

**JEROME COUNTY PLANNING AND ZONING COMMISSION
MINUTES
February 23, 2015 7:00 p.m.
DISTRICT COURT ROOM, JEROME COUNTY COURT HOUSE**

Chairman Jack Nelsen called the meeting to order at 7:00 p.m.

Present: Chairman Jack Nelsen, Larrey Anderson, Ed Brune, and Bill Baker.

Excused: Trish Heath, Jeff Ross and Jim Schlund

Staff Attendees: Arthur Roy Brown, Planning and Zoning Administrator, Sylvia Garcia and Judy Gonzalski.

Also Attending: Randy Steadham, Lori Steadham, Gerald Brant, Wayne Bluemer, Mike Praegitzer, Kathy Barnes Anthony, Diana Barnes, Mitch Barnes, Jackie Barnes, Jo Dyer, Bruce Kulm, Jerry Osborn, Linda Osborn, Herbert McCully, V. Margaret McCully and Lynford Smith.

7PM MEETING, RETHA'S CORNER FINAL PLAT

Chairman Jack Nelsen opened the meeting for Retha's Corner, Final Plat. Mr. Larrey Anderson excused himself and took a seat in the audience as an applicant. Arthur Roy Brown said there was no additional information to add. Mr. Nelsen asked about catch water. Mr. Anderson stated that the 2 lots have natural drainage. Mr. Brown pointed out on the map how the drainage works on both lots. Mr. Anderson stated the water does not drain from these two lots to any other lots. He also stated he may have to implement something different when a paved road eventually goes in. The Commission and Mr. Anderson discussed the Utility easement. Mr. Brown discussed if there will be a maintenance agreement between the two lots. He stated the addresses will remain in the same location and that there is no reason to name the street at this time. Mr. Nelsen said the maintenance of water shares should be addressed with the Home Owner's Association. Mr. Nelsen asked Mr. Anderson if he is comfortable with conditions 1 through 7 on exhibit S16. Mr. Anderson, the Commission and Mr. Brown discussed having an entity collect maintenance fees for the water shares from everyone for the canal company. Mr. Anderson said he is comfortable with conditions 1 through 7. Mr. Nelsen closed the meeting for further discussion.

RECOMMENDATION

Mr. Nelsen asked the Commissioners if everyone was comfortable with the conditions.

M/S/C Bill Baker motioned to recommend to the Board of County Commissioners to approve the Final Plat of Retha's Corner subdivision numbers 1 and 2, with the Final Plat conditions 1 through 7. Ed Brune seconded the motion, and the motion carried unanimously.

RECESS 7:14 PM

RECONVENE 7:18 PM

7:15 PM HEARING-4 SEASON'S TREE SERVICES

Mr. Nelsen opened the hearing for 4 Season's Tree Services. Mr. Anderson rejoined the Commission. The audience was sworn in. Mr. Steadham presented his application and gave a brief explanation of what will be done at the site. Mr. Nelsen discussed Exhibit S30 with Mr. Steadham and said the Staff suggested 10 conditions. The Commission discussed questions with

Planning & Zoning Department Minutes February 23, 2015 7:00 p.m.

Mr. Steadham about noise level, hours of operation, parking, water run-off, surface water, where petroleum waste would be stored, pictures admitted into evidence by the neighbors and where on the site the different operations will be. The pictures were given the exhibit number of R7. Mr. Brown gave his staff report and explained why staff classified this as a Manufacturing and Horticulture operation. Mr. Brown and the Commissioners discussed the conditions. There was no testimony in support. Gerald Brant representing himself, and Cecil Harkins gave testimony in opposition. Wayne Bluemer also gave testimony in opposition. Mr. Steadham returned for comment and answered the Commissioner's questions. Mr. Nelsen closed the hearing for further testimony at 8:19pm.

