

# LINCOLN COUNTY COMMISSIONERS MINUTES

August 20<sup>th</sup>, 2018

## P&Z Public Hearing

**Rebecca Wood, Chairman; Roy Hubert, Commissioner; Terry Zech, Commissioner; Sarah Thomas, Clerk for Minutes.**

In Attendance: Majorie Simpson, Colleen Conner, David Conner, Josh Conner, Scott Zimmers, Lyle Towne, Robert Hendren, Colleen McClure, Roy McClure, Clay Divine, Perri Smith, Jaylynn Shaw, Athea Howard, John Howard, Brody Astle, Vance Dill, Wayne Dill, Debi Bingham, Nancy Bingham, Lindy Smith, David Peterson, Clair Hollibaugh, Liam Bingham, Chance Bingham, Brett Peterson, Rick Bingham, Tim Jacobson, Joyce Flick, Doris M. Bates, Pascual Antonio, Deb Chapman, Boyd King, Barbara Hinther, Cheryl Southwick, Vicki Southwick, Steve Fischer, Amie Halstead, and Robin Southwick Burton.

2:00pm- Chairman Wood called the meeting to order

The meeting was moved from the commissioner's room into the courtroom to accommodate the size of the public attendance.

Commissioner Zech was not in attendance.

Chairman read the notice of Public Hearing into the minutes. She explained to the public that Mary Davidson, the P&Z Director, would be unable to attend the meeting in person but by phone due to unforeseen circumstances. She reviewed the 3 hearings that would be heard today.

All permits have been posted and all the property owners within 300ft of the proposed change were notified personally.

Chairman Wood reviewed the rules and regulations of holding a Public Meeting.

Mary Davidson appeared to the meeting via phone.

The first hearing is for the Conditional Use Permits (CAFO Expansion) for 3 String Cattle of Idaho LLC. They are requesting an increase of their CAFO located at 148 S 550 E, Dietrich, Idaho. The current CAFO is approved for 300 AU. If approved, the expansion would be increased to 999 AU. The CAFO is located on RP#06S18E115401A, 120 acres parcel zoned A40, and the land owner owns 926 acres.

Amie Halstead is here as representative for the landowners. She made it clear that even if they were approved for the 999 AU, it wouldn't mean there would be that number of cattle on the property year-round. The water shares that they currently have on the property would be more than enough to provide for the expansion.

Commissioner Hubert asked if they had received the approval from the Department of Agriculture for the expansion. It was explained that they were waiting to get the CAFO expansion approved from the county before they talked to the Department.

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She explained that all waste produced from the expansion would be exported out, and that it would strictly be cattle beef on the land. They would be put to range for part of the year.

Chairman Wood called for testimony in support of the proposal; there was none. There was no further question from the commissioners.

Commissioner Hubert stated that whatever decisions that were reached concerning the proposed CAFO expansion would have to be in accordance with the current P&Z ordinance.

Chairman Wood called for testimony in opposition of the proposal. There were several citizens for the city of Dietrich in appearance to express their grievances with the proposed CAFO expansion.

Chairman Wood opened the floor to the public.

Several members of the public felt that they were not properly notified by the county regarding the CAFO and the public hearing. The commissioner reiterated that all residences living within 300ft of the proposed CAFO were notified. A map of the area was reviewed and it was determined that there was an error on the map that was used to send notice. The commissioners expressed their apologies and reviewed the other public places that the agendas and public hearing notices are posted throughout the county.

Several members of the public expressed concern regarding what an expansion of this size would do to the air quality and what sort of affects it would have on the water quality.

There were questions on whether there had been any environmental studies done and if so, what does that show. There were concerns regarding the traffic on the roads and if the road could hold up to that increase.

Several members of the public mentioned that the cattle on the current CAFO are constantly getting out of the pasture and getting into neighboring lawns and fields. The fences and corrals are not being maintained well enough. The public is concerned that the current CAFO at 300 AU is not being maintained, how much worse it could be with an increase of over 600 AU.

There was also a discussion on whether the proposed CAFO increase would impede on the Area of Impact in that area.

The commissioners were going to look into this and get an answer.

Other concerns discussed at the meeting were: the smell, waste product storage and use, potential air quality concerns, possible light pollution, the possible negative impact to property value, and the overall negative effect this would have on the quality of life for the residents of the City of Dietrich.

Chairman Wood opened the floor to the applicant for rebuttal but reminded the public that the rules on Public Hearings states that the applicant should be allowed to speak without being interrupted.

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She addressed many of the issues that public had. She agreed to speak with the owners about the speed of the 10 wheelers and making the proper repairs to the fences in order to keep the cattle from getting loose. The manure will be removed annually and will be dry manure, there will be no lagoons. They already have enough water shares to maintain the increase. Light pollution will not be a concern as they will not be big enough even if the CAFO is approved to deem them necessary.

