

**JEROME COUNTY PLANNING AND ZONING COMMISSION  
MINUTES  
APRIL, 20 2015 6:00 p.m.  
DISTRICT COURT ROOM, JEROME COUNTY COURT HOUSE**

Chairman Jack Nelsen called the meeting to order at 6:10 pm.

Present: Chairman Jack Nelsen, Larrey Anderson, Bill Baker, Ed Brune, Patricia Heath and Jim Schlund.

Excused: Jeff Ross.

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

**6 PM OLD BUSINESS**

**MAP AMENDMENT-RECOMMENDATION**

Mr. Nelsen recused himself from the discussion and decision stating he had not been present during the original hearing for the Map Amendment and he remained in the room. Larrey Anderson acted as Chairman for the Map Amendment and the Special Use Permit. The Chairman asked the Administrator to explain the May 18<sup>th</sup> hearing. Mr. Brown explained that based on evidence from the May 18<sup>th</sup> hearing, the property was not properly posted. After investigation it was discovered that the posting was on an adjacent property. After meeting with the Deputy Prosecutor it was determined that it was alright to continue with the rezone. Mr. Brown stated he would further explain the process for the Special Use Permit when they opened that application for discussion. He reminded the audience that the Commission would only be discussing for Recommendation. The Chairman called for a brief recess for an Administrative task.

**RECESS 6:15 pm**

**RECONVENE 6:20 pm**

Mr. Anderson re-opened the discussion at 6:20 pm for decision for Recommendation for the application of Matt Thompson for a Map Amendment from A1 Agriculture to IH Heavy Industrial. The Commission members reviewed the application and agreed page 17 [of the application] gave good reason why the Map Amendment was in the public interest. Each of the Commission members agreed there is a need for the Map Amendment and that the area is a good site for this rezone. They also commented that the Map Amendment will still use animals for their business much like a Livestock Confinement Operation (LCO). The Commission discussed the difference between an LCO and a Rendering Plant. Mr. Brown clarified that an LCO uses live animals and that a rendering plant uses dead animals. Mr. Brown used the Zoning Ordinance to clarify the difference between an LCO and a Rendering Plant. The Commission discussed the fact that if the property is rezoned IH for Heavy Industrial that any industrial use could go there; then discussed uses in Chapter 5 that are allowed in an industrial zone. The Commission reviewed the applicant's statement that he had checked into getting property closer to town in the Heavy Industrial zone, but that the city does not allow rendering plants in the city limits. The Commission also discussed that the applicant will be farming the remainder of land that is not used for industrial purposes; addressing #4 of the Comprehensive Plan. The Commission discussed how this will be filling a need in the community stating the proposed use is compatible with the community. The Commission agreed that a development agreement should be put in place and agreed that the request is not "spot zoning". The Commission went over exhibits S13 to S17 and addressed S15 # a, b and c. The Commission said that many who had given testimony both for and against the Map Amendment had stated that this service is needed in the community. The Commission stated that the proposed Rendering Plant is compatible in the Agriculture area while other heavy industrial uses would not be.

The Commission went over Staff conditions, the Action Page and a Development Agreement. The Commission stated that a Map Amendment with a development agreement would assure the intent of the Map Amendment would be carried through. The Commission agreed that the relationship to LCO's, and other agriculture uses is strong.

**M/S/C Trish Heath made a motion to recommend to the Board of County Commissioners to approve the proposed Zoning Map Amendment to rezone as described on the Action page from A1 to Heavy Industrial more commonly known in the description on the Action page with the condition that a Development Agreement be put into place before that is rezoned. We feel that it's in accordance with the Comprehensive Plan, that the purpose of rezoning is consistent with the Comp Plan, meeting the public's interest. Many both for and against testified the service was needed in the Ag community. It is consistent if a Development Agreement were in place with the surrounding areas, being BLM, Farm and Dairies. The Comp Plan allows for rezoning A1 with Ag related uses; a rendering plant is consistent with A1 uses and needs. The testimony stated the public community was definitely in need of the service. And not only will the community of Jerome be served but the surrounding counties as well. All that information was obtained through testimony and exhibits presented which were: A1 through AG 2. To address those who may say it doesn't meet the Comprehensive Plan because we're taking some farm ground out of use: the entire property will not be taken out of use; part of it will be for the rendering plant and they will continue to have some Ag related activities in growing crops, which will discourage the unrestrained consumption of prime farming lands by non-agricultural uses. This is an Ag use. Discouragement of unrestrained consumption of prime farm ground is not an absolute denial of any other use by non-Ag uses; the Comp Plan recognizes that there will be some other uses. Bill Baker seconded the motion and it carried unanimously.**

Mr. Anderson closed the hearing for the Map Amendment.

