

SUMMARY MINUTES
GEM COUNTY ZONING COMMISSION
GEM COUNTY COURTHOUSE
September 8, 2011

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

MEMBERS PRESENT: Reisse Perin, Michelle Barron, Kirk Darnell, Laurie Boston and Michell Schneider.

MEMBERS ABSENT: None.

OTHERS PRESENT: Planning Director/Administrator - Brad Clark.

6:30 P.M.

- 1. CALL TO ORDER: Chairman Perin** opened the public hearing at 6:30 p.m. and welcomed everyone, then explained the public hearing process.
- 2. ROLL CALL:**
Reisse Perin – present, Michelle Barron – present, Kirk Darnell – present, Michell Schneider – present, Laurie Boston- present.

PUBLIC HEARING

- 1. (Continued) A new Confined Animal Feeding Operation (CAFO) Permit by Curtis Yett, on property owned by Treasure Valley Land and Cattle, to confine up to 4,000 animals on a 30 +/- acre parcel. Located at 5888 Sandy Avenue. T 07N, R 03W, Section 12.**

No ex parte or conflicts of interest were reported.

Neal Capps – Director of Gem County Road and Bridge.

Handed the Commission some exhibits regarding dust abatement. We are asking for two “watch for truck traffic” signs to be placed on Sandy Avenue and those will cost about \$200.00 including the labor to place them. I have been in contact with Keller Associates Engineering Firm who have done a brief review of the curve and there are a lot of issues including a survey pin that is right on the corner that was kicked up the other day. We can fix the road, but it will have to be done the proper way which would be straightening it out and we would have to move a power line and fence and there are some irrigation issues. Terry has offered the rock he has for the road improvements but there are two issues with that rock, one would be a proctor test from STRATA to see what we would need to compact that rock and the other is a sieve test to find out what type of material we were dealing with and those would be an added cost to the Road Department. Those two

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tests are \$100.00 a piece. There are two bids for dust abatement, one is Earthbind which is more of an initial cost and it is environmental friendly but the cost is more significant than the calcium chloride. The calcium chloride is cheaper and a more available product and what we use. The calcium chloride would need to be applied every year to keep the dust down where the Earthbind would be every five years. Both would help compact and keep the gravel from unraveling. Both applications will do very well on the road surface of Sandy Avenue. We would think that the applicant would fund the dust abatement because it is hard for us to expect the taxpayers to pay for it when it is for a private party. The engineering costs for the design and implementation of straightening out Sandy Avenue is \$12,750.00 in addition the construction of the road is estimated between \$20,000 to \$30,000. The expectation would be that the County be reimbursed from the applicant for the construction costs.

Chairman Perin – Lets discuss the CAFO Siting Team possible mitigations. We need some clarification regarding the open issues from the last meeting. We had a lengthy discussion regarding your pond.

Terry Jones – 5888 Sandy Avenue.

The Nutrient Management Plan tells us what we will do before we can put one cow on the property. We have to meet those specific requirements. That lagoon has to meet that requirement.

Chairman Perin – What timeline are you looking at to meet this?

Terry Jones – We are in the process right now. We are cleaning out the lagoon and then we will line and it will be inspected by the State. Our goal is to be in operation by November 1st.

Chairman Perin – That will include the modifications to the existing lagoon including the additional height?

Terry Jones – Correct.

Chairman Perin – One of the possible mitigations was care being taken when transporting manure.

Terry Jones – I hire a contractor to haul off the manure. When it leaves my property it becomes his responsibility and liability.

Chairman Perin – I don't know the transportation laws but without legal advice, I don't think I agree with that.

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Commissioner Schneider – How could you help if the contractor you hired dumped the manure in the road and left it?

Terry Jones – I would take my equipment and scoop up the manure.

Curtis Yett - To ease your minds, if that happened I would take care of it. I am not a flake and I wouldn't leave the manure on the road, that is common sense.

