

**JEROME COUNTY PLANNING AND ZONING COMMISSION
MINUTES
July 25, 2016 6:30 p.m.
DISTRICT COURT ROOM, JEROME COUNTY COURT HOUSE**

CALL TO ORDER

Chairman Jack Nelsen called the meeting to order at 6:33 p.m.

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

Excused: Mike Tylka, Ed Brune, and Arlen Morgan

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

6:30 PM WORK SESSION-Chapter 20 and Calf Raising Operations

Chairman Jack Nelsen opened the work session for discussion with the Commission and Staff about calf raising operations. Jack Nelsen asked Staff about how many complaints that they had received about calf problems in A-2 zones. Art Brown stated that they have only received a few. Art Brown explained that reports had been made and violations corrected. Commissioners expressed concerns about problems with reporting a violation. Concerns were raised that people may not be reporting violations due to the information getting out about them making the complaint. Art Brown stated that when a complaint has been made and it is an open violation then the information is sealed to the public until it is closed then anyone is able to put in a public records request to view that information. Mr. Brown also stated that the reason that we get a name for a complaint is if we end up in court over the situation then the attorney would need to know who to call as a witness in the case. Commissioners felt that there were concerns as to what should and shouldn't be public information when a violation is reported. The Commission asked the Staff to clarify with the attorney as to what legally needs to be public and what doesn't. The Commission would like a statement about the confidentiality of a complaint placed in the complaint procedure form for the information of the person making the complaint. The Commission felt that staff needed to address the reporting problem so that people wouldn't have a problem making complaints. Jack Nelsen brought the discussion back to the calf raising and after further discussion each member of the Commission was asked and verified that they felt that no changes need to be made to the regulations on calf raising operations. They asked staff to put together a letter to the Board of County Commissioners recommending they not make any changes. Jack Nelsen stated that he wanted to put it in the record that this was a value decision made by the Commission and not the staff. Art Brown told the Commission that staff would draft up a letter for the Commission to present to the Board. The Commission agreed to have the Chairman sign on their behalf when that letter is ready either in the office or at the next meeting. Jack Nelsen closed the work session to move into the business meeting.

7:20 PM BUSINESS MEETING

Chairman Jack Nelsen opened the Business Meeting. Jack Nelsen stated that since he wasn't here last month he would turn the meeting over to Larrey Anderson to be the Chair for this

JEROME COUNTY PLANNING AND ZONING COMMISSION MINUTES JULY 25, 2016 6:30 p.m.

portion of this meeting. Larrey Anderson asked the Commission if they had reviewed the minutes and if they had any questions. Trish Heath stated that she wasn't at the meeting so she wouldn't be voting.

M/S/C Virgil Tinker motioned to approve the Minutes of the meeting for the Jerome County Planning and Zoning Commission from June 27, 2016 as written. The motion was seconded by Bill Baker and it carried unanimously.

WRITTEN DECISION-MYERS LAND DIVISION APPEAL

Co-Chairman Larrey Anderson opened the meeting to review and approve the Memorandum Decision for Myers Land Division Appeal. Mr. Anderson asked the Commission if they had read the decision and if they had any questions.

M/S/C Jim Schlund moved to accept this Memorandum decision for Myers Land Division Appeal as written. The motion was seconded by Virgil Tinker and carried unanimously.

OLD BUSINESS

Larrey Anderson turned the meeting back over to Jack Nelsen for the remainder of the meeting. Jack Nelsen then stated that there were no hearings scheduled for this meeting so they would move into old business. Virgil Tinker then requested a script for how to properly run a Planning and Zoning meeting if he ever needed to. He felt as if he would stumble through procedures however if he had that script he would know what he needed to do throughout the process. Jack Nelsen stated that a lot of times that they struggle through these meetings and that's the reason that we do the staff reports the way that we do them. Jack Nelsen stated that sometimes we try to get to a motion to quickly to get things done correctly and agreed that this would be good for all to have. Staff agreed that this would be helpful for the Commissioners to have. Staff also explained that in Chapter 23 it does give an outline of the meetings and how they should proceed. Staff stated that they would put this together for the Commission. Jack Nelsen stated that he felt that taking the Jerry Mason training classes has really helped and been informative. The Commission discussed the Jerry Mason training in September. Jack Nelsen expressed how well those trainings have gone in previous years and suggested that if members of the Commission could, all members should go.

