

**JEROME COUNTY PLANNING AND ZONING COMMISSION  
MINUTES  
November 30, 2015 6:30 p.m.  
DISTRICT COURT ROOM, JEROME COUNTY COURT HOUSE**

Chairman Jack Nelsen called the work session to order at 6:31 p.m.

Present: Chairman Jack Nelsen, Larrey Anderson, Ed Brune, Bill Baker, Trish Heath, Tanner Johns, Arlen Morgan, Virgil Tinker, and Michael Tylka.

Excused: Jim Schlund.

Staff Attendees: Art Brown, Planning and Zoning Administrator, Nancy Marshall, Judy Gonzalski and Stephanie Aslett.

Also Attending: Keith Mills of Hillsdale Highway District and Bud Rasmussen of the Jerome Highway District, Joseph Shelton, Oscar Carranza, and Dale Ralls.

**6:30 PM WORK SESSION**

Chairman Jack Nelsen opened the 6:30 pm work session. Keith Mills of the Hillsdale Highway District and Bud Rasmussen of the Jerome Highway District were present to meet with Commission members. Trish Heath arrived at 6:33 pm. The Commission and the Highway district discussed Agricultural Product Transfer Points. They discussed road access, if certain locations for Agricultural Product Transfer Points should be established close to the main highways, manure on the roads, drainage and safety issues. Nancy Marshall clarified there would have to be a way to distinguish between normal farm operations and Agricultural Product Transfer Points. Mr. Brown further clarified for the Commission that an Agricultural Product Transfer Point is one location used by many farmers, and is separate from an individual farmer. The Commission asked the Highway District representatives to discuss this topic with each of their boards for input and return for another meeting. The Highway District representatives agreed.

**7:15 PM HEARING-WHITE CLOUD COMMUNICATIONS, HEIGHT VARIANCE**

Mr. Nelsen opened the hearing for White Cloud Communications application for a Variance for height to extend the height of an existing communication tower from 32' feet to 100' feet. Those giving testimony were sworn in. Joseph Shelton presented the application for White Cloud Communications Height Variance. Mr. Shelton gave explanation why the tower needs to be taller. Planning and Zoning Administrator Art Brown presented his Staff Report. No testimony was given in support or opposition. The Commission was concerned that the light may be a nuisance to neighbors. Mr. Shelton returned for comment. The Commission asked more questions about the obstruction light. Mr. Nelsen closed the hearing for further testimony.

**DISCUSSION**

**WHITE CLOUD COMMUNICATIONS, HEIGHT VARIANCE**

The Commission discussed the obstruction light. The Commission also discussed the height of the communication tower from ground level and found that White Cloud Communications asked to extend the height to 100' feet in the application but on Exhibit AG1, the airport letter stated they are only extending the height to 80' feet. The Commission discussed tabling the application and scheduling a special meeting to finish the White Cloud Communications hearing. The Commission stated they would like the airport manager to attend the special meeting for clarification of both the added height of the Communications tower and the requirements the airport has for the obstruction light. The Commission also asked that owners of the 21 lots of the subdivision be notified of the obstruction light to go at the top of the Communication tower so they may have a chance to attend the special meeting and give

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testimony if they so wish. The Commission set the date for the special meeting for December 10, 2015 at 6:30 pm. Arlen Morgan left the meeting at 8:25 pm and did not return.

**M/S/C Virgil Tinker motioned to table the application for additional testimony to be given on December the 10th 2015 at 7 pm, and that there be a letter sent to the Jerome County Airport requesting the airport manager or her designated representative to attend this special meeting. The airport board or manager will give a letter stating the type of obstruction light and also the clarification as to an 80' foot tower as opposed to a 100' foot tower. Also letters informing the home owners that an obstruction light will be attached to the top of the 100' foot tower, and if they have any testimony they would like to give they can come to the special meeting. Larrey Anderson seconded the motion. The motion carried unanimously.**

