

MINUTES
LEMHI COUNTY PLANNING AND ZONING COMMISSION
SPECIAL MEETING
April 28, 2010

MEMBERS PRESENT: Chairman, Roy Barrett, Vinn Strupp, Bret Heaps, Eleanor Wisner, Raymond Cockrell, John Ziegler, Ed Tolman, Barbara Miller, Gina Knudson and Tammy Bailey

STAFF PRESENT: Gary Goodman & Teresa Morton

GUEST PRESENT:

MEETING CALLED TO ORDER:

MINUTES OF PREVIOUS MEETING: No minutes to approve

COMMUNICATION:

DECISION

The board discusses the special use permit that was brought before them on April 21, 2010 for a gravel pit located on the Johnson property and to be leased to Dahle Red-E-Mix. Gary explains the process of a decision and how decisions should be made based on the evidence and the reasons based on information that was submitted. He also explains the appeal process.

Barbara asks the board if the board asks for new information on types of gravel and what pits these gravels are located in if it would require a new public hearing. Gary explains that it would be considered new evidence and that it would have to be reopened to the public as a public hearing.

Roy reminds the board that they need to think about the accumulative effect of these developments, not just gravel pits but all developments and how they will impact the area as a whole.

The board reviews a map that is on the wall of the P&Z room to help give them a better idea of where existing gravel pits are located. All board members participate and indicate where they believe gravel pits are located within the area of the proposed project. After reviewing where these are located and how many there are, a question is raised on how many of these pits are active.

Ed Tolman joins the board; he is asked to enter his name in the record and asked if there is a conflict of interest on this application. Hearing none Roy proceeds with the meeting.

John indicates that some time ago the state came into the county looking for and testing gravel because they indicated there was a shortage. To his knowledge no suitable gravel was found for highway use at that time.

Bret has concerns on whether or not the property could be buffered.

Barbara would like to know if there could be stipulations set that a new pit could only be opened after one is closed. Gary indicates that the board can set any stipulations that they would like.

Gina thinks that it is up to the application to prove to the board that there is a need for this product and not up to the board to determine this.

John reminds the board that it is important to establish pits in strategic areas for keep down cost; he also understands that Alisa & Mark are thinking about their future and want to have work down the road when the Perkin's Pit is completed. John also indicates that he is aware of the Johnson property and states that it is not good farm land.

Roy asks the board to think about if the proximity of the gravel pit is convenient or necessary.

Bret indicates that as far as the looks of the land, he would like to see a pond rather than a bunch of houses or how the property looks now.

Roy then instructs the board that he will go around the table and ask for concerns and/or conditions that the board would like to be set for this application.

John is concerned as to why written correspondence was received referencing attached documents but yet no documents were attached. John was reminded that the letter was sent to the board members as received and no other documents were attached.

Eleanor thinks that the applicants did a good job and that all required agencies have signed off and given the applicants the necessary permits. She would like to see a buffer along the BLM access.

Barbara believes that this project will be environmentally safe and that a pond would look better than the existing conditions. She does have concerns with the look of the gravel pit and would like to see that both pits not be operated at the same time and would also like to see buffering.

Tammy would like to see that reclamation is started immediately after one site is completed. She would also like to see buffering and setbacks from the wetlands be 100 ft and setbacks from the river be 300ft. Tammy is also concerned about the speed limit and would like to see it lowered for that stretch of the highway. The board is reminded that the applicant has submitted a traffic study that was done and approved by the Idaho Department of Transportation.

Raymond thinks the applicant has done all the proper steps to comply and has gotten permission from the necessary agencies.

Ed believes strongly in private property rights but also believes that the neighbors have a right to not have nuisances. He believes that buffering would help tremendously on noise and dust. Ed has concerns on letting a hot plant be put on this property.

Gina is concerned about land use compatibility. She would like to see buffering and has concerns on the traffic safety and allowing a hot mix plant in the area.

Vinn believes that there is no reason not to approve the application with stipulations.

Bret would like to see a gravel pit elsewhere but do understand why they want it at the location as proposed. He would like to see a buffer along the highway and has concerns on the hot mix plant and believes they could put it somewhere else.

Motion to approve the application was made by Bret Heaps and seconded by John Ziegler

The board makes the following decision:

DECISION OF RECORD FROM THE LEMHI COUNTY
PLANNING AND ZONING COMMISSION
REGARDING
JOHNSON/DAHLE GRAVEL PIT

INTRODUCTION

This matter having come before the Planning and Zoning Commission on April 21, 2010, and the Commission member's present being Chairman Roy Barrett, Vinn Strupp, Eleanor Wisner, Barbara Miller, Raymond Cockrell, John Ziegler, Ed Tolman, Bret Heaps and Dale Peterson. For the general purpose of a Special Use Permit.

FACTUAL BACKGROUND

Having given due consideration to the application and evidence presented, the Planning & Zoning hereby makes the following Facts:

1. The existing use of the property described in the petition is Agricultural/Residential and the proposed use will not change
2. That the existing land use in the area is presently Agricultural/Residential/Mining
3. That the comprehensive plan designates this area as South Salmon Corridor. And the proposed use will conform to the comprehensive plan.
4. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by county code and by laws of the State of Idaho. Advertisements has taken place on the following dates: March 25 & April 1, 2010 Notice was posted on the property on April 12, 2010
5. That this proposal is not in conflict with provisions of any adopted ordinance or intent of any county policy or uses within the proposed area.
6. That the proposed change in use is compatible with existing uses in the area as identified by the commission members.
7. Other persons in attendance expressed neither approval or disapproval of the proposed change in use.

Speaking in favor:

Roger Greiner: *(believes that it is a very important service for our community to have high quality gravel and aggregate and the availability of specification grade concrete. Believes that it is important to have a practical working radius around gravel pits because it is unfeasible to haul material long distances. He also believes that siptulations on hours of operation would be appropriate.)*

Speaking uncommitted:

None

Speaking opposed:

Mary Carroll (*Has concerns on the number of existing gravel pits already in the area. Concerns on noise, dust, traffic and smell. Has a concern on a hot plant being operated. Believes it would degrade the existing BLM access near the proposed gravel pit. Believes that Dahle's will operate this proposal in a responsible manner but thinks it will be too much of an impact*)

Bill Oldham (*Believes the application is in conflict with the goals in policies of the Lemhi County Comprehensive plan. Believes it would not be in the best interest of the county's economy, tourism. Also believes it could threaten critical habitat and damage water quality. Believes that this proposal will benefit a few individuals instead of the whole community*)

Wesley Rose (*has concerns with air quality, traffic and the accumulative affect development would have on the county.*)

Written Correspondence:

Department of the Army (*Based on the information provided by the applicant it does not appear that this agency will require an Army permit*)

Idaho Department of Transportation (*Has concerns regarding traffic and safety impacts this development will have to the state highway.*)

Idaho Department of Transportation (*Has sent a letter stating that they have no concerns and permit has been issued.*)

United State Department of Interior (*Would like to see a 200 foot buffer along the river for the whole property and not just along the south end. Would like to see that when five acres of work is completed rehabilitation of the land is completed as the project progresses to the next five acres. They would also like to see a rehabilitation plan developed. The BLM would propose that the work begin on the south side of the property and not the north end next to the recreation site. They would like to see a weed management plan developed. BLM is concerned that this development will diminish scenic values in the area. Indicated that the proposal includes a Hot Mix plant when needed. The BLM has concern on potential water quality and would suggest eliminating the Hot Mix portion of the operation. If there are no other alternatives to the Hot Mix Plant they would like to see a spill containment plan included in the proposal. They would like to see the operator of this development to coordinate with DEQ for water quality monitoring.*)

NMFS (*Encourages the operator to pursue implementation of best management practices designed to protect water quality as well as channel geomorphology. The provisions for a 200 foot no dig buffer*

around the Salmon River as well as designated equipment fueling/maintenance sites is commendable and important to avoid potential adverse effect to the Endangered Species Act and designated critical habitat.)

Lemhi County Weed Control *(Development will be managed therefore has no concern on the project.)*

Idaho Department of Lands *(Has reviewed the application for completeness in accordance with Section 47-1506 Idaho Code. Has asked numerous agencies for comments.)*

Lemhi County Road & Bridge *(Sent email stating they had no concerns)*

Idaho Department of Lands *(Stating the reclamation plan was approved and outlines stipulations and requirements)*

Susan Peters Davis *(has concerns on the impacts on critical habitat and believes this project will destroy the fishing and wilderness preservation.)*

Bill Oldham *(has concerns on potential conflict with the policies and goal of the Lemhi County Comprehensive Plan. Has questions on reclamation and the devaluing of property. Has concerns on traffic and who will monitor the conditions of the special use permit.)*

Chris Jones, President of Ted Trueblood Chapter *(Concerns on fish habitat, sport fishing, the impact of tourist, critical habitat designation. Other concerns are; runoff, changing the course of river and potential consequences, and effluent being washed into the river. Also has concerns on the damage this proposal could cause in the Salmon River.)*

Jonathan Oppenheimer, Senior Conservation Associate- Idaho Conservation League *(Concerns on potential pollution, limited watershed resilience, and impacted aquatic and riparian-dependent species. Addresses numerous sections out of the comprehensive plan. Concerned on impact of air and water quality. Addresses issues for the need of a multi-sector general permit and the need for EPA permits. Concerns with potential subsurface discharges and groundwater contamination associated with the proposed development, as well as machinery, fuel and other contaminants. States that the applicant needs to obtain necessary water discharge permits from the EPA. Concerns on the potential Hot Mix processing facility and the effects of having this.)*

Trout Unlimited *(Asks the commission to consider the listed items in the correspondence)*

Western Watershed Project (*Addresses concern with 404 permits, endangered species act, critical habitat, and public outdoor recreation areas. Concerns that it will harm Lemhi County outfitting business, scenic and recreation values. Concerns with dust, truck traffic, and potential harm to the river and road hazards this may cause.*)

The following additional facts are made by the Commission.

1. The existing land use is agricultural and is proposed to be mining
2. Proposed project is located in the South Salmon Corridor
3. The property posting of the property and publishing of the public hearing has been done.
4. A public hearing was conducted on the proposed special use permit
5. Written correspondence was entered into the record
6. No agencies that were required to approve the application where denied permission to proceed with the proposal.

ORDER

That the Planning and Zoning Commission of Lemhi County, pursuant to the aforementioned, orders that the application of Val & Sara Johnson for the use of a gravel pit. As described in the petition should be approved with special conditions.

SPECIAL CONDITIONS

1. The perimeter of the property shall be buffered at the onset of the project as per the Lemhi County Development Code to establish a screening effect.
2. Operations must start on the south end of the property and continue north
3. Hours of operation are limited to Monday through Friday 8am to 5pm. No operations will be allowed on governmental recognized holidays.
4. There shall be no outdoor storage of fuel, oils or similar products
5. Application approval does not include the placement or operation of a Hot Mix Plant
6. This proposal must meet all federal, state and local codes
7. Permits shall be valid for one year from the date of approval, unless extended by a development agreement.
8. Must sign a development agreement with Lemhi County

Motion to adjourn made by Ed Tolman and seconded by Bret Heaps

Respectfully Submitted

Teresa L. Morton