

**JEROME COUNTY COMMISSIONERS**

Tuesday, May 3, 2022  
Continued from May 2, 2022

PRESENT: Ben Crouch, Chairman  
John Crozier, Vice Chairman  
Charles Howell, Commissioner  
Jane White, Deputy Clerk

Meeting convened at 11:35 A.M.

**MIKE ROTH—APPEAL OF A BUILDING PERMIT (Continued from May 2, 2022)**

Present were Planning and Zoning Administrator Nancy Marshall, Assistant Administrator Kacie Buhler, Building Officials Rick Kirsch and Sharde McMillan, and Attorney Mike Seib.

Also present were Evan Roth, Mike Roth, Bruce Whitmire, and David Mezes, all representing Si-Ellen Farms.

Those present continued discussion from May 2 when Si Ellen Dairy representatives had requested an agricultural permit for a cross vent barn, rather than a commercial one as the planning and zoning department was requiring.

Mike Seib said he was present to answer any questions on the material being discussed.

Commissioner Howell questioned whether the County should follow the International Building Code or the Jerome County Zoning Ordinance, saying the zoning ordinance does not match the building code. Seib said to follow the county ordinance.

Evan Roth stated the county zoning ordinance has differing definitions in Chapters 2 and 19 and that the county should follow the less stringent definition in Chapter 2. He said Chapter 19 modifies the International Building Code adopted by the County and that the county does not have the discretion to alter that code.

Seib asked what is done in the building. Roth said it is used to house animals. Seib stated the building is agricultural if it is not processing, storing, or maintaining.

Roth said Chapter 19 does not define “employment activities.” He said a modification in Chapter 19 prohibiting any employment activity in an agricultural building is in clear violation of the International Building Code.

Marshall stated that her office interpreted the building as a place of employment because people work in it to take care of livestock.

Discussion between Seib and Roth about the International Building Code and the County Zoning Ordinance ensued. Seib concluded that the building is an agricultural one.

Marshall stated the building was not inspected for building safety, which is part of the process for issuing permits.

Roth said that Si Ellen Dairy had paid for a commercial building permit for its milk parlor even though the International Building Code states that a milk parlor is an agricultural use.

➤ Commissioner Crozier advocated directing the building department to issue an ag building permit, but also to make the zoning ordinance and the building code match.

Commissioner Crouch questioned about the County zoning ordinance conflicting with the International Building Code. Seib said the County is bound to follow its ordinance until it is revoked or withdrawn.

Marshall asked that the dairy sign a waiver before the issuance of an ag building permit, which Roth agreed to as a compromise.

Meeting adjourned at 12:25 P.M.

Respectively submitted:

BOARD OF COMMISSIONERS

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Jane White, Deputy Clerk

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A. Ben Crouch, Chairman

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John Crozier, Commissioner

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Charles M. Howell, Commissioner