

**JEROME COUNTY PLANNING AND ZONING COMMISSION
MINUTES
June 27, 2016 7:00 p.m.
DISTRICT COURT ROOM, JEROME COUNTY COURT HOUSE**

CALL TO ORDER

Co-Chairman Larrey Anderson called the meeting to order at 7:00 p.m.

Present: Larrey Anderson, Bill Baker, Tanner Johns, Arlen Morgan, Jim Schlund, Virgil Tinker, and, Ed Brune.

Excused: Jack Nelsen, Mike Tylka, Patricia Heath

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

Also Present: Attorney Mike Seib

7:00 PM BUSINESS MEETING

Co-Chairman Larrey Anderson opened the Business Meeting. The Commission reviewed the May 23, 2016 minutes.

M/S/C Ed Brune motioned to approve the Minutes as written and signed by the Co-Chairman. The motion was seconded by Bill Baker and it carried unanimously.

RECESS 7:05 pm

RECONVENE: 7:15 pm

7:15 PM HEARING- MYERS LD APPEAL

Co-Chairman Larrey Anderson opened the hearing. All those in the audience that wished to testify were sworn in. First to speak was Attorney John Peterson for the Myers, in favor of the appeal. Art Brown spoke for the staff. Juanita Myers spoke in favor of the appeal. Brian Williams spoke as the Attorney for L&S Holdings. Mr. Williams testified against the appeal. Mrs. Myers spoke again in rebuttal of the testimony given and to answer any questions for the Commission. No further testimony was presented. Mr. Anderson closed the hearing for any further testimony.

7:30 PM HEARING- SUNRISE ORGANIC DAIRY #2

Co-Chairman Larrey Anderson opened the hearing, members of the audience not previously sworn in that wished to testify were sworn in. Matthew Thompson testified on behalf of Sunrise Organic Dairy #2. Mr. Thompson testified that the dairy is currently approved for 6300 animal units. The reason for the application is because the new location for the new barn is not on the original site plan. This required the application for the permit. Mr. Thompson advised that Mr. Reistma, the owner of the dairy, doesn't want to crowd the cows at the current location. He also stated that due to this being an organic dairy the animals need to have access to pasture and at the current location they have to walk a long way to and from the pasture for milking and this isn't good for the cows. Mr. Reistma currently has pasture available at the south end of the property to place the cows closer to pasture. Mr. Thompson wanted to stress

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that they are not trying to increase the numbers just move them to a better location. Mr. Thompson stated that they now have a current site plan which includes the new location. He also stated that being a commercial facility that there will be water used to clean the robotics which is why they will be placing lagoons for the waste water at the new facility. Mr. Thompson advised that the current wells have enough water capacity to cover the new location. His estimate for this facility including the new location is 305 acre feet and currently the well is at 466 acre feet. They have dug test holes to ensure they have the water needed. They will not be drying up additional ground and will not be diverting any additional water. Tanner Johns asked what the current property is being used for. Mr. Thompson advised it is being used for crop ground and has no buildings. Mr. Thompson said that there are a few facility residences around the calf facility. Tanner Johns asked how many cows are being milked at the current facility. Mr. Thompson stated that right around 2500. Bill Baker asked if Mr. Thompson felt that this proposal would take care of the pasture issue. Mr. Thompson stated that it would because the animals would be closer to pasture. Mr. Thompson advised that they are requesting a waiver for condition #5 for the wind break or berm. That requirement as it was written would require a berm on the east side of the facility and based on the location of the wind break or berm it would not make much of a difference for that house. He stated that the farm currently leases that residence. Tanner Johns clarified that the dairy leases the property and the residence. Arlen Morgan stated that a berm would serve no purpose at that location. When asked Mr. Thompson explained the facility has to be set up to move cattle. He states that for every 1000 feet you move a cow a day you lose a half a pound of milk which adds up. Bill Baker asked if Mr. Thompson had gone through the conditions set in the staff report he stated he had. Mr. Thompson walked through all the conditions with the Commission. Mr. Thompson stated that they had no issues with the conditions that they are standard conditions set by the Department of AG except condition #5 which is the one that they are requesting the waiver for. Art Brown presented the staff report. He advised the Commission he had larger copies of all the maps but due to the size they were put in the binders on a smaller scale. The Commission asked how many acres this facility is he clarified 2,704.88 acres. Ed Brune asked Mr. Brown about the wind break condition and if they just needed to delete that. Mr. Brown advised that the Commission is making a recommendation to the Board of County Commissioners so they may make whatever recommendation they choose. Mr. Brune verified that this would need to be included in the motion. Mr. Brown stated that the staff sent letters advising of the change to anyone within one mile of the LCO. Bart Webster testified in support and stated that this is quite a ways away from him and he has lived in the area for 50 years. He stated that until he came to the hearing he didn't really know where the new location was going to be. He asked the Commission to look at the communities and the surrounding area for the traffic issues and road conditions to try and make this [Crestview] a safer road. He stated that he doesn't personally enjoy living close to the dairies and that he doesn't believe that he was notified about this. Larrey Anderson asked if he could point out on the map where he lived. He would like the Commission to look at future issues with traffic safety and road conditions. There was no testimony in opposition. Mr. Thompson returned for rebuttal. Mr. Thompson stated that he felt that he had nothing further to say. Mr. Anderson asked about traffic. Mr. Thompson stated that he spoke with the highway department and they didn't feel that additional traffic was going to be an issue. The existing facility will just reroute the traffic to the new location. He stated that

