

JEROME COUNTY PLANNING AND ZONING COMMISSION MINUTES
October 22, 2018
THE JACK NELSEN CONFERENCE ROOM, JEROME COUNTY COURT HOUSE

CALL TO ORDER

Chairman: Larrey Anderson
Present: Chairman Larrey Anderson, Bill Baker, Trish Heath, Tanner Johns, and Jim Schlund
Staff Attendees: Nancy Marshall- Administrator, Stephanie Aslett, and Kacie Buhler

BUSINESS MEETING

Chairman Larrey Anderson called the meeting to order. Larrey Anderson stated the first order of business was to approve the minutes from the September 24, 2018 meeting.

M/S/C Bill Baker made a motion to approve the September 24th minutes as written. Trish Heath seconded the motion. Motion carried unanimously.

Jim Schlund reported on the Mid-Snake River Water Commission's latest meeting. He spoke about the Nitrate levels being low on the north side. He asked Nancy Marshall to pass along the letter from the Water Commission to the Board of County Commissioners.

Larrey Anderson informed those in attendance that if they wished to testify on any of the hearings tonight, they needed to sign in and they would be sworn in. Nancy Marshall, Dennis Adfield, and others in the audience were sworn in.

7:15 HEARING – DENNIS ADFIELD SUP FOR FARM EQUIPMENT, VEHICLES, SALES & SERVICE

Larrey Anderson introduced the hearing for the Special Use Permit for Dennis Adfield.

Dennis Adfield presented the application to get a Special Use Permit for the property at 362 South 100 East, consisting of 15 acres. He requested the Special Use Permit for a used farm equipment, vehicles, sales and service business. Jim Schlund recommended that Mr. Adfield apply for everything that he intended to use the property for in the future. The Commissioners asked the Applicant questions regarding tenants, gravel for display area, containing leakage, purchasing equipment, lighting, ownership of property, and titled sales. Larrey Anderson asked if the Commission had any further questions. The Commissioners referenced Exhibit S15 and asked the Applicant to review the conditions.

Nancy Marshall presented the staff report. She stated that the off-premise sign would be a permitted use and is not part of this application. She referred to the conditions that are in the staff report. Mrs. Marshall stated that this is a permitted use with a Special Use Permit. She answered questions from the Commissioners.

There was no one in support or opposition of the application. Dennis Adfield returned for rebuttal. He answered questions from the Commissioners. Trish Heath clarified the Applicants answers to the conditions. Larrey Anderson closed the hearing for testimony.

DISCUSSION & DECISION

The Commission discussed the application. The Commissioners stated that they didn't have any questions or comments. The Commissioners reviewed the general standards on Exhibit S17.

M/S/C Trish Heath made a motion to approve Dennis Adfield's request for a Special Use Permit for vehicle sales and services for the display sale and servicing of farm equipment on the property duly advertised with the special use permit conditions laid out by the staff, one through ten, [noting for the record] this is a permitted, appropriate use for this area. In making this decision, Exhibits A1-3 and through AG7 brought the Commission to this decision. Tanner Johns seconded the motion. Motion carried unanimously.

Break at 7:47pm

Reconvened at 8:03pm

WRITTEN DECISION

The Commission reviewed the Written Decision for the hearing on Dennis Adfield's Special Use Permit. Jim Schlund pointed out an error on E. Larrey Anderson requested a motion to approve the Written Decision as written with the correction.

M/S/C Trish Heath made a motion to approve the Written Decision as presented with the one correction as stated by Jim Schlund. Bill Baker seconded the motion. Motion carried unanimously.

Larrey Anderson closed the hearing for the Special Use Permit.

7:30 HEARING – JEROME COUNTY PROPOSED COMPREHENSIVE PLAN

Larrey Anderson opened the hearing for the Jerome County Proposed Comprehensive Plan. Nancy Marshall stated that for a legislative hearing, members of the audience do not need to be sworn in. She informed the Commission of the order the hearing should follow.

Nancy Marshall presented the staff report. She stated the purpose of the Comprehensive Plan was to integrate the concerns and expressions of the Jerome County residents into a comprehensive statement on how the County should grow and develop. She stated that she had given the Commissioners a copy of the state code on page two of the staff report. Mrs. Marshall informed the Commission that Linda Helms from the Jerome Historical Society submitted some edits and comments today. The Commissioners agreed to the edits with one typo correction. Nancy Marshall addressed the additional surveys that have been received. She also addressed a repeated concern of the citizens which was the preservation zone and wanting to keep the land preserved. She discussed that the term preservation zone gives a false impression.