7:30 PM HEARING, REZONE FROM A2 RURAL RESIDENTIAL TO CG, COMMERCIAL GENERAL

Mr. Nelsen opened the hearing for the application of Michael Praegitzer for a Rezone from A2 rural residential to CG commercial general. Mr. Nelsen asked if there was anyone with a conflict of interest or ex parte contact. Mr. Nelsen stated he has done business with Mr. Praegitzer in the past but since they are short of Commissioners Mr. Brown had counseled him to stay on the board and not excuse himself. Mr. Praegitzer presented his application and stated his business had grown so much that he cannot continue as a home based business under the Special Use Permit and remain in compliance. Mr. Praegitzer stated that the portion of his property he is applying to have rezoned to CG is adjacent to another CG zone, the State Department of Transportation. Mr. Brown gave his Staff Report and explained that Mr. Praegitzer does not want to rezone all of his property to CG, only a portion of it. He explained the rezone and stated Mr. Praegitzer would have to obtain another deed to divide the property to separate the A2 from the CG when the rezone is complete. Mr. Brown stated it is not a requirement to divide the property into two parcels. He stated that when the zone is changed that the Use allowed will change, referencing Charts 1 through 14. The Commissioners and Mr. Praegitzer discussed how many vehicles are on his property and a privacy fence. The Commissioners discussed with Mr. Brown the difference between a development agreement and a rezone, what would be the requirements of Mr. Praegitzer if the zone is changed, if there is a limit to how many cars Mr. Praegitzer would be allowed in the CG zone and what is allowed in a CG. Mr. Brown said the house will not be in the CG zone but will remain zoned as A2, since that would not make it a non-conforming use. There was no testimony in opposition or support. Mr. Praegitzer returned for comment. The Commission asked Mr. Praegitzer if he would have any problems with the conditions and if he does any salvage on the cars he works on. Mr. Praegitzer answered no to both questions. Mr. Nelsen closed the hearing for further comment at 8:42 pm.

RECESS 8:42 PM

RECONVENE 8:59 PM

7:45 PM HEARING, PRINCE DAIRY EXPANSION & LAGOON

Mr. Nelsen opened the hearing for Prince Dairy number 2, application for expansion. Mr. Donell Fluckiger, representing Prince Dairy #2 presented the application. Mr. Fluckiger stated the proposal is to increase the current animal units from 1190 to 3150. He pointed out on the vicinity map the application area, west of the facility, along with the proposed corral area just north of the existing corrals. He stated if the Dairy is granted the expansion that wind breaks will be put in, to the North, West and South side of the facility. He stated there are 3 wells to the East of the barn and that one of them may need a berm to the South of the residence since

Planning & Zoning Department Minutes February 23, 2015 7:00 p.m.

