

**JEROME COUNTY PLANNING AND ZONING COMMISSION
MINUTES
July 27, 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, Bill Baker, Ed Brune, and Jim Schlund.

Excused: Larrey Anderson, and Trish Heath.

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

7PM BUSINESS MEETING

Chairman Jack Nelsen opened the Business Meeting at 7:00 pm. The Commission reviewed the minutes and found no corrections to make.

M/S/C Jim Schlund motioned to accept the June 29, 2015 minutes as written. Ed Brune seconded the motion and it carried unanimously.

Mr. Nelsen closed the business meeting and the Commission took a recess until the first scheduled hearing.

RECESS 7:01 PM

RECONVENE 7:15 PM

7:15 PM HEARING-BLAINE MILLER FEEDLOT LCO

Mr. Nelsen opened the 7:15 pm Hearing for Blaine Miller's application for a Feedlot Livestock Confinement Operation (LCO). The audience was sworn in. Mr. Nelsen asked if there was any ex-parte contact, there was none. Bob Ohlensehlen representing Blaine Miller presented the application. He stated the proposed feedlot will go on 160 acres, and have 1070 Animal Units (AU's), will be constructed to house up to 450 beef steers and up to 1050 head of young dairy stock. He identified on the map the location of the proposed facility. He stated that according to their figures the actual animal units they will have on the acreage will be between 6 and 7 animal units per acre. He identified the location of corrals on the north and south end of the proposed facility; fencing and other means to block the line of sight; that the crop land surrounding the facility is owned by Mr. Miller, and would be converted to pasture; and that there would be no liquid [waste] associated with this facility. He also discussed the berms, feed alleyway, fencing, the windbreak, lighting, nitrate levels and the fact that one of the wells is within 100 feet of the corrals and solid waste but still meets the County Ordinance. The Commission asked questions about lighting, shielding, spreading and storage of waste, and soil depth in the corrals. Art Brown presented the Staff Report. Mr. Brown clarified that the Flood Zone map on Exhibit S34 should be classified as Flood Zone D instead of Flood Zone C. Mr. Brown stated that there had been a misunderstanding as to which canal district the proposed LCO is in. He said he received correspondence from Big Wood River Canal District by July 8, 2015 and placed it in the file on that same day under Exhibits AG 9 & 10. He discussed with the Commission that Exhibits AG 9 & 10 were available for public review in the required amount of time before the hearing. Mr. Brown clarified for the Commission what berming is around a well. Mr. Brown indicated for the Commission that there was a letter he included in the

JEROME COUNTY PLANNING AND ZONING COMMISSION MINUTES July 27, 2015 7:00 p.m.

Commissioners' packets and in the file, which he had received on July 16, 2015 from Mr. and Mrs. Stover in opposition. He stated he received the letter after he sent out the Staff Report, but before the closing date for receiving information. Mr. Brown also stated that he received another letter from a different individual a couple of days before the hearing on July 24, 2015. Mr. Brown stated that this individual only sent one copy of their letter and not the nine copies required by the Jerome County Zoning Ordinance. This second letter was not included in the hearing since it did not meet the Jerome County Zoning Ordinance Chapter 23 criteria. The Commission directed Mr. Brown to Exhibit S37 and asked who would monitor berms. Mr. Brown said since there is not a NRCS (Natural Resources Conservation Service) in the area that the Department of Agriculture would need to sign off on the berms. Mr. Brown also stated that the Department of Ag has the same requirements as the NRCS. Mr. Brown answered the Commissions questions about directed lighting. Testimony in support was given by John Lothspeich, attorney representing Blaine Miller. He stated that Hillsdale Highway District was asking the Commission to require Mr. Miller share in costs of maintaining the road. He stated that is not part of the Ordinance criteria and is outside of the Commissions province. He also quoted Idaho Code 67-6519 for the Commission, and stated that Mr. Miller would not be the only LCO using that road. Mr. Miller also gave testimony in support, stating he buys feed from some of his neighbors and tries to be a good neighbor to those in the area. There was no more testimony in support. Mr. Nelsen called a recess.

RECESS 8:10 PM

RECONVENE 8:16 PM

Mr. Nelsen re-opened the 7:15 pm hearing for testimony in opposition. Bob Woods acting as spokesperson for testimony in opposition stated he is against the facility as it will create more feed dust, flies and odor in the area. He stated there are other feed lots in the area and that he's already had to drop his well depth. He stated it will decrease his property value. Joye Call gave testimony in opposition, stating they will have to drop their well depth and that they have already had to re-drill several times. Ms. Call asked what affect this will have on the roads. She stated that this will decrease the value of their home. The Commission asked Ms. Call if she was asking who will pay for the roads. She said yes. The Commission asked Ms. Call if she could think of a solution. Ms. Call said she doesn't have a solution, that she is just opposed. Linda Larsen gave testimony in opposition. She said the gravel roads will make a mess; the paved roads will get tore up and thinks the facility may have an effect on the Bee Hives her parents keep. She also stated that their property values will go down. There was no more testimony in opposition. The Commission took a recess.

