The trucks are out to the pits as well. When we moved here we knew City Transfer was there and we were naïve because we had no idea what a rock plant was. It's there and I don't have a problem with that one. I do have a problem with the rest of them. We will literally be surrounded by gravel pits.

Clayton Winn- 1675 W South Slope Road.

This is all about money. This application is about making money. It will enrich them and deplete the value of my place and all my neighbors and it doesn't seem fair.

Tessa Delvalle – 3200 Mill Road.

We moved there for the quality of life to raise our daughter and it's her quality of life and we don't want her to have to grow up with a chain link fence or a berm that she has to look at.

Neutral: None.

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Applicant Rebuttal.

Shawn Nickel – To clear the record we are not proposing to use any cyanide or chemicals in the excavation of the gravel pit. As far as the reclamation of the property, we were asked by the Board of County Commissioners to re-look at the reclamation plan to bring it into compliance with the Comprehensive Plan and that is what we did. Once the time is right to develop the property a rezone will come before you and a subdivision application as well, we are only here tonight for the excavation permit only. We are not asking for a rezone for this use, this use is allowed with the approval of a special use permit. There is a lot of talk of the de-watering and the lowering of the wells in the area and the plan is to have settling and re-watering ponds within those areas of excavation for phase 1 and phase 2 that will replenish the water as it is pumped out of the excavation areas. We are self proposing to have monitoring wells on our site and we would be more than happy to locate a few additional off-site wells. The staff report has a condition of approval that requires an annual review of this application and that would be the time we would submit the monitoring information to staff. We will develop and record and keep a history of the water levels as we are moving through the excavation and we can monitor if the wells are coming down. We will have to bond for our improvements, for the reclamation, if the pit were to stop we would have a bond in place. We do have an agreement in place with the property owners to the west for a permanent access easement that will not go away even if they sell the property, the agreement is for us to use the easement for the duration of the pits. In our plan we addressed dust abatement and we submitted an example of how we will work with DEQ on the dust abatement.

Dale Reynolds – If you finish the pit and you sell the property does the easement go away?

Shawn Nickel – The easement reads that it is for the pit itself.

Don Wilkerson - Is the water going into that drain when you de-water the pits?

Shawn Nickel - A small amount will go into the drain ditch and we need to work that out with the ditch company but the majority will go to the settling ponds within the excavation areas.

Don Wilkerson – What is the reclamation plan for settling ponds?

Shawn Nickel - As the excavation continues, those ponds will be relocated and dug out.

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Don Wilkerson – Did Mr. Arnold find out the depth of the existing pond to the north?

Shawn Nickel – I don't believe he did.

Don Wilkerson – I think there are laws that will address the contamination of fuel and oil.

Shawn Nickel- That is correct and the fuel stored on the site will have to be contained properly and meet the requirements from DEQ.

Don Wilkerson- What will the applicant do for a property owner if a well goes dry?

Mike Williams – Condition of approval #22 states that the monitoring wells will have to be placed and approved by the County Engineer and if de-watering of existing wells within ½ mile off-site occurs, the County shall have the authority to place a stop work order on the operation until the problem is resolved to the satisfaction of the affected owner.

Don Wilkerson – Does that mean if a well goes dry, the applicant will pay for a new well to be placed?

Mike Williams – If it is shown that the cause is from this operation then yes to the satisfaction of the owner.

Fran Yett – Is there a map that will show the ½ mile radius?

Mike Williams – If you look at the site map, a ½ mile will almost go to Mill Road to the east, it would include South Slope Road to the south and it would go the Schweres' west property line to the west.