Commissioner Hubert thanked the member of the public for making it to the meeting and expressed appreciations for everyone's input. He states that the commissioners have to take into consideration the State's Right to Farm Law. The bill states that a facility can't be declared a nuisance if it complies with State and Federal ordinances. He would like the Prosecutor to be involved on this discussion before a decision is made.

Chairman Wood then opened the floor for the Question and Answer session of the meeting. Several members of the public reiterate the concerns they expressed earlier in the meeting.

Jaylynn Shaw, a Dietrich resident, brought to the meeting attention that the property that is in question is currently for sale. She is concerned that the only reason the current owners of the property are pushing for the increased CAFO is so they could ask for a larger amount for the property. If the proposed CAFO is approved, it would be transferred with the property to the next owner. Ms. Halstead agreed that this is a possibility.

Chairman Wood addressed the meeting. She agreed with Commissioner Hubert's earlier comment that the decision would have to adhere to the current State and Federal laws, and because of that, she felt that speaking to the Prosecutor before making any decision would be necessary.

### Further Discussion

**Commissioner Hubert made a motion to take the proposal under advisement and to make a decision at a later meeting. Chairman Wood seconded. Vote unanimous in favor; motion carries.**

### 3:13pm- Pioneer Exchange Accommodation LLC- Conditional Use Permit

Pioneer Exchange Accommodation LLC is requesting approval to have 2 residences on RP05S18E052400A, a 481.9 acre parcel zoned to A40, located at 586 N 250 E, Shoshone, Id.

Tim Jacobson, from Magic Valley Homes, was at the hearing on behalf of the applicants. The current property has several structures but only one that is habitual. What the applicants would like to do is put 2 brand new manufacture homes on the property with a 4-car carport in between them, and remodel the current home.

Tim Jacobson reviewed the plans with the commissioners and discussed the different materials that would be used.

Chairman Wood questioned Mr. Jacobson about the well on the property. She wanted to be sure the current well would be sufficient enough to accommodate the residences. The applicants had a

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study done concerning this and was assured the well would be more the adequate to support the added structures.

Chairman Wood called for testimony in support of the proposal. There was none.

Commissioner Hubert made it clear to Mr. Jacobson that it would still be necessary for them to get all of the appropriate State permits regarding the septic.

Chairman Wood called for testimony in opposition of the proposal. There was none.

Commissioner Hubert felt that the request was completely compliant.

**Commissioner Hubert made a motion to approve the conditional use permit for #378 Pioneer Exchange RP05S18E052400A. Chairman Wood seconded. Vote unanimous in favor; motion carries.**

3:30pm- William and Dixie Lee Hendren- Conditional Use Permit

William and Dixie Hendren were requesting to divide 7 acres off of their 40 acre parcel zoned A40, RP04S19E091801A, SENE 9-4-19, Richfield, Idaho. There is not current residence on the parcel.

Buck Hendren, the applicant's son, was at the hearing on behalf of the Hendrens. Mr. Hendren reviewed the maps with the commissioners and explained that the parcel was a pivot corner used for pasture. He explained on the maps where the divide would happen. The individual living next to the parcel is interesting in buying the parcel, and the current owners have no real use for it.

Chairman Wood asked for testimony in support of the proposal. There was none.

Chairman Wood asked for testimony in opposition of the proposal. There was none.

**Commissioner Hubert made a motion to approve the Conditional Use Permit for William and Dixie Hendren, RP04S19E091801A. Chairman Wood seconded. Vote unanimous in favor, motion carries.**

3:40pm- Work Session- Dave Zortman

The meeting was moved back into the commissioners' room.

Dave Zortman is in attendance to continue the discussion about the proposed Class C Permit Qualification, that states that unstamped lumber could be used to build structures as long as they are not inhabited; i.e.: sheds, playhouses, etc.. That he and P&Z Director, Mary Davidson, presented to the commissioners at the last P&Z meeting.

At the last meeting, Commissioner Hubert asked that they would have Jerry Mason, the State inspector, review the draft. They have not yet heard back from him.

Commissioner Hubert would feel comfortable moving forward with this, if the State approves of it.

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They reviewed the structures that would fall under the permit and the steps and paperwork that would be required in order to be covered by the permit.

Commissioner Hubert would like the permit to be a bit more spelled out. He would like it stated somewhere that a structure built with the unstamped wood, could not later be remodeled into a dwelling. He is concerned about how this would be policed to insure that this wouldn't happen.

Chairman Wood also liked the drafted permit but felt that it need more language clarifying legal terms and would like an attorney to review it. She would also like it to be clear what is consider as a "inhabitant space".

Discussion on certain opportunities that could be brought to the county if this permit was accepted. Mr. Zortman has considered doing an RV Park or possibly storage units if the permit passed. He also has considered putting up a trading post with shops, forts, mills and a creamery, creating a tourist attraction for Lincoln County.

Discussion about adding a commercial section to the permit.

4:16pm- Chairman Wood adjourned the P&Z Public Hearing.

Respectfully,

Sarah Thomas, Clerk for Minutes



Rebecca Wood, Chairman

Attest:



Sarah Thomas, Clerk for Minutes