

JEROME COUNTY PLANNING AND ZONING COMMISSION MINUTES
April 30, 2018
THE JACK NELSEN MEETING ROOM, JEROME COUNTY COURT HOUSE

CALL TO ORDER

Chairman: Larrey Anderson
Present: Chairman Larrey Anderson, Jim Schlund, Tanner Johns, Michael Tylka, Arlen Morgan, Trish Heath and Virgil Tinker
Excused: Bill Baker
Staff Attendees: Art Brown, Planning and Zoning Administrator, Nancy Marshall, Stephanie Aslett and Sharde' McMillan.

BUISNESS MEETING

Chairman Larrey Anderson called the meeting to order. The Commission reviewed the minutes from the April 2nd meeting.

M/S/C Arlen Morgan made a motion to approve the minutes as written. Virgil Tinker seconded. Motion carried unanimously.

Mr. Brown addressed the Commission regarding discussion and decisions for Special Use hearings. He reminded the commission to review the general standards and provide reasons for their decisions.

OLD BUSINESS

Chairman Larrey Anderson opened Old Business at Staff's request. Mr. Brown discussed scheduling Eden City Impact hearing date. Staff's recommendations were to have the Eden City Impact meeting by itself, to give potential public more time to give their testimony. Mike Tylka stated he would not be available June 18th or 25th. Arlen Morgan and Jim Schlund agreed on having the meeting on June 18th.

M/S/C Tanner Johns motioned to have a June meeting on the 18th. Virgil Tinker seconded. Motioned carried unanimously.

Jim Schlund updated the Commission on the Mid Snake River Water Commission's latest meeting.

CIRCLE T – TRUCK & AUTO RETAIL & WHOLESALE SALES FACILITY TABLED HEARING

Mr. Anderson took the hearing off the table and reopened to review requested information. Staff handed out information from legal counsel for the Commission to read. Trish Heath and Michael Tylka recused themselves from this discussion on the basis that they were not here for the original meeting. Tanner Johns stated he had been out driving and noticed many incidents of trucks unloading on roadways. He witnessed lumber being unloaded in the middle of the road and vehicles being backed up. Tanner Johns stated that he felt the Applicant needed to hold responsibility for any accidents that may occur while blocking traffic, so the county wasn't responsible. Arlen Morgan agreed with Tanner Johns. Staff noted that the Highway District Foreman was on the way to answer questions. Without further discussion the Commission agreed to approve the application.

M/S/C Jim Schlund made a motion to approve Circle T Truck & Auto Retail for Special Use Permit duly advertised for this hearing. With the following conditions 1 through 9, using exhibits A1G through AG14. Arlen Morgan seconded. Virgil Tinker amended the motion with the added condition of number 10, removal of the original Special Use Permit issued in 1987 and number 11 to comply with the Jerome County Highway District condition of unloading, found on Exhibit AG4. Arlen Morgan

seconded the amendment. Motion for the amendment carried unanimously. Motion for the approval carried unanimously.

WHITE CLOVER DAIRY EXPANSION PERMIT APPLICATION

Chairman Larrey Anderson opened the hearing. The Applicant's Agent, Matt Thompson, presented the application. The LCO is proposing to expand their animal units (AU's) from 4200 AU's to 6335 AU's on 1,053.26 acres and will be expanding the site for additional corrals, composting areas and seeking approval of existing lagoons #4, 5 & 7 and new lagoon #8 and the existing structures and facilities and to allow the well located in front of the milking barn in accordance with the site plan. Mr. Thompson gave some background information on the LCO. He talked about the layout of the operation. He went over the compliance process with IDA. After reviewing their LCO file they discovered information that was not included in the site plan with Jerome County. Mr. Thompson went over the variance application with the Commission. He talked about when the lagoons were built and where lagoon #8 is proposed. Lagoon #6 picks up runoff to the west of the facility. He showed where a berm is located on the west side of lagoon #6 and 7 to prevent of any run off to the neighboring property. If they had to reconstruct the piping to lagoon #6, it would create a financial hardship. They are not proposing any future wells. Tanner Johns referred back to lagoon #6 where the setback was supposed to be 300' from a property line and it was only 37' [27']. He asked why there was never a permit pulled from Jerome County for lagoon #6, Mr. Thompson did not have an answer. Arlen Morgan asked if lagoon #6 was an essential component to maintain storm runoff. Mr. Thompson stated that it was an essential component. Jim Schlund asked about a shut off valve on a pivot. Larrey Anderson asked about the liners in the lagoons. Mr. Thompson referred to the ISDA approval letters on all the lagoons on the facility. Trish Heath asked about third party receivers. Mr. Thompson referred to them in the Nutrient Management Plan. Virgil Tinker asked about encroachment. Jim Schlund questioned why the unpermitted lagoons were never brought before the Commission. Mr. Thompson stated that on each lagoon they worked with the Department of Agriculture, once they discovered the lagoons were not permitted the property owners wanted to get it rectified. Mr. Brown presented the Staff's report. Larrey Anderson asked about the AU's increasing. Mr. Brown stated that when property is bought and sold, the title company and relators do not come to the Planning and Zoning Office to make sure that everything is in compliance. In the past, when such things were brought to the Planning and Zoning Administrator's attention, it was administrator approval. The Applicant at the time would present a site plan and the Administrator would approve what was presented to him. Now, it is practiced that the Administrator goes out on site to witness the operation to ensure that the site plan is accurate. Mr. Brown stated that each individual variance stands alone by itself. They are meant for when there is a hardship. If the variances are approved, the applicant needs to come into the Planning & Zoning Office to get a permit for each unpermitted lagoon. Once that is done their site plan will be updated and approved. Evan Roth was sworn in. He came forward to answer questions. He stated that his family worked with ISDA to make sure their facility was in good standing. The previous owner laid piping down from the other lagoons to lagoon #6. The Roth family was not aware that it was not a permitted lagoon when they purchased the property. It was approved through ISDA. Mr. Roth stated that lagoon #6 was ideally used to prevent discharge off of the Roth facility. He felt that removal of the lagoon would open them to violating state and federal law. Mr. Roth stated that because the lagoon is so close to the property, the facility added another layer of protection by adding the berm to further prevent runoff from the facility. In April of 2004, the Roth family requested a status of the LCO. Mr. Brown wrote back that after reflecting the site plan, the LCO was in good standing. He wanted it known that it was a self-reported incident. There was no testimony in opposition. The Applicant returned for rebuttal and responded to additional questions. Chairman Larrey Anderson closed the hearing for testimony. There was discussion amongst the Commission.