Bob Arnold – One thing I want to address is the reference to my report about the two year study. Typically, when you do a groundwater study you are looking for a seasonal high and low groundwater elevation. You need to get through two cycles of one or the other and that is where that timeframe came from. The reason I didn't feel that it was necessary for this project is because of the existing well data that is available. The assumed direction of flow is assumed from the consultants that work in the area the indicated to the best of their knowledge that the flow is to the west. The data from the Public Works Department includes a groundwater map and it shows that the water does flow to the west. The applicant states 30 feet for the depth of the ponds, we have to assign a number for the gravel pit and once we start digging we may run out of gravel at 17 feet or 27 feet like at Sawyer's pit and we would stop digging at that point. The well logs indicate that we will be out of gravel between 24 and 27 feet. We listed 30 feet to be

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on the conservative side. There is nothing in the records that I have reviewed that indicate that a clay layer exists that prevents the transfer of an upper or purse aquifer with a deeper bottom aquifer in Emmett. The well logs for the City municipal wells indicate 178 feet of pure white sand with no clay mentioned. The only gravels that are washed is concrete aggregate and there is no intent to make concrete aggregate at this time from the source. Right now they are looking at production aggregate in the form of base courses and sub-base course materials which we do not need a washing plant therefore we don't need settling ponds where we are having the dirt that is washed out of the pits actually settle into the pond. Static ground water is the depth of the water in the well today. The depth today is different than the depth in December. The key thing I was looking at when evaluating the wells was the bottom of the well, where the casing is, where the slotted area of the casing is and where is the pump located in the casing. There is no question that the de-watering may move the top of the water up and down. I don't believe it will be moved as much as it does seasonally all by itself. There are several tests and studies that have to be done on the gravel that have to be submitted to the State. When you de-water, you drill large diameter wells depending on the size of pump you will need and I can envision a project this size will use multiple pumps with multiple locations. We can adjust how distant the de-watering gets based on the size and number of pumps. If the monitoring wells are telling us that if we continue to run them like we are currently, our wells were impacted this week and the neighbor's property will be impacted next week we would need to stop what we are doing now before we impact the neighbor's wells and we need to do something different. Those are engineering decisions that need to be made based on science input that we don't have right now, but that is the purpose of the monitoring wells.

Reisse Perin – Is there an expectation that the water will go back into the existing groundwater?

Bob Arnold - Yes, I would hope that a very high percentage goes back.

Reisse Perin – Have you dug any test holes?

Bob Arnold – No, the only thing I looked at was the existing gravel pits next door.

Don Wilkerson – In your professional opinion, if best practices are used and the applicant follows through with recommended conditions and monitoring wells are in place, is the public overly concerned about losing their water?

Bob Arnold – Yes. I think through sound engineering practices we can protect the adjacent property owners from impact.

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Kirk Darnell – What percentage of the water from the ponds you are digging will end up in the waste ditches?

Bob Arnold – I would hope as little as possible. It will be based on the percolation rates. I envision a staging of ponds where we excavate a pond and we put our de-watering wells in on the site and we pump into that hole that we dig. The first hole will go down to existing groundwater elevations. A good design says we will have to have an overflow of some system to discharge excess water that we generate if the percolation rate is too slow.

Reisse Perin – Will the pumps only run for twelve hours a day?

Bob Arnold – The de-watering pumps will run continuously.

Reisse Perin – Do you have any estimated volume on these pumps?

Bob Arnold – It will be based on the volume of water that is flowing into the pond. It has been successfully done next door.

Dale Reynolds – The de-watering pumps are electric with a generator, is that correct?

Bob Arnold – Yes.

Don Wilkerson – What is the decibel level of the generator?

Bob Arnold – Couldn't tell you.

Don Wilkerson – That was the thought when you mentioned de-watering continuously.

Bob Arnold – The de-watering is ongoing right now on the adjacent properties.

Shawn Nickel – To elaborate a little bit, we do have permission from the drainage districts to pump water into the drains. To figure out the de-watering it will be a combination of the de-watering ponds and the overflow into the drains. We don't know the rate of that yet but it is conditioned from staff that we have to work it out with the drainage districts and there are a few locations downstream that we will have to replace some culverts. There were two test holes dug on this property at 15 and 16 feet and there was gravel and sand there. We are proposing a number of conditions of approval to address noise, hours, dust and access. The other approved gravel pits do not have those, we are being held to a higher standard than those previously approved. While we will be monitoring our draw down, the properties next door will not be. We are being

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responsible. It is important to realize the regulations and standards and all the agencies that we have to meet with before we can get approval of this project.

Don Wilkerson – We still need to address item #9 on page 10.