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this actually has less traffic today than it had when the dairy was at full capacity with the 6300 animal units. Mr. Thompson stated that they are trying to get a smaller barn closer to pasture so that cows are closer and just have to walk out to pasture versus walk a longer distance. Virgil Tinker asked Mr. Thompson how long the lease was on the residence addressed in condition #5. Mr. Thompson stated that he wasn't sure but when he spoke with the owner before he believed that it was a five year process and he isn't sure where in the process that it was. They have stated interest in the property and if it comes available for sale they would like to purchase it. The Commission asked him to walk through the conditions one last time. He stated that they have no issues for the conditions stated except #5 but would comply if that condition wasn't waived. Mr. Anderson closed the hearing for any further testimony.

RECESS: 8:35 pm

RECONVENE: 8:45 pm

DECISION FOR MYERS LD APPEAL-

Co-Chairman Larrey Anderson opened the hearing for discussion and decision for the application. Commission asked Attorney Mike Seib to comment on the appeal. Discussion was held and the Commission's decision was to deny the appeal. The written decision will be presented at the July meeting.

M/S/C **Ed Brune motioned to deny the appeal for the Myers per our discussion to affirm the written decision written by the staff Virgil Tinker seconded the motion and the motion carried unanimously.**

Mr. Anderson recessed the hearing pending the written decision.

DECISION FOR SUNRISE ORGANIC DAIRY #2

Co-Chairman Larrey Anderson continued the hearing for discussion and decision for the Sunrise Dairy permit. Arlen Morgan stated that the traffic issue should be the responsibility of all parties using the road and not just this dairy. The Commission discussed the waiver for the wind break for the home that is being leased by the dairy. The Commissioners discussed the reason for the wind break was to cut down the smell and hide the dairy. Arlen Morgan stated that he feels that they have picked a good location for this dairy. He feels that they are making an improvement in the area. The Commission determined that, based on the situation as it stands, they do not believe that they need the wind break. The Commission discussed condition #6 in the staff report about the highway department study. Ed Brune asked about the chemigation requirement. Arlen Moran clarified that it was ok because of the back flow device on the water system. The Commission discussed that the Applicant has met a requirements for the permit.

M/S/C **Arlen Morgan motioned to recommend to the Board of County Commissioners to approve the LCO expansion permit application for an increase in structures maintaining and not expanding the approved 6300 animal units for Sunrise Organic Dairy #2 on 2,704.88 acres duly advertised for this hearing and more commonly known as 2577 East 500 South, Hazelton, Idaho this application is**

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recommended to the Board of County Commissioners; 1) Meets all of the qualifications of an LCO 2) There are no adverse effects to the location 3) Making a motion to delete condition #5 and grant the waiver and not have the wind break installed and would like to make note of all exhibits A1-AG25 and S1-S54 Jim Schlund seconded the motion and the motion carried unanimously.

Co-Chairman Larrey Anderson closed the Hearing.

RECOMMENDATION PAGE- SUNRISE ORGANIC DAIRY #2

Co-Chairman Larrey Anderson opened the meeting to review and approve the Recommendation for the Board of County Commissioners.

M/S/C Jim Schlund motioned to accept the Recommendation Page as written. The motion was seconded by Tanner Johns and carried unanimously.

OLD BUSINESS

Text Amendments- Chapter 20 and Calf Raising Operations

Co-Chairman Larrey Anderson opened the meeting. The Commission asked the staff to clarify the difference between a temporary and a permanent structure. Art Brown advised that anything that is connected to utilities would be considered permanent. If it is moveable and not attached to utilities then it would be considered temporary. If it is considered a temporary structure then there would be no setback requirement for the structure. Tanner Johns stated that he spoke with the fire department and they are ok with the new setback requirements for the temporary structures. Staff was requested to further explain or find a new term for "Not affixed to the ground" and to exempt the temporary structures from setback regulations. The Commission advised that with those changes they feel that Chapter 20 is ready for public hearing and that staff could move forward with the hearing.

M/S/C Motion made by Jim Schlund to move forward with a public hearing for Chapter 20 with the discussed changes. Motion was seconded by Arlen Morgan and carried unanimously.

Virgil Tinker asked if the Commission would be addressing the calf raising operations and the Commissioners agreed that we needed to have a work session with the July meeting to further discuss calf raising operations. The July meeting will begin at 6:30 p.m. for the work session.

ADJOURNMENT

M/S/C Motion made by Jim Schlund to recess the meeting. Motion was seconded by Arlen Morgan and carried unanimously.

Respectfully Submitted,

Administrative Assistant

ATTESTED BY:

Chairman

DRAFT