Nancy Marshall stated that this is a recommendation for the Board of County Commissioners. Bill Baker clarified that the Commissioners will make a recommendation and that if the

audience was not in agreement with their recommendation, they would have another chance to make their presentation at the Board of County Commissioners Hearing.

Bert Harbaugh introduced himself and stated that he owns Southern Idaho RV and Marine. His concern was that his property borders Bob Barton Highway and Interstate 84 and is currently zoned commercial however it is proposed as residential according to the Future Land Use Map. Nancy Marshall agreed that the Future Land Use Map should be updated to show the existing Area of City Impact Commercial zoning.

Evan Roth requested that he testify later.

Marian Posey had to leave early but left material for the Commission to consider. Nancy Marshall stated that information will go into the Comprehensive Plan file and will be forwarded to the Board of County Commissioners.

Keith Lierman introduced himself and stated that he was representing Sandy and Denny Weigt. He said his concern was basically the same as Bert [Harbaugh]'s comment. He said that their [the Weigt's] property was south of Bert's property and west of the interstate. Nancy Marshall restated that the map should be readdressed to indicate the current commercial zoning.

Larrey Anderson asked Nancy Marshall questions regarding the accuracy of the map. She stated that the Comprehensive Plan Map is not an actual map but more of suggested map.

Mr. and Mrs. Weigt did not want to testify.

Frank Edelmann stated that he did not have anything to say.

Rob Sellers introduced himself and stated his concern was regarding the city of Eden and protecting Valley School. He stated that it appears the Comprehensive Plan and Future Land Use Map will help protect the school and he is in support of the Comprehensive Plan. Jim Schlund asked Nancy Marshall to verify that information. Mrs. Marshall clarified how the Comprehensive Plan and Future Land Use Map relate to a rezone.

Ben Rust introduced himself from Eden. Mr. Rust's concern was the recreation sites of Vineyard Lake, the Clay Caves, and Devil's Corral. He stated that he felt the public use of these sites should be limited. The Commissioners asked Mr. Rust questions regarding other sites and Larrey Anderson informed him that a lot of these areas are privately owned and we can't keep the public out of there. Nancy Marshall explained that the Comprehensive Plan identifies that recreation areas exist in our County and gives the areas potential to be developed but ultimately it would be up to the owners and the Commissioners to ensure responsible development.

Michelle Taylor stated that she had no comment.

Sergie Arroyo stated that he was a new resident to Jerome from Buhl. He stated that his concerns as a former landlord were regarding affordable housing. He stated that those are things that usually get left out of the Comprehensive Plan and was a serious issue that should be considered when making these plans.

Evan Roth introduced himself and stated that he represents the Idaho Dairymen's Association. He stated the Idaho Dairymen's Association had several concerns and requested that the Commission take this up at the next November 26th hearing. He stated that they had concerns regarding the limited agricultural zoning as well as issues relating to Idaho Code and the Right to Farm Act. He felt that the Comprehensive Plan as drafted would open doors to potential nuisance claims. He also had concerns with the term animal waste and wanted it changed to animal byproduct. Mr. Roth stated that the Comprehensive Plan is overreaching into areas that other agencies regulate and asked for a direct reference to the Idaho State Department of Agriculture.

Julie Arroyo introduced herself and commented that the County should be able to determine if it is animal waste or animal byproduct. She stated that if there is not funds to protect the natural sites that we should not advertise them. She reiterated what her husband stated about low income housing.

Larrey Anderson asked Staff questions regarding the Recreation Zone.

Jim Schlund stated that the Department of Agriculture does not have the man power to regulate everything and the County should be able to regulate what goes on in the County. He stated that we should not alter [the Comprehensive Plan] based on one entity as we leave out all the rest of the residents. He spoke of changes throughout the Magic Valley. He stated that it isn't right for one entity to control everything. Evan Roth asked if he can directly respond to that comment but was informed that the Commission was discussing amongst themselves. Trish Heath clarified that they do not want to take over regulations. Jim Schlund agreed.

Larrey Anderson recommended that the Shoshone Ferry should be in Chapter 3.

Nancy Marshall asked the Commission to clarify if they wanted to continue to include public interaction. Tanner Johns and Bill Baker agreed to continue with the public and the other Commission members agreed.