Shawn Nickel – Item a is in regards to the existing driveway that accesses the site, the intent is not to have any traffic associated with this approval with the exception of secondary emergency access. Item b is regarding the width of the road and staff is recommending 20 feet of driving surface and we agree and we have the ability to amend the access agreement to state the correct width for the easement to meet staff's recommendations.

Don Wilkerson – The maintenance and repair needs to be listed in the access easement as well.

Shawn Nickel – I agree.

Don Wilkerson – I think the Commission needs to see a document that describes the easement.

Shawn Nickel – Staff has a condition that the easement has to be in place to the satisfaction of the County before we can receive final approval. The burden is on us to make sure that document is in place.

Don Wilkerson – And the Fire District.

Shawn Nickel – Yes.

Don Wilkerson – Your site plan should show the berm areas and we will make a decision if it has to be all the way around or just in certain areas.

Shawn Nickel – Okay.

Don Wilkerson – Brad, didn't we recently add expiration dates to special use permits?

Brad Hawkins- Clark – In 2009 that was added to the Code. The requirement is that any special use permit needs to commence within one year of your approval, if they don't commence within that year they can file an extension request which will be another public hearing.

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Don Wilkerson – If they get started within that year the special use permit could be voided?

Brad Hawkins- Clark – Yes, the decision would be the Commission's.

Don Wilkerson – Shawn, have you reviewed Exhibit A?

Shawn Nickel – I have and I believe that everything in the exhibit is fine with us and I think it should be added as a condition to work with the drainage districts on the water issue.

Don Wilkerson – I suggest we add to #22 that any problems will be resolved to the satisfaction of the property owner and at the expense of the applicant. That way it is black and white what will happen if a well does go dry. On item #19 it says no gate shall be within 50 feet of the south edge of the pavement of Sales Yard Road and it that needs to be changed to 100-150 feet to match the requirement from their special use permit.

Shawn Nickel – We would agree to that.

Reisse Perin – Do you have any idea how many jobs this project would provide?

Shawn Nickel – Probably 5 or 6, without having approval it is hard to know how many employees would be needed.

Mike Williams – Condition #20 should change to read Director of Mosquito Abatement District.

Don Wilkerson – If we continue this and we close the public hearing, can we ask the applicant to submit new information?

Brad Hawkins- Clark – I would recommend keeping the public hearing open.

Don Wilkerson – I would like to see the applicant, if we continue this, meet with the Fire District and have a letter from them at the next meeting stating their requirements in writing not verbally.

Dale Reynolds – Another thing that will come up is if you can get us an average decibel level of the generators for the de-watering pumps. On item #22, can we get an estimated cost and require a performance bond for the wells within ½ mile? What if 6 of the 10 wells dry up in one day and the applicant can't afford to replace them? I wonder if that is a tool we could use if he would be willing to do that.

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Shawn Nickel – We will take a look at that and address it at the next meeting.

Kirk Darnell – What do you estimate for the time level of this project?

Shawn Nickel - It's hard to say because it's all economy driven.

Don Wilkerson made a motion to continue the public hearing for Special Use Permit #SUP-10-001 to July 12, 2010 and the applicant will come to that hearing with the additional information as requested.

Reisse Perin seconded the motion.

Vote: Unanimous.

REGULAR MEETING

1. **ITEMS FROM THE PUBLIC.** None.
2. **REVIEW OF BY-LAWS.** No discussion.
3. **APPROVAL OF THE MINUTES OF MAY 10, 2010:**

Reisse Perin made a motion to approve the minutes as submitted.

Don Wilkerson seconded the motion.

Vote: Unanimous.

4. **ITEMS FROM THE PLANNING DIRECTOR/ADMINISTRATOR:**
 - a. **Recent Board of County Commissioner Decisions and Hearings:**
No discussion.
5. **ITEMS FROM/OR QUESTIONS FOR THE DEPUTY PROSECUTING ATTORNEY:** No discussion.
6. **ITEMS FROM THE ZONING COMMISSION:** No discussion.
7. **UPCOMING MEETINGS:**
 - a. Next regular meeting: July 12, 2010.
8. **ADJOURN:**

Kirk Darnell made a motion to adjourn.

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Reisse Perin seconded the motion.

Vote: Unanimous.

Chairman Reynolds closed the meeting at 10:53 p.m.

Chairman Dale Reynolds