



Elmore County Land Use and Building Department

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Staff Report to the Planning and Zoning Commission

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Meeting/Hearing Date: 06/17/15 **Date Report Compiled:** 06/09/15

Agenda Item: Application for expansion of an existing dairy permit, Confined Animal Feeding Operation (CAFO)

Applicant: Sun View Dairy

Case Number: CAFO-2015-01

Staff: Beth Bresnahan

Location: NW4 Sec 8, NE4 Sec 7, E2 NW2 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.

Zoning: Agriculture/Wildfire Urban Interface Overlay Zone

Parcel Numbers: RP05S06E070010A and RP05S06080100A

BACKGROUND:

The applicant had a pre-application meeting with the Land Use and Building Department on March 23, 2015, to discuss an expansion of a current CAFO (Sunview Dairy). The application was deemed complete and all fees paid by April 15, 2015. Notice of public hearing was sent to neighboring property owners, by certified mail, within 2 miles and agencies on May 15, 2015. Notice of public hearing was published in the Mountain Home Newspaper on May 27, 2015. Notice of the public hearing was posted on the property on May 1, 2015.

The proposed expansion must meet the requirements of Chapter 34 of the Elmore County Zoning and Development Ordinance ("Ordinance"). The dairy is proposing to expand the existing operation by adding an additional 4142 cows. The Ordinance defines an animal unit as 1350lbs for dairy cattle. The proposed addition to the permit is 1142 mature animals at an average weight of 1400lbs and 3000 animals at an average weight of 1000lbs. 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. The proposed CAFO expansion consists of

344 +/- acres. The current use of the site is irrigated farm ground and composting. The property is currently zoned Agriculture, and is located in the Wildfire Urban Interface Zone. Site is located in the Mountain Home Rural Volunteer Fire District.

Surrounding uses are state ground, dry grazing, farming and dairy.

A new milking parlor is planned to be constructed along with more corrals.

The Idaho State Department of Agriculture CAFO Siting Team completed a review of the application for the proposed expansion and determined the following:

Risk Category: A determination of an environmental risk category: high, moderate, low; or insufficient information to make a determination.

Low Risk

Description of Factors: A description of the factors that contribute to the environmental risks.

The environmental risk is based on physical characteristics of the site. The following technical factors contributed to the environmental risk rating:

High Risk Factors:

Based on available data during the most recent two (2) years collected from twelve (12) wells, the mean nitrate concentration in ground water within a five (5) mile radius of the facility is approximately 8.6 mg/L. Forty-two (42%) of the wells sampled within five (5) miles of the facility have nitrate concentration greater than 5mg/L. The facility is not within a Nitrate Priority Area defined by IDEQ.

Moderate Risk Factors:

Soil permeability is moderate (between 0.6 and 2.0 inches per hour). The predominant soil type is Scism silt loam, 0 to 4 percent slopes.

Two area well logs indicate first encountered water between 25 and 100 feet below ground surface.

Well logs indicate local aquifer geology consists primarily of fractured basalt.

Average precipitation, at 10.1 inches/year, is moderate.

Low Risk Factors:

Soil depth is classified as deep (greater than 60 inches deep).

Area well logs indicate the thickest clay unit in the unsaturated zone is greater than twenty-five (25) feet thick.

Time of travel to a spring is estimated to be more than 10 years.

Distance to the nearest downgradient domestic well is more than 1,000 feet.

The CAFO is not within a source water delineation area for a public water system's intake.

Downgradient distance from the CAFO facility (the existing animal feeding operation) to the nearest surface water body (e.g., irrigation ditch) is greater than 200 feet.

Downgradient distance from land application area to nearest surface water body is more than 200 feet.

The CAFO site is not located in a 100-year flood plain.

Run-on is determined to be low by professional judgement of the CAFO Siting Team.

Surface runoff potential is low for the site based on the soils and topography.

Mitigation: Any Possible mitigation of the environmental risks:

The team focused on water quality. The facility will experience an increase in process wastewater from the additional milking operation. The facility will construct one (1) additional wastewater containment structure.

There are several areas of expose bedrock on the facility. These areas should be protected from fertilizer or other substances.

Care should be taken to prevent solid waste products and solid waste storage area runoff from entering surface water bodies or ponding and enter the ground water. A two hundred (200) foot setback from the stockpiling or land application of wastewater to any domestic irrigation well or down-gradient surface water of the State of Idaho.

Care should be taken when applying solid waste/manure to the facility controlled fields to ensure that runoff does not occur as a result of a weather event.

LETTERS FOR THE RECORD

1. Letter from Tesoro-NW Pipeline, received on May 21, 2015
2. Letter from Idaho State Department of Agriculture CAFO Siting Team, dated May 13, 2015 and map
3. Letter from Aspen Engineers, Lance Warnick, dated June 3, 2015
4. Letter from DEQ, Danielle Robbins, dated June 3, 2015
5. Email from Mountain Home AFB, Byron Schmidt, dated June 8, 2015
6. Letter from the Glens Ferry Highway District, Jim Gluch, dated April 13, 2015

ATTACHMENTS:

1. Application (CD, digital copy)
2. Photos of posting
3. Vicinity Map
4. Resolution 565-15, Resolution by the Elmore County Board of Commissioners requesting that the Director of the Agriculture form a CAFO site advisory team.

Section 6-34-8: CRITERIA FOR APPROVAL FOR EXPANDING CAFO:

A.General requirements:

1. The expanding CAFO shall be within an area zoned agriculture; and
Staff: The site is zoned Agriculture.
2. The expanding CAFO Facility Area shall be located a minimum of two (2) miles outside the defined Area of City Impact adopted pursuant to I.C. §67-6526 of any incorporated municipality within Elmore County and two (2) miles from the legally described perimeter of Mountain Home Air Force Base; and
Staff: The site meets all setbacks for the proposed expansion area.

3. Swine and poultry expanding CAFO facility areas shall be located a minimum of three (3) miles outside any Area of City Impact and the legally described perimeter of Mountain Home Air Force Base; and

Staff: N/A

4. The expanding CAFO shall not be located within any aquifer recharge Community Development Overlay as adopted and defined by the Comprehensive Plan Land Use Map or this Title; and

Staff: The facility is not in an overlay area.

5. The expanding CAFO shall comply with and not be in violation of any Federal, State or local law, ordinance, or regulatory requirement: and

Staff: The facility is in compliance with this requirement as shown in the letter from ISDA in exhibit 9 of the application.

6. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO Siting Permit; and

Staff: The facility is in compliance with this requirement. No construction of the expansion has occurred.

7. An expanding CAFO shall provide a copy of its pest abatement plan if required by any governing agencies; and

Staff: A pest plan is included in exhibit 5 but is not required by the governing agency as shown in the letter from ISDA in exhibit 9 of the application.

8. An expanding CAFO shall comply with IDAPA rules governing dead animal movement and disposal; and

Staff: The farm is compliant with these rules.

County Engineer: The narrative in the application indicates that burial may be used as a less desirable second option, but the location of the potential temporary burial site is not shown in the site plan.

9. An expanding CAFO shall come into compliance with all the requirements of a new CAFO as a condition of the expansion, except when those requirements are specifically not required by this Chapter; and

Staff: The farm is currently and is proposed to be compliant with all current requirements.

10. An expanding CAFO, swine or poultry facility area shall provide a hold harmless agreement pertaining to noise within two (2) miles of the legally described perimeter of the Orchard Training Range; and

Staff: N/A

11. Reports of monitoring wells must be reported annually to the Board.

Staff: The dairy well is monitored each year and can be provided to the board.

B. Animal Waste:

1. The expanding CAFO shall comply with the terms of its Nutrient Management Plan for Land Application; and

Staff: The dairy is compliant with the above rule and guideline as evidence by the letter from ISDA in exhibits 9 and 10 of the application.

County Engineer: Notes should be added to clarify that the composting and lagoons are components of the CAFO are part of the Waste Management System.

2. The expanding CAFO shall be in compliance with all environmental regulations, requirements, and permits imposed by State or Federal law or any regulatory agencies; and

Staff: The dairy is compliant with the above rule and guideline as evidence by the letter from ISDA in exhibits 9 and 10 of the application.

3. Liquid animal waste shall not be applied on snow, ice or frozen soil.

Staff: The dairy is compliant with the above rule and guideline as evidence by the letter from ISDA in exhibits 9 and 10 of the application.

C. Site Setbacks:

1. The location of Animal Waste Management Systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by any governing agencies; and

Staff: The farm is compliant with the above rules and agrees to comply with those rules for the expansion.

2. Silage, potatoes or any feed product resulting from the ensilage process which is stored in the open air shall be located a minimum of at least seven hundred (700') feet from any existing residence not belonging to the owner or operator of the feed; and

Staff: The nearest residence from the feed storage is over 1 mile, the proposed expansion meets this requirement.

3. All agricultural buildings, feed storage areas, feed bunks or feed racks shall have a minimum of one hundred (100') foot setback from property lines and public rights of way; and

Staff: The facility agrees to meet this setback. The farm has stacked straw and hay within 100 feet of the property line with the BLM to the north but would agree to move back to 100 feet in the future if required by the commission. All buildings and feed racks are located greater than 100 feet from property lines.

County Engineer: It appears there may be multiple buildings within the CAFO site, but they have not been identified with dimensions and a use as required. Feed storage is shown on site plan. Notes should be added to the site plan to identify the corrals, barns, etc., that are part of the animal confinement areas.

4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the Expanding CAFO; and

Staff: 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.

County Engineer: The location of the existing and proposed lighting should be shown as outlined in the checklist.

5. No expanding CAFO Facility Area shall be approved and/or located within a minimum of one and one-half (1½) miles of a parcel of property in a residential zone or a 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 this 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; and

Staff: There are no subdivisions or townsites with 1.5 miles of the existing or proposed site.

6. The Animal Waste Management System shall not be located or operated closer than a minimum of one thousand three hundred twenty (1,320') feet from an existing residence belonging to someone other than the Applicant, or be located and/or operated closer than a minimum of three hundred (300') feet from property lines. However, the Animal Waste Management System for swine Expanding Swine and Poultry CAFOs shall not be located closer than a minimum of two (2) miles of an occupied residence not part of the Expanding Facility or owned, occupied or leased by the owner of the Expanding Facility; provided however, such setbacks may be reduced if the owner and occupant of the residence consents in writing to a lesser setback; and

Staff: The nearest residence from waste system is over 1 mile. The new waste system is proposed to be 300 feet from property line.

7. No Animal Waste Management System shall be located and/or operated closer than a minimum of five hundred (500') feet from a well; and

Staff: The nearest well is 1414 feet.

8. No Animal Waste Management System shall be located closer than a minimum of three hundred (300') feet from a public right of way; and

Staff: The waste system is 1879 feet from right of way.

9. No expanding CAFO Facility Area shall be approved to expand to within a minimum of one and one-half (1 ½) miles of the Snake or Boise Rivers or to expand within a floodplain as set out on the most recent Federal Emergency Management Agency Flood Insurance Rate Map for Elmore County; and

Staff: The site is 2.1 miles from Snake River and is not within a floodplain.

10. The setbacks contained herein shall not apply to Land Application, except that Animal Waste from a swine or poultry CAFO Facility Area shall not be land applied within a minimum of one (1) mile of a residence not part of the Expanding CAFO or owned, occupied or leased by the owner of the Expanding CAFO. However, such setback may be reduced if the owner and occupant of the residence consent in writing.

Staff: N/A

- D. Exemption to Site Setbacks: Certain land parcels may not be conducive to setback requirements due to unique locations and circumstances. Where appropriate, the Commission may grant Applicants a variance in setback requirements pursuant to this

Chapter. If this setback includes Animal Waste Management Systems, the System shall meet all State and Federal regulations and be approved by the regulatory agency with authority.

Staff: No variance is required at this time.

STAFF COMMENT

The County Engineer has reviewed the application and has provided the following comments and recommendations:

The report and drawings included in the application appear to have been prepared by a licensed professional engineer, but not certified with a signature. Also, if it is not final, must be marked as “Not for construction”, “draft” or something similar.

The site plan includes much of the information required in Section 6-34-5.A.2.a. is included in other places in the application and report. However not all information is included on the large site drawing. This may include but not limited to the following:

Contours, Soils, Drainage: The surface contours, soils information and drainage of the CAFO should be shown on the site plan as required.

Wells, etc.: The locations of the wells are difficult to identify on the large vicinity map. The size of the well symbol on the map may need to be enlarged and notes added to point to the location of each well.

A note showing the area of the parcel should be provided as outlined in the checklist.

Notes should be placed on the plans that show location of utilities on the property as outlined in the checklist.

The location of traffic access should be shown as outlined on the checklist.

Section 6-34-5.A.9 requires feedback from the Highway District. The application stated the information was included in one of the exhibits, but these pages were blank except for the word “highway”.

Staff: the letter from the Glens Ferry Highway District was received on April 20, 2015.

The letter received from the State of Idaho Department of Agriculture dated April 8, 2015 states: “the proposed waste and nutrient management plan for Sunview Dairy... was prepared by...a certified nutrient management planner...(and) complies with IDAPA 02.04.14 Rules for Governing Dairy Waste.” And “Sunview Dairy complies with IDAPA 02.04.16 Rules Governing Agricultural Odor Management, and at this time, is not required to develop or implement an odor management plan...(and) is not required to have a pest abatement plan.”

Staff anticipates additional comments from the Mountain Home Air Force Base.

STAFF RECOMMENDATION

Staff recommends the applicant provide the additional information outlined in this report and the letter from Aspen Engineers dated June 3, 2015.

If approved staff recommends the following conditions of approval:

1. The number of animal units is limited to 11,703.
2. No further expansion of composting within the Air Base Hazard one 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 yearly report of the well monitoring will be reported to the Land Use and Building Department.
5. The use will comply with IDAPA 02.04.14 Rules Governing Dairy Waste.