Tanner Johns spoke of changes. He spoke of the increase in dairies, safe guarding our resources, and adapting to changes.

Evan Roth stated that the dairy industry's intentions were not to hijack what was going on but that they wanted to participate in the discussion. Mr. Roth reiterated that the agencies responsible for regulations be defined in the Plan, not Jerome County. He stated that it would be a "taking" if the new zones limited the agricultural activities. He stated that we should utilize

the definition animal byproduct and stated that the reference to NPDES Permits under Pollutant Source should be removed.

Break at 9:40

Reconvened at 9:49

Larrey Anderson closed the hearing for public comment.

DISCUSSION & DECISION

The Commission agreed to go through each Chapter to discuss any changes or comments.

Chapter 1- No changes or comments

Chapter 2- No changes or comments

Bill Baker stated that we change the page numbers. All members agreed.

Chapter 3- The Commission agreed on edits from Linda with the one typographical correction. Bill Baker requested that the National Park Registration lists of Nationally Registered Historic Sites be added in the chapter. All were in agreement. The Commission agreed that Mrs. Posey's comments were good but not necessary.

Chapter 4- Trish Heath recommended incorporating the comment from Mrs. Posey under Hispanic Origin. All were in agreement.

Chapter 5- No changes or comments

Chapter 6- No changes or comments

Chapter 7- No changes or comments

Chapter 8- No changes or comments

Chapter 9- No changes or comments

Chapter 10- Bill Baker recommended conducting a word search for "should" and either move to directives or remove. Nancy Marshall suggested reevaluating the "should"s and verifying that they pertain to land use or the ordinance and if not, remove.

Chapter 11- Bill Baker suggested removing the entire paragraph above Tourist Attractions. All agreed that Mrs. Posey's comments were general statements and although they were good, they did not add value to the document.

Chapter 12- No changes or comments

Chapter 13- Trish Heath stated that she didn't agree with Mr. Roth's comments on pollutant sources but recommended seeking legal advice. Bill Baker and Trish Heath recommended searching animal waste versus animal byproduct and using the most common term and have legal review. Mrs. Marshall suggested adding footnote if coming from a direct quote.

Chapter 14- No Comment

Chapter 15- Bill Baker recommended reevaluating the "should"s in this chapter as well. He pointed out Page 4 "County should implement regulations" and Page 5 "if a solution can be found...". Nancy Marshall suggested that care should be given when using the words "should" and "could". She stated that we need to ensure the County Commissioners recognize the correlation between the "should"s and "could"s in Chapter 15 with the Plan's Implementation section in Chapter 16. Trish Heath recommended taking a second look regarding Mrs. Posey's comment on Hispanic housing. She also recommended that legal look into Mr. Roth's comment

on removing language regarding odor, flies, etc. and possibly rephrasing it based on the Right to Farm Act.

Chapter 16- No changes or comments

Nancy Marshall recommended that the Future Land Use Map reflect the current zoning of the Area of City Impact Commercial for the area around Interstate 84 and Bob Barton Highway.

Trish Heath addressed Evan Roth's comment on limited agriculture zoning. Nancy Marshall recommended legal review the concern that the zone would constitute a Regulatory Takings.

Bill Baker addressed the recreation zone and the responses received on the surveys. Bill Baker and Nancy Marshall agreed that we continue with the recreation zone but ensure the County Commissioners understand the importance of creating an ordinance that reflects responsible development.

Nancy Marshall stated that staff would complete the recommendation page in office, send to the five present Commissioners via email, and meet with the Chairman to have it signed.

M/S/C Trish Heath made a motion to recommend to the Board of County Commissioners to approve the Proposed Comprehensive Plan as presented with corrections as discussed and with input from legal on sections discussed with special emphasis on Future Land Map concerns. Tanner Johns seconded the motion. Motion carried unanimously.

OLD BUSINESS

Larrey Anderson introduced old business. Nancy Marshall informed the Commission that there was no new information on the Text Amendment.

M/S/C Trish Heath made a motion to authorize the Chairperson to sign the recommendation to the County Commissioners after approval by the five Commissioners here tonight. Bill Baker seconded the motion. Motion carried unanimously.

ADJOURN

M/S/C Trish Heath made a motion to adjourn. Tanner Johns seconded the motion. Motion carried unanimously.

Respectfully Submitted,

Planning & Zoning Clerk

ATTESTED BY:

Chairman