

ELMORE COUNTY PLANNING AND ZONING COMMISSION
War Memorial (American Legion Hall), 515 East 2nd South Street, Mountain Home, ID
83647

Wednesday, July 15, 2015 at 7:00pm

Agenda

PLEASE SILENCE CELL PHONES

CALL TO ORDER

ESTABLISH QUORUM

- | | |
|---|--|
| <input type="checkbox"/> Chairperson Patti Osborn | <input type="checkbox"/> Vice-Chairman K.C. Duerig |
| <input type="checkbox"/> Betty Van Gheluwe | <input type="checkbox"/> Sue Fish |
| <input type="checkbox"/> Ed Oppedyk | <input type="checkbox"/> Shane Zenner |
| <input type="checkbox"/> Jeff Blanksma | |
|
<input type="checkbox"/> Attorney of Record Phil Miller | |

PLEDGE OF ALLEGIANCE

OLD BUSINESS

PUBLIC HEARING

- **Continuation for Hammett Community Church for a Conditional Use Permit for a community park in the Agriculture Zone. Case Number: CUP-2015-08.** The site is located in Lots 13-18, Block 4, Medbury Townsite, B.M. A common way of locating the property is from Interstate 84 take exit 112 for Hammett, turn right on Highway 78, turn left on Old Highway 30. Property is located on corner of S. Main Ave. and Old Highway 30 on the left.

ITEMS FROM THE PUBLIC

FCO and MINUTES

- FCO for Case Number: Case Number: CUP-2015-09 Intermountain Development.
- FCO for Case Number: CAFO-2015-01 Sun View Dairy.
- Minutes from 06-17-15.

INFORMATION ITEMS

- Upcoming P & Z Schedule.

MEETING ADJOURNED



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
Phone: (208) 587-2142 ext. 254
Fax: (208) 587-2120
www.elmorecounty.org

Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

Supplemental Staff Report to the Planning and Zoning Commission

Meeting/Hearing Date: 7/15/2015 **Date Report Compiled:** 7/7/2015

Report Number: 2

Agenda Item: Conditional Use Permit for a Community Park

Applicant: Hammett Community Church

Case Number: CUP-2015-08

Staff: Beth Bresnahan

Location: Lots 1-12 less Highway and tax 22 and Lots 13-18 Block 4 Medbury Townsite Subdivision. A common way of locating this property is from Interstate 84 take exit 112 for Hammett, turn right on Highway 78, turn left on Old Highway 30. Property is located on corner of S. Main Ave and Old Highway 30 on the left.

Zoning: Agriculture

Parcel Number: RP00086004001CA

BACKGROUND:

An application for a conditional use permit for a community park was tabled on May 6, 2015 to obtain information about possible underground storage tanks buried on the property from the previous service station.

DEQ was contacted and requested more information regarding this project. DEQ responding with a letter that stated the following: "It doesn't appear DEQ has any underground storage tanks records on file for the property in question. However, if an underground storage tank(s) or any evidence of contamination is discovered on your property in the course of redeveloping this property, you will need to contact DEQ immediately to determine the proper course of action. If there are concerns about the potential location of any suspected tanks of potential contamination, we recommend that you hire an environmental consultant for additional assistance."

ADDITIONAL LETTERS FOR THE RECORD

1. Letter from DEQ, Danielle Robbins, dated May 22, 2015
2. Email from Christopher Bowe, IDEQ, dated March 12, 2014

STAFF COMMENT

Staff could find nowhere in the Ordinance for a specific number of parking spaces required for a Community Park. Staff believes the number of parking spaces, ten (10), indicated on the master site plan is adequate.

STAFF RECOMMENDATIONS

Without taking into consideration any public testimony, staff recommends **approval** of the proposed Conditional Use Permit CUP-2015-08 with the proposed conditions:

PROPOSED CONDITIONS OF APPROVAL

1. Ten (10) parking spots shall be constructed as specified on the master plan with an adequate turn around.
2. All signage shall comply with zoning and building regulations.
3. All outstanding fees, if any, shall be paid prior to the issuance of an Elmore County building Permit.
4. Failure to comply with any of the conditions may result in revocation of the Conditional Use Permit.
5. The proposed use shall be constructed in substantial conformance with the master site plan.
6. The park shall be maintained by the Hammett Community Church, any change in ownership or maintenance requires an amendment to the Conditional Use Permit.
7. Park shall be completed in 3 years.
8. A permit shall be obtained for vault privy or other approved sewage disposal from Central District Health Department.
9. Approach permit shall be obtained from the Glens Ferry Highway Department and/or the Idaho Department of Transportation.
10. Obtain a Right-of-Way permit from Idaho Department of Transportation prior to doing any work or activity within the highway Right-of-Way.
11. The development shall follow landscaping guidelines in letter from ITD dated April 14, 2015.
12. In the event underground storage tanks or any evidence of contamination is found on-site, DEQ shall be contacted immediately to determine the proper course of action.



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

received
5-28-15 LR

DEQ Response to Request for Environmental Comment

Date: 05/22/2015
Agency Requesting Comments: Elmore County Land Use & Building Department
Date Request Received: 05/11/2015
Applicant/Description: Hammett Community Park

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. Air Quality

- *Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).*

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. Wastewater and Recycled Water

- *DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.*

All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.

3. Drinking Water

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

All projects for construction or modification of public drinking water systems require preconstruction approval.

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager at 373-0550.