#### **MATT THOMPSON-SPECIAL USE PERMIT**

Mr. Anderson opened for discussion of the application for a Special Use Permit by Matt Thompson. Mr. Nelsen was recused from this discussion as he was not present at the original hearing. Mr. Anderson asked Staff to explain the situation with the Special Use Permit. Mr. Brown told the Planning & Zoning Commission that he spoke with the County Attorney who advised that since the posting was not on the property the hearing was about, that they may consider reposting, re-opening for another evidentiary hearing, and rescheduling the hearing for May. Mr. Brown said Staff would also notify neighbors within a quarter mile as per requirements of the Jerome County Zoning Ordinance.

**M/S/C Trish Heath motioned to reopen the Special Use Permit for the Rendering Plant. Bill Baker seconded and the motion carried unanimously.**

**M/S/C Trish Heath motioned to reschedule an evidentiary hearing for May 18<sup>th</sup> at 7pm and that Staff go to the site and repost signs on the correct property and that Staff send notification to the appropriate community members as per the Jerome County Zoning Ordinance. Bill Baker seconded and the motion carried unanimously.**

Mr. Brown clarified for the Commission that this re-opening of the Special Use Permit will be a continuation of the first hearing.

**RECESS 7:05**

**RECONVENE 7:20**

**RECOMMENDATION PAGE**

Staff brought the Recommendation to the Board of County Commissioners for the application for a Map Amendment from A1 Agriculture to IH Heavy Industrial for the Commission for review. The Commission made corrections.

**RECESS 7:25**

**RECONVENE 7:29**

Staff brought in the corrected Recommendation Page for review. Mr. Anderson made note that the corrected Recommendation Page had been reviewed and signed. Trish Heath, Jim Schlund and Nancy Marshall were excused from the meeting.

**RECESS 7:31**

**RECONVENE 7:37**

**PRINCE DAIRY #2-RECOMMENDATION**

Mr. Nelsen resumed as Chairman and opened for Decision the application of Prince Dairy #2 for expansion. Mr. Schlund and Ms. Heath recused themselves and left as they had not been present for the original hearing for Prince Dairy #2. For the record, Mr. Brown presented the Commission with the advice from the County attorney and also advised that they would be making a Recommendation, either for Denial or Approval of the application. The Commission went over the Staff report starting with exhibit S23 through S26 and discussed the animal density still being within the parameters of what is allowable at approximately 8.67 animal units. The Commission went over requirements in 13-6.01 and discussed the flood plain, density standard, animal units, standards on set-backs and animal confinement areas. The Commission stated that the well set back didn't meet the set-back requirement of 300 feet and that the applicant had asked for a Variance regarding that. The Commission stated the wells are not new, but were grandfathered in. For the well, the Commission discussed berming and Variance requirements on exhibit S28. Mr. Brown stated they would be required to have a backflow valve, a berm and a seal in the well; plus, they would have to show Staff that those things had been met before moving forward. The Commission stated they are for granting the Variance to the set-back since they have met requirements. The Commission discussed requirements met for the Ordinance of set-backs from: public right away, external boundaries, Zone A2, waste lagoons, and water wells. They found requirements satisfied for: solid waste storage areas, windbreaks, and berms. The Commission and Staff discussed two windbreak locations on the LCO off of 300 West. They found that if the requirement for windbreak set-backs is followed that those windbreaks could end in the middle of intersections. Mr. Brown stated the windbreak in those locations would also be a sight-distance hindrance. He stated the Highway District oversees siting requirements for windbreaks. The Commission stated for conditions of safety requirements, the applicant will meet the Jerome Highway District requirements for sight distance on both locations off of 300 West. The Commission questioned if the amount of Lagoons were sufficient for the amount of animals. Mr. Brown told the Commission the Department of Ag has oversight of Lagoons and decides if they are sufficient. The Commission discussed standards on plan compliance (13-6.05), nutrient management, odor, and pest management. Exhibits A1, pages 6, 35, and 36 were cited and read by the Commission. Mr. Brown stated the Department of Ag can be contacted for Odor, Pest management, and Manure on the road complaints. The Commission stated their opinion that the standards had been met. The Commission discussed exhibit S31 through S38. They went over testimony of waste water runoff on the North pivot of Prince Dairy #2 going into a pipeline and into the canal and ponding to the South on Mr. Kulm's property. The Commission stated it was a conflict of testimony between Mr. Kulm and Mr. Prince. Mr. Brown stated if