**RECESS 8:29 PM**

**RECONVENE 8:41 PM**

**7:30 PM HEARING-CHAPTER 15 TEXT AMENDMENT, Non-Conforming Uses**

Mr. Nelsen opened the hearing for the Chapter 15 Text Amendment for Non-conforming uses. Mr. Brown explained that when zoning in the County changed to Commercial, that it made many homes previously conforming into non-conforming uses. He stated the purpose of this text amendment is to change the language so there will not be a hardship on home owners. Oscar Carranza and Dale Ralls gave testimony in support. Mr. Brown and the Commission discussed the language of 6-3 Housing Density. For 15-6.03 it was decided to change single family to residential. The Commission suggested to staff to do a word search to change all language from single family dwellings to residential dwellings. The Commission & Staff looked at Exhibit A3 for 15-4 for the Definition of Non-Conforming Use. It was decided to strike "which" and the word "was" and not add "that". It was also decided in 15-6.01 B to strike "Single Family" and add "Residential". The Commission pointed out that Single Family is also used in 15-6.05 and several other places. Nancy Marshall stated that a word search would be used to remove all "Single Family" and instead of replacing it with Residential, it would be replaced with "Dwelling Unit" as there is a definition for Dwelling Unit and not for residential. In Chapter 2, Exhibit A22 at the bottom of the page under Non-Conforming Use, the Commission accepted the new sentence proposed (in red), struck "that was" from the sentence and accepted the strike out of the old sentence. In Chapter 3, Exhibit A35, the Commission accepted all of the 3-5 strike out. Chapter 6, Exhibit A46 the Commission accepted all strike outs and the added heading of "SINGLE NON-CONFORMING PARCELS OR LOTS" following 6-11. Also on Exhibit A46, they struck "Chart 6-1" from the heading of the chart. On Exhibit A47 all additions were accepted. Ms. Marshall stated that these additions were struck from Chapter 3 and moved to Chapter 6 which is the correct chapter. They struck the verbiage "Chart 6-1" (under A & B, also Exhibit A47) and are replacing it with "Section 6-10". Chapter 16, Exhibit A50 they accepted the strike outs, and also struck the "s" on premises to make it "premise" and struck the comma directly after premises. On Exhibit A53 they discussed referencing the Comprehensive plan and why the changes are being made. Ms. Marshall suggested that since Staff will be doing some word searches, that the Commission would have the options of: as part of the motion, give authority to the Chair to review the Recommendation page and sign it on behalf of the Commission; or, bring it in on the 10<sup>th</sup> and have all of the Commission members review it. The Commission decided to review the Recommendation page at the next meeting on December 10, 2015. Ms. Marshall clarified that they would be making a motion to make the changes as discussed by the Commission and the recommendation page will be brought back to the Commission to review on December 10, 2015 to be sure the changes reflect the Commissions comments.

**M/S/C Trish Heath motioned to recommend to the Board of County Commissioners to approve the Text Amendment changes to Chapters 2, 3, 6, 15 and 16 as presented with changes on the discussion on record. It is the Commission's determination that this application is in accordance with the comprehensive plan for the following reasons: it was not the intent of the Commission to limit home owners to improving their properties but rather to limit new development in inappropriate areas. Also, we want to make this change to insure that County regulations are appropriate for existing conditions, remove the outdated regulations and we have appointed a committee to complete the zoning ordinance, review amendment and adoption process as explained by Staff. The Exhibits used in this decision were S1 through S9-10 and A1-2 through A53. Mike Tylka seconded the motion, six voted in favor and Larrey Anderson voted in opposition. Mr. Anderson stated he is in favor of the changes but didn't think they went far enough; he stated he felt there are other places in Commercial zones where residential should be used.**

Mr. Nelsen noted the motion passed with a vote of six (6) to one (1) and said to let the Recommendation page that is typed up show why Mr. Anderson is opposed. Mr. Anderson found that acceptable. Mr. Brune said he'd like it noted he is in favor of the changes but agrees with Mr. Anderson that they didn't go far enough in allowing residential in Commercial zones. Mr. Brown told the Commission members who felt there hadn't been enough changes; they need to discuss this with the Board of County Commissioners when the recommendation goes before them. Mr. Nelsen asked if there was anything else the Commission would like to meet with the Board of County Commissioners about. Mr. Nelsen asked Staff to check with the Board of County Commissioners to see if they would be available for meeting December 10, 2015 at 6:30 pm. The Commission had further discussion of residential in Commercial zones.

**BUSINESS MEETING**

Mr. Nelsen opened the business meeting. Mr. Nelsen asked if anyone had any corrections to make to the October 26, 2015 minutes.

**M/S/C Mr. Anderson motioned to accept the October 26, 2015 minutes as presented. Virgil Tinker seconded the motion and it carried unanimously.**

**ADJOURNMENT**

**M/S/C Michael Tylka motioned to adjourn the meeting at 9:37 p.m. Bill Baker seconded the motion and it carried unanimously.**

Respectfully Submitted,

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Administrative Assistant

ATTESTED BY:

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Chairman