RECOMMENDATION

M/S/C Trish Heath made a motion to recommend to the Board of County Commissioners to approve the Applicant's request for a variance for lagoon #6 to remain at 27' from the west property line of Parcel 0025 in Section 10. Arlen Morgan seconded. Motion carried unanimously.

M/S/C Motion to recommend to the Board of County Commissioners to approve Roth investments LLC DBA White Clover Dairy to increase the Animal Units (AU's) from the existing 4200 au's on 533.45 acres to 6335 au's on 1,053.26 acres on the property duly advertised for this hearing with conditions 1 through 12. Mike Tylka seconded. Motion carried unanimously.

BLAINE MILLER – MILLER AG LLC, LIVESTOCK CONFINEMENT OPERATION (LCO) EXPANSION PERMIT APPLICATION

Chairman Larrey Anderson called the meeting to order. The Applicant's representative, Bob Ohlensehlen, presented the application. Mr. Ohlensehlen gave some history on the property. Blaine Miller Dairy has two operations; they would like to expand this operation to centralize everything at this location. They are asking to increase the animal units (AU's) from the existing 1680 AU's on 160.4 acres to 2752 AU's on 337.29 acres with requested Variances for the following setbacks; the west well less than 100' from corrals; manure storage 80' from Eden Road right-of-way; 2 existing corrals 32' from Eden Road right-of-way; solid [waste] separator 284' from Eden Road. These are requested because in the winter of 2017, the LCO was not able to hold the extra water that ran onto the property, approval of these variances would allow the facility to manage the extra water runoff that runs onto the property Mr. Ohlensehlen went over the layout of the facility. He showed the proposed location for a new lagoon that would more than meet the setback requirements for a new lagoon. Mr. Ohlensehlen stated if they moved the corral fence to meet the setback requirements, it would reduce the capacity of the fence by 10 AU's. Space in animal housing is important and has a limitation, plus it happens that it cuts off the feed alley. Mr. Ohlensehlen showed where the feed alley was. He stated that any reduction on the alley would reduce the number of expansions that would be available to the corral. Mr. Ohlensehlen stated that the Applicant owned the adjacent property, so there was no detriment to a neighboring property. Tanner Johns asked if the well is feeding the barns and asked if there was a backflow preventer on it and tested annually. Mr. Brown presented the Staff's report. He stated that he always does research on IDWR for wells. He went out on site and found that there was no well near the corral. No one testified in favor or opposition. The Applicant returned for rebuttal and responded to additional questions. Chairman Larrey Anderson closed the hearing for further testimony. Without further discussion the Commission agreed to approve the variances, waiver and expansion.

RECOMMENDATION

M/S/C Trish Heath made a motion to recommend to the Board of County Commissioners to approve the variances for the existing Corral #1 to be 32' from Eden Road because history has shown no issues with the Highway District nor the neighbors. It is not a heavily travelled road and the owner uses his own internally located road for general business; and the variance for the existing manure storage only 80' from the road right of way the topography allows for better removal of manure from feed alleys thus allowing for more appropriate management and more appropriate storage; and the variances for the solid waste separator to be 284' from the property line (technically a lagoon although water does not remain in the area). So although it meets the definition of a lagoon it does not cause the same issues of a lagoon. When installed it did meet the Ordinance; and, the variance for

the well to be less than 50', because the applicant testified that the well was in compliance at installation and continues to be appropriate as indicated by the nitrate levels consistently at low levels, which indicate no public harm. Topography shows the well is approximately 3 ft. higher than the surrounding area. The waiver for the berm on the southwest corner should be approved as the only detriment would be for the owners own property inconvenience. Mike Tylka Seconded. Motion carried unanimously.

M/S/C Trish Heath made a motion to recommend to the Board of County Commissioners to approve Blaine Miller's LCO Expansion Permit Application requesting increasing the animal units (AU's) from the existing 1680 to 2752 AU's on 337.29 acres on the property duly advertised for this hearing with the following conditions 1 through 9 using exhibits page 1 through AG11. Through testimony and the application, the applicant shows he meets [the Ordinance]. Mike Tylka seconded. Motion carried unanimously.

M/S/C Motion made to authorize the Chair, Larrey Anderson, to approve and sign the Recommendation page for Blain Miller's application. Motion seconded and carried unanimously.

CIRCLE T TRUCK & AUTO REPAIR WRITTEN DECISION

M/S/C Jim Schlund made a motion to approve the written decision as presented. Tanner Johns seconded. Motion carried unanimously.

WHITE CLOVER RECOMMENDATION

M/S/C Jim Schlund made a motion to approve the recommendation as written. Virgil Tinker seconded. Motion carried unanimously.

ADJOURN

M/S/C Arlen Morgan made a motion to adjourn. Trish Heath seconded. Motioned carried unanimously.

Respectfully Submitted,

Sharde' McMillan
Administrative Assistant

ATTESTED BY:

S/ Larrey Anderson
Chairman