waste water is going into the canal it is a violation of County law. The Commission stated at this point the pipe with waste water going through it and into the canal is alleged. They stated the applicant's testimony was that he was not aware of waste water from his property going into the canal or of it ponding on Mr. Kulm's property. Mr. Brown said the applicant may want to address that with the Board of County Commissioners. The Commission discussed data submitted under Lands With Applied Waste on pages S35 and S36. They found that 14.c #3, and #4 "Sources and estimates of recharge" were not included, but also were not applicable because there is no recharge; and #5 (also under 14 c), was not fully addressed. Also on exhibit S36 the Commission discussed 6.d and 6.d #3 and said data from IDEQ, and USGS for the pharmaceutical information was not included and therefore not addressed. The Commission discussed errors in the paperwork of Prince dairy #2: on page 25 of the application the state of Idaho scratched out 4 and wrote in 2. An on exhibit S38 under #3 shows it written as Prince Dairy #3 instead of #2. Staff advised the Commission to address that as a concern to the Board of County Commissioners. The Commission added this to their concerns. The Commission discussed concerns to be brought to the attention of the Board of County Commissioners: lagoon water sprinkled over the top of the canal from the pivot, waste water run-off into a pipeline that enters the canal and ponding to the South; of which the applicant was unaware of. The Commission went over standards on waste management. They felt the lagoon system is in place and that the pivot irrigation system should go under C on exhibit S32. The Commission said the applicant stated his pivots will not water closer than 150 feet from the road. They said the standard for off-site waste matter storage does not apply because Mr. Prince said he will put manure on his fields and haul the rest to Magic Valley Compost. The Commission went over the Staff conditions 1-6 on exhibit S39. The Commission reviewed testimony given at the public hearing. Mr. Brown advised the Commission that they can say the application met all conditions except, and can put their exceptions in their recommendation to the Board of County Commissioners. The Commission went over the conditions on exhibit S41 and added to condition #3, "however, adjacent to 300 West, windbreaks will be altered to meet the Jerome Highway District requirements; County Ordinances are in conflict with Highway District requirements". The Commission also decided to delete the first four words of condition 6 on exhibit S41. After reviewing changes to the conditions and wording to the Recommendation the Commission decided they were ready for a motion.

**M/S/C Motion by Bill Baker to recommend to the Board of County Commissioners that we reviewed the application and it met the County Ordinance covering 6 items. We also would require the 6 conditions the Staff provided if the Board of County Commissioners move forward with this application. We authorize the Variance for the well as written. Motion seconded by Ed Brune and carried unanimously.**

**RECESS 10:16 PM**

**RECONVENE 10:37 PM**

**RECOMMENDATION PAGE**

The Commission reviewed the Recommendation to the Board of County Commissioners and Mr. Nelsen said for the record that a typo had been corrected.

**M/S/C Bill Baker motioned to recommend to the Board of County Commissioners our review of the application with 6 items that didn't meet the ordinance, the rest of the application did, and also the 6 recommendations [conditions] from the Staff; and we recommend along with that the Variance recommending the approval of the Variance as shown on the following evidence for the well as written. Mr. Nelsen clarified the motion approved the Recommendation page and Ed Brune seconded and the motion carried unanimously.**

**BUSINESS MEETING**

Mr. Brown and the Commission Members discussed the Steadham Appeal and the appeal process. The Commission reviewed the March 30, 2015 minutes. Mr. Anderson asked if there were any corrections to the minutes.

**M/S/C Ed Brune motioned to approve the March 30, 2015 minutes as written. Bill Baker seconded and the motion carried unanimously.**

Mr. Nelsen abstained from voting as he was not present for the March 30, 2015 meeting. Mr. Brown noted for the record that a quorum was present for approval of minutes.

**ADJOURN**

**M/S/C Bill Baker motioned to adjourn at 10:51 pm. Ed Brune seconded and the motion carried unanimously.**

Respectfully Submitted,

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Administrative Assistant

ATTESTED BY:

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Chairman