

**JEROME COUNTY PLANNING AND ZONING COMMISSION
MINUTES
December 10, 2015 6:30 p.m.
DISTRICT COURT ROOM, JEROME COUNTY COURT HOUSE**

Chairman Jack Nelsen called the meeting to order at 6:30 p.m.

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

Excused: Trish Heath

Staff Attendees: Nancy Marshall, Planning and Zoning Assistant Administrator, Stephanie Aslett, and Judy Gonzalski

Also Present: Jerry Gonterman, Jerome County Prosecuting Attorney Mike Seib, Jerome County Airport Manager Linda Underwood, Board of County Commissioners: Charlie Howell, Roger Morley, and Cathy Roemer

6:30 PM WORK SESSION-CHAPTER 15 TEXT AMENDMENT

Chairman Jack Nelsen opened the 6:30 pm work session for discussion between the Planning and Zoning Commission and the Board of County Commissioners to hear concerns from Commissioner Larrey Anderson or any other Commissioners for allowing more residential housing in Commercial zones. The Commission welcomed Jerome County Prosecuting Attorney Mike Seib and Board of County Commissioners Charlie Howell, Roger Morley and Cathy Roemer to the meeting. The Commission discussed the language of the recent text amendment not to add residential housing to commercial zones. Attorney Mike Seib clarified the ordinance does not state there cannot be a residence, but that the primary use must be commercial and the residence would be a secondary use for employees, which would make the residence part of the commercial use. The Commission discussed existing housing within commercial zones and requiring a Special Use Permit for residential housing. Mr. Nelsen asked if there had been any issues with the ordinance for urbanization. He stated in the past they had an issue with the Commission treating everyone fairly when approving Special Use Permits since they had no guidelines to go by. Ms. Marshall clarified urbanization is not allowable. She stated that a recreational vehicle is allowed for up to 60 days; then would require a Special Use Permit. Commissioner Howell stated if you want to put a family member on your property, attach the secondary home to your dwelling; stating this prevents the dwelling from being split off and sold. He also stated if you want employee housing, attach it to a part of the regular business building. Mr. Seib and Mr. Anderson discussed Home Based Businesses. Ms. Marshall gave an overview of zoning ordinances. Mr. Anderson stated he feels the ordinance is too restrictive in not allowing residential housing in a commercial zone and thinks that nothing can be done with the buffer zone between differing zones. He said he is concerned that the ordinance didn't go far enough in permitting residential in commercial zones. The Commission, Staff and Board of County Commissioners discussed possible allowances of residential housing in commercial zones. Commissioner Howell said the Planning and Zoning Commission could make a condition in the language to attach employee housing to the primary use building and specify that it cannot be split off later to sell. Commissioner Howell the Commission and Mr. Seib discussed contiguous residences to the business. Commissioner Morley stated you could require it to be contiguous and to have a Special Use Permit. Commissioner Roemer stated the ordinance is meant to discourage non-conforming uses and quoted from Chapter 15-1.-Non-conforming uses. The Commission, Staff and Mr. Seib discussed transitory and ancillary housing. The Commission discussed pre-existing residences in commercial zones. The Commission asked the question, if a business comes in and wants a residence built with the business, would it be allowed. Commissioner Howell stated it depends on what fits with the zone, and it would be important to avoid any splits. Commissioner Morley asked the Commission if they felt the secondary use should be attached or separated. Ms. Marshall

stated there is a specific category in the building code for transitory living. She gave an overview of the discussion she had with the building department to distinguish between commercial and residential. Staff and the Commission agreed if it is a residential dwelling within a commercial use it is permitted. The Commission stated they would still like to require a special use permit to add a residence separate from the business. Mr. Nelsen summarized that the staff would bring them verbiage which would then go to the Board of County Commissioners for review before it goes to a public meeting. The Commission and Mr. Seib discussed using the language of ancillary. The Commission decided to go forward with requiring a Special Use Permit for a residential dwelling in a Commercial zone. The Board of County Commissioners left the meeting when the Chairman closed the meeting at 7:52 pm.

7:00 PM HEARING-WHITE CLOUD COMMUNICATIONS HEIGHT VARIANCE

Mr. Nelsen re-opened the tabled 7:00 pm hearing for White Cloud Communications application for a height variance to extend the height of an existing communication tower from 32' feet to 100' feet. Jim Schlund recused himself and left the meeting. Those giving testimony were sworn in. Jerome County Airport Manager Linda Underwood, requested by the Commission to come to the meeting, clarified for the Commissioners the tower height and type of lighting required at the top of the tower by the Advisory Board. Jerry Gonterman representing White Cloud Communications gave testimony in support. The Commission asked Mr. Gonterman if he would be ok with the requirements the airport is asking for. Mr. Gonterman said yes. There was no other testimony in support or opposition. There was no rebuttal. Mr. Nelsen closed the hearing for further testimony.

BUSINESS MEETING

Mr. Nelsen opened the business meeting. The Commission reviewed the minutes for the November 30, 2015 meeting.

M/S/C Ed Brune motioned to accept the November 30, 2015 minutes as presented. Bill Baker seconded the motion and it carried unanimously.

RECOMMENDATION PAGE-CHAPTERS 2, 3, 6, 15 & 16

The Commission reviewed the Recommendation page.

M/S/C Virgil Tinker moved to accept the Recommendation page to the Board of County Commissioners as presented. Ed Brune seconded the motion and it carried unanimously.

RECESS 8:23 PM

RECONVENE 8:32 PM

BUSINESS MEETING

Mr. Nelsen stated that Ms. Marshall had some information for the Commission. Ms. Marshall noted that it was not on the agenda for tonight to discuss the Agricultural Product Transfer Points. She stated Staff made the changes discussed and would bring them to the Commission in January. She stated a situation had come up with confined animals on separate parcels not associated with a residence, and the issue would need to be addressed at the next meeting.

DECISION-WHITE CLOUD COMMUNICATIONS HEIGHT VARIANCE

Mr. Nelsen opened the hearing for discussion and decision. The Commission reviewed requirements for the obstruction light. The Commission discussed conditions. Ms. Marshall clarified for the Commission the one condition states the light was to be approved by the airport, and suggested they leave the condition as is and rely on the airport's expertise to say whether the obstruction light meets specifications. A correction to the Airport specification letter was made changing it from an "S" Exhibit to Exhibit AG 3-6.

M/S/C Larrey Anderson motioned to approve White Cloud Communications request for a variance for the height, located on property that was the subject of this hearing with the following conditions: shall install obstruction light with verification by the Jerome Airport. Obstruction light to be placed before the final building inspection is completed by the Jerome County Building department. The Commission went through all the discussion of conditions 1 through 6, [of Jerome County Zoning Ordinance Chapter 19] including the Staff Report and Exhibits A1-2 through AG3-6. Mike Tylka seconded the motion and it carried unanimously.

WRITTEN DECISION-WHITE CLOUD COMMUNICATIONS HEIGHT VARIANCE

The Commission reviewed and made corrections to the Written Decision submitted by Staff.

M/S/C Virgil Tinker motioned to accept with corrections and final signature by Chairman Jack Nelsen. Bill Baker seconded the motion and it carried unanimously.

ADJOURN

M/S/C Ed Brune motioned to adjourn the meeting at 9:07 pm. The motion was seconded and carried unanimously.

Respectfully Submitted,

Administrative Assistant

ATTESTED BY:

Chairman