

**JEROME COUNTY PLANNING AND ZONING COMMISSION
MINUTES
March 28, 2016 6:00 p.m.
DISTRICT COURT ROOM, JEROME COUNTY COURT HOUSE**

CALL TO ORDER

Chairman Jack Nelsen called the meeting to order at 6:02 p.m.

Present: Jack Nelsen, Larrey Anderson, Bill Baker, Patricia Heath, Tanner Johns, Arlen Morgan, Jim Schlund, Virgil Tinker, and Mike Tylka.

Excused: Ed Brune

Staff Attendees: Art Brown, Planning and Zoning Administrator, Sylvia Garcia, Nancy Marshall.

Also Present: Attorney Mike Seib, for work session with Jerome County Commissioners Charlie Howell, Roger Morley and Cathy Roemer.
Hearing attendees Douglas Beames and Arthur Bergsma.

6:00 PM WORK SESSION WITH BOARD OF COUNTY COMMISSIONERS

The Planning and Zoning Commission, Board of County Commissioners and Staff met in a work session to discuss Animal Uses in the A2 Rural Residential Zone. Mr. Nelsen summarized the reason for the meeting and continued by addressing other nuisances in the zone. He stated he was concerned that if you attempt to fix one nuisance you should also consider fixing all the other nuisances. Mrs. Heath commented that the discussion was intended to look at this issue as it is a common nuisance and deserves a closer look. The Commission and Staff discussed enforcement, potential fining mechanisms, a perceived commercial business in a residential zone, reevaluating and redefining calf operations, average calf weights, setbacks and setbacks triggered by a specified Animal Unit numbers. The group discussed differences in calf raising operations and other animals that are raised for profit such as horses, dogs, and the 4H animals. Defining Calf Raising Operations was recommended and deciding if the animal units would be determined by head, by actual weight or by potential growth. Mr. Nelsen recommended 300 or 500 pounds. Mrs. Marshall noted that existing operations would become non-conforming uses and could remain but not expand unless they were abandoned for two years. Mr. Schlund commented on a concern for the increased traffic in these operations. Mr. Morley read the definition of Animal Units in the Ordinance stating that his impression of the definition was that an Animal Unit is based on the animal's weight at full growth. Mr. Seib was requested to review that definition. Mr. Brown reminded the group that a definition is not a rule and something would need to go into the Ordinance for enforcement. Mr. Seib remarked that the meeting had provided no idea or policy to go forward with. Mr. Tinker questioned why the County is using the full acreage rather than "useable" acreage. Mr. Morley asked if Legal will review the Animal Unit definition to determine if all Animals should be measured at full growth potential rather than actual weight. Mr. Howell stated he would agree with determining the Animal Unit and a number that would trigger setbacks and noted that if the definition supports their solution for at least 80% of the problems they would be done. Mrs. Roemer

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stated she would like to look further at creating a definition for Calf Raising Operations. Mr. Nelsen asked that the definition of Animal Units is reviewed and review this with the Board to come back with a plan. He stated he continued to have reservations about addressing only one nuisance and not all nuisances.

7:15 PM HEARING-Westec Enterprises request for rezone.

Chairman Jack Nelsen opened the hearing and recused himself due to a conflict of Interest. Co-Chair Larrey Anderson took over as Chair. The Audience wishing to testify was sworn in for all Hearings. Douglas Beames stated he was the “CFO” for Westec and presented the Application stating they were applying to change the zone of a small landlocked 0.89 acre parcel they had recently purchased. He stated that the parcel was originally part of a larger farm until the Interstate came through and divided this small triangle from the farm. The parcel is bordered by the railroad on one side, the Interstate on one side and a parcel Westec owns on the third side. He noted that the only access to the parcel was through the Westec parcel. Mr. Brown presented the Staff Report and commented on the criteria for determining if an amendment to the Zoning Map should be recommended for approval. He stated that the Commission should determine if all of the Uses allowed in Light Industrial would be appropriate for this parcel. He noted the Applicant had addressed the Comprehensive Plan. Mr. Beames returned for final comment. The Commission went through the criteria for approving a Zoning Map Amendment and determined that this application did meet the criteria. The Commission began discussion and determined that the Application was complete and there were no conflicts to the proposal.