Text Amendments- Chapter 20 and Calf Raising Operations

Jack Nelsen opened the meeting for old business for text amendments. Nancy Marshall spoke about Chapter 20 and that the Commission agreed that they liked it. Mrs. Marshall reminded the Commission that they had left a section in blue and that they weren't touching it. She explained to the Commission that it is Art Brown, Mike Seib and herself that sit down and discuss these changes until they come to how it should be brought to the Commission. They were able to come up with the changes that were needed for this chapter. Mrs. Marshall stated that with doing that they have made changes that Chapter 19 became primarily the building department information and Chapter 20 became enforcement and that they were going to start on Chapter 23 which will help us with future appeals. Mrs. Marshall stated that nothing that was presented to the Commission was etched in stone this was just showing them where they were at in the process. Mrs. Marshall explained that they should have all the chapters put

JEROME COUNTY PLANNING AND ZONING COMMISSION MINUTES JULY 25, 2016 6:30 p.m.

together by the next work session in the next meeting. Bill Baker stated that he was confused that they were ready to go forward with public hearing and now staff has changed what was previously approved. Staff explained that the language hasn't changed just which title they have they felt that it made more sense to talk about permits and then violation and not the other way around. Staff asked that the Commission review the chapters and the changes that have been made for a work session where they can discuss the things that they feel that need to be changed. Bill Baker said he was confused as to what they had agreed to and what had been changed in Chapter 20 for building permits as far as a permanent structure and temporary. Mrs. Marshall explained that they couldn't change the verbiage, permanently affixed to the ground, because that was legal terminology. She explained that they were able to change another portion of that paragraph to accommodate the Commission's concerns. The Commission then discussed the utilities and difference between a temporary and a permanent structure and what would justify the difference. Staff explained that the language presented was discussed in depth. The Commission felt like Staff needed to word it better for the public to understand. Mrs. Marshall explained certain words needed to stay in the ordinance for legal reasons. The Commission suggested that staff use bullet points to explain the different examples of what classifies the permanent structure. The fire department has determined that they don't have any issues with setbacks for temporary structures. Jack Nelsen stated that he felt that we owe the citizens a really clean cut definition of what's permanent and what's not. Mr. Brown stated that the process is for the staff to present this to the Commission and then the Commission makes its recommendation to the Board of County Commissioners. The Board can either go with what the Commissioners recommend or they can decide to go a completely different way with it. Jack Nelsen verified what would happen if the uses changed for a building and the staff explained that would require a change of occupancy. Staff asked them to review this and think of some ideas to resolve their concerns. The Commission decided that this would be continued in the old business section of the next meeting.

M/S/C Motion made by Bill Baker to table Chapter 19, 20, and 23 because staff is reorganizing Chapters 19, 20, and 23, and we are working on those and when they come together then we will hold a hearing one time for all three. **Motion was seconded by Trish Heath and carried unanimously.**

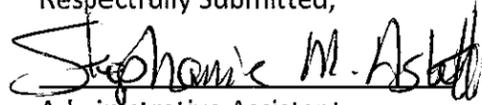
Jack Nelsen addressed the second issue on the agenda for old business which was calf operations and stated that this had been previously covered in the work session earlier in the evening and they voted to have staff make a statement from the Commission to the Board of County Commissioners to make no additional changes to the ordinance. The Commission has decided that the Chairman can sign that letter once it is ready to submit to the Board.

M/S/C Motion made by Virgil Tinker that we send a formal recommendation to the Board of County Commission that the calf raising operation at this time doesn't warrant any changes and that the Chairman will be authorized to sign that. Motion was seconded by Trish Heath and carried unanimously.

ADJOURNMENT

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

Respectfully Submitted,


Administrative Assistant

ATTESTED BY:


Chairman



**PLANNING AND ZONING COMMISSION RECOMMENDATION
TO THE BOARD OF COUNTY COMMISSIONERS**

Planning & Zoning minutes dated March 28, 2016, April 25, 2016, May 23, 2016, June 27, 2016 and July 25, 2016

July 25, 2016 Members Present:

Chairman Jack Nelson, Larrey Anderson, Bill Baker, Tanner Johns, Jim Schlund, Trish Heath and, Virgil Tinker.

The Planning and Zoning Commission has continued discussing the topic of Confined Livestock in the A-2 Zone, specifically Calf Raising Operations. Since meeting with the Board of County Commissioners on March 28, 2016 the Commission has had several discussions at the monthly meetings. The Commission is aware there are concerned citizens and has had property owners from one particular area attend a meeting and express their concerns. The Commission gave the topic considerable thought and had numerous discussions over the last 5 months.

The Commission has determined through discussion with Staff that there are a limited number of complaints and the complaints are typically resolved. It is the Commission's recommendation that no changes to the Ordinance are required as current regulations appear to sufficiently regulate the number of animal units allowed on properties in the A-2 zone.

We would like to note that the decision to make this recommendation reflected our opinion that the lack of complaints and the statement from Staff that the complaints are typically remedied does not warrant a text amendment. This decision is not a value judgement indicating that Calf Raising Operations in the A-2 zone are either good or bad.

Attest: Stephanie M. Asta BY Jack Nelson
Administrative Assistant Chairman

Dated: 8/8/16