Chairman Perin closed the public hearing.

Chairman Perin – I think we need to look at the site specific conditions and what other conditions of approval that we need to put forth so we can take a vote to see if this application can be approved.

Commissioner Darnell – Is there a way to get a satisfactory condition with liability for the company that will be hauling the manure?

Chairman Perin – When it says care should be taken, that is a bit vague and would be hard to enforce and prove if care was taken.

Commissioner Darnell – I think we would feel better if the company hauling the manure had adequate liability insurance.

Chairman Perin – I think that the site team was trying to get it documented and make everyone aware that care should be taken. A condition can be added to ensure the transporter of manure had adequate proof of identification and liability insurance.

Chairman Perin – On condition #6, did we want to add the separate agencies in addition to those?

Commissioner Boston – I had it down as a question.

Commissioner Schneider – I thought that is what we decided.

Chairman Perin – What agencies do we want to add? We discussed ISDA and EPA.

Commissioner Boston – Should we add all other Federal, State and County laws?

Chairman Perin – On #6 we will add ISDA, EPA and all other Federal, State and County laws.

Chairman Perin – Should we add a condition addressing fire suppression?

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Brad Clark – Rick Welch did call today and he confirmed he did a site visit and the well that is equipped with a connection for the fire district to use does meet the fire district needs.

Chairman Perin – We can add a new condition stating that the applicant shall comply with the fire districts standards for on-site, year round fire suppression.

Commissioner Barron – The staff report recommended we add something addressing dust control.

Chairman Perin – Road and Bridge submitted two bids for dust control as examples.

Commissioner Schneider – Condition #9 does address dust control, it addresses the watering of the roads which Road and Bridge didn't think was adequate.

Chairman Perin – We will amend #9 to recommend the owner provide the contracted dust control as recommended per Road and Bridge.

Chairman Perin – On to condition #12 regarding the new corrals and catch basins.

Commissioner Boston – Is this in accordance with the management plan?

Brad Clark – Yes.

Chairman Perin – Is it reasonable that a third party inspector wouldn't need to be approved by the County then?

Brad Clark – I put or because Mr. Bilderback said that they would probably do it but it wasn't guaranteed.

Chairman Perin – But it's specified in the plan.

Brad Clark – The run-off is specified in the plan but not testing the compaction. I added it in there to be on the safe side. This isn't a standard inspection of ISDA.

Commissioner Boston – Couldn't we just have it say that ISDA will inspect it per the management plan?

Brad Clark – You could strike the third party.

Chairman Perin – It will read that the applicant is required to have ISDA inspect the grading and compaction of all new corrals and the two run-off catch basins associated

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with the new corrals and written verification by the inspecting agency must be provided to Development Services before animals are delivered.

Chairman Perin – We have gone through the existing conditions and made notes on new conditions and recommendations. Let's discuss the ones we want to add.

Commissioner Barron – There is the proof of liability for the contractor delivering the waste.

Chairman Perin – So we agree that the condition will be that the applicant shall ensure the transporter of manure/waste has adequate proof of identification and liability insurance on file.

Commissioner Barron – Adding a condition about the fire suppression.

Chairman Perin – We have a verbal confirmation from the fire district. The new condition will be applicant shall comply with the fire district standards for on-site, year round fire suppression.

Chairman Perin – We need to go through the required findings.

The Commission reviewed the four required findings for the new CAFO application and felt that they were met by the proposed conditions of approval.

Commissioner Barron made a motion to recommend approval to the Board of County Commissioners of the Rim Fire Ranch CAFO application in accordance with the site specific conditions of approval noted in Exhibit A and amended as per our discussion this evening.

Commissioner Darnell seconded the motion.

Vote: Unanimous.

2. Adjourn:

Commissioner Darnell made a motion to adjourn.

Commissioner Boston seconded the motion.

Vote: Unanimous.

Chairman Perin closed the meeting at 9:20 p.m.

Chairman Reisse Perin