it is less than 300' from the corrals. He pointed out the area of the proposed new lagoon and the existing berms to prevent run off. Mr. Nelsen stated that one of the wells is 78' from the corrals. The Commission asked if he was OK with conditions 1 through 6 and with the berm. He said yes. Mr. Brown presented his Staff Report. He stated the required set back from corrals to a well is 300', and that all wells within 300' feet of a corral are required to be bermed, have back flow valves and show that they have a seal in the well head, so that there is no leakage. He said the new corrals are 400' from the existing well and that the new lighting going in will need to be made directional. Mr. Brown and the Commission discussed the tree line by the road; Exhibit S34, i through j, regarding rock piles and sink holes; Exhibit S36, 3, 4 & 5, concerning the recharge; Exhibit S36, section d, water quality data from IDEQ; #1 micro-organisms, which the application includes; #2, nutrients, Mr. Brown said, was not included, but the summary says the nitrate levels were around 4 to 4.9, which data is included; and pharmaceutical and organic compounds were not in the application. Jim Prince gave testimony in support. There was no other testimony in support. Mr. Nelsen called names of those who signed in and some declined to give testimony. Testimony in opposition was given by: Kathy Barnes Anthony, Diana Barnes, Mitch Barnes, Jackie Barnes, Jo Dyer, Bruce Kulm, Jerry Osborn, Linda Osborn, Herbert McCully, V. Margaret McCully, and Lynford Smith. Those opposing stated concerns about water pollution, water quality, odor, flies, waste, care of the cows, depreciation of home values, manure on the roads, manure getting on their cars, the equipment from the dairy on the roads slowing traffic, wind blowing chemicals and dust from the dairy, manure runoff in the canal, and noise issues. Mr. Brown said for manure in the canal, to call the Department of Agriculture, who also has jurisdiction over the odor concern; and for manure on the road, a complaint can be made with the Code Enforcement Officer at the County. Jackie Barnes submitted a letter from her doctor stating that Jacqueline Barnes is sensitive to dairy chemical smells and animal waste. Mr. Brown read Jackie Barnes letter from her doctor into the record and gave it an Exhibit number of R1. Bruce Kulm gave testimony that he used to farm the 160 acres of Prince Dairy adjacent to where he farms now. He said there's a swing arm pivot on those 160 acres that over hangs the J canal/coulee at different occasions. He stated the application does not address where the waste will be stock piled. He said he has two properties which adjoin the property in question. He stated there is 160 acres of Prince Dairy #2 used for waste that has a low spot which is 450' from a ditch with an 8" pipe where the water drains through and goes to the South coulee. Mr. Fluckiger returned for comment. Mr. Prince returned and said there is not lagoon waste water on the pivot that overhangs the J coulee. He said he has another pivot where waste is managed and that pivot does not overhang the South Coulee. Mr. Kulm returned for comment and stated the waste water ponds up in the middle of his property on section 22, where Prince Dairy #2's 160 acres border his 40 acres. He said there are drainage issues on both ends of the Prince Dairy #2 property and there are considerable amounts of runoff from the pivot. He stated that in 2004 he installed the pivot Prince Dairy uses on that adjacent 160 acres and that they were never able to get the pivot arm correct because of soil permeability and the drops don't shut off properly. He also stated that the boom is practically right on the road in front of Prince's Dairy #2. Mr. Prince returned for comment and stated that they haven't seen the water ponded up. He stated the water does drain and that it does not go into the canal. The Commission questioned Mr. Fluckiger. Mr. Nelsen referred to Exhibit S36, and pages 70 & 73 on the application, and stated this is required data for the application. He

Planning & Zoning Department Minutes February 23, 2015 7:00 p.m.

stated there is missing data for pharmaceuticals and organic compounds from the application. Mr. Nelsen told Mr. Fluckiger that legally, when the Commission addresses this it has to be what the County requires by law; that the applicant has to supply what's required for the ordinance. He said the ordinance state's that what is needed is: water quality data from IDEQ, ISDA, IDWR, and USGS. Mr. Nelsen said No. 1 & 2 is met but that there is no data from the others in the application. Bruce Kulm submitted a USDA map which Mr. Nelsen directed Art Brown's staff to enter as Exhibit R2. Mr. Nelsen closed the meeting for further comment at 10:43 pm.

RECESS 10:49 pm

RECONVENE 10:57 pm

RECOMMENDATION

Mr. Nelsen opened the meeting. Mr. Nelsen said they would return on March 16, 2015 for making Recommendations to the Board of County Commissioners on the Michael Praegitzer Rezone from A-2 to CG, the Prince Dairy #2 expansion and lagoon and for further discussion on the 4 Season's Tree Service Special Use Permit. On February 24, 2015, Jack Nelsen changed the meeting date to March 12, 2015. Larrey Anderson then excused himself from the Commission but remained in the room. The Commission then read through Retha's Corner Final Plat and the previous meeting minutes of January 26, 2015.

M/S/C Ed Brune motioned to approve the Recommendation to the Board of County Commissioners for the Plat as submitted. Second by Bill Baker; the motion carried unanimously.

Mr. Anderson rejoined the Commission. Mr. Nelsen asked if anyone had any changes to make to the January 26, 2015 minutes.

M/S/C Larrey Anderson motioned to approve the minutes of January 26 as presented. Bill Baker seconded the motion, the motion carried unanimously. Mr. Nelsen stated the minutes were adopted as submitted.

ADJOURN

M/S/C Bill Baker motioned to adjourn the meeting at 11:04 pm. The motion was seconded by Ed Brune and carried unanimously.

Respectfully Submitted,

Administrative Assistant

ATTESTED BY:

Chairman