

LINCOLN COUNTY COMMISSIONERS MINUTES

P&Z Public Hearing

October 15, 2018

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

In attendance: Carol Boudreau, Mark Hopper, Amie Halstead, Doris Bates, Leslie Parker, Deborah Moon, Lyle Towne, Barb Hinthier, Paison Reese, Athea Howard, John Howard, Colleen McClure, Roy McClure, Debi Bingham, Marilyn Richie, Cheston Bailey, Manone Myers, Nowlyn Pope, Clint Simpson, Marjorie Simpson, Stephanie Shaw, Julia Oxarango-Ingram, Karl Studer, E. Scott Paul- County Prosecutor, Mary Davidson- P&Z Administrator, Guy Hopkins- P&Z Administrator.

2:02pm- Chairman Wood opened the P&Z Public Hearing for the 3 String Cattle of Idaho, LLC. CAFO permit. She reviewed the agenda for the public in attendance.

2:03pm-Minutes

Commissioner Hubert made a motion to approve the minutes for the September 17, 2018 P&Z Work Session meeting as presented. Commissioner Zech seconded. Vote unanimous in favor; motion passes.

2:04pm-3 String Cattle of Idaho, LLC CAFO Permit Public Hearing

Chairman Wood read the public notice of the hearing and read the rules and procedures of a public hearing into the minutes. The time limit for comments will be 3 minutes.

Chairman Wood asked P&Z administrator Mary Davidson to give a brief overview of the hearing. Mary reviewed the CAFO permit application. There was a question regarding the area of impact. Mary explained that there is a contract with the city that anything over 20 acres defers to the county, so the area of impact is not an issue.

2:13pm- Chairman Wood asked the applicants to present their argument.

Amie Halstead was the representative for 3 String Cattle. She reviewed what the application is asking for. There would be a ½ mile setback from any property that 3 String doesn't currently own. She further discussed the measures that have been taken to ensure the request was within the county ordinance.

Commissioner Hubert asked if she had Nutrient Management Plan. It was explained that they are not required to have a plan approved by the State because the number of units doesn't permit it per the County ordinance but they do have to have a signed agreement from the commissioners.

Commissioner Zech asked about the fencing. There was a review of this.

If the permit is approved, a completely new facility would be built in order to meet the county's setbacks.

2:19pm- Chairman Wood called for testimony in support of the proposal. There was none.

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Larry Kerner would like to make a non-committal comment. He explained that this company has asked for this before in North Shoshone. He would like to know if the CAFO itself could be sold. Mary explained that the CAFO's are assigned to the property and can only be sold with that land.

2:22pm- Chairman Wood called for testimony in opposition of the proposal.

Several community members from the city of Dietrich were in attendance. All of the community members in attendance were in opposition of the proposed CAFO. Several members of the public choose to speak at the meeting. Their concerns ranged from the noise, dust and light pollution a CAFO of this size would cause to the environmental impact of the CAFO and where the responsibility lies in that regard.

Members of the community were also concerned about the CAFO not being harmonious for Dietrich and whether there was appropriate time to given to allow the community to get an expert witness to help build a case in opposition.

Chairman Wood responded to the comment of short notice. The first advertisement of this took place in July and the first hearing took place for this in August.

There was questions and comments concerning whether the CAFO, if granted, could later be used for dairy purposes.

Mary Davidson explained that cattle CAFOs cannot be used for dairy.

There were complaints about the vagueness of the applicant's statements, the disposing of the manure, the possible hit property values could take, and the negative effects the CAFO could have on local businesses and what specific ordinance and laws are in place to help protect the water.

Chairman Wood explained that the manure spreading would be per the State Nutrient Management Plan; but the commissioners have the right to put conditions on it. Chairman Wood explained the water protection act in the county and the CAFO area is not in a protected zone.

Further discussion.

Commissioner Hubert asked about the Nutrient Management Plan. Mary reiterated that they are not required to have a Nutrient Management Plan because they are only asking for 999 units and the ordinance states that if it is under 1000 units this plan is not required. The Department of Water Resources would be in charge of the rest of the regulation concerning this.

The Dietrich Highway District asked at what stage does 3 String Cattle LLC apply for their Special Use Permit and present a plan to the district. They are also concerned about the conditions of the roads if the CAFO is approved and if they will be able to uphold the traffic it will bring. They questioned if they would see any revenue coming their way to help with the maintenance of the roads.

3 String Cattle LLC will not apply for the permit until the CAFO is approved

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Commissioner Hubert asked about the current condition of the road and what it would take to get the road to par.

Prosecutor Paul addressed the hearing.

Further comments in opposition of the CAFO were made concerning the effect the CAFO would have on the lifestyles of the citizens of Dietrich, the depletion of the aquifer, the flies, smell and dust. There was a petition formed in opposition of the CAFO and 93 members of the community signed it.

Chairman Wood informed the meeting that anyone who has 40 acres can graze 99 units on their land without any further approval needed and 3 String Cattle LLC has plenty of acres to do so.

3:09pm-The commissioners and the prosecutor read the written comments into the minutes. All comments were in opposition of the CAFO proposal.

Chairman Wood asked the commissioners if they have any questions regarding the written comments

3:22pm- Chairman Wood opened the floor to any persons in favor to the proposal for rebuttal.

Amy Halstead is concerned that there is misunderstanding on the location and reiterates that the proposal was written in regards to the ordinance of the county. She didn't feel that the flies would be worse than they already are. The CAFO cannot be transferred to dairy. 3 Strings has roughly 4800 acres in the county and she felt that the taxes paid on this should be adequate contribution to the Highway District. The way the ordinance is written they could have 99 animals per 40 acres grazing; but instead is asking for one CAFO in one location.

Further discussion.

Chairman Wood asked about the repair of the fences at this point. It was explained that after the August 27th meeting, 3 Strings reviewed the fencing and repaired some, but Idaho is a free range State and they are not required to do more than that.

There were comments from the public. Chairman and Prosecutor Paul reiterated that per the rules of the public hearing the public cannot comment at this time.

3:31pm- Chairman Wood opened the floor to persons against the proposal to respond to the applicants comments.

Members of the public rebutted.

Karl Studer, the owner of 3 Strings, commented that the ordinance in Lincoln County allows this and that he appreciates all of the contention towards this, but it should be pointed at the ordinance allowing this versus the company

Prosecutor Paul read the petition and names into minutes.

Prosecutor Paul read another letter in opposition into the minutes.

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3:52pm- Chairman Wood recessed the hearing for a 10 minute break.

4:05pm- Chairman Wood called the meeting back into order.

Chairman Wood read a letter in opposition into the minutes.

Chairman Wood asked for anymore rebuttal against the proposal.

There were more rebuttals.

Chairman Wood reiterates that this was just rebuttal not testimony.

Prosecutor Paul interrupted the rebuttals because it was not in terms with the rules of the public hearing and many statements were being repeated.

4:17pm- Chairman Wood asked the applicant for final comment

Karl Studer stated that he believed that several comments were subjective and impartial. The positive impact of the CAFO is jobs it would create. He agreed that it is their job as a cattelman to keep the animals out of yards and would work diligently to make that happen. He reiterated that this was a backgrounding yard, not a dairy, and wouldn't require as many lights. Property value discussion is subjective and could be turned around in that his own property value would be decreased if he wasn't able to get the CAFO.

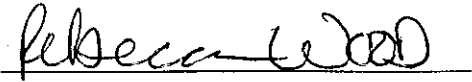
4:20pm- Chairman Wood told the hearing that the commissioners have 30 days to make a decision, and although they do not believe they will take the entire time to reach that verdict they do need time to review every aspect.

Mary reviewed the mailing plan.

4:22pm- Chairman Wood adjourned the P&Z public Hearing.

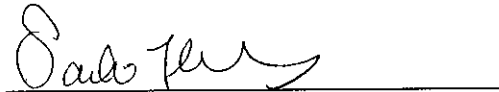
Respectfully,

Sarah Thomas, Clerk for Minutes



Rebecca Wood, Chairman

Attest:



Sarah Thomas, Clerk for Minutes