4. Surface Water

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

5. Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."
- **Regarding this specific project;**
Chris Bowe, DEQ LUST Inspector, discussed this issue on the telephone with Pam Howard. It doesn't appear DEQ has any underground storage tank records on file for the property in question. However, if an underground storage tank(s) or any evidence of contamination is discovered on your property in the course of redeveloping this property, you will need to contact DEQ immediately to determine the proper course of action. If there are concerns about the potential location of any suspected tanks of potential contamination, we recommend that you hire an environmental consultant for additional assistance.

For questions, contact Aaron Scheff, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.

Sincerely,

Danielle Robbins

Danielle Robbins
danielle.robbs@deq.idaho.gov
Boise Regional Office
Idaho Department of Environmental Quality

Bob or Pam Howard Ranch

From: <Christopher.Bowe@deq.idaho.gov>
Date: Wednesday, March 12, 2014 1:02 PM
To: <bpwsj@rtci.net>
Subject: Vacant Lot-Hammett, Idaho

Hi Pam,

As discussed earlier this week on the telephone, it doesn't appear we have any underground storage tank records on file for the property in question. However, if an underground storage tank(s) or any evidence of contamination is discovered on your property you will need to contact DEQ immediately to determine the proper course of action. If you have any additional questions or concerns please let me know,

Regards,
Chris

Christopher Bowe
UST Program Specialist
Idaho Department of Environmental Quality
Boise Regional Office
1445 N Orchard-Boise.ID.83706
Office 208-373-0166

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In Re: CUP-2015-09: This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the "**Commission**"), the 20th day of May, the 3rd day of June and the 17th day of June, 2015, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit (the "**CUP**") to subdivide an existing five (5) lot subdivision into a fifty-three (53) lot subdivision (the "**Application**"). Property is in the W1/2 NE1/4, Section 15, Township 3 South, Range 6 East, B.M., and is zoned Agriculture and in the Mountain Home Area of City Impact (the "**Site**"). The Commission heard from the applicant in support of the Application. The Commission heard public testimony from impacted individuals against the Application. The Commission received additional written testimony and information against the Application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to them.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the record for the Application and those facts which are in common knowledge or of which there is general public awareness.

I. The Commission finds that Application is comprised of:

- A.** Application form prepared and submitted by Jim Carrie, doing business as Intermountain Development (the "**Applicant**") for the CUP; and
- B.** Those supplemental letters, email messages, documentation and memos submitted by the Applicant or its representatives, whether submitted in response to questions from employees (the "**Staff**") from the Elmore County Land Use and Building Department (the "**Department**") or the Commission in connection with Application to the Commission.

II. The Commission finds that the Applicant is:

Jim Carrie, doing business as Intermountain Development
P. O. Box 624
Mountain Home, ID 83647

III. The Commission finds the following as to the procedural matters pertaining to the Application:

- A.** The Applicant participated in a pre-application meeting with the Department and Central District Health Department on September 11, 2014.
- B.** The Applicant conducted a neighborhood meeting on March 31, 2015 as required by Elmore County Zoning and Development Ordinance (the "**Zoning Ordinance**") Section 6-4-3.
- C.** The Applicant submitted the Application and the Department required fee of \$800.00 to the Department on April 3, 2015.
- D.** The Department deemed the Application complete on April 9, 2015.

E. The Department mailed notice of the public hearing to neighboring property owners within one-thousand (1,000) feet of the Site on April 24, 2015 pursuant to Zoning Ordinance Section 6-4-5.

F. The Department mailed notice of the public hearing to agencies on April 24, 2015 pursuant to Zoning Ordinance Section 6-4-4.

G. Notice of the public hearing was published in the Mountain Home News on April 29, 2015 pursuant to Zoning Ordinance Section 6-4-5 A.

H. Notice of the public hearing was posted on the Site on May 11, 2015 pursuant to Zoning Ordinance Section 6-4-5 B.

I. The Commission opened the public hearing on May 20, 2015 and received verbal and written information regarding the Application. The Commission determined the Application required an adequate master site plan. The Commission tabled the public hearing to a date certain of June 2, 2015 to allow the Applicant to submit a master site plan.

J. The Applicant submitted a master site plan and additional information to the Department on June 2, 2015.

K. The Commission continued the public hearing on June 3, 2015. The Commission determined that the Staff and the Commission had not had adequate time to review the master site plan and additional information submitted by the Applicant. The public hearing was tabled to a date certain of June 17, 2015.

L. The Commission continued the public hearing on June 17, 2015 and received verbal testimony regarding the Application. At the conclusion of testimony the Vice-Chairman closed the public hearing. The Commission proceeded to conduct deliberations on the Application.

M. The Commission moved to **deny** the Application. The motion to **deny** the Application was passed on a 4-0 vote.

O. Commission Member Ed Oppedyk was recused from the public hearing, deliberations and vote due to his residence being within the notification distance for the public hearing.

IV. The proposed use of the Application as follows:

A. The Commission finds the proposed use is to subdivide an existing five (5) lot subdivision, recorded as Frontage Road Estate Subdivision, into a fifty-three (53) lot residential subdivision called Blue Sage Subdivision.

B. The Commission finds the Application's request for fifty-three (53) lot residential subdivision is not consistent with additional information submitted by the Applicant. The Applicant submitted a copy of a nutrient pathogen study that was submitted to Idaho Department of Environmental Quality requesting forty (40) lots.

C. The Commission finds that the submitted master site plan proposes fifty-seven (57) lots, comprised of fifty-three (53) residential lots and four (4) common lots.