M/S/C Trish Heath motioned to recommend to the Board of County Commissioners to approve the Zoning Map Amendment to rezone the property duly advertised for the hearing from A1 Agricultural to IL Light Industrial. It is the Commission’s determination that the application is in accordance with the Comprehensive Plan for the reasons it does meet the Comprehensive Plan as very thoroughly outlined by the Applicant in Exhibits A2 through A4. The public is benefitted by changing from bare land to an appropriate use, the property is contiguous to the same zoning, the exhibits used for this decision were A1-5 through AG3. The motion was seconded by Virgil Tylka and carried unanimously.

Larrey Anderson closed the hearing at 7:40 pm

RECESS: 7:40 pm

RECONVENE: 7:48 pm

7:30 PM HEARING-Art Bergsma Variance Request.

Chairman Jack Nelsen opened the hearing for the application of a Variance. Larrey Anderson recused himself due to a conflict of interest. Mr. Bergsma presented the Application and explained the need for the variance. Mr. Brown presented the Staff’s report. Mr. Larrey Anderson testified in support of the application. Mr. Bergsma returned for comment. Mr. Nelsen verified the circumstances requiring a variance with the applicant. The Applicant had nothing else to add and Mr. Nelsen closed the hearing for testimony.

DECISION- Art Bergsma Variance Request.

Chairman Jack Nelsen opened the hearing for discussion and decision for the application of Art Bergsma request for a Variance and they discussed the criteria for approving a variance. The Commission discussed the 6 points for a variance as listed in the Staff Report and determined the Application did meet those points.

M/S/C Trish Heath stated that based on the six points discussed by the Commission she would move to approve Art Bergsma’s request for a building setback variance for an RV garage on the property that was the subject of this hearing with the condition that he not build within the water pipeline easement and using for the decision Exhibits A1-2 through AG3. Mike Tylka seconded the motion, Mr. Baker amended the motion to include Exhibit H2, the amendment was seconded and approved unanimously, and the initial motion was then carried unanimously.

Mr. Nelsen closed the Hearing.

**RECESS: 8:15 pm
RECONVENE: 8:20 pm**

BUSINESS MEETING

Chairman Jack Nelsen opened the Business Meeting. The Commission reviewed the February 29, 2016 minutes.

M/S/C Larrey Anderson moved to adopt the minutes as written. Mike Tylka seconded the motion and it carried unanimously.

OLD BUSINESS

Text Amendments Agricultural Product Transfer Point, Livestock Transfer Point, Confined Animals, and Residential uses in Commercial Zones

Mrs. Marshall told the Commission that the Office had gone through all of the Chapters to make sure no changes were necessary with the new Definitions. There were no other chapters affected and the application has been prepared. The Commission will have a hearing on April 25th.

NEW Business

Temporary Structures Building Permit Requirements

Mr. Brown explained that the Staff is working on an amendment to Chapter 20 to change the way we currently permit temporary structures. Once Staff has completed the first draft it will be presented to the Commission in a work session.

**RECESS: 8:50
RECONVENE 9:02**

RECOMMENDATION PAGE- Westec Enterprises Rezone.

M/S/C Larrey Anderson motioned to approve the recommendation page as presented. The motion was seconded and carried unanimously.

WRITTEN DECISION- Art Bergsma Variance Request

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M/S/C Virgil Tinker motioned to approve the written decision as corrected and signed by the Chairman. The motion was seconded and carried unanimously.

ADJOURNMENT

M/S/C Motion made by to adjourn the meeting at 9:04 p.m. Motion was seconded and carried unanimously.

Respectfully Submitted,

Administrative Assistant

ATTESTED BY:

Chairman