RECESS 8:30 PM

RECONVENE 8:34 PM

Mr. Nelsen re-opened the 7:15 pm hearing for rebuttal. Bob Ohlensehlen returned for rebuttal. He stated the property is zoned A1 which is the only zone where the applicant can operate a feedlot. Mr. Ohlensehlen stated the applicant had gone above and beyond to provide a windbreak and reduce odors. He also stated that since the property is surrounded by Mr. Millers land, that they will be using the road very little to spread manure. He stated that the other surrounding crop land would be using the roads much more during harvest. Mr.

JEROME COUNTY PLANNING AND ZONING COMMISSION MINUTES July 27, 2015 7:00 p.m.

Ohlensehlen stated that the Feedlots water use and odor would be down during the peak water season in the summer because the beef cattle would be gone. The Commission asked about cattle number variance through the year. Mr. Ohlensehlen explained why the numbers would be higher during the winter and lower in the summer. Mr. Nelsen closed the hearing for further testimony.

7:45 PM HEARING-VALLEY DOOR-SPECIAL USE PERMIT

Mr. Nelsen opened the 7:45 pm hearing for Valley Door Company for Roger and Susan Bergdahl's application for Special Use Permit. Mr. Brown stated he received a letter from Krone who is the applicant for Roger Bergdahl of Valley Door Company. He stated that the letter is notice that Krone, applying for Valley Door, is withdrawing their purchase of Valley Door Company facility located on Block 1 Lot 10, Highway 93 Business Park Subdivision, Jerome, Idaho. The letter stated Krone is withdrawing the Special Use Permit application and will not be attending the meeting tonight. Mr. Brown said the letter was signed by Roger Bergdahl. Mr. Brown stated that closes this hearing. The Commission took a recess.

RECESS 8:51 PM

RECONVENE 8:57 PM

RECOMMENDATION-BLAINE MILLER FEEDLOT LCO

Mr. Nelsen opened for discussion and decision for the application of Blaine Miller for a Feedlot LCO. The Commission then went through each requirement in the Staff Report, starting with Exhibit S34, to see if they were in agreement that the requirements were met.

M/S/C Ed Brune motioned to recommend to the Board of County Commissioners to approve the request for Blaine Miller Feedlot LCO beef operation for 1,070 animal units (AU's), corrals with lighting. The proposed LCO for 1,070 animal units (AU's) on Parcels 7201 (160 acres) located in Section 16, located in Township 9 South, Range 20 EBM consisting of a total 160 acres and located at 577 South 2100 East, Hazelton, Idaho. The application is recommended to the Board of County Commissioners for the following reasons: because it complies with the requirements of Chapter 13. There are 6 conditions that have been added by staff. To the sixth condition we wish to add the language: the final inspection will be completed by the Idaho Department of Agriculture. Exhibits used were A1 through R1. Jim Schlund seconded the motion and it carried unanimously.

OLD BUSINESS

MATT THOMPSON-SPECIAL USE PERMIT

Mr. Nelsen reminded the Commission he had stepped down from the original hearing since he had testified against the Special Use Permit. Mr. Nelsen recused himself from the Commission and remained in the room. Mr. Nelsen was not a part of the discussion or decision making. Ed Brune acted as Chairman. Mr. Brown stated that the Board of County Commissioners denied the Matt Thompson re-zone and therefore the Commission may not want to approve the Special Use Permit since the zone is not appropriate for the use. Mr. Brown reiterated the reason the Special Use Permit was tabled was because of the appeal period. Mr. Brown stated that now the appeal period has ended and there has been no appeal.

JEROME COUNTY PLANNING AND ZONING COMMISSION MINUTES July 27, 2015 7:00 p.m.

M/S/C Mr. Brune motioned to pull the Matt Thompson application for Special Use Permit off the table. Jim Schlund seconded the motion and it carried unanimously.

M/S/C Motion by Bill Baker to deny the Special Use Permit for the Rendering Plant because it does not meet the zone criteria. Jim Schlund seconded the motion and it carried unanimously.

The Matt Thompson hearing was closed.

RECOMMENDATION PAGE-BLAINE MILLER FEEDLOT

Mr. Nelsen opened the business meeting for review and Decision of the Recommendation page for Blaine Miller. The Commission found no corrections.

M/S/C Ed Brune motioned to accept the Recommendation as written. Jim Schlund seconded the motion, and it carried unanimously.

WRITTEN DECISION-MATT THOMPSON SPECIAL USE PERMIT

Staff provided the Commission with the Written Decision. The Commission discussed tabling it until the next meeting so they would have a chance to review it.

M/S/C Bill Baker motioned to table the Written Decision of the Matt Thompson application until we [the Commission] have time to review it. We will review it in the next month and make a decision at the next regular meeting. The motion was seconded by Jim Schlund and carried unanimously.

ADJOURNMENT

M/S/C Motion made by Jim Schlund to adjourn the meeting at 9:55 p.m. The motion was seconded by Bill Baker and carried unanimously.

Respectfully Submitted,

Administrative Assistant

ATTESTED BY:

Chairman