V. The Commission finds the following pertaining to the Site:

A. Site Description: Portion of the W1/2 NE1/4, Sections 15, Township 3 South, Range 6 East, B.M. A common way of locating the property is from Sunset Strip turn onto Frontage Road. The Site is located approximately one (1) mile on the right.

B. Parcel Numbers: RP003210010010A, RP003210010020A, RP003210010030A, RP003210010040, RP003210010050A

C. The "Owner" of the Site is:

James and Sharlene Carrie
P.O. Box 624
Mountain Home, ID 83647

D. Applicant's Property Right in the Site is: Owner, doing business as Intermountain Development

E. Site Characteristics:

Property Size: The site contains approximately 65.44 acres.

Existing Structures: None

Existing Vegetation: The vegetation consists mainly of grassland and sagebrush.

Slope: Relatively flat and less than 10% slope.

Flood Zone Status: FEMA defined Zone X located outside of all know flood zones.

Irrigation: None of the property is being irrigated utilizing surface or subsurface irrigation water rights.

VI. The Commission finds the current zoning of the Site as follows:

The current zoning for the Site is Agriculture in the Mountain Home Area of City Impact pursuant to the adopted zoning map, Ordinance 2013-02 and adopted Mountain Home Area of City Impact Map, Ordinance 2010-01.

VII. The Commission finds the surrounding land use and zoning as follows:

Land uses to the south are residential subdivisions. Land uses to the north are Interstate 84 and rural residential. Land uses to the east are rural residential. Land uses to the west are agricultural farming.

VIII. The Commission finds the existing services as follows:

Access Roads: Public roads NW Frontage Road on the north and Martin Drive on the south. Private roads NW Eagley Lane on the east and Taylor Lane on the west.

Fire Protection District: Mountain Home Rural Fire Protection District.

Sewage Disposal: None

Water Service: None

Highway District: Mountain Home Highway District (the “**Highway District**”).

IX. The Board finds the following as the applicable law for consideration of the Application:

- A.** Comprehensive Plan. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014 (the “**Comprehensive Plan**”); and
- B.** Zoning Ordinance, adopted March 21, 2012 as Ordinance 2012-01; which was subsequently amended on September 19, 2012, as Ordinance 2012-03 and on July 14, 2014, as Ordinance 2014-01; and
- C.** The Local Land Use Planning Act, Idaho Code § 67-6501 *et seq.*; and
- D.** Other applicable local, state and federal laws and regulations, including but not limited to the City of Mountain Home Comprehensive Plan and City of Mountain Home Zoning Ordinances as required pursuant to Zoning Ordinance Title 7, Chapter 1.

X. Comprehensive Plan.

- A.** **The Commission finds** that the Site is located within the Mountain Home Area Of City Impact and the Comprehensive Plan of the City of Mountain Home is the planning document governing the Site pursuant to Zoning Ordinance Section 7-1-4 A. **The Commission further finds** that the City of Mountain Home provided written comment over their concerns for the Application but City of Mountain Home staff did not prepare and present a staff report providing analysis of the City of Mountain Home Comprehensive Plan pursuant to Zoning Ordinance Section 7-1-5.
- B.** **The Commission finds** that the Department staff provided information regarding the City of Mountain Home Comprehensive Plan.
- C.** **The Commission finds** the City of Mountain Home provided no analysis of the City of Mountain Home Comprehensive Plan, therefore the Comprehensive Plan for the County was utilized in making the decision for the CUP pursuant to Zoning Ordinance Section 6-27-7 A.2.
- D.** **The Commission finds** that the Comprehensive Plan Future Land Use Map has the site classified as rural residential / mixed use.

XI. Zoning Ordinance.

- A.** **The Commission finds** that the Site is located within the Mountain Home Area Of City Impact and the Subdivision Ordinance of the City of Mountain Home is the document governing the Site pursuant to Zoning Ordinance Section 7-1-4 C. **The Commission further finds** that the City of Mountain Home provided written comment over their concerns for the Application but City of Mountain Home staff did not prepare and present a staff report providing analysis of the City of Mountain Home Subdivision Ordinance pursuant to Zoning Ordinance Section 7-1-5.
- B.** **The Commission finds** the City of Mountain Home provided no analysis of the City of Mountain Home Zoning and/or Subdivision Ordinances, therefor the County

Zoning Ordinance was utilized in making the decision for the CUP pursuant to the standards and findings found in Chapter 27 of the Zoning Ordinance.

C. The Commission finds that in order to approve the CUP application, the following findings as set forth in Section 6-27-7 of the Zoning Ordinance shall be made.

1. The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance;
2. The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan and this Ordinance (Title 6);
3. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter;
4. The proposed use shall comply with all applicable County Ordinances;
5. The proposed use shall comply with all applicable State and Federal regulations;
6. The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;
7. The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;
8. The proposed use shall be served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;
9. The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;
10. The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
11. The proposed use shall have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways;
12. The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.

D. The required findings of Section 6-27-7 of the Zoning Ordinance, stated as questions, follow in bold text, followed by the Commission's findings:

- 1. Does the proposed use in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance?**

The Commission finds that a Residential Subdivision requires a conditional use permit in Table 6-8-11 (C).

The Commission finds in addition to a conditional use permit, additional requirements for the proposed use under the Application are found in the Zoning Ordinance, Chapter 28.

2. Is the proposed use in harmony with and in accordance with the Elmore County Comprehensive Plan (“Plan”) and this Ordinance (Title 6)?

The Commission finds that the application is in harmony and accordance with the following objectives and goals of the 2014 Elmore County Comprehensive Plan:

Land Use Objective #6: Encourage orderly development of subdivisions and individual land parcels, and require development agreements when appropriate.

Land Use Objective #11: Continue to update the County-wide Zoning and Development Ordinance to protect property values and avoid mixing of incompatible uses.

Suburban Mountain Home Vicinity – 5 Land Use:

- Encourage new development to comply with the County Comprehensive Plan.
- Continue the land use and density restrictions currently in place for the Mountain Home Aquifer Water Recharge Area.
- Recognize that residential development should occur near the City of Mountain Home...but new development must blend and complement the existing rural lifestyle in the area.
- Development within this area must minimize residential conflicts with agricultural operations and animals.
- Dust control would be a necessary approval criterion for any new development in this area.
- Animal Units should be reevaluated in this area to better reflect the small parcel developments.

Suburban Mountain Home Vicinity – 13 Community Design:

- Encourage and support the continuation and expansion of the Mountain Home Air Force Base.
- Encourage and support the continuation of suburban residential land uses and hobby farms within an approximate 2-mile radius outside the City of Mountain Home. Land areas near Mountain Home but beyond the 2-mile radius should be preserved for agricultural and Ag related developments.

The Commission finds the Application does not comply with the Zoning Ordinance as the Application does not meet all the required findings of Ordinance Section 6-27-7 as specified in numbers 4, 6, 7 & 8 of this section of the findings.

3. Does the proposed use comply with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter?

The Commission finds that the Application complies with the purpose statement of the Agriculture zone in Zoning Ordinance Section 6-5-5 A in that “residential land use is

allowed in the Ag zone subject to site development standards and compatibility with agriculture operation.”

The Commission finds neighboring agriculture uses are limited on site and the immediate vicinity and therefore negative impacts on existing agriculture operations is limited.

The Commission finds the Site has existing neighboring residential land uses that are located in the agriculture zone.

4. Does the proposed use comply with all applicable County Ordinances?

The Commission finds the Application does not comply with the Zoning Ordinance as the Application does not meet all the required findings of Zoning Ordinance Section 6-27-7 as specified in numbers 2, 6, 7 & 8 of this section of the findings.

5. Does the proposed use comply with all applicable State and Federal regulations?

The Commission finds that conditions of approval were proposed to ensure the Application met all State and Federal regulations.

6. Is the proposed use designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and will such use not change the essential character of said area?

The Commission finds that the majority of platted subdivisions within the vicinity are on municipal and community water systems. Therefore, the **Commission further finds** that the Application as proposed with individual wells is not harmonious and appropriate with the general vicinity.

The Commission finds that the Application as proposed with individual wells and septic systems creates a higher lot density for the general vicinity compared to the existing lots that utilize individual well and septic systems and therefore is not harmonious and appropriate with the general vicinity.

7. Will the proposed use be hazardous or disturbing to existing neighboring uses or impede their normal development?

The Commission finds that the addition of fifty-three wells can be hazardous to existing neighboring uses because the wells are not required to be monitored and therefore increasing the risk for contamination.

The Commission finds that the lot density as proposed in the Application with individual wells can be hazardous and disturbing to existing neighboring uses that utilize community water systems.

The Commission finds based on public hearing testimony and well data submitted for the record that water well levels have decreased in the area and the additional wells proposed in the Application can be hazardous to neighboring uses.

The Commission finds based on public hearing testimony and written data submitted for the record that some water wells in the vicinity have become contaminated and development proposed in the Application can increase the known hazards in the area.

The Commission finds that based on a letter from the City of Mountain Home the proposed Application will create impacts on existing water users.

8. Is the proposed use served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services?

The Commission finds the following public services shall be provided as follows:

Highways: Site does not have frontage to a highway.

Streets: Site has access to NE Frontage Rd., a publically maintained road. The Application proposed public roads that are to be maintained by the Highway District. The Highway District has not required a traffic impact study. All new roads will only access NE Frontage Road.

Police and Fire Protection: Police protection is provided by the Elmore County Sherriff's Department. The Site is within the Rural Mountain Home Fire Protection District.

Drainage Structures: The Application proposed no drainage structures.

Refuse Disposal: The Application proposed no refuse disposal.

Potable, Non-Potable Water, Fire Suppression Water Supplies: The Application proposed individual wells. **The Commission further finds** that individual wells as proposed in the Application can be hazardous and disturbing to existing neighboring uses as specified in numbers 6 & 7 of this section of the findings.

Sewer: The Application proposed individual septic systems.

9. Will the proposed use create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County?

The Commission finds that the Application proposed all improvements, required to be built or bonded prior to recording a final plat, be funded by the Applicant and therefore not be detrimental to the economic welfare of the County.

10. Will the proposed use involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?

The Commission finds that the Application will not create any excessive production of noise, smoke, fumes, glare or odors.

The Commission finds that the Highway District did not require a traffic impact study and therefore no excessive production of traffic is anticipated by the Highway District.

11. Will the proposed use have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways?

The Commission finds that the Application proposed two new vehicular approaches onto NE Frontage Rd.

The Commission finds that the Highway District did not required a traffic impact study and therefore no interference with traffic on public roads is anticipated by the Highway District for the Application.

The Commission finds that any new vehicular approach to NE Frontage Rd. will have to be approved by the Highway District.

12. Does the proposed use result in the destruction, loss or damage of a natural or scenic feature of major importance?

The Commission finds that the Site is not identified as a natural or scenic feature of major importance.

XII. Idaho Code § 67-6519(4)(c) The actions, if any, that the Applicant could have taken to obtain approval.

A. The Commission finds that utilizing a community water system would make the subdivision more consistent and harmonious with the surrounding subdivisions that utilize a community water system. **The Commission further finds** that a community water system will have to be tested regularly and therefore decreasing the chance of aquifer contamination.

B. The Commission finds proposing larger lots would make the Application more consistent and harmonious with the surrounding area lot sizes.

CONCLUSIONS OF LAW

If any of the conclusions of law are deemed to be findings of fact, they are incorporated in the Findings of Fact section.

1. The Commission concludes that the public hearing notice requirements of Zoning Ordinance Chapter 4 have been met.

2. The Commission concludes that the notice requirements of Idaho Code Section § 67-6512 have been met.

3. The Commission concludes that the Application does not comply with the required findings set forth in Section 6-27-7 of the Zoning Ordinance.

ORDER

Based upon the foregoing findings of fact and conclusion of law, the information contained in the Staff reports and the record for the Application, the Commission voted and hereby **denies** the Application.

Dated this _____ day of _____, 2015.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	ABSENT
VICE CHAIRMAN K.C. DUERIG	VOTED AYE
SUSAN FISH	VOTED AYE
BETTY VAN GHELUWE	VOTED AYE
ED OPPEDYK	RECUSED
JEFF BLANKSMA	VOTED AYE
SHANE ZENNER	ABSENT

Patti Osborn, Chairperson

ATTEST:

Alan Christy, Director

NOTICE PURSUANT TO ZONING ORDINANCE SECTION 6-3-2 B

A decision made by the Elmore County Planning and Zoning Commission (the "Commission") may be reconsidered by the Commission provided the reconsideration application is complete and reconsideration fee is submitted to the Land Use and Building Department within ten (10) calendar days of Commission action. The reconsideration shall include new or additional relevant information that was not previously presented or available at the public hearing. Questions concerning reconsideration or deadlines should be asked of the Elmore County Land Use and Building Department.

NOTICE PURSUANT ZONING ORDINANCE SECTION 6-3-2 E-F

A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal application is complete and appeal fee is submitted to the Land Use and Building Department within ten (10) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

**BEFORE THE PLANNING AND ZONING COMMISSION
OF ELMORE COUNTY**

IN RE: CAFO-2015-01)	
Expansion of a Confined)	
Animal Feeding Operation)	FINDINGS OF FACT
(CAFO) Siting Permit)	CONCLUSIONS OF LAW
)	AND ORDER
)	
)	
)	
)	
Applicant:)	
Sunview Dairy)	
6600 SW Blanksma Rd)	
Mountain Home, ID 83647)	

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 17th day of June, 2015, for a public hearing, held pursuant to public notice as required by law, on a request for an Expansion of a Confined Animal Feeding Operation (CAFO) Siting Permit. Property is located in the NW¼ Section 8, Township 5 South, Range 6 East, NE¼ Section 7, Township 5 South, Range 6 East, B.M., and is zoned Agriculture. The Commission heard from the applicant and representatives in support of the application. The Commission received written testimony and information in regards to the application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to them. Based upon all this information, the Planning and Zoning Commission now makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The applicant has applied for an Expansion of a Confined Animal Feeding Operation (CAFO) Siting Permit (the "Siting Permit") in NW¼ Section 8, Township 5 South, Range 6 East, NE¼ Section 7, Township 5 South, Range 6 East, B.M.
2. The pre-application meeting was held on March 23, 2015.
3. Public hearing notice was mailed to all agencies on May 15, 2015.
4. Notice of public hearing was given to property owners, within 2 miles, by certified mail on May 15, 2015.
5. Public hearing notice was publicized in Mountain Home Newspaper on May 27, 2015.
6. Public hearing notice was posted on the property on May 1, 2015.
7. The property is located within the Agriculture Zone.
8. The Idaho State Department of Agriculture CAFO Siting Team (the "Siting Team") performed a site evaluation on May 5, 2015.

9. The Siting Team found the suitability determination of the proposed expansion dairy to be "Low Risk".
10. The surrounding land uses are federal land, dry grazing, farming and dairy.
11. The Siting Permit will, in fact, constitute an allowed conditional use in that zone, as determined by the Land Use Matrix and Zoning District regulations Chapter 8, Table 6-8-11 (C) and Chapter 34 of the Elmore County Zoning and Development Ordinance.
12. The Siting Permit will be in accordance with goals and objectives of the Comprehensive Plan, Economic Objectives #1: "Support existing business and industry in the County.", Land Use Objectives #1: "Maintain and update the Confined Animal Feeding Operation (CAFO) ordinance to facilitate dairy development and intensive agriculture appropriate area in Elmore County. Encourage wise management and land use priorities that protect agricultural lands.", Agriculture Objective #2: "Support the expansion of existing agricultural operations with the County." and with all the applicable provisions of the Zoning and Development Ordinance Chapter 34.
13. The Siting Permit will comply with all applicable County Ordinances, Chapter 34: Confined Animal Feeding Operations (CAFOs).
14. The Siting Permit will be served adequately by existing essential public facilities and services such as highways, streets, schools, police and fire protection, drainage structures, refuse disposal, water and sewer or the person responsible for the establishment of the proposed conditional use shall adequately provide any such services at their own expense. The Siting Permit has entrances off of SW Blanksma Road and are within the Mountain Home Rural Fire District.
15. The Siting Permit will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets. The Siting Permit has entrances off of an existing road, SW Blanksma Road.
16. The Siting Permit will be designed, constructed, operated and maintained to be harmonious with the existing or the intended character of the general vicinity and such use will not change the essential character of the same area. There are four (4) other CAFOs in the neighboring area.
17. The Siting Permit will not be hazardous or disturbing to existing or future neighboring uses. There is an existing CAFO present on the site, this is an expansion of the existing Siting Permit.
18. The Siting Permit will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Any improvements will be at the owner's expense.
19. The Siting Permit will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of the environment, or excessive production of traffic, noise, smoke, fumes, glare, or odors.

20. The site is not designed as having a natural or scenic feature of major importance.
21. The Siting Permit of the CAFO is greater than two (2) miles from the Orchard Training Range.
22. The Siting Permit complies with and will not be in violation of any federal, state, or county ordinance.
23. The Siting Permit has provided a pest abatement plan.
24. The Siting Permit will expand the existing operation by adding an additional 4142 cows. The existing operation has 8296 animal units. The proposed facility is designed to house 9142 head of mature dairy cows and 3000 head of heifers for a total of 11,703 animal units.
25. The proposed Siting Permit consists of 344 +/- acres.
26. The Siting Permit will comply with the IDAPA rules governing dead animal movement and disposal. The Existing CAFO is compliant with these rules.
27. The Siting Permit provided a Nutrient Management Plan for Land Application. The CAFO shall be in compliance with all environmental regulations, requirements, and permits imposed by state or federal law or any regulatory agency. The existing CAFO is compliant with the rules, regulations and guidelines.
28. The Siting Permit location of Animal Waste Management Systems, corrals, wells, and septic systems conform to all applicable rules, regulations and specifications as required by any regulatory agency. The existing CAFO is compliant with the rules and agrees to comply with the rules for the expansion.
29. The Siting Permit will have silage, potatoes or any feed product resulting from the ensilage process located at least seven hundred feet (700') from any property lines and public rights of way. The nearest residence from the feed storage is over 1 mile.
30. The Siting Permit will have all agriculture buildings, feed storage areas, feed bunks or feed racks setback a minimum of one hundred feet (100') from the property lines and public rights of way. All buildings and feed racks are located greater than 100 feet from property lines.
31. The Siting Permit will have lights placed and shielded to direct the light source down and inside the property lines of the expanding CAFO. All lighting shall be directional and shielded to direct light down to the ground surface so that no one driving around the facility will be able to see the element of the light.
32. The Siting Permit will ensure the Animal Waste Management System is not located or operated closer than one thousand three hundred twenty feet (1,320') from a residence belonging to someone other than the applicant, and is not located and/or operated closer than three hundred feet (300') from property lines. The nearest residence is over 1 mile. The new proposed waste system is to be 300 feet from the property line.
33. The Siting Permit will ensure the Animal Waste Management System is not located and/or operated closer than five hundred feet (500') from a

- domestic well. The Animal Waste Management System is located approximately 1,414 feet from a well.
34. The Siting Permit will ensure the Animal Waste Management System is not located and/or operated closer than three hundred feet (300') from a public right of way. The Animal Waste Management System is located approximately 1,879 feet from a public right of way.
 35. The Siting Permit is not located within one and one-half (1 ½) miles of the Snake and/or Boise Rivers or within a floodplain as set out on the most recent Federal Emergency Management Agency Flood Insurance Rate Map for Elmore County. The CAFO Facility Area is located approximately 2.1 miles from the Snake River and is not within a floodplain.
 36. The Siting Permit is not within one and one-half (1 ½) miles of a parcel of property in a residential zone or platted, approved or developed subdivision or an unincorporated townsite that has been platted for five (5) years or more as of the effective date of the ordinance. If however, a subdivision or unincorporated townsite has been platted for five (5) years or more and no public improvements have been built, the minimum one and one-half (1½) mile setback shall not be applied. Public improvements are those required by this Title. There are no subdivisions or townsites within 1.5 miles of the existing or proposed expansion site.
 37. The Siting Permit will have no impact on the existing Mountain Home Air Force Base.

Based on the foregoing **FINDINGS OF FACT**, the Elmore County Planning and Zoning Commission hereby make the following:

CONCLUSIONS OF LAW

1. The requirements of Idaho Code Section §67-6512 have been met.
2. The action taken herein does not violate Chapter 80 of Title 67 of the Idaho Code.
3. The applicant has met the requirements of the Zoning and Development Ordinance Chapter 34 for a Confined Animal Feeding Operation (CAFO) as shown above in the findings of fact.

Based on the forgoing **CONCLUSIONS OF LAW**, the Elmore County Planning and Zoning Commission hereby enter the following:

ORDER

The application for an Expansion of a Confined Animal Feeding Operation (CAFO) Siting Permit in NW¼ Section 8, Township 5 South, Range 6 East, NE¼ Section 7, Township 5 South, Range 6 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

ADDITIONAL CONDITIONS

1. The total number of animal units is limited to 11,703.
2. There shall be no further expansion of composting within the Air Base Hazard Zone located in NW¼, Section 7, Township 5 South, Range 6 East, B.M.
3. The use will comply with Federal, State and local ordinance requirements.
4. A copy of the yearly ISPA well monitoring report will be reported to the Land Use and Building Department.
5. The use will comply with IDAPA 02.04.14 Rules Governing Dairy Waste.

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	ABSENT
VICE CHAIRPERSON K.C. DUERIG	VOTED AYE
SUSAN FISH	VOTED AYE
BETTY VAN GHELUWE	VOTED AYE
SHANE ZENNER	ABSENT
ED OPPEDYK	RECUSED
JEFF BLANKSMA	VOTED AYE

K.C. Duerig, Vice-Chairperson

ATTEST:

Alan Christy, Director

DATED this _____ day of _____ 2015.

*Note A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal is submitted in writing to Elmore County Land Use and Building Department within ten (10) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES
Wednesday, June 17, 2015 at 7:00 pm

Vice Chairman Duerig called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Jeff Blanksma, Sue Fish, Betty Van Gheluwe and Ed Oppedyk. Also present were Attorney of Record Phillip Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

PLEDGE OF ALLEGIANCE

OLD BUSINESS

PUBLIC HEARING

Continuation for Intermountain Development (Jim Carrie) for a Conditional Use Permit to subdivide an existing 5-lot subdivision (Frontage Estates) into a 57-lot subdivision (Blue Sage Subdivision) in the Agriculture Zone/Mountain Home Area of City Impact. Case Number: CUP-2015-09. The site is located in NW1/4, Section 15, Township 3S, Range 6E, B.M.

Oppedyk recused himself from this hearing as he was not present for the earlier hearings and lives within the notification distance for this application.

Christy read the rules for the public hearing.

Bresnahan gave staff report and background.

Jim Carrie is the applicant. He stated that they submitted the master site plan and a water table study from the Idaho Department of Water Resources (IDWR) and a soils report from Geo Engineers. He stated that he would like to make a closing statement after the testimony from the public.

No one signed up to testify in support of the application.

No one signed up to testify in neutral to the application.

Richard McMahon signed in as opposed. He asked if the IDWR report can be read. He asked for clarification on anaerobic sewer systems and if they could be explained as it is mentioned in the master plan but he cannot understand because it's all written in engineering terms. He asked who would maintain the sewer systems because these types of systems are notorious for having problems if they are not maintained. He stated that the lots are too small. He stated that he does not know the price range or the square footage of the houses and where the wells will be drilled.

Nelson Culp signed in as opposed. He stated that he would like to know the process of the approval or denial of this.

Christy stated that with a conditional use permit like this one the planning and zoning commission can be the final authority. He stated that the only way the county commissioners will hear this is if it is appealed to them.

Bob Peace signed in as opposed. He stated that the water levels in his subdivision are dropping. He stated this subdivision will have a direct impact on the wells in Town and Country Subdivision. He stated that if this subdivision is allowed to go forward they should be required to put in a well that can be monitored such as a community well. He asked to know what the square footage of the houses are going to be. He asked they not allow access from Dutton Drive to this new subdivision as it is a safety hazard.

Craig Reich is signed in as opposed but did not wish to testify.

Barb Huntley signed in as opposed but did not wish to testify.

Ken Guyer signed in as opposed but did not wish to testify.

Konni Guyer signed in as opposed. She stated that there are already many empty homes in the area and she doesn't see how these homes will be filled. She stated that she's concerned with how this could hurt her property value and the effect it will have on her well. She stated the developer will get his check and the surrounding property owners will have to live with the repercussions.

Ronnie Ralphs signed in as opposed but did not wish to testify.

Marvin Reiner signed in as opposed but did not wish to testify.

Sam Sherman signed in as opposed but did not wish to testify.

Kim Bideganeta Uriona signed in as opposed. She stated that if this subdivision is allowed they should have a community well and that dry lines need to be put in as well. She asked if there would be fence built around the subdivision to keep animals out as that is an Idaho law.

James Spinti signed in as opposed but did not wish to testify.

Jeff Hobbs signed in as opposed. He stated that he lives in one of the applicant's past subdivisions and there are many issues there and doesn't want to see another one. He stated that he does not know who will occupy 57 new homes when there are 400 empty ones in Elmore County.

Ed Bretz signed in as opposed but did not wish to testify.

Christina Green signed in as opposed but did not wish to testify.

Amanda Hoffman signed in as opposed but did not wish to testify.

Anthony Klazura signed in as opposed but did not wish to testify.

Thomas Westall signed in as opposed. He stated that he can foresee a catastrophe coming to his neighborhood. He stated that there will be a loss to people's assets when the wells go dry and those that have a limited income will have no choice but to declare bankruptcy. He stated that the Department of Environmental Quality (DEQ) is on record stating Mountain Home and Elmore County are in crisis. He stated that his well has dropped 54 feet since 1976. He stated that Elmore County cannot endure anymore drilling.

Charles Nikelson signed in as opposed. He stated that his family has lived next to this area for 50 years and they have farmed the land. He stated that this subdivision would be a huge drain on his well for his animals and for his parents' house. He stated that when the groundwater becomes contaminated from all of these houses who is going to truck in the water for his animals. He stated that the developer should be made to do the subdivision correctly by adding a community well and adding dry lines. He stated his excuse that it's too costly isn't valid. He stated that in surrounding subdivisions they have contaminated wells. He asked if the applicant was trying to rezone this property.

Miller stated that this is not a rezone. He stated that subdivisions are allowed in agricultural zone with a conditional use permit.

Nickelson stated that this is too much too quick and there is not enough planning. He stated that the people that have lived in this area are trying to save their livelihood. He stated that the applicant does not care about the existing property owners.

There was no further testimony.

Carrie gave his rebuttal to the public testimony. He told the commission the history of his family and their roots here in Mountain Home. He stated that his family has been here 5 generations and that they are not newcomers. He stated that they invest in their community. He stated that he has developed over 50 subdivisions and built over 2,000 houses in two different states. He stated that it seems like those who are new to this community run people down who are trying to invest in it. He stated any change of every square foot of Elmore County comes before this commission. He stated that he takes this endeavor very seriously and has put forth much time and effort to ensure that this use will provide a beneficial service to Mountain Home now and in the future. He stated that this will have virtually no negative impact on the area. He stated that there are no one acre lots in this area available so this will be a good thing. He stated that the city does not want to annex the north side of Elmore County. He stated that the city of Mountain Home had a concern about the water that will be used in the area but have no concern with the water being used in the 320 lot subdivision recently approved in the city and this water all comes from the same place. He is asking this be approved as the use is permitted and it's the right thing to do.

Duerig closed this public hearing.

Commission action:

Blanksma asked if water was within the scope of judgement of the commission or just that the applicant meet the conditions of approval.

Miller stated that usually they will defer water issues to IDWR but with the concerns from neighboring property owners it may be enough to apply to one of the conditions of approval.

Fish asked if this application complies with the city of Mountain Home area of impact.

Duerig stated that based off what he has read that it does comply.

Miller stated that the agreement with the city says that subdivision of land within the area of city impact shall occur only in conformance with the subdivision ordinance deemed applicable by virtue of the provisions of the area of city impact. He stated that it goes on to say that in the areas of city impact the subdivision ordinance of the city of Mountain Home shall apply. He stated that the commission must decide whether this application conforms to that.

Christy stated that he does not believe this subdivision is contiguous with the city limits.

Duerig stated that if it is contiguous it's more likely to be annexed in the future where as if its farther out they are not as concerned with a near future annexation.

Miller stated that if it's not contiguous then those requirements for dry lines would not be required as a condition of approval.

Van Gheluwe moved to deny this application based on condition 7 stating that the proposed use will not be disturbing to existing neighboring uses or impede their normal development as well as the concerns from the city of Mountain Home.

Blanksma seconded.

Duerig asked for a roll call vote:

Van Gheluwe voted AYE for denial of this application due to the fact that it does not meet condition 7.

Blanksma voted AYE for denial because the application does not meet condition 7 in the staff report.

Fish voted AYE for denial of this application because the lots are too small for all the services and the concern from the public.

Duerig voted AYE to deny for public safety reasons with 53 new holes being punched in the ground. He stated that those wells are not required to be monitored and contamination is possible. He stated that a community well is required to be tested by law on a monthly basis and there will be less holes in the ground with a community water system.

Motion to DENY carried unanimously.

Van Gheluwe moved to recommend to the applicant to add a community well system and to have larger lots and can reapply for a conditional use permit.

Fish seconded.

Motion carried unanimously.

Duerig called a 5 minute recess.

Duerig called the meeting back to order.

NEW BUSINESS

PUBLIC HEARING

Sunview Dairy for an expansion of an existing dairy permit, Confined Animal Facility Operation (CAFO) in the Agriculture Zone. Case Number: CAFO-2015-01. The site is located in the NW1/4 Sec 8, Township 5 South, Range 6 East, NE1/4 Sec 7, Township 5 South, Range 6 East, B.M. A common way of locating the property is from Mountain Home head southwest on Highway 51 to SW Blanksma Rd, turn Right. The dairy is located ½ mile on the right.

Oppedyk recused himself as his business is in the notification zone and they are in the same industry.

Bresnahan gave staff report and background.

Matthew Thompson is representing the applicant in the expansion for Sun View Dairy. He went through the design of the facility and presented a map of the entire facility describing the overall operation. He stated the newly proposed dairy parlor is in the southwest corner of the existing site. He stated that they are surrounded by BLM land and other livestock operations. He stated that the expansion is going to take place to the west of the site and will consist of building additional corrals and a lagoon to the north.

Thompson addressed the concerns from Aspen Engineers. He stated that the issues and question have been addressed and corrected at this time. He stated that they have met all requirements of the ordinance and they run a clean and safe operation.

Miller asked if the applicant would like to keep the nutrient management plan confidential.

Thompson stated that they would like it to be kept confidential.

John Roth signed up in support but did not wish to testify.

There was no further testimony.

Duerig closed this public hearing.

Commission action:

Blanksma stated that he does believe the current well testing that they go through is adequate for the annual well report.

Duerig stated that staff recommends as a condition that a yearly report of the well monitoring be submitted but can be modified to say a copy of the annual ISPA well report will be submitted to the Land Use and Building Department.

Blanksma moved to approve with conditions proposed by staff and changes made in this meeting.

Van Gheluwe seconded.

Motion carried unanimously.

FCO and Minutes

FCO for Case Number: CUP-2015-10 Second Life Recycling, LLC

Blanksma moved to approve.

Fish seconded.

Motion carried unanimously with Van Gheluwe and Oppedyk abstaining as they not present for this meeting.

Minutes for June 3, 2015.

Blanksma moved to approve.

Fish seconded.

Motion carried unanimously with Van Gheluwe and Oppedyk abstaining as he was not present for this meeting.

INFORMATION ITEMS

Upcoming P&Z Schedule.

Christy stated that the next public hearing is scheduled for July 15, 2015.

MEETING ADJOURNED at 8:42 p.m.

K.C. Duerig, Vice Chairman

Date:

Attest:
Alan Christy, Director

Date: