



# Valley County Planning & Zoning Commission

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Rob Garrison, Chairman  
Ronda Sandmeyer, Vice-Chairman

Tom Olson, Jr, Commissioner  
Kathy Deinhardt Hill, Commissioner  
Ed Allen, Commissioner

## VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

**DATE:** March 14, 2013

**TIME:** 6:00 p.m. – 7:30 p.m.

**LOCATION:** Valley County Courthouse

**ATTENDANCE:** Commissioners present: Commissioners, Kathy Deinhardt-Hill, Ed Allen, Ronda Sandmeyer, and Chairman Rob Garrison. Staff member present: Cynda Herrick, AICP, CFM, Planning and Zoning Administrator. Commissioner Olson was excused.

**OPEN:** Call to Order

**MINUTES:** January 10, 2013, & February 11, 2013

Commissioner Allen moved to approve the January 10, 2013, minutes with the changes to the February 11, 2013, minutes changing page 2 “the Commission decision on the stay or extension issue for Blackhawk to be asked of the new Valley County Prosecuting Attorney” and insert “Commissioner Hill stated”. Commissioner Hill seconded the motion. Motion carried.

### A. NEW BUSINESS:

- 1. Cloud Seeding:** It is proposed to amend the Valley County Code, Title 9, Chapter 4 to allow cloud seeding as a permitted use.

Chairman Garrison asked for the Staff Report was given by Staff. Questions for staff were discussed. Staff explained that last year when the P&Z Commission decision that a conditional use permit was needed for cloud seeding was appealed, the Board overturned the Commission decision and stated it was a permitted use in a manner similar to solar panels. The Commission commented that solar panels are only permitted if located on a structure; other solar panels do need a conditional use permit. Staff stated that what was put together was for a permitted use that required an Administrative Permit in a manner similar to Accessory Dwelling Units, Ranch Ponds, Site Grading Plans, etc.

Chairman Garrison asked for proponents:

Angie Wood, Idaho Power, PO Box 70, Boise, ID 83707:

- They had proposed an ordinance to act as a catalyst.
- They made their proposals reflective of what the County Commissioners directed.
- Safety levels, sound, propane, etc.
- Should be more permissive - packet does not contain all of the details that were entered into with the Board. The intent of the Commissioners was that cloud seeding would be an allowed use.

Wayne Chapman, 87 Goslin Loop, presented (exhibit 1)

- Did not know that there was cloud seeding.
- Looked up materials data safety sheet.
- Very toxic to aquatic – avoid release to environment
- We are contaminating marine biology.
- Toxic fumes will be emitted during fires.
- It is very hazard.
- Discharge into environment must be avoided.
- This is a marine pollutant.
- A very large concern for drinking water.
- How long are long lasting effects?
- 50 years ago mercury was played with – now this heavy metal is in every stream in Idaho.
- Now Idaho Power can claim they didn't do it.
- It says do not consume a lot of fish from Idaho due to Mercury poisoning.

Lisa Gine, 129 Goslin, would rather not have cloud seeding.

- Reiterated that everything Wayne said, she found in encyclopedias.
- As she stands here it is up to the P&Z and Board to be responsible for the health of this community and this environment.
- Look at other communities who have released heavy leads into the atmosphere.
- Should not bow to power and greed of a corporate entity.

Chairman Garrison said that silver iodide can be a bad deal; some say silver miners live longer, some say it doesn't work.

Commissioner Allen stated Idaho Power were very professional and quite knowledgeable. He was comfortable with the conditional use process where you could require things downwind that are not allowed with just a permitted use. County needs unbiased research into this issue.

Commissioner Sandmeyer has a hard time thinking of this as just a permitted use. She is very concerned with location and she is concerned with the safety data sheet presented.

Commissioner Allen questioned what are cumulative effects? Commissioner Sandmeyer said that there is no data available. Chairman Garrison said all the cloud seeding in northern Texas they couldn't determine where it would land. Commissioner Allen said there is a lot of research, but there is a good possibility there are some issues we should look at – need to have system to look at – they just showed up out in the woods. Chairman Garrison recommended that we should postpone until we get more information from Idaho Power. Commissioner Allen said that is not research information.

Commissioner Hill does not want to turn over and say go do it. People with big solar panels have to come get approval. Poor solar panel guy has to go through the process and get approval. This is more invasive. Do we need to explain that with the Commissioners?

Commissioner Sandmeyer said it is not good for areas where there is hunting and it pollutes water -- it is quite toxic to aquatics.

Want to meet with the Commissioners to explain why it needs to be permitted, conditional or prohibited.

Staff stated if you do research, give it to my office, so we can disseminate before the meeting/hearing with the Board of Commissioners.

Colorado prohibits cloud seeding.

Solar panels need permission, but cloud seeding doesn't. Why do they object to public review?

Angela Wood said she jotted down that it was unfair since the packet does not include the facts. The State Department of Agriculture regulates cloud seeding. They thought they were doing everything right. It was a surprise when P&Z inserted themselves into the process. She reiterated their proposal. They are trying to act upon certainty --- agriculturists benefit from the extra water. There are many types of cloud seeding. The chemicals are highly regulated and silver iodide is inert. They are trying to provide certainty in water volumes.

Commissioner Hill asked if there were counties that require permits. No, it is a highly regulated process through the Department of Agriculture. P&Z does not do regulation of chemicals.

Commissioner Sandmeyer asked what counties they are currently doing cloud seeding in. Angela said they are trying to finesse the best locations.

Derek Blusterid, Idaho Power, they are in Boise County and Valley County, in Eastern Idaho they are in 5 counties. They use orographic seeding. The DEQ look at pollutants and they have concluded that they are within all thresholds so a permit is not needed. They have four sites in Valley County: six-mile – Angela said they were given previously.

Angela said, are you the forum to sort out silver iodide. Chairman Garrison said, yes.

Commissioner Sandmeyer said it is her responsibility for the safety of the community of Valley County.

Chairman Garrison wants to do more research. He would like more information from the first go around. Commissioner Hill will contact Idaho Conservation League. Commissioner Allen will research silver iodide etc. Commissioner Sandmeyer will talk to State agencies. Chairman Garrison will research highlights from previous meetings. Everyone will talk to individual public.

Commissioner Sandmeyer motion to table to May 9 at 6:00 p.m. Commissioner Hill seconded. Motion carried.

**2. Subdivision Ordinance:** It is proposed to amend the Valley County Code, Title 10,

Chapter 3 to require a note be placed on the face of a plat to advise future land use purchasers of existing uses that may not necessarily be compatible or that surrounding land uses may change.

Kathy recommended we approve changes 10-1-3-C-8 as presented and change 10-3-3-2 with first 8 including 3<sup>rd</sup> 8 with the terminology. This information can be found at the local Planning and Zoning office. Motion carried.

Ed would like to find a place in the ordinance that zoning is better explained and rural parcels are also aware.

- 3. Oil and Gas Ordinance:** An Oil and Gas Ordinance for Valley County is proposed. It would make oil and gas wells permitted uses in accordance with Idaho State Statutes. The standards would be in Title 9, Chapter 4.

Staff Report: Staff explained that oil and gas exploration and mining was the same as the federal regulations on mining. The boiler-plate ordinance was addressing the appurtenant issues and some directional issues.

Proponents or opponents: None

Commissioner Sandmeyer tabled to May 9, 2013, at 6:00 p.m; Commissioner Hill seconded. More research, deeper reading, and more changes were needed. Motion carried.

## **B. OTHER:**

- 1. Facts and Conclusions – C.U.P. 12-11 ASAP Portables:** Commissioner Allen moved to approve the Facts and Conclusions and authorize Chairman to sign. Commissioner Sandmeyer seconded the motion. Motion carried.
- 2. C.U.P. 83-10 Long Valley Exchange – still active?** Administrative Decision it is currently inactive status. The Commission agreed.
- 3.** The Commission also said that every weekend there is a sign put on the highway leading up to the MRF for a garage sale, which is actually a business. Staff stated she would call Josh Davis.
- 4. C.U.P. 06-45 Alpha Nursery & Garden Center – portable temporary greenhouse:** good idea, doesn't change the use.
- 5. Reschedule October Meeting - Idaho Planning Association Meeting** is at the same time as the scheduled October meeting. Commissioner Hill moved to reschedule to Oct. 3, 2013; Commissioner Allen seconded. Motion carried.
- 6. Reschedule November Meeting - Idaho Floodplain Management Workshop** will be held on the second Thursday in November. Commissioner Sandmeyer moved to reschedule the

November meeting to the 7th of November. Commissioner Hill seconded the motion.  
Motion carried.

